

MEETING OF THE CITY COUNCIL  
CITY HALL, Fifth Floor  
6801 Delmar Blvd.  
University City, Missouri 63130  
Monday, December 10, 2018  
6:30 p.m.

- A. MEETING CALLED TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. PROCLAMATIONS
  - 1. Recognition and Observance of Human Rights Day (Requested by City Manager Rose)
- E. APPROVAL OF MINUTES
  - 1. November 12, Study Session – Library Board and Loop Special Business District
  - 2. November 13, Study Session – Washington University
  - 3. November 26, Study – Legislative Platform
  - 4. November 26, Regular Session minutes
- F. APPOINTMENTS to BOARDS & COMMISSIONS
  - 1. Lisa Hummel is nominated to the Park Commission replacing Kathleen Standley's expired term (1/21/19) by Councilmember Paulette Carr
  - 2. Julie Brill Teixeira is nominated to the Urban Forestry Commission replacing Tom Sontag's expired term (1/1/19) by Councilmember Paulette Carr
  - 3. Judith Gainer and Margaret Holly are nominated for **reappointment** to the Plan Commission by Councilmember Paulette Carr
- G. SWEARING IN to BOARDS & COMMISSIONS
- H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)
- I. PUBLIC HEARINGS
  - 1. Liquor License – New Liling Kitchen – 8423 Olive Blvd.
- J. CONSENT AGENDA – Vote Required
  - 1. Liquor License Approval – New Liling Kitchen – 8423 Olive Blvd.
  - 2. Community Development Block Grant Contract Approval – Project #1409 – Concrete Sidewalk Spot Repairs
  - 3. Capital Improvement Project Amendment – K9 Vehicle Purchase
  - 4. Capital Improvement Project Amendment - Window Replacement at Fire House #2
  - 5. Emerald Ash Borer Tree Removal FY19 – Contract Approval
  - 6. Transfer Station Ejector (Grinder) Pump Upgrade/Project 1256 – Contract Award
  - 7. In-Car Police Cameras Contract Approval
- K. CITY MANAGER'S REPORT
  - 1. Conditional Use Permit (CUP) Approval –To allow for "office use" in a PA - Public Activity District - 6403 Clemens Ave.  
**(VOTE REQUIRED)**

2. Approval for Wireless Communications New Pole in Public Right-of-Way Rear of 7206 Pershing Ave. also per to its impact on historic character of Maryland Terrace National Historic District  
**(VOTE REQUIRED)**
3. Wireless Communications New Pole in Public Right-of-Way Side of 7491 Amherst Ave. also per to its impact on historic character of Maryland Terrace National Historic District  
**(VOTE REQUIRED)**
4. Legislative Platform 2019 - Approval  
**(VOTE REQUIRED)**

**L. UNFINISHED BUSINESS**  
*BILLS*

**M. NEW BUSINESS**  
*RESOLUTIONS*

*BILLS*

1. **BILL 9374** – AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO ZONING DISTRICTS ESTABLISHED PURSUANT TO SECTION 400.070 THEREOF, AND ENACTING IN LIEU THEREOF A NEW OFFICIAL ZONING MAP, THEREBY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY THAT IS LOCATED WITHIN THE CITY LIMITS OF UNIVERSITY CITY AT **1167 REMLEY COURT** FROM "GC" - GENERAL COMMERCIAL DISTRICT, TO "SR" – SINGLE FAMILY RESIDENTIAL.
2. **BILL 9375** – AN ORDINANCE AMENDING CHAPTERS 100 AND 505 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI RELATED TO REGULATIONS FOR RIGHT-OF-WAY MANAGEMENT AND ENFORCEMENT REGULATIONS.
3. **BILL 9376** – AN ORDINANCE AMENDING CHAPTER 400 OF THE UNIVERSITY CITY MUNICIPAL CODE TO ADOPT REGULATIONS RELATING TO COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES.

**N. COUNCIL REPORTS/BUSINESS**

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions and Task Force minutes
4. Other Discussions/Business
  - a) **Council Rules Revisions**  
(Requested by Sub-Committee (Mayor Crow, Councilmembers Carr, Hales and Smotherson)  
**Proposed Revisions to Rules:**  
3-A, 10, 15, 24, 28, 29, 30, 37, 38-A, 38-B, 38-C, 39 and 40  
**DISCUSSION AND VOTE**

**O. CITIZEN PARTICIPATION (continued if needed)**

**P. COUNCIL COMMENTS**

**Q. ADJOURNMENT**



PROCLAMATION OF THE CITY OF UNIVERSITY CITY

WHEREAS; Human Rights Day is observed every year on December 10th. It commemorates the day on which, in 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights; and

WHEREAS; in 2018, the United Nations calls on everyone to stand up for someone's rights on Human Rights Day; and

WHEREAS; the United Nations states that "many among us are fearful about the direction of our country and our world. Disrespect for basic human rights continues to be wide-spread in all parts of the globe. Extremist movements subject people to horrific violence. Messages of intolerance and hatred prey on our fears. Humane values are under attack; and

WHEREAS; it starts with simple acts from each of us. We ask our teachers, our administrators and staff, our town boards and committees, our business community and our residents to set the example, to step forward and defend the rights of a refugee or migrant, a person with disabilities, an LGBT person, a woman, a child, indigenous people, a minority group, or anyone else at risk of discrimination or violence. To speak up for tolerance and against prejudice; to inform yourself and others about why human rights matter; to keep yourself in check, challenge your own views and prejudices and to consider the human rights track record of companies before doing your shopping; and

WHEREAS; the Declaration, of Human Right's fundamental proposition is that each one of us – everywhere and at all times – is entitled to the full range of human rights, and that it's everyone's responsibility to uphold them. They bind us together as a global community. Each one of us can make a difference.

NOW, THEREFORE, The City Council of University City in the State of Missouri do hereby proclaim December 10, 2018 as HUMAN RIGHTS DAY

in University City and the Council encourages all University City citizens to be mindful of human rights principles and urges all municipal, state, federal and international bodies to incorporate these principles into their practices, laws and policies.

WHEREOF, we have hereunto set our hands and caused the Seal of the City of University City to be affixed this 10th day of December in the year Two Thousand and Eighteen.

SEAL

Councilmember Paulette Carr

Councilmember Steve McMahon

Councilmember Jeff Hales

Councilmember Bwayne Smotherson

Councilmember Tim Cusick

Mayor Terry Crow

Councilmember Stacy Clay

ATTEST

City Clerk, LaRette Reese



**UNIVERSITY CITY COUNCIL  
STUDY SESSION  
5th Floor of City Hall  
6801 Delmar  
November 12, 2018**

**1. Meeting Called to Order**

The City Council Study Session was held in the Council Chambers on the fifth floor of City Hall, on Monday, November 12, 2018. Mayor Crow called the Study Session to order at 5:30 p.m.

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

Councilmember Stacy Clay *(arrived 5:36 p.m.)*  
Councilmember Paulette Carr  
Councilmember Steven McMahon *(arrived 5:33 p.m.)*  
Councilmember Jeffrey Hales  
Councilmember Tim Cusick  
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose, and City Attorney, John F. Mulligan Jr., Patrick Wall and Dorothy Davis of the Library Board.

\*Joe Edwards of the Loop Special Business District was also present in the audience.

**2. Changes to Regular Council Agenda**

Mayor Crow asked if any members of Council had any changes to tonight's regular meeting agenda, other than adding the first name (Richard) of Mr. Ruderer to the appointment list? Hearing no other changes to the Regular Council Agenda, Mayor Crow asked for a motion to approve the upcoming agenda; it was so moved by Councilmember Carr and it was seconded by Councilmember Smotherson and the motion carried unanimously.

Mayor Crow turned the meeting over to Mr. Rose. Mr. Rose opened the discussion regarding the library and stated that the library is considering making some improvements that would require them to do a tax levy to retire the debt. Mr. Rose then turned the meeting over to Ms. Dorothy Davis, the president of the Library Board.

**3. Library Board**

Ms. Davis stated there are nine members on the board as required by state statute to serve up to (3) three year terms. The appointments are made by City Council and the Library Board hires and appoints the Library director, who determines policy and sets the tax rate for the library. The building is fifty years old and needs a lot of upkeep and renovation. The Board is working with CALOP, MONet, the Society of Black Engineers and other coding groups to help residents learn about new technology. This is happening in a building that needs to be modernized, electrically rewired and more meeting space. The Board last went

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to the voters in 1990 to set the current rate of twenty eight cents. She then turned the discussion over to Patrick Wall, the Library Director.

Mr. Wall thanked Ms. Davis and Council for the time to provide an update on the library. He restated that the current library located at 6701 Delmar Blvd. has been there for fifty years. The first library on Trinity was built in 1939 at a cost of about seven thousand dollars and a collection of eight thousand books. In 1966 the voters voted to build the current larger building; which they love. Around 1995 they joined the Municipal Library Consortium (MLC) and we share collections with eight other municipalities in St. Louis County. Over the last couple of years, U City has loaned about thirty thousand items per year and we have borrowed about twenty-five thousand items. We also have reciprocal agreements with St. Louis County, St. Louis City public libraries and the St. Charles County library district. So U City residents can obtain a free library card from any of the entities.

Today the U City library has a collection of about two hundred twenty thousand items, a shared collection of electronic books and downloadable audio books and several electronic vessels. The auditorium and meeting rooms were used twenty-four hundred times in FY18. Many request for meeting rooms, study rooms are turned down because of the lack of space. There are 43 publically accessible computers and really robust Wi-Fi and the usage continues to increase every month; about thirty-eight thousand uses last year.

The Society of Black Engineers from Washington University will be running tutoring sessions on STEM topics at the library once a week. There's a new agreement in place with Globalhack to offer coding classes for children beginning in 2019. Three free health screenings are held every month. Ten thousand teens participate in about three hundred programs. Working to offer more tech topics are like the robots; the kids really like to use these.

The actual cost of an actual book has not gone up that much since 1990. It was about \$19.95 in 1990 and it's about \$29.95 today. Today in addition to buying the book, we buy the electronic version and the downloadable eBooks. A hardcopy book might cost \$14.00 but the eBook could cost as much \$85.00. The downloadable books are about \$100 per book. The MLC collectively spends about a hundred thousand a year and then an additional fifteen hundred to two thousand in U City for the subscription use services. In 1990 there was one mainframe computer and several dump terminals that ran the integrated library catalog for tracking everything. Today we have forty-six computers including Chrome books, laptops and early learning tablets for people to use.

The goal is to maintain and expand the services we have now to meet the needs of the community, perhaps adding a new service called Kanopy for streaming movies. A grant was recently received to install software to assist those with visual disabilities so they can use the computer. Also, all of the technology is somewhat grant funded but it does not cover all of the cost. We have a lot of outdated equipment such as the electronics and telephone equipment. Re-cabling is needed; we are currently using the max.

The building is great but the brick increases the cost of doing upgrades such as the bathroom doors, which need to be replaced to be ADA compliant. More storage is also needed for items that we need.

The Director will be asking the board to consider a ballot issue to ask the voters for an additional twelve cents per one hundred of the assessed valuation of property taxes to be used for building renovations, and keep and improve the level of services offered today. The other possible option if the tax increase is not approved; is to cut hours and services at some point in time. And not make some of the necessary repairs to the building. There are

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problems with the exterior of the building and the ceiling and other parts of the building need to be sealed and repaired. The HVAC is another big issue.

Two focus group meetings have been held at the library and three more are scheduled, then there will be some focus groups held out in the community. People can also respond and provide feedback on the website.

Director Wall stated that was the end of his presentation, the Board wanted City Council to know what they were thinking and to answer any questions.

Mayor Crow asked if the Board was managing everything themselves or if they were receiving help or guidance elsewhere?

Mr. Wall stated they talked with Jones and Palzola, a local group, who helped them do a survey. It was determined that slightly less than 50% hard yes supportive and about 73% all together.

Mayor Crow asked for clarification that twenty-eight cents is currently being collected and if this levy was add an additional twelve cents?

Mr. Wall stated yes the current voting ceiling is twenty-eight they are seeking to go forty cents.

Mayor Crow asked what the budget is was for all the items?

Mr. Wall stated they talked with Stifle and they think it's about seventy-five thousand to borrow a million dollars on a certificate of participation. It would be a couple of million to complete the work that is needed (bathrooms, carpet, re-lamping, phones, alarm, parking, rewiring for high speed access etc.)

Councilmember Clay apologized for being late and then asked when was the last time that the Library went out for any of initiative?

Mr. Wall stated it was 1990

Councilmember Clay asked if that was the last time for any major renovation was done?

Mr. Wall stated they received a library services and instruction grant, which allowed for renovations to the elevator in 2000. The roof was done in 2009-2010 (about \$400,000) and a part of the HVAC system was replaced by taking money from the reserves. They have been spending out of the reserve more than they want trying to keep up the pace.

Councilmember Clay asked if they are loaning out technology?

Mr. Wall stated they have about 25 tablets to loan. In caparison, Kirkwood has 75, so we would like to have more. They are very popular. They lend telescopes, video cameras and equipment that people can use.

Councilmember Smotherson asked what the plan was for overcrowding and meeting space; are you planning to expand the building?

Mr. Wall said he would love to expand the space but does not see a way to do that. There is a basement that has been used for storage that could be converted to office and meeting space. They are looking to make better use of the current space.

Councilmember Cusick asked for more details on the plan for better heating and lighting?

Mr. Wall stated that the system had been updated once in the past, but it's still basically the same 1969 unit. It can be on or off, you cannot be back and for between cooling and heating. They would like to be able to control different zones. Maybe look at having solar cells on the roof and much better lighting.

Mayor Crow thanked Dorothy and Patrick for coming and wished them the best and offered to assist in moving the project forward.

### **3. Loop Special Business District**

Mayor Crow stated for the record that Councilmember McMahon and Clay are present.

Mr. Rose stated that part of the work plan that Council authorized is a review every board and commission within the City; tonight's review will be of the Loop Special Business District (LSBD) advisory board. The boundaries for the LSBD or the Loop consist of Delmar between Kingsland, and the eastern municipal limits on both sides of Delmar on Kingsland, New Enright, Leland, Melville, Westgate and Delmar.

The purpose of the revenues is to cover the operating expenses and also infrastructure. The sources of revenue consist of all businesses within the Loop with the exception of the Market in the Loop. The real property in the district is subject to an annual tax of eight-five cents per hundred dollars assessed valuation. The funding is to be held in a special account for dispersal to the district with the approval of the City Council. There are no exempt properties with the exception of the Market in the Loop and no properties may receive any kind of tax abatement.

The LSBD has the opportunity to bond and can issue general obligation bonds to incur debt and the revenues that are generated would be used to retire the debt.

The LSBD is an advisory commission. It is created to assist the City Council with the allocation of the collected revenues. The City Council has the sole discretion as to how the revenues of the district are used with the advisory of the LSBD.

The membership is an advisory commission of nine members for a term of three years. For dismissals, if the Council wanted to remove someone, it could only be for neglect or misconduct. Vacancies should be filled as normal. No one on the commission is compensated. The primary focus regarding conflicts of interest is on hiring; you cannot hire relatives.

The Officers of the LSBD consist of the chair, vice chair, the secretary-treasurer; this is considered the executive committee. They must establish bylaws to guide the administration of district. They must have a development plan, which would act more like a work program. They must develop a proposed budget that is provided to the Mayor and Council for consideration. They must provide an annual report to the Mayor and Council and then it is filed with the City Administrator.

Mr. Rose requested the City Attorney, John Mulligan, provide some information relative the LSBD's responsibility as a public entity. Mr. Mulligan stated the LSBD is a governmental body within the meaning of the sunshine law and it is also a political subdivision in the state of Missouri. Therefore they are subject to all the laws that apply to a governmental body; the sunshine law being one of them, so the LSBD has to comply with sunshine law request. There has to be a custodian of records, documents have to be kept, certain record retention laws that apply with respect to public documents. They must comply with the state statutes regarding budgets; you must have your revenues and expenses just like City Council. You have to pass an annual budget; in this case the Council approves the budget but the LSBD still has to pass a budget. There are other laws that apply to governmental bodies; such as conflict of interest which would be applicable because members of the commission are



public officers. Generally all the laws that apply to public officers would apply to the commission members. There could also be some specific situation that applies to LSBD because of its unique responsibilities under the law that may not be applicable to other governmental bodies. There have been some litigations recently where the Judge determined the special business district did not comply with some of the laws. There was a good amount of media coverage and the Judge found there was a conflict of interest and budget laws were not being complied with and awarded attorney's fee to the taxpayer within the district. It is important the LSBD comply with all the laws applicable to government bodies and political subdivisions. The City's code has a number of provisions to track largely the state statutes regarding the allowable improvements and activities in the district, as well as the items mentioned earlier.

Mr. Rose provided some examples of the kinds of expenditures that would be appropriate for the LSBD budget:

- Landscaping or special cleaning
- Street and alley maintenance

Mr. Rose stated when the district was created; the idea was that the City would not reduce the amount of revenues allocated to the Loop simply because the district was being created.

#### NEXT STEPS:

- Confirm the Board members
- Review the Development Plan
- Review the Annual Report

If these plans to do currently exist, we will work with the chair, the vice chair and the treasurer to put those items in place because they are required by state statute.

Councilmember Carr asked Mr. Rose if today's information was just a report on the state of commission or if Council might ask for some kind of action?

Mr. Rose stated that the review was just part of the review process that we are doing for all of the boards and commissions. If there is a particular direction that Council wants to take as a part of the review process, you are at liberty to provide that direction.

Councilmember Carr stated that she has been supportive of the LSBD since before she was elected. Every time EDRST funding came up she was supportive and said the LSBD provided about twenty percent of the tax dollars generated to the EDRST and therefore should get that kind of money back. Ms. Carr handed several documents to members of Council (minutes from May through August, the FY18 budget and also the checking registrar) and asked that Council review the documents. Ms. Carr stated that there is a joint meeting with an organization that is not within the City; which she believes is allowable. However it has been her experience that first you hold separate individual meetings and then you hold a combined meeting. In looking at the minutes, which are generated by the secretary and sent out in a bulletin, there is no clear separation. There's no distinction as to who is present from which board. There are no recorded votes to accept, correct or adopt the minutes. It is much more like a committee meeting rather than a governmental meeting.

Ms. Carr stated that she is also having problems tracking the money trail. You will recall there were riots here a year ago September; there was degree of fundraising, mostly on the part of people in the Loop and maybe the Chamber of Commerce and a few others. Money <sup>5</sup>

that was collected was to aid the businesses and to work on the public relations. Sometime in June, there was a discussion about taking the "excess funds". It's not clearly notated in the minutes but rather in an email discussion for which she was copied on along with the treasurer. There was a decision made in June to use these excess funds toward public relations for the trolley. Ms. Carr questions if this was a conflict of interest? Two members on the LSBDD board, which is advisory to Council, are also on the Trolley Company board. Because the money went toward advertising the trolley and there is no vote of record in the minutes, although the treasurer says it was voted on. The minutes become the record. Ms. Carr expressed that she is very concerned and does not believe enough oversight has been excerpted or done by the City. She stated that maybe the board members do not understand that they are part of a governmental entity that actually advises the Council. They seem to operate more independently and their focus is more on joint activities with the City side of the Loop. Ms. Carr suggests that there be some education and clarification on what their function is. Secondly, she is very concerned about the money. It's possible that the money might have come from the Urban League for a different purpose. Money cannot be switched around without a vote. Did it need to come back to Council? It certainly wasn't in the budget. Ms. Carr previously asked for the budget from FY2019 and these are records that should be available and they were not. In the budget information that we have, there aren't a lot line items, she would expect a little more detail. She would also expect to receive the annual report, which in her seven years, she has never seen neither the budget nor an annual report for the Loop. Perhaps the LSBDD provided but it was never given to Council as part of the Council budget process. Ms. Carr also suggests the LSBDD understand that they are a board advisory to Council and that they have a staff liaison as well as a Council liaison just as all of the boards and commissions. They should understand at least procedurally what they should be doing. If they don't have a person to keep their records, they should ensure that all their records come to the City. Most of the boards and commission send their records to the City Clerk. Ms. Carr referenced the election for board members and she is not aware of anything in code that says there will be or should be an election. This should be clarified somehow; maybe the process is accepted this year, but it should be very clear that the Mayor appoints with approval of Council.

Mr. Rose stated that going forward the focus will be on ensuring that we provide the LSBDD with the assistance that will be needed in order to confirm that they are in compliance with our codes and state statues. You will see a shift as to what information will be provided to the Mayor and Council in the future.

Ms. Carr stated that she would like to see minutes that reflect what this board is doing independently of the joint board; the business of this board should be clear in the minutes.

Councilmember Cusick asked Mr. Rose if the LSBDD had submitted an annual report and if so, has it been reviewed and are they available for Council review?

Mr. Rose stated that staff has not been able locate the reports if they have been submitted. He intends to work with the LSBDD to ensure they provide those reports in the future.

Ms. Cusick asked when was the LSBDD formed and if they had ever submitted reports? Mr. Rose/Mr. Mulligan stated they believe the last report found was from 2000.

Mayor Crow thanked Ms. Carr for providing the minutes, budget and check registrar for discussion. He stated as the audit moves forward, there will a review of a number of funds and the LSBDD fund will be included in the process. Regarding the election process, he stated that he is not sure how that came to be or if it has to be authorized or if it's prohibited. 6

He was given information reflecting the nominees that were submitted to the former Mayor and then they were presented to Council. He stated the election process may not be the best way to do it, but it's probably been that way since it started back the 80's. Clearly we would like to see more structure than we have seen in the past but we also need to realize that some of the people are running businesses and this is one aspect of what they are doing. As we move forward in educating, we should do so in a way that is forward thinking. We need to improve on the issues from the past under previous administrations and make the process better for the business owners. There is a ribbon cutting on Thursday for the Trolley; and although we may have had challenges with the construction, we need to get as many citizens as possible to ride it to support the businesses. A lot of businesses just made it through and the hope is that this will be another ignition point for the Loop and the business development.

Ms. Carr thanked all the people who serve on all the boards and commissions. She reiterated that they need the education because she does not believe they realized that they were a part of government and that they should be doing something differently. She does not see that as a hardship.

Mr. Rose recognized Mr. Schoomer and reminded everyone that during study sessions the Council does not open the floor to public comments.

### **Adjournment**

Hearing no further discussions, Mayor Crow adjourned the City Council Study Session at 6:16 p.m.

LaRette Reese  
City Clerk

2000489 SBD Checking Ending Balance: \$167,284.93

Date: Custom

Date	Ref No.	Page	Memo	Class	Payment	Deposit	Reconciliation Status	Balance	Type	Account	Store	Added In Banking
03/13/2018	ACH	AT&T	phonefax		38.28		Reconciled	67,608.94	Check			
03/23/2018						25,700.00	Reconciled	123,608.94	Deposit	ELSD Reimbursement		
03/30/2018	2809		Hi Tec Copy		112.11		Reconciled	123,496.83	Check	Office Expenses		
03/30/2018	2810		888 Collective		75.00		Reconciled	123,421.83	Check	Marketing & Promotional		
03/30/2018	2811		Nerds on Site		31.15		Reconciled	123,390.68	Check	Office Expenses		
03/30/2018	2812		Scottie Floyd	maintenance cleaning	585.00		Reconciled	122,805.68	Check	Trash Removal		
04/12/2018				ask tom for back up		75,000.00	Reconciled	197,805.68	Deposit	Miscellaneous income		
04/13/2018	ACH	AT&T	phonefax		38.28		Reconciled	197,768.42	Check			
04/13/2018	2813		Hi Tec Copy		102.75		Reconciled	197,665.67	Check	Office Expenses		
04/13/2018	2814		SFS Association		140.00		Reconciled	197,525.67	Check	Meals and Entertainment		
04/13/2018	2815		Patrick Harling		181.00		Reconciled	197,372.57	Check	Advertising		
04/24/2018	2816		Intern		455.00		Reconciled	196,917.57	Check	Professional Services/Misc.		
04/24/2018	2817		Blueberry Hill	reimbursement for web service	69.88		Reconciled	196,857.71	Check	Dues & Subscriptions: Email, Social Media, Website		
04/30/2018	2818			no check stub received	25.00		Reconciled	196,832.71	Check	Miscellaneous		
04/30/2018	2819			no check stub received	25.00		Reconciled	196,807.71	Check	Miscellaneous		
05/09/2018	2820		Scottie Floyd	maintenance cleaning	600.00		Reconciled	196,207.71	Check	Trash Removal		
05/09/2018	2821		Patrick Harling		80.00		Reconciled	196,127.71	Check	Advertising		
05/09/2018	2822		Blueberry Hill	reimbursement for fed ex	35.39		Reconciled	196,092.33	Check	Dues & Subscriptions: Email, Social Media, Website		
05/13/2018	ACH	AT&T	phonefax		39.14		Reconciled	196,053.19	Check			
05/18/2018	2823		Nerds on Site		31.15		Reconciled	196,022.04	Check	Office Expenses		
05/18/2018	2824		888 Collective	permit art fest	25.00		Reconciled	196,007.04	Check	Marketing & Promotional		
05/18/2018	2825		Patrick Harling	Intern hours	350.00		Reconciled	195,647.04	Check	Professional Services/Misc.		
05/08/2018	2826		888 Collective	intern hours	580.00		Reconciled	195,067.04	Check	Professional Services/Misc.		
05/13/2018	ACH	AT&T	phonefax		39.17		Reconciled	195,047.87	Check			
05/18/2018	2827		888 Collective		272.78		Reconciled	194,775.09	Check	Marketing & Promotional		
05/18/2018	2828		Scottie Floyd	maintenance cleaning	540.00		Reconciled	194,235.09	Check	Trash Removal		
05/18/2018	2829		Nerds on Site		31.15		Reconciled	194,203.94	Check	Office Expenses		
05/18/2018	2830		Explore St. Louis		650.00		Reconciled	193,553.94	Check	Marketing & Promotional		
05/18/2018	2831		StandPoint	trolley	8,000.00		Reconciled	195,553.94	Check	Marketing & Promotional		
05/18/2018	2832		Marie Stokar	Make music	475.00		Reconciled	195,078.94	Check	Loop Art Event		
05/18/2018	2833		St. Louis		3,500.00		Reconciled	191,578.94	Check	Loop Art Event		
05/18/2018	2834		Hi Tec Copy		70.79		Reconciled	191,508.15	Check	Office Expenses		

08/18/2018	2836	Kifu Obala		4,895.00		Reconciled	178,813.15	Check	Marketing & Promotional:Brochure Design/Printing
08/18/2018	2836	Enngraphic		6,784.64		Reconciled	188,848.51	Check	Marketing & Promotional:Brochure Design/Printing
08/18/2018	2837	Patrick Harding	Intern hours	480.00		Reconciled	188,368.51	Check	Professional Services:Rec
08/22/2018		Deposit			13,100.00	Reconciled	182,468.51	Deposit	ELSSD Fair/bureau/rent Office Expenses
08/22/2018	2838	HI Tec Copy		164.85		Reconciled	182,323.56	Check	
08/22/2018	2839	Midwest Association of Farmers Market		1,390.00		Reconciled	180,933.56	Check	Loop Art Event
08/22/2018	2840	Human Art, LLC		300.00		Reconciled	180,633.56	Check	Loop Art Event
08/22/2018	2841	888 Collective		810.00		Reconciled	180,823.56	Check	Marketing & Promotional
08/22/2018	2842	City of University City	chamber commerce reimbursement	242.50		Reconciled	179,581.06	Check	Marketing & Promotional
08/22/2018	2843	Craft Alliance		300.00		Reconciled	179,281.06	Check	Loop Art Event
08/28/2018	2453	Sky Fallon		50.00		Reconciled	179,401.06	Check	Loop Art Event
08/28/2018	2454	Luke Parron		50.00		Reconciled	179,441.06	Check	Loop Art Event
08/28/2018	2455	Darry Ness		50.00		Reconciled	179,391.06	Check	Loop Art Event
08/28/2018	2456	888 Collective	web reimbursement	148.82		Reconciled	179,242.24	Check	Marketing & Promotional
08/28/2018	2457	Midwest Association of Farmers Market		287.54		Reconciled	178,954.70	Check	Loop Art Event
08/28/2018	2458	Nerds on Site		31.15		Reconciled	178,914.05	Check	Office Expenses
08/28/2018	2444	Scottie Floyd	maintenance cleaning	525.00		Reconciled	178,389.05	Check	Trash Removal
08/28/2018	2845	888 Collective	arts festival	428.00		Reconciled	177,961.05	Check	Marketing & Promotional
08/28/2018	2846	888 Collective		420.00		Reconciled	177,541.05	Check	Marketing & Promotional
08/28/2018	2847	Alyssa Stroufs	Chalk The Loop commissioned artist	150.00		Reconciled	177,391.05	Check	Loop Art Event
08/28/2018	2848	Craig Thomas		150.00		Reconciled	177,241.05	Check	Loop Art Event
08/28/2018	2849	Camille Denton		150.00		Reconciled	177,091.05	Check	Loop Art Event
08/28/2018	2850	Lex Mala		100.00		Reconciled	176,991.05	Check	Loop Art Event
08/28/2018	2851	June Torg		100.00		Reconciled	176,891.05	Check	Loop Art Event
08/28/2018	2852	Jordan Webb		100.00		Reconciled	176,791.05	Check	Loop Art Event
07/09/2018					6,622.00	Reconciled	183,413.05	Deposit	
07/19/2018	ACH	AT&T	phone/fax	89.17		Reconciled	183,273.88	Check	
07/19/2018	2489	Blueberry Hill	reimbursement for office supplies	155.00		Reconciled	183,218.88	Check	Dues & Subscriptions:Email, Social Media, Website

07/19/2018	2460	Morris Vellor Publications		800.00		Reconciled	162,716.68	Check	Advertising		
07/19/2018	2461	Hi Tee Copy		357.85		Reconciled	162,358.83	Check	Office Expenses		
07/19/2018	2462	888 Collective	web reimbursement	250.00		Reconciled	162,108.83	Check	Marketing & Promotional		
07/19/2018	2463	U City in Bloom	flower planting	8,300.00		Reconciled	175,811.03	Check	Flowers		
07/20/2018	2464	888 Collective	intern hours	720.00		Reconciled	175,091.03	Check	Marketing & Promotional		
07/20/2018	2465	Scottie Floyd	maintenance cleaning	625.00		Reconciled	174,466.03	Check	Trash Removal		
07/20/2018	2466	Midwest Association of Farmers Market		1,533.25		Reconciled	173,932.78	Check	Meals and Entertainment		
08/13/2018	ACH	AT&T	phone/fax	38.46		Reconciled	172,893.32	Check			
08/22/2018	2467	Explore St. Louis		3,000.00		Reconciled	169,893.32	Check	Marketing & Promotional		
08/22/2018	2468	888 Collective	intern	720.00		Reconciled	169,273.32	Check	Marketing & Promotional		
08/31/2018	2469	Scottie Floyd	maintenance cleaning	600.00			168,673.32	Check	Trash Removal		
08/31/2018	2470	Morris Vellor Publications		800.00			167,773.32	Check	Advertising		
08/31/2018	2471	Hi Tee Copy		80.35			167,692.97	Check	Office Expenses		
08/31/2018	2472	888 Collective	intern	320.00			167,372.97	Check	Marketing & Promotional		
08/31/2018	2473	Void		0			167,372.97	Check	Miscellaneous		
09/19/2018	ACH	AT&T	phone/fax	38.58			167,334.39	Check			
10/13/2018	ACH	AT&T	phone/fax	38.46			167,295.93	Check			



**Loop SBD Budget    Proposed 7/1/17 - 6/30/18**

<b>Income</b>	<b>West Loop SBD</b>	<b>EDRST</b>	<b>East LoopCID</b>
Business License Fees	29,000		
Real Estate Taxes	39,000		
	<u>Total 68,000</u>		
<b>Economic Dev. Retail Sales Tax</b>			
Loop Special Events		75,000	
Official Visitors Guide		12,500	
Loop Brochures/Directory		14,000	
Welcome Sign/Lights		???	
Tree-Well Grates		37,419	
		<u>Total TBD</u>	
<b>Expenses</b>			
<b>Economic Dev. Retail Sales Tax</b>			
Special Events, Mannequins on The Loop, Holiday Events, Loop Ice Carnival Arts & Style, Chalk The Loop, Midwest Farmers Market, Concierge Events, Shop Local, etc.		75,000	
Official Visitors Guide		12,500	
Loop Brochures/Directory		14,000	
Welcome Sign/Lights		???	
Tree-well Grates		37,419	
		<u>Total TBD</u>	
<b>Marketing and Administration</b>	37,100		TBD
Explore St. Louis (SLCVC)			
Annual Membership	1,000		%
Web Site	2,000		%
QuickBooks	300		%
Interns	1,000		0
Office Expenses	1,000		%
Fax	100		%
Postage	500		%
Printing	1,000		%
Audit by U. City	600		0
Trash/Graffiti Removal	5,000		0
Walk of Fame Repairs	3,400		0
Holiday Lights (One Strand)	2,000		0
Holiday Lights Cables, Brackets and one-time installation	4,900		0
Planters including watering	8,000		0
Reserves	100		
	<u>Total 68,000</u>		







# Newsletter

## April 2018

West Loop Special Business District & East Loop Community Improvement District

### SAVE THE DATE

- **May 8 - 9:00am - LOOP SBD-CID General Meeting**  
*Blueberry Hill's Piano Room, 6504 Delmar Blvd, St. Louis, MO 63130*  
Enjoy coffee with your neighbors and hear monthly updates about what's going on in The Loop.  
*Board Meetings to immediately follow in the Pac-Man room.*
- **May 11 - May 13 - 46th Annual Blueberry Hill Dart Tournament**  
The oldest and largest pub dart tournament in North America will be held on Mothers' Day weekend with \$10,000 in prize money. Darters from around the country attend.

### THE LOOP IN THE NEWS

**The Top Local Story from The Loop** was the St. Louis Walk of Fame, which was covered in multiple newspaper/magazine articles, TV/radio spots, and on social media. The induction of crime fiction author Ridley Pearson in April garnered a Nielson audience of 672,351 and a publicity value of \$17,184. Print stories included features in Town & Style's "Talk of the Towns" and the St. Louis Post Dispatch. In addition, STL Today's "Metro" section devoted an entire 44 pages to "Who's Who on the St. Louis Walk of Fame," honoring "those who were born, lived or had their success in the area."

**The Second Most Popular Local Story from The Loop** was general Loop coverage in multiple print media. AAA's "Tour Book Guide (Arkansas, Kansas, Missouri & Oklahoma)," featured a number of Loop establishments, describing The Loop as "a shopping, dining and nightlife destination with a lively street life." Fitz's and Baked T's were both covered in "Top Picks for Kids," with the "Shopping" section recommending Vintage Vinyl, Sunshine Daydream, Compōnere Gallery, Craft Alliance Center of Art + Design, and Phoenix Rising. Other mentions included Moonrise Hotel's Terrace Bar ("a nice backdrop for a sunset or later when the lights of the Delmar Loop twinkle below"), The Pageant and Blueberry Hill's Duck Room, Pin-Up Bowl ("where the bartenders whip up killer martinis and special cocktails in outlandish colors"), the Tivoli Theatre, and the St. Louis Walk of Fame. The Loop also earned mentions in the New York Times' "Frugal Traveler" feature "St. Louis is as Welcoming as it is Budget-Friendly," with the author stopping into Avalon Exchange, Vintage Vinyl, and Blueberry Hill. Explore St. Louis' seven-page "Neighborhood Spotlight" featured The Loop, calling it an "exhilarating six blocks of adventure." AAA Midwest Traveler included Moonrise Hotel in its list of "Four Diamond" properties (a designation reserved for properties that "offer a high degree of hospitality, outstanding service, and attention to detail"), placing it in the top 6% of the 27,000 AAA-approved hotels.

**The Third Most Popular Local Story from The Loop** consisted of several music-related features. STL Today's "The Blender" reported on "Hamilton" actor Chris Lee's April 9th show at Blueberry Hill's Duck Room. In addition, "Memories of Chuck," released by bandmate James (Jimmy) Marsala, consists of "a compilation of experiences on the road spanning 41 years of touring with Chuck Berry, the originator of rock and roll." The book heavily features stories and pictures from the band's performances at Blueberry Hill's Duck Room from 1996 to 2014.

**The Fourth Most Popular Local Story from The Loop** was coverage of the opening of several new establishments on The Loop, including Guerilla Street Food and W Karaoke.

**The Fifth Most Popular Local Story from The Loop** was the Loop Trolley. West End Word covered the ongoing operator training, including first responder drills in preparation for the trolley's debut (with Kevin Barbeau, executive director of the Loop Trolley Company, confirming that "the drills revealed no surprises"). In early April, Joe Edwards also participated in a lengthy interview regarding the trolley with the Business Times Milwaukee.

**In Other Local News**, the West End Word reports that University City Council has approved the proposal for a \$28 million



## THE LOOP IN THE NEWS

expansion of the Center of Creative Arts (COCA). Riverfront Times "Arch Rivals" article noted that a 1989 issue of the "Archie's Pals 'n' Gals" comic strip featured The Loop and Joe Edwards. KWMU-FM mentions the exhibition exploring artist responses to gun violence that was held at Craft Alliance in April. KTVI-FOX TV and KMOV-CBS TV both reported on the "speed dating" teacher interview event that the U City School District held at Blueberry Hill. In a March 14th "City Corner" interview with Michael Donovan, Executive Director of the Missouri Arts Council, Joe Edwards discussed The Loop's receipt of the Creative Community Award. St. Louis Magazine included Blueberry Hill and Fitz's in its list of "the region's most family-friendly restaurants." Go! Magazine covered "Chef Mike Randolph's path to perfection" to his "extraordinary Privado."

### MINUTES (April 10, 2018 West Loop SBD/East Loop CID Meeting)

#### General Meeting Attendance

**Board Member Attendees:** Joe Edwards, Cheryl Adelstein, Michael Alter, Kathy Caton, Ben Evans, David Mastin, Ryan Patterson, Jen Rieger, Tom Schmidt, Nakita Smith and Nora Vandivort

**Board Members Absent:** Mary Campbell, Allah Holman, Steve Rotskoff and Tameka Stigers

**Guests:** Mary Adams, Kevin Barbeau, Gary Boehnke, Adam Brown, Cindy Deichmann, Ben Deloya, Norm Fran, Mike Giger, Mary Gorman, Celeste Grayer, Mike Hobbs, Rich Howard-Willms, Audrey Jones, Beth McClure, Bob Meler, Ross Odenbrat, Jean Roy, Jose Ruiz, Christian Summers, William Tucker, and Miriam Wiegand

#### General Meeting Minutes

Joe Edwards called the meeting to order and, after introductions, opened the floor to announcements. The next general meeting will be held on Tuesday, May 8, 2018, at 9:00 a.m. (Blueberry Hill Piano Room).

The space formerly occupied by Doughocracy has been acquired by a new owner. Kristian Vesth, owner of family-owned "Pastries of Denmark" in Creve Coeur, discussed the new pizza restaurant that is expected to open in the space by early May, and how he looked forward to being part of The Loop community. Joe Edwards

mentioned that the 2018 Record Store Day would be held on Saturday, April 21st, and that the 46th Annual Blueberry Hill Dart Tournament (the oldest and largest pub dart tournament in North America) will be held on Mothers' Day weekend (May 11th - 13th), with \$10,000 in prize money.

On the security front, Joe said that Police Chief Larry Hampton (University City) has indicated that The Loop has been enjoying a peaceful spring, and that the police will have a larger presence on The Loop this year. Joe also mentioned a "crime-by-neighborhood" feature from St. Louis Magazine, which indicated that The Loop has a low crime rate relative to a number of other neighborhoods in the St. Louis region.

On the West Loop update, Joe discussed the opening of Copper Hinge, with one-of-a-kind automated machinery producing frames and lenses (starting at \$95) on-site. Next door, Compnere Gallery of Art has released a portion of its premises to make room for a new modern art gallery from Artisans in the Loop, and has taken over the space previously used by Go Music (as its owner returns to the architecture business). W Karaoke is reported to be enjoying excellent business out of the gate, and Rocket Fizz has opened under new ownership and management

and a significantly expanded inventory. Other West Loop news mentioned by Joe included COCA's ongoing \$28 million expansion; a "speed dating"-type interview process for teachers that was recently held in Blueberry Hill's Duck Room; and the request for proposals that U City has issued for the former Create Space premises.

Next, Jean Roy and Celeste Grayer discussed a "pop-up" proposal to make very inexpensive space available for budding artisans for weekend events. Describing St. Louis as the "most European city in the United States," Mr. Roy offered suggestions for further enhancement of pedestrian traffic in The Loop. Ms. Grayer noted that the art would be of good quality, and that she hoped to launch the market by June or July (possibly at the walkway in front of the Midtown Farmers' Market plaza). The market is not intended to compete with existing businesses, but rather to provide a forum to newer artists who are not featured in galleries due to cost considerations. William Tucker of the Midtown Farmer's Market questioned the idea that this opportunity isn't already available on The Loop, but indicated that demand had been low. The remaining discussion centered on creating a better business district through a coordination of efforts, to make sure that this type of new ven-



## MINUTES (April 10, 2018 West Loop SBD/East Loop CID Meeting)

ture is not polarizing to existing businesses.

Mary Adams of the U City Chamber of Commerce next gave an update on the "Taste of U City" event that was held in late March, which she described as a "beyond capacity" success. In upcoming projects, the Chamber will partner with the City and school district in administering a summer jobs program, covering half of the wage cost of participating U City students. Working with a school district social worker, the Chamber will provide support to businesses over the summer. Mary also reminded everyone of the Chamber's quarterly lunch meetings, with registration available online at [ucitychamber.com](http://ucitychamber.com).

Joe next discussed the Economic Development Retail Sales Tax hearings. Despite The Loop's repeated requests for an equitable 25-30% allocation (\$180,000 - \$190,000), the commission voted only to allocate \$108,000 of the available funds to The Loop. The commission approved \$80,000 for major events, \$14,000 for Loop brochures, \$13,500 for Loop guides, and \$1,000 for traffic light box artwork. However, the commission did not approve the "Welcome to The Loop" sign and related electronic message boards. Joe reiterated The Loop's frustration with the rejection of full funding, as well as the non-completion of the tree-well grate project that was approved a year ago. Joe noted that City Hall had "graded" all proposed projects; the "Welcome to the Loop" sign had the highest rating of any project in University City (even beyond The Loop), but nonetheless was rejected by the commission. The U City Council is the final decision-maker, however, and has the authority to endorse the City

staff's and Loop businesses' recommendation and request for support to help The Loop in the current delicate business climate.

Michael Alter next discussed a salsa dance group that had recently performed on Chuck Berry Plaza. Michael would like to work with groups like this that would be willing to perform on The Loop, with the hope of decreasing the frequency of "hate speech" groups that occasionally frequent The Loop (Joe mentioned that he and Michael Alter had sent letters to U City voicing their concerns with these groups). Other efforts to ensure a pleasant visitor experience on The Loop were discussed, with Nora Vandivort mentioning the possibility of events held by yoga groups.

In the East Loop update, Joe announced that Guerrilla Street Food had opened at 6120 Delmar next to Tavolo V, and that Posh Shoe Bar boutique had opened in the former Miss M's space at 6193 Delmar. Joe said that the Everly on the Loop student housing project won an award for the "best public/private project over \$10 million," bringing great recognition for the East Loop and The Loop as a whole. Dave Mastin mentioned the job description that had been advertised for the East Loop Executive Director position, with the hope of hiring someone by this fall. Joe further discussed the Executive Director position, noting that several quality candidates had applied. Salary will be commensurate with experience, with the West Loop to share in the cost of compensation. Thanks to Cheryl Adelstein for the many hours of work and expertise.

In Washington University news, Joe mentioned an article naming Wash U

"the best college campus in the United States."

In other Wash U news, support of the trolley rollout was mentioned, as was the Thurtene Carnival being held on alumni weekend (April 14-15). The U City Council approved the replacement of the pedestrian/bike bridge over Forest Park Parkway, which will be removed in May (after graduation) and reconstructed over the following months. A suggestion was made to add directional signage for The Loop on the bridge.

In the Treasurers' reports, Dave Mastin (on behalf of the East Loop CID) reported approximately \$300,000 of cash on hand. The East Loop hopes to invest a fair amount of those funds to create parking in the East Loop. Funds are available for the soon-to-be-filled Executive Director position, particularly in light of the new fiscal year that commences on July 1st. The possibility of spending funds on a trolley opening celebration was briefly discussed.

For the West Loop SBD, Tom Schmidt reported a current "on the books" loss of approximately \$120,000, but then noted that that did not taken into account upcoming sales tax and business license revenue, recently-paid invoices by the East Loop CID, and approximately \$87,000 in Economic Development Retail Sales Tax funds that are expected to be received in the near future. Taking those funds into account, the West Loop SBD will have approximately \$30,000 in the budget for the remainder of the fiscal year, which is expected to be used for art events, concert series, and other events. Dan Wald and Tom Schmidt briefly discussed their dissatisfaction with U City for not providing funds for last



## **MINUTES (April 10, 2018 West Loop SBD/East Loop CID Meeting)**

year's broken windows. A general discussion was held regarding related reimbursements to property owners on that front.

Joe next discussed the Illuminated Directories, and requested that all building owners contact him with their current tenant information. Joe also mentioned that he has had a lot of requests for Loop brochures from people around the country, beyond the repeat orders filled with the downtown convention center and regional visitors' centers.

In Loop Trolley news, Joe reported the Missouri Supreme Court's holding in favor of the Trolley District, thus putting the legal challenges regarding the District boundaries to rest. Joe mentioned a Wash U event at which the District's attorney, Bob Clark of Clayco, Mary Campbell of Wash U, and Joe will discuss the benefits provided by the trolley project to The Loop. Kevin Barbeau then reported that the Trolley District had completed the hiring process, with the second class of operators going through final testing and certification. Final operational tests are ongoing, as well as work on trolley platforms and other system elements. Fencing is being installed on the U City platforms, and U City has approved final design on the ticketing machines and station stop signage. Installation of ticket machines is expected to commence by the end of April. Dan Wald referred Kevin to Judy Little as someone who could provide historical U City photos for possible use by the Trolley District. Kevin also mentioned marketing efforts for the trolley opening, indicating that he was working on getting the Trolley District to budget funds on that front.

Kevin indicated that a two-car sched-

ule has now been approved by the federal government, allowing for upcoming operations on Thursdays (noon - 8 p.m.), Fridays and Saturdays (noon - 11 p.m.), and Sundays (noon - 8 p.m.). The later-scheduled three-car service will operate seven days per week.

Audrey Jones next gave an update on the Mannequins on The Loop art project, which kicked off at Blueberry Hill on April 21st. The Walk of Fame induction ceremony for author Ridley Pearson was reported to be a success, although the coldest one ever. Finally, Joe mentioned some upcoming college education talks about the St. Louis Walk of Fame Inductees being presented by UMSL on three Saturday afternoons.

After Joe presented The Loop in the News, the floor was opened to other old or new business. Miriam Wiegand mentioned an upcoming meet-and-greet for Craft Alliance's new executive director, and an upcoming fundraiser for Midtown Farmers' Market also was discussed.

Adam Brown, Community Development Specialist of University City, announced the resignation of Andrea Riganti, who had been with U City for sixteen years. An interim replacement is performing Andrea's job functions while a permanent replacement is sought.

There being no further new or old business, the meeting was adjourned.

### **Board Meeting Minutes**

Cheryl Adelstein stated that the job description should go out for the Executive Director (East Loop CID) position soon, with the possibility of a second position. An RFP is expected

to go out in April.

Michael Alter offered to write a letter to the City regarding security issues. The Board voted to spend up to \$50/hour on security, and the motion passed unanimously.

### **Board Meeting**

The new position for Loop Director was discussed - Cheryl Adelstein mentioned a good number of applications have been received thus far. West Loop would like to sit in on the interviews.

### **ArtsFest**

A budget of \$10,000 has been set aside. Michael Alter asked about potentially increasing the budget to grow the event. The idea was suggested to possibly have live music all 3 days.

### **Trolley**

Michael Alter also mentioned investing in PR for Trolley. Cheryl mentioned a need to be thoughtful of the campaign and series of events to announce. The group felt we should engage a professional to assist with the marketing. East may have up to \$10,000 to invest. Michael, Tom, Joe agreed to meet with a PR contact. Some suggested were Common Ground, The Hauser Group, Mack Bradley at Standpoint Media.



# Newsletter

West Loop Special Business District & East Loop Community Improvement District

## SAVE THE DATE

- **July 10 - 9:00am - LOOP SBD-CID General Meeting**  
*Blueberry Hill's Piano Room, 6504 Delmar Blvd, St. Louis, MO 63130*  
Enjoy coffee with your neighbors and hear monthly updates about what's going on in The Loop.  
*Board Meetings to immediately follow in the Pac-Man Room.*

## THE LOOP IN THE NEWS

**The Top Local Story** consisted of numerous TV mentions of Blueberry Hill's web cam, showing everything from the weather to the kindness of a stranger giving a Loop street performer his first new guitar. The web cam mentions netted a Nielsen Audience of 1,542,706 and a Publicity Value of \$36,358.

**#2** was The Loop Trolley, with 17 TV stories and articles having a Nielsen Audience of 724,326 with a Publicity Value of \$17,665. Joe Edwards updated various news outlets on the Trolley District's efforts to obtain final approval from the Federal Transit Administration and the Missouri Department of Transportation.

**#3** consisted of numerous mentions of Loop restaurants in Sauce Magazine's Readers Choice awards, including honors for Korean food (Seoul Taco at #1, and an Honorable Mention for U. City Grill); pizza (Pi Pizzeria, Honorable Mention); tacos (Mission Taco Joint at #1, and Seoul Taco at #2); Thai (Fork & Stix, 2nd place); Barbecue (Salt + Smoke, 3rd place); Beer Bar (first place for Three Kings Public House); Happy Hour (Mission Taco Joint at #1 and Three Kings Public House at #3); and Sports Bar (Blueberry Hill at #3). Sauce additionally featured Seoul Taco's David Choi and his "mini-empire, complete with two food trucks, five restaurants and enough Readers' Choice Awards...to prove a cult following"; Nick Digiovanni of Publico, and its "impeccable" cocktails; and Three Kings' "dynamic neighborhood pub menu and quality craft on tap."

**#4** was the Post-Dispatch's story on the planned opening of a second location for Fitz's Root Beer, in a new development on South Lindbergh in south St. Louis County. Fitz's, which opened in its Loop location in 1993, plans to open its new 9,000-sf restaurant by the end of 2018.

**#5** was various coverage in print, TV and radio, including *Go! Magazine's* Summer Concert Preview highlighting 47 shows at Blueberry Hill, Delmar Hall and The Pageant; a Ladue News article about Rachel Ebeling, as a co-founding member of the Angel Bank Project; the Post-Dispatch's feature of Publico's 'Clean and Green' cocktail; and TV mentions of Mannequins on The Loop, unique shops including Phoenix Rising, and the soon-to-open HopCat, which will include an outdoor beer garden and showcase 80 Missouri made craft beers.

**In Other Local News**, Sterling K. Brown mentioned the "legendary Blueberry Hill" in his St. Louis promo for Saturday Night Live; the "Our Changing Lives" travel blog highlighted the authors' visit to Moonrise Hotel and Peacock Loop Diner; St. Louis Magazine (in its "100 Best Patios to Savor the Summer") featured the Rooftop Terrace Bar at the Moonrise Hotel as "one of the region's few public rooftops with an unobstructed view of the sunset" which "boasts what may be the world's largest manmade moon"; *Where St. Louis Magazine* highlighted the Loop Arts Fest (June 21 thru June 23), noting that "one of St. Louis' most vibrant neighborhoods turns up the cultural volume with lots of live music, literary events, art exhibits, open mic poetry, gallery walks, cooking demos/tastings and the annual Chalk the Loop sidewalk chalk art event"; *Where* also featured Salt + Smoke's "to-die-for ribs," "down home sides," and "respectable wine list and many, many bourbons"; and the RFT's "2018 Best of St. Louis, Food and Drink" magazine included praise for Privado, Fork & Stix, Seoul Taco, Guerrilla Street Food, Blueberry Hill, and Mission Taco Joint.

E - 1 - 18



## MINUTES (May 8, 2018 West Loop SBD/East Loop CID Meeting)

### General Meeting Attendance

#### Board Member Attendees:

Cheryl Adelstein, Michael Alter, Kathy Caton, Joe Edwards, Ben Evans, Ryan Patterson, Jen Rieger, Tom Schmidt, Nakita Smith, and Nora Vandivort

#### Board Members Absent:

Mary Campbell, Aliah Holman, David Mastin, Steve Rotskoff, and Tameka Stigers

#### Guests:

Mary Adams, Syndi Berry, Gary Boehnke, Christopher Brown, Susan Colangelo, Steve Condrin, Cindy Deichmann, Norm Fran, Barbara Fraser, Mike Giger, Mary Gorman, Jeff Hales, Wendy Harris, Deb Henderson, Mike Hobbs, Rich Howard-Willms, Audrey Jones, Jillian Maassen, Eliza Mala, Kyla Poliard, Eleanor Ruder, Jose Ruiz, Paul Schoomer, Dan Wald, James Wang, Jeff WeIntrop, Alex Weir, Cassandra White, Mark Witzling, and Miriam Wiegand

### General Meeting Minutes

Joe Edwards called the meeting to order and, after introductions, opened the floor to announcements. The next general meeting will be held on Tuesday, July 10, 2018, at 9:00 a.m. (Blueberry Hill's Piano Room).

Loop events for June were discussed, including the Loop Arts Fest on June 21st - 23rd (including Make Music Day on June 21st) and the Juneteenth celebration

on June 16th. The Grand Opening of Artisans on the Loop, next to Componere, was also announced for June 22nd.

University City Mayor Terry Crow praised his recent dinnertime visit to The Loop and meetings with Loop business owners. Offering to assist The Loop however he can, Mayor Crow mentioned that the City Council has been heavily focused on the proposed Olive/I-170 redevelopment project, but stated that the Council would be spending more time on Loop issues soon. In other U City news, the City budget is in the process of being approved, at which time The Loop will know what funds will be available from the Economic Development Retail Sales Tax.

Mary Adams of the University City Chamber of Commerce further discussed June events on The Loop, including Arts Fest and Juneteenth. Mary also announced that she had resigned as the Director of the Chamber to pursue other business interests, and that the Chamber would soon be interviewing replacement candidates. On behalf of the Boards, Joe Edwards thanked Mary for her service to the Chamber.

Joe next mentioned that West Loop business owners have continued to discuss the possibility of organizing a Community Improvement District. With respect to the East Loop CID, Cheryl Adel-

stein reported that the selection of a new Executive Director had been narrowed to two candidates, and that a hiring decision was expected soon. Cheryl also noted that her own replacement at Washington University had been hired and would attend the next meeting of the Loop Boards. Later in the meeting, Cheryl gave an update on the replacement of the Forest Park Parkway pedestrian bridge, including the temporary closure of the Parkway for six days in mid-June. Cheryl also mentioned that groups of students would be frequenting The Loop as part of summer orientation, and mentioned the upcoming demolition of Wash U's building at Enright and Westgate.

Further updates from Joe included the opening of Taste of India at 608 Eastgate (the former Thai Pizza space) and Blue Box Pizza at 6394 Delmar (the former Doughocracy space), the Tuesday evening performances of the University City Summer Band, and the installation of holiday pole lights in the East Loop. There were no Treasurers' reports.

Joe made a last call for business information for the Official St. Louis Visitors' Guide and Loop brochures. Joe noted that The Loop was enticing businesses to join Explore St. Louis by paying half of the membership fee. Componere's Eleanor Ruder mentioned that an estimated half



## MINUTES (May 8, 2018 West Loop SBD/East Loop CID Meeting)

of the gallery's summer sales result from this marketing opportunity.

In Loop Trolley news, Joe reported that the Trolley District was continuing to wait for the FTA and MoDOT to approve the upcoming two-car start. The District expects to be able to announce the official start date soon.

In the Marketing update, Jen Rieger further discussed the Loop Arts Fest and Make Music Day, including culinary events at the Midtown Farmers' market and the Chalk the Loop event. Audrey Jones announced the winners of the 10th Annual Mannequins on The Loop event, and thanked business owners for their support.

In other Loop business, Jeff Weintrop announced the 32nd anniversary of The Silver Lady, and representatives of the Midtown Farmers' Market requested The Loop's support for the idea of putting a street banner across Delmar to advertise the market.

There being no further new or old business, the meeting was adjourned.

### SBD and CID Board Meeting

The hate speech group was further discussed, particularly the goal of scheduling a well-attended meeting with the City to discuss the ongoing concerns of Loop business owners.

The East Loop CID Executive Director position was discussed in further detail, including the upcoming interview process.

A brief discussion was held on trolley-related marketing efforts, with the CID to contribute approximately \$10,000 to initial marketing and the SBD to contribute additional funds. The initial grand opening ceremony will likely be held at Delmar Blvd. and Limit Ave., in the morning.

### **Board Meeting Minutes**

Chair Joe Edwards called the meeting to order. The request for Farmer's Market banner was discussed. The Board will support the request to hang a banner should the U City allow it.

Joe Edwards announced the winning bid for hanging new Holiday lights east of the Wabash station. The East CID has the budget for the project. No vote is needed.

Jen Rieger brought up interested publications asking The Loop to run ads. The group decided to wait until the new Executive Director is in place to plan any new comprehensive ad campaigns.

Cheryl Adelstein requested we invoice for Make Music day and Trolley promotion costs.

Nora discussed having music at the Chuck Berry Statue on Make Music day.

Mike and Mike (guests) discussed their idea for a Chuck Berry duck

walk across Melville Avenue.

Suggested Ideas Included:

- Installation of a painted sidewalk graphic encouraging people to Duck Walk across the street would be installed
- An audio clip incorporated into the walk/don't walk sign that plays "Johnny B. Goode" during the walk phase.
- The walk sign would be an image of Chuck doing the duck walk.
- A webcam would be installed outside Blueberry Hill
- A PR campaign would be encouraged to try to make the campaign viral

The group liked the idea. Tom Schmidt also suggested the walkway near the Chuck Berry statue. A trial run was suggested to test the popularity.

Joe will initiate the conversation with U City second ward council members.







# Newsletter

West Loop Special Business District & East Loop Community Improvement District

## SAVE THE DATE

- **August 14 - 9:00am - LOOP SBD-CID General Meeting**  
*Blueberry Hill's Piano Room, 6504 Delmar Blvd, St. Louis, MO 63130*  
Enjoy coffee with your neighbors and hear monthly updates about what's going on in The Loop.  
*Board Meetings to immediately follow in the Pac-Man Room.*

## THE LOOP IN THE NEWS

**The Top National Story** was Kate Silver's "Things to do in St. Louis" article, with The Loop highlighted as "one of my favorite spots to lose a day." Phoenix Rising was featured as selling "all the things you never needed, right in one place," with the piece noting that the shop is "surrounded by eclectic boutiques, so you can easily make it part of a larger shopping spree." The Moonrise Hotel and Rooftop Terrace Bar were highlighted as having "the world's largest man-made moon . . . smack-dab in the middle of the Delmar Loop action." Other Loop mentions included Fitz's Root Beer, Pin-Up Bowl, Mission Taco Joint, The Pageant, and Blueberry Hill. The piece was included in the *WashingtonPost.com* (43,925,810 monthly visitors with an advertising value of \$406,314, with print circulation of 313,156 copies for a value of \$282,783), *ChicagoTribune.com* (23,920,802 monthly visitors with an advertising value of \$221,267), and more.

**#2 National Story** is from *Shopping Centers Today's* article "Here comes the neighborhood: Retail helps revive struggling communities." The article cited The Loop as an example of a "once-downtrodden" neighborhood that has been rediscovered and revitalized "into a collection of boutiques, eateries and entertainment and cultural venues." Today, The Loop "is festooned with a thoughtfully curated collection of one-of-a-kind shops, art galleries, live music, movie theaters, cafés and other eating places, a luxury-hotel and the [Joe] Edwards-created St. Louis Walk of Fame."

**The Top Local Story** consisted of numerous TV mentions of The Loop's Art Fest weekend, which featured literary readings, "Make Music Day" concerts by professional and amateur local musicians, and the annual Chalk The Loop event.

**#2** was the Mannequins on the Loop art project, with *U. City News* covering the \$1,000 scholarship awarded to Brandi Redmond, a UCHS graduating senior planning to study art or a related field in a college or university. The project's creators, Audrey Jones and her mother Dorothy Davis, hope to present the scholarship annually, in addition to other cash prizes for the winning mannequin projects.

**#3** was the reporting by *Go! Magazine*, *Stimac.com*, *St. Louis Today*, and *STLamerican.com* on various Pageant shows, including Ashanti, Janelle Monae, and Nelly.

**#4** was coverage of Blueberry Hill, including its latest resident: the blue fiberglass rhinoceros that Joe Edwards purchased at the Tower Tee auction. Coverage also included shows at the Duck Room, and numerous TV mentions of the Blueberry Hill webcam.

**In other good Loop news**, *St. Louis Magazine's* "A" List Awards are out, with The Loop well represented. Privado won the award for Multicourse Dinner; W Karaoke Lounge took top honors in the karaoke category; the Street Food award went to Bing Bing; and Reader's Choice Awards for PI Pizzeria (pizza) and The Pageant (music venue). *The Times of Skinker DeBaliviere* reported on the Loop Trolley. *County Living Magazine* and *Ladue News* had articles on sculptor (and St. Louisan) Harry Weber, who was the creator of The Loop's Chuck Berry statue, among many others. *The St. Louis American* reported on the expansion of the Center of Creative Arts, allowing COCA to service about 20,000 more students and patrons. *Riverfront Times* reported on Blueberry Hill's and Peacock Loop Diner's participation in St. Louis Burger Week, and participation by HopCat St. Louis, Three Kings Public House, and Mission Taco Joint in STL Craft Beer Week. The Farmers Market at the "Historic Market in the Loop" is now in full swing through November 10, every Saturday from 9 a.m. to 1 p.m. And per *Riverfront Times*, Blue Box Pizza is now open in The Loop, featuring pizzas, sandwiches, wrap burritos, and salads.

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## MINUTES (May 8, 2018 West Loop SBD/East Loop CID Meeting)

### Attendance:

**Board Members:** Cheryl Adelstein, Kathy Caton, Joe Edwards, David Mastin, Ryan Patterson, Jen Rieger, Tom Schmidt, Nakita Smith, and Nora Vandivort

**Absent:** Michael Alter, Mary Campbell, Ben Evans, Aliah Holman, Steve Rotskoff, and Tameka Stigers

**Guests:** Syndi Berry, Gary Boehnke, Mike Giger, Wendy Harris, Mike Hartman, Mike Hobbs, Rich Howard-Willms, Audrey Jones, Jillian Maassen, Sharon Redinger, Jose Ruiz, Paul Schoomer, Suzanne Schoomer, Mack Witzling, and Miriam Wiegand

### General Meeting:

Joe Edwards called the meeting to order and, after introductions, opened the floor to announcements. The next general meeting will be held on Tuesday, August 14, at 9:00 a.m. (Blueberry Hill's Piano Room).

Joe mentioned the latest addition to Blueberry Hill, a blue rhinoceros purchased at the recent Tower Tee auction. Joe reported on his recent well-attended presentation to the Missouri Arts Council. Joe also mentioned the "Here comes the neighborhood" piece from *Shopping Centers Today*, which highlighted The Loop as an example of how small-

business retail can revive struggling communities. Joe asked Loop owners and tenants to consider keeping a light or two on in their businesses overnight, in order to make The Loop both more inviting and more secure.

For the West Loop update, Joe reminded everyone to obtain approval from the U City Arts & Letters Commission for any art-related projects. On the security front, Joe reported that he had made a formal complaint against the perceived hate speech group, which returned to The Loop on a recent Saturday after five weeks of absence. The complaint resulted in the group having to turn off their amplifier; ultimately, they were drowned out by a brass band playing at the Chuck Berry plaza.

In other West Loop news, Joe reported on the "Duck Walk" idea that was presented at the prior months' Board meeting. If approved by the City, the idea (which was well-received by the Boards), the crosswalk between Salt+Smoke and the Chuck Berry statue will be painted, with a live-feed cam transmitting video of people doing the "Chuck Berry duck walk." Joe recently met the Second Ward councilmembers, and they supported the idea. The hope is that the idea can be implemented quickly and relatively inexpensively.

With respect to the EDRST funding, the City Council approved \$702,000 for all of U City in this year's budget. However, the City Council withheld consideration on which projects would and would not be approved. The Loop is waiting to see what projects will be approved.

Joe reported that the most recent Loop brochures are coming out soon, and will be available at Componere Gallery and Moonrise Hotel. The new brochures will feature a blue "Loop" logo; old ones should be recycled once they come out. Joe reminded the group that The Loop is subsidizing half of the Explore St. Louis membership fee, for any businesses which are interested.

In East Loop news, Joe thanked Cheryl Adelstein for her contributions to The Loop and Washington University. Cheryl announced that the new East Loop Executive Director would begin on August 13th.

Joe asked businesses not to dump trash in the trash cans on the sidewalks; they should have their own dumpsters. Joe also reported on Juneteenth as a good, well-organized event, and Audrey Jones reported on the success of the Mannequins on the Loop project and the related scholarships and awards that were presented.

In the Treasurer's reports ~~For the~~ 23



## **MINUTES (May 8, 2018 West Loop SBD/East Loop CID Meeting)**

half of the West Loop, Tom Schmidt reported \$185,000 in the bank; Dave Mastin reported \$230,000 for the East Loop account. Fiscal years were closed out on June 30th.

In Wash U news, Cheryl noted that summer construction is underway for the University, with the recently-removed pedestrian bridge over Forest Park Parkway to be completed by mid-October. Cheryl then introduced her new replacement, JoAnna Schooler, who started July 8th. Cheryl will be here three more weeks and then Joanna will be fully transitioned over. Joanna spoke to the group and expressed her excitement at joining the team.

In marketing news, Jen Rieger reported that the Arts Festival was a success and raised close to \$500 for the Library. Jen also noted that The Loop will be starting a "First Friday" event, where retail businesses will stay open later than usual. An email was sent out and many people expressed interest; more details will follow. Jen also noted that The Loop's website has been moved to a better server.

In Kevin Barbeau's absence, Joe gave the trolley update. The FTA and MoDOT are still inspecting every aspect of the route. Joe reiterated the Thursday - Sunday "two-car" service schedule, with expanded service to begin once the third car is operational. A ceremony and grand opening will be

planned at Limit Avenue once the FTA and MoDOT have approved the start date. Pricing and safety on the trolley was discussed, as well as opportunities to volunteer as a trolley ambassador. Later in the meeting, Rich from Plowsharing mentioned an illegally parked car blocking the trolley during testing. He inquired as to protocol for these types of issues in the future, and Joe mentioned there is a protocol and a towing company (Hartmann) for these types of situations.

In other business, Miriam from Craft Alliance announced their student show, ending on August 12th. Mike Hartman from Hop Cat announced its grand opening on July 28th. An attendee made a suggestion to invite a police representative and council members to future Loop meetings.

There being no further new or old business, the meeting was adjourned.

### SBD and CID Board Meeting

Kathy Caton brought up getting digital parking meters in U City. Paul Schoomer mentioned that the funding might not have been there in the past. The Boards discussed researching the issue, including possible funding via EDRST funds. Nora Vandivort announced her resignation as a Board member.

Paul Schoomer mentioned that the foot traffic has changed and

some businesses are down for retail. Jen Rieger suggested a PR Campaign to promote retail in The Loop. Cheryl mentioned a "Visit the Loop" day with Wash U as a possible draw for local traffic and students. Jen Rieger will contact Marla about PR for "First Fridays" and get the event going with some advertisement. Michael further discussed additional PR uniting the trolley with a push to come shop and eat.

Dave Mastin mentioned that the new Executive Director starts in August. The Boards will want to meet with her and brief her on the current situation in The Loop. Cheryl recommended an extended Board meeting for the next meeting, including the new Executive Director.





# Newsletter

West Loop Special Business District & East Loop Community Improvement District

## SAVE THE DATE

- **September 11, 2018- 9:00am - LOOP SBD-CID General Meeting**  
*Blueberry Hill's Piano Room, 6504 Delmar Blvd, St. Louis, MO 63130*  
Enjoy coffee with your neighbors and hear monthly updates about what's going on in The Loop.  
*Board Meetings to immediately follow in the Pac-Man Room.*

## THE LOOP IN THE NEWS

**The Top National Story** was in the "Travel" section of *The Week*, which gave a glowing recommendation of The Loop to its national audience in a "Best of St. Louis" feature. "The Loop, a stretch of Delmar Boulevard and its side streets, is easily the city's most vibrant and eclectic neighborhood. In about two blocks, you can take a culinary trip around the world."

**#2 National Story** was "11 Things That Make St. Louis The True Gateway City", featured in the travel blog *Our Changing Lives: Visit Like a Local* (also highlighted in the *Weekly News from Explore St. Louis*). The "They Love Their Music Heritage" section highlighted Chuck Berry and Nelly, and recommended Blueberry Hill's food and "great selection of nostalgic memorabilia." In the "They Want More for Their City" section, the history of The Loop was highlighted, as was its recognition as one of the "Ten Great Streets in America." The Loop's "Walk of Fame," with over 140 separate plaques recognizing "the ties that many famous people have with St. Louis," was featured in the "Recognize Greatness in Others" section. And the "Are Hooked on Space" section mentioned not only the Moonrise Hotel, but The Loop's "signposts giving interesting perspective on all of the planets in the solar system."

**#3 National Story** is *Thrillist's* "The Best Things to Do in St. Louis When Someone Visits," with the author noting that "The Loop is easily the most vibrant and eclectic place in St. Louis I've ever been." Highlights included mentions for Meshuggah Café's "superb" coffee; a "culinary trip around the world" at Pi Pizzeria ("President Obama's favorite"), Mission Taco Joint, Thai Gay Yang Café, and Ranoush; the St. Louis Walk of Fame; and Vintage Vinyl ("named one of the top 10 record stores in the country by USA Today").

**#4 National Story** is Uproxx.com's "Absolute Best Burgers in Every Midwestern State," which chose only one burger in each state. Taking the top spot in Missouri, Blueberry Hill's burger is "about taking the classic components of a burger and executing them perfectly." Praising the "historical institution" as "one of the city's most important music venues," the article recommends: "Grab a beer or an old fashioned, put a Chuck Berry tune on the jukebox, and enjoy the best burger in Missouri."

**The Top Local Story** consisted of numerous TV and radio mentions of the ongoing safety testing for the Loop Trolley, garnering a Nielsen audience of 689,380 and publicity value of \$108,135.

**#2** was several television and newspaper features (including in *St. Louis Post-Dispatch* and *Riverfront Times*) on Joe Edwards' plans for a new Loop venture. "Magic Mini Golf" will be located in the 6100 block of Delmar, and will include a mini-golf course, Ferris wheel (from a prior Muni production), shuffleboard lanes, kitchen, bar, amusement games, and golf- and magic-related memorabilia. Magic Mini Golf is targeted to open in the fall of 2019.



#3, with a Nielsen audience of 252,122 and publicity value of \$16,908, was TV coverage of the honoring of Cedric the Entertainer with a star on the Hollywood Walk of Fame, which included multiple mentions of his star on the St. Louis Walk of Fame.

#4 was television and radio coverage announcing the opening of HopCat, featuring 80 Missouri craft beers and an extensive menu including "Crack Fries" ("so addictive they've earned a top-ten ranking from *Food Network Magazine*"). Explaining its move into St. Louis to *The Riverfront Times*, HopCat's vice president of marketing and communications noted that "The Loop is one of the best entertainment districts in St. Louis, if not America, because there's a great group of bars and an amazing diversity of retail." Eleven related spots on TV and radio earned a total Nielsen audience of 517,788 and publicity value of \$13,706.

#5 was television coverage (with a 72,442 Nielsen audience and \$3,375 publicity value) of The Loop's Back to School event, which included a scavenger hunt for school supplies.

In **Other Loop News**, the opening of Guerrilla Street Food's fourth location in The Loop was featured in *Town & Style*. *Riverfront Times* named Blueberry Hill as "where to find the best French fries in St. Louis." *St. Louis American* covered Janelle Monae's "masterful" show at The Pageant, and Amanda Seales' "Smart, Funny and Black" shows at Delmar Hall. Blueberry Hill (including Joe Edwards' 1964 red Chevy convertible) served as the backdrop for a dart room scene in the feature-length movie "No Good Heroes." The Blueberry Hill webcam was on several area TV shows, keeping St. Louis apprised of weather happenings in the Delmar area. *Shopping Centers Today* featured The Loop as one of five revitalizing projects helping to reshape neighborhoods in several cities across the country. The *Post-Dispatch's* "Business Digest" featured the hiring of Rachelle L'Ecuyer

## MINUTES (August 14, 2018 West Loop SBD/East Loop CID Meeting)

### Attendance:

**Board Members:** Michael Alter, Kathy Caton, Joe Edwards, Ben Evans, David Mastin, Ryan Patterson, Tom Schmidt, Nakita Smith, Tameka Stigers and Nora Vandivort **Absent:** Cheryl Adelstein, Mary Campbell, Aliah Holman, Jen Rieger, and Steve Rotskoff

**Guests:** Sydni Berry, Gary Boehnke, Paulette Carr, Steve Condrin, Tim Cusick, Cindy Deichmann, Norm Fran, Mike Giger, Wendy Harris, Mike Hartman, Carma Henderson, Deb Henderson, Mike Hobbs, Audrey Jones, Rachelle L'Ecuyer, Capt. F. Lemons, Jillian Maassen, Capt. Dana Morley, Ross Odenbreit, Sharon Redinger, William Tucker,

Dan Wald and Mark Witzling

### General Meeting:

Joe Edwards called the meeting to order and, after introductions, opened the floor to announcements. The next general meeting will be held on Tuesday, September 11, 2018, at 9:00 a.m. (Blueberry Hill's Piano Room).

Joe introduced Rachelle L'Ecuyer, The Loop's first-ever Executive Director, and announced a casual meet-and-greet following the meeting. Rachelle discussed her St. Louis upbringing, work as the community development director of Maplewood, and general thoughts on The Loop as "the most important boulevard in St. Louis."

Joe next noted that the new blue directory brochures for The Loop are available, and that older ones should be recycled. Joe discussed the repair and replacement of the illuminated directories, including the upgraded lighting (from fluorescent to LED). The "Chuck Berry Duck Walk" concept also was discussed. Joe has presented the concept and proposed design to the Arts and Letters Commission; the Commission did not have a quorum, but attending members were unanimously in favor of the concept. Joe also has met with the Second Ward council members regarding the project twice, and they have been supportive. The Loop currently is waiting on further information and cost bids - 27



from City Council.

Joe next opened the floor to the Second Ward council members, Paulette Carr and Tim Cusick. The Olive/170 Development project was discussed in detail, and the council members requested that The Loop provide a letter of support (the request was tabled in order for a Board meeting to be called to vote on the matter). Joe then gave a summary of the recent "Back to School" event in the East Loop. Though not widely attended, the hope is that the event will be more successful in the future with more advance marketing. Thanks to Ley Woods for chairing this new event.

In Washington University news, JoAnna Schooler reported that work continues on the Forest Park Parkway pedestrian bridge, with an end-of-October target completion date. On September 2nd, a "Day in The Loop" event will be held for students, in coordination with Loop businesses. A shuttle will transport students to and from campus.

In the Treasurers' Reports, Dave Mastin (on behalf of the East Loop CID) reported approximately \$220,000 in the bank. Joe (on behalf of the West Loop SBD, in Tom Schmidt's absence) reported that the SBD had funds in the bank. Joe next thanked the three University City police officers in attendance for a peaceful summer, with one of the officers stating their goal of making sure everyone enjoys The Loop and stays

safe.

Joe next reported that Explore St. Louis' partnership drive has wrapped up. The Loop's almost 70 business memberships will result in greater influence and editorial exposure for The Loop in the Official Visitors' Guide.

On the Loop Trolley front, Joe reported that the FTA gave approval for the commencement of final pre-revenue operations testing on August 1st. Once final testing is completed, the FTA and MoDOT will give approximately four weeks' notice of when revenue operations can commence, at which time an opening ceremony will be held. Joe reiterated the opening two-car schedule and fare structure. Paulette Carr noted an issue with Lime bike tires possibly getting stuck in the trolley tracks, and mentioned that Kevin Barbeau would need to look into the issue. Increased parking enforcement also was discussed as trolley operations get under way.

After presenting the Loop in the News, Joe opened the floor to other old and new business. Deb Henderson announced the Midtown Farmers' Market event on September 1st, featuring Guerrilla Street Food. On October 20th, the Market's 3rd annual cook-off event will be held. Finally, an announcement was made regarding Craft Alliance's next reception on August 24th, which is the 10th anniversary of the artists and residents program.

### SBD and CID Board Meeting

In lieu of a monthly board meeting, a meet-and-greet was held for Rachelle L'Ecuyer, the newly-hired Executive Director of The Loop. A special meeting of the West Loop SBD was held on September 20th, at which the board unanimously voted to send a letter of support to City Council regarding the proposed Olive/170 Development project.



**UNIVERSITY CITY COUNCIL  
STUDY SESSION  
5th Floor of City Hall  
6801 Delmar  
November 13, 2018**

**1. MEETING CALLED TO ORDER**

The City Council Study Session was held in the Council Chambers on the fifth floor of City Hall, on Tuesday, November 13, 2018. Mayor Crow called the Study Session to order at 6:30 p.m.

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

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

Also in attendance was City Manager, Gregory Rose, and City Attorney, John F. Mulligan Jr.

**2. WASHINGTON UNIVERSITY - (2015 ADVISORY BOARD REPORT)**

*Requested by the Mayor and Council*

To tee-up this discussion, Mayor Crow stated there are times in a relationship when adjustments may be necessary. Wash U takes up a great deal of time for members of Council in the 1st and 2nd Wards. And over the past few years, it has become apparent to every member of this Council that the number of calls received regarding construction, parking, variance requests, code violations, and the number of dispatches for police and fire from non-taxpaying residents, have increased. Every now and then, you just get tired. And while there are certainly some fiscal concerns, he thinks fatigue may be a major part of what Council is finally starting to experience.

He stated Wash U is a good neighbor that is integral to the fabric of this community. So this should not be considered a session to simply air grievances but rather, to discuss how U City and Wash U can become better neighbors. Mayor Crow stated his hope is that the Task Force Report and Recommendations before Council will frame a part of tonight's discussion and give Council a pathway forward.

Mayor Crow thanked everyone in attendance and reminded those in the audience that the agenda for Study Sessions is not designed to allow for public comments.

Councilmember Cusick stated tonight's Study Session represents the continuation of a process that began in July 2015, when the U City/Wash U Task Force submitted their final report to Council. This a comprehensive report, spanning 62 pages that addresses some very important issues. Wash U owned property in U City is, for the most part, tax-exempt, and the monetary losses from these tax-exempt properties place an undue burden on taxpayers who are ultimately, underwriting the education of Wash U students.

**Question:**

1. What impact does Wash U students and Wash U owned properties have on U City in general, and specifically, its ability to provide essential services to its residents?

**Recommendations:**

1. Impact Study. Mr. Rose has made a strong case for the necessity of an Impact Study and Wash U has agreed to pay 50 percent of the cost. Therefore, he would suggest that Council allow Mr. Rose to proceed based on the following criteria:
  - *That the consultant has experience in conducting impact studies that specifically investigate the relationship between a substantial not-for-profit entity and the potential impact it can have on the municipal area in which it operates.*
  - *That Council be provided with an overview of the consultant's background, to include examples of the work previously performed.*
  - *That the consultant be independent of Wash U.*
  - *That the consultant be provided with a copy of the U City/Wash U Task Force Report to be used as the basis for their study.*
  - *That the consultant be charged with reviewing all questions posed in the original report, as well as those identified by Council.*
  - *That the consultant be made aware of their responsibility to advise U City about any and all issues impacting the City that may not have been previously disclosed.*
  - *That the Impact Study be completed within 90 days.*
2. The formation of a Task Force or Standing Committee to review and make recommendations regarding the results of the Impact Study.
3. That Council immediately begins to examine the following issues for which they have direct control over:
  - *City Codes*
  - *The enforcement of City Codes*
  - *Zoning Ordinances*
  - *Parking & Occupancy Permits*
4. The Privileged License Tax. Although not-for-profit organizations are eligible for exemption from a number of taxes municipalities are authorized to levy, one exception is the Privileged License Tax. This is an excess tax levied on the privilege of conducting a particular trade or business.
  - *Council should explore the feasibility of creating a new Privileged License Tax category for specific not-for-profit activities, and the possibility of levying existing taxes based on quasi-commercial activities similar to those paid by for-profit entities.*
5. Reassessment of the Parkview Garden Neighborhood Sustainable Development Plan.
6. Review by City Attorney. Council is encouraged to submit pertinent questions to Mr. Mulligan via the City Manager in order to obtain his legal opinion on issues associated with this matter.

While Council is exploring these options and to avoid any contractual or inappropriate consequences, Councilmember Cusick respectfully requested that the City Attorney only provide legal advice or opinions in a closed session, whenever such advice is deemed necessary. He stated his belief is that this issue warrants further discussions during the course of the Impact Study, and therefore, would welcome any questions or comments from his colleagues.

Councilmember Carr stated she has been married almost 42 years and she can recall that the first time she sought out a marriage counselor she said, *"My husband needs to change"*. And the counselor's response was, *"You cannot change him, you can only change yourself. And if you can do that, then he might be willing to change, too."* And that is the same position she believes U City is in now. If this City can change its behaviors, more than likely, it will find itself in a happier relationship with Wash U.

Recently, at the request of Wash U, the City changed its Code to accommodate the COCA parking lot; even though it was roughly only one-third of the parking that should have been provided. So enforcement of the City's existing codes is paramount not only to parking but to occupancy as well.

1. Should some of the buildings occupied by Wash U be classified as an apartment or a dormitory?
2. Does the City's Code provide a classification for dormitories?
3. If so, what does it entail with respect to fees and inspections?
4. Are there instances where more than three unrelated people reside in the same residence?

Councilmember Carr stated it is a foregone conclusion that U City is the bedroom for Wash U, and as such, they should be regulated in the same manner this City regulates its residents who pay taxes.

People have asked, *"What do you think Wash U is going to be doing in the next ten or twenty years?"* And what she can tell them for certain is that what they are going to be doing is laid out in the Parkview Gardens Plan. Councilmember Carr stated despite the fact that the recent changes to adjacent areas may not permit Wash U to execute their plan to turn roughly one-third of Ward 2 into a private, residential enclave, Vernon will become a thoroughfare. And that is something this administration needs to take a look at. There is also a need to look at this plan in terms of what Wash U has planned for U City and the City of St. Louis. Councilmember Carr stated she has been told that should Wash U give consideration to the implementation of a pilot program, that program would have to be implemented in all three municipalities in which they are located. That information begged an inquiry into exactly what Wash U does for all three municipalities?

- U City gets \$90,000, plus the proceeds from various parking meters, which totals approximately \$114,000.
- Clayton, who maintains the unincorporated areas of their main campus, gets roughly \$300,000 for providing services associated with Fire and EMS.
- St. Louis City gets an earnings tax. As a Class A City, everyone who works or lives in the City pays 1% of their income to an earnings tax.

Councilmember Carr stated she provided two articles for her colleague's review. The first article, which states, *"Wash U chips in to protect the City's Earnings,"* was published in 2010. It goes on to state that, *"Many, but not all, Wash U employees pay the earnings tax. While the main campus straddles the City line, some of the University's highest-paid employees; the doctors and medical school staff, work in the Central West End. What's Washington U's stake in the earnings tax debate? If the earnings tax is repealed City Hall may have to look for other ways to recoup the revenue, such as asking tax-exempt institutions like Wash U for some type of payment in lieu of taxes."* So just by virtue of the fact that Wash U employs many people within the City, the City of St. Louis make a substantial amount of revenue. And that does not include the Cortex investments or the East Loop; which is one of the larger TIF areas.

The second article gives her, as well as others inspiration; *"Clayton Officials Reject Wash U's Plan for More Beds"*. It was very simple for them; if you do not provide the requisite parking, you may not increase the number of beds. However, this also begs the question of why U City has not taken this same stance?

E - 2 - 3

Councilmember Carr stated, in this case, Wash U brought their bedrooms to U City; not incubators or businesses, so it's time for us to consider what we need from them. She thinks U City's work should evolve around enforcing the code, making sure the code adequately covers existing issues and gaining a better understanding of what this future relationship should be. And while that might be a difficult thing to do, she is convinced that more property will be acquired. In fact, an Alderman in the City is starting to complain because the properties being acquired by Wash U are some of their more valuable properties. Well, U City has some pretty valuable properties too, and these are the types of things that must be considered going forward. When you take valuable properties off the tax rolls more and more of the people with the least ability to pay will continue to subsidize essential services simply because of these not-for-profits who make minimal contributions and huge demands.

Mayor Crow made the following observations:

- Some of the recommendations made by Councilmember Cusick may fall more within the purview of the City Manager rather than Council;
- A 90-day deadline on an issue of this magnitude may not be sufficient;
- Having a shared investment in this study is good because it is likely that neither party is going to be totally satisfied with the outcome, and
- While the report prepared by the citizen-led Task Force should be made available to the consultant, it should be offered as more of an overview, rather than a baseline.

Mayor Crow stated he is in total agreement with Councilmember Carr's comments regarding the need to uniformly enforce the City codes. Over the years, numerous requests for exemptions have been made, however, at this point in time; he believes Wash U knows that such approvals may not be granted as often as they have in the past.

His belief is that this study will present this administration with an opportunity to establish a more balanced relationship, as well as a partnership, that can be optimized in a way to help the City achieve some of its major goals; like the Olive/170 Redevelopment Project. It's no secret that the 10 million dollars to secure housing in the 3rd Ward, and the 5 million dollars to support businesses along Olive, is not enough to accomplish everything this administration would like to see happen, so there is a need to develop new tactics that will enable us to leverage these dollars even further.

For example; Ackert Walkway is utilized more by Wash U students than it is by the City's taxpayers. So moving forward, there should be a clearer vision of cost-sharing for some of the City's public works projects that benefit Wash U. Mayor Crow stated this simply requires a change in our thought process. And as this administration strives to peel back this onion; with guidance from the Impact Study, he believes it will reveal an abundance of unique pathways and ideas that will assist the City in accomplishing its goals in a more efficient manner.

Councilmember Clay stated coming in with somewhat fresh eyes, he would certainly like to acknowledge the work performed by Councilmember Carr and others because as the Mayor has indicated, neither party is going anywhere. So this is definitely a relationship U City must learn how to creatively embrace. However, based on conversations with his constituents and fellow Councilmembers, it seems like there are two issues; one tactical and the other strategic.

Tactical being the everyday, nagging types of issues, like parking and the endless construction projects. And while both he and Councilman Smotherson do not necessarily bear the brunt of these issues, as a part of this community they certainly feel everyone's pain. But from his perspective, part of the solution revolves around how U City should address these everyday kinds of living/working issues?

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And then, to the strategic theme; how do we craft and ask? Councilmember Clay stated although he may have missed something while reading the report and other documents, it appears as though U City has never come forth with and ask, i.e., here is what we want? Perhaps, this will be the fruit of the consultant's process, but he thinks it is the one thing needed at a strategic level that seems to have been omitted.

Councilmember McMahon stated although he agrees with Councilmember Carr's proposition about the need to look inward at what this administration can do on its own, he does not necessarily view this as an issue associated with U City's affiliation with Wash U. It's merely something this City should have been doing all along. There is a standard process that should be carried out uniformly for both residents and Wash U students, and if these rules are not being enforced then why do we even have them? Councilmember McMahon stated as U City moves forward with its plans for redevelopment, these past practices could present a major problem when a new organization comes in looking for special considerations. It's a fairness issue that needs to be addressed, so it's imperative that we get our house in order; even if it impacts Wash U.

Councilmember McMahon stated once this administration reaches a specific point in the internal process, staff may need to reach out to Wash U for support to help them identify which students are on a lease at the home where a resident reports seeing five cars parked in front and eight people walking out every morning with backpacks. So, there will be many asks; some small, some big, but that's the kind of thing a neighbor can ask another neighbor to do once a continuous dialogue has been established that allows them to work together.

Councilmember McMahon stated he is also in favor of the Impact Study and believes that the City Manager should be allowed to pick and choose those recommendations he believes are relevant.

Councilmember Smotherson acknowledged that the 3rd Ward's perspective on Wash U's impact was somewhat different. He stated he has always believed that Wash U's discretion to reveal their future plans was only problematic because U City did not have a plan. And that if and when a plan was developed that conflicts with their plans, there is no doubt in his mind that Wash U would be more than willing to come to the table. So perhaps, a part of the plan this Council is starting to put into operation with respect to the redevelopment of Olive should be to reach out to other universities, like St. Louis U, or UMSL, who also have a number of Asian students.

Wash U also has a housing program where they offer financial incentives to its employees who purchase a home in the 3rd Ward. Councilmember Smotherson stated he believes the main reason for this program is that unlike some of the unprotected neighboring communities U City has well-established Police and Fire Departments. Therefore, public safety is another area where the City should begin to look at cost-sharing.

Councilmember Hales stated he is very much in agreement with Councilmember Smotherson's comments regarding public safety. However, he's also been very clear about the fact that the most prevalent issue brought before the Traffic Commission, year after year, has been parking. As a result, a number of long-invested constituents from the 1st Ward have expressed frustration over the profound changes in the character of their neighborhood. Many of which now have multi-family buildings housing two or three people, with perhaps, two or three cars per unit. So, on a six-family unit that could be roughly fifteen cars for a building that was built to only accommodate six. Councilmember Hales stated with the growth of Wash U that is to be somewhat expected, however, one of the things they could assist the City with is help in determining how many vehicles and students/employees are coming into our neighborhoods.

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Councilmember Hales stated for him, the starting point with respect to addressing enforcement of the zoning codes is to look at what currently exists, in order to determine exactly what the next steps should be. And somewhere down the line, he would like clarity on whether there are any sections in the code that address dormitories; how they are defined, and the number that currently exists in residential neighborhoods.

Councilmember Carr stated she would like to acknowledge that two members of the original Task Force are present tonight; Christine Albinson and Todd Swanstrom. She then asked Councilmember Smotherson if he was aware of how many of these subsidized Wash U employees actually live in the 3rd Ward? Councilmember Smotherson stated that he did not have that information.

Councilmember Carr stated in 2012 when she asked the Director of Community Development if they could put together a map and list of Wash U properties, their response was to look it up on the County rolls. And that lack of simple cooperation seems to have set the tone, irregardless of the fact that she often hears how much Wash U does for U City. But the truth of the matter is some people do things altruistically, while others do things for their own self-interest. And when you look at the sculptures in the park established 30 years ago; a venue for Wash U students that this City pays for, Wash U kicked in \$400.00. They support our schools, but they also benefit from the laboratory established for Wash U students. And as clearly described in the Subcommittee 3 Report, the Parkview Gardens Plan does not necessarily involve U City. So in her opinion, this relationship is not only unbalanced, but when you look at the scale of altruistic versus self-interest, it appears to fall much closer to self-interest on the part of Wash U. And while the Subcommittee 3 Report proposes road paving, negotiated service fees, and assistance to the school district as the types of assistance Wash U could provide, there are certainly other things that can be done. Councilmember Carr stated none of this is new. So when the question was raised about strategy, the answer is yes, there have been asks. She has repeatedly asked about issues related to parking, and yet, the parking requirements for Parkview Gardens were nearly cut in half of what it was. And Wash U students now elect to park on the City's streets and lots designed for commercial activity; for weeks at a time, rather than pay the high cost of parking on Wash U's lots. So yes, there have been asks, the problem is that they may not have been organized.

Councilmember Carr stated things have really changed since last year's election and this is a completely different environment where everyone manages to work together even when there are differences of opinions. But prior to April, that was not the case and things happened that some members of Council were not aware of.

When Wash U built lofts in Ward 2, two segments of the building were commercial or mixed-use, because the parking demands for a commercial property were less stringent than those for residential. The vast majority of the lofts were located in St. Louis City, but U City had one small section; the Peacock Cafe. The agreement was that Wash U would pay taxes on the commercial portion of the lofts; however, what she found out two years after it was built was that St. Louis City had been receiving \$60,000 a year, while U City received nothing. This is a perfect example of where U City should have approached Wash U to make certain they had a clear understanding of their responsibility to work with the County Assessor to ensure this agreement was carried out.

In the end, it is this administration's responsibility to develop a comprehensive approach. And while this report certainly lays out a fairly comprehensive plan, her wish list might include jobs, an incubator, training; which is definitely in their wheelhouse, or even the formation of scholarships; things that make Wash U look great, while yielding significant benefits to this community. Councilmember Carr stated her end goal is to change this from a parasitic relationship to a symbiotic relationship where both parties benefit.

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She stated this is the best report that has ever been produced in U City, and she would like to see the fruits of this labor incorporated into everyone's end goal.

Councilmember Hales stated something of real concern that should become a part of the dialogue going forward, is Wash U's anticipated future needs with respect to additional buildings/housing, or whether they are still content with the proposed Parkview Gardens Plan.

Councilmember Clay stated he likes the way Councilmember Carr has framed things in terms of a comprehensive ask. Because outside of these confines each of us are just individual members of Council kind of doing their own thing, and that seems to be the way Wash U has made outreach to all of us. But when we unite and speak as a Council, that's when we have real power and accountability attached to our message. So, his hope is that within this process Council will undertake Councilmember Carr's suggestion of a comprehensive ask in whatever form everyone agrees is necessary because that's certainly what Wash U is going to do. They are very clear about their intentions and unless there is a compelling argument he does not think they will deviate from those objectives. Now, while that's not necessarily a good or bad thing, it simply is what it is. So we need to be similarly resolute, which will only happen if we act collectively.

Councilmember Carr stated the one thing she has been talking around, is the fact that U City prides itself on delivering, maintaining, and hopefully, improving the essential services it provides to residents. And as more and more properties are taken off of the tax roll it is becoming even more difficult for homeowners and property owners to pick up the extra monies needed to retain these services. Some residents already have to choose between flood insurance and food on their table. And if their house is in a floodplain the wealth they once had, is now frozen because they can't even sell it. Councilmember Carr stated it's also difficult to ask for a tax increase because U City taxes are already so high. And when people find out that the school district receives roughly 69% of their tax dollars not only are they shocked, but it becomes even more arduous for the District to get what they need; let alone the City, who only gets about 8.8 % in taxes. So the burden really has been shifted to the taxpayer.

Councilmember Carr stated she is simply not happy with continuing to pick up the tab or as Councilmember Cusick put it, "*Underwriting students' education*". And while her hope is that this Impact Study will provide a clear direction for the type of relief needed, at some point, Council will have to take this into account and make a decision about what lens Wash U's tax-exempt properties should be viewed through.

Councilmember Carr stated another thing this Council should be made aware of, is that on several occasions she's been informed that Wash U has put some of their properties on the tax rolls. Primarily, this action appears to be the result of renovations made to a property and Wash U's desire to acquire historic tax credits. But in order to meet the necessary requirements, those properties must remain on the tax roll for six and a half years. She stated while it's a relatively small number of properties compared to their total holdings, it raises the question once again, of whether this is truly a shared benefit because unlike the City of St. Louis, U City does not receive earnings taxes.

Councilmember Cusick asked Councilmember Clay if one of his comments was that U City already knows what Wash U's plans are? Councilmember Clay stated his comment was he is quite certain that Wash U knows what their plans are and that they are going to be resolute in carrying them out to fruition.

Councilmember Cusick stated this Council lacks any insight into what Wash U's vision is for U City, but it's certainly something they need to know. He stated from his perspective, the Impact Study is the pinnacle because as Councilmember Carr alluded to U City must continue to provide essential services to this community and the loss of those tax dollars from Wash U properties makes that very challenging. So he also hopes that the study will shed some light on Wash U's impact and demonstrate exactly what it is costing U City annually, in real dollars.

Mr. Rose highlighted what he perceived to be the next steps in this process:

1. The drafting of a letter from the Mayor and approved by Council, to be officially submitted to Wash U seeking their participation on the newly created Task Force and consent to share the cost of conducting the Impact Analysis Study.
2. Formulating the scope of work. Mr. Rose stated this step may require further deliberation since there appears to be an interest in delaying the creation of a Task Force. Typically, this process requires participation from staff, the Task Force, and Wash U. However, an alternative could be for staff to simply work with representatives from Wash U to ensure they have been given an opportunity to provide input into the process.
3. The RFQ. Mr. Rose stated since he is not aware of any companies in MO with the expertise needed to perform this type of an analysis, he would propose to issue an RFQ with a two-week submittal deadline.
4. An updated version of the data collected in the July 2015 Report to Council, to be provided by the consultant selected to perform the analysis.
5. Task Force Objectives. Once the Task Force is created their goal shall be to review the Impact Study and identify whether there are any negative fiscal impacts associated with Wash U. If fiscal impacts are identified, the Task Force shall make a recommendation to Council on how those impacts can be mitigated. If no fiscal impacts are identified, the Task Force shall make a recommendation to Council on areas where the University and City can create partnerships; i.e., safety, infrastructure, and economic development. All of these areas are important to the City and represent a mutual interest for the University.

Mr. Rose stated what tends to happen after great ideas are brought forth is a failure to execute. So, once the recommendations are presented to Council he would like to see at least a fraction of the Task Force remain intact for a period of time to make certain these recommendations are carried out.

Councilmember Carr asked Mr. Rose if a part of the process was for the Task Force to assist staff and Wash U in defining the scope of work for the consultant? Mr. Rose stated that is correct. Councilmember Carr stated she can recall appointing a Task Force where they were given six months to complete the project, and it took them over a year to get it done. So, has a timeframe been established for completing this work? Mr. Rose stated based on his experience, it has never taken more than 30 or 60 days to establish the scope of work. And since so much work has already been performed there should already be a general idea of what it is they need to look for, which means that it should fall within the 30-day timeframe.

Councilmember Carr asked Mr. Rose, (1) how he would determine which members should remain on the Task Force, and (2), how he planned to achieve compliance on the recommendations? Mr. Rose stated while the definitive answers to these questions would have to be flushed out moving forward, he thinks the compliance component will depend on what type of recommendations are made; which in part, might also determine who remains on the Task Force should Council even decide that one is needed.

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He stated the other advantage of having a Task Force is to address issues that might emerge throughout the year. Having a group readily available to assist staff with vetting issues that might arise, and perhaps in doing so, create an extra layer of communication, would help to eliminate last-minute surprises.

Councilmember Carr stated part of that element of surprise comes from the withholding of information, not because we've gone to sleep and then suddenly wake up and notice something has changed. She stated she does not necessarily believe in having multiple layers within an organization. U City already has twenty Boards and Commissions and it sounds like some of the things that might need to be looked at would fall within the purview of one or two of those Commissions. So based on those grounds, she does not understand the uniqueness or the end game of this Task Force. Mr. Rose stated while it's merely a suggestion, what he is trying to achieve is an upward flow of communication, so that instead of always reacting to a situation, they can improve outcomes and realize greater success.

Councilmember Cusick stated he would have to agree with Councilmember Carr since he is also concerned about the time all of this will take; the City already has a very comprehensive study, and this is something Council and staff, need to move quickly on. So perhaps, there is another way to develop the scope of work because he does not see the benefit of creating a Task Force.

Mayor Crow stated this is where he would disagree; time is not of the essence because this is a marathon. This report has been out for some time and it is through no fault of any member of Council sitting here that this report got put into a desk. But now that it's been brought back, the process needs to be handled the right way, and means getting buy-in from the community and Wash U. And if some of his colleagues believe that a Task Force is not necessary, then the burden is going to be shifted to this Council to do an awful lot of this work. And quite frankly, he does not think Council is the right group of individuals to perform these tasks.

Mayor Crow stated he has been on Council for ten years and this is the first time there has ever been a substantive conversation about this relationship. So while he would commend everyone for the professional and respectful manner in which this has been handled, and he does not want to do anything that would unnecessarily extend this process out even further, he is not in a rush. Mayor Crow stated he believes the contents of the 2015 Report need to be refreshed, and that a group other than Council be appointed to help move this forward and make sure this administration gets the ask right. The best way to move forward with Wash U is to very methodically think this thing through. So he hopes this body will allow the City Manager to move forward in the manner outlined, and at a pace, he is comfortable with.

Councilmember Hales stated although the City has a relatively new Zoning Commissioner and he is aware that this Department has been very taxed with a lot of issues, he thinks there would be some value in reviewing page 34 of Subcommittee 3. He stated he would agree that this is a marathon and that he has been thoroughly impressed with the new Commissioner. So he would be interested to hear his thoughts about this section which addresses what the City's codes are and whether they are being enforced based on the intent of the codes and ordinances established to address some of these issues.

Councilmember Carr stated she believes Council can both walk and chew gum at the same time. So while the City Manager is looking at creating a Task Force and the Impact Study, Council should be looking at compliance and zoning.

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She stated she is not willing to take anything off the table because whatever it takes to get this City to its end goal is exactly where she needs to be. However, she does think time is of the essence because here we are eleven years later trying to manage a vastly different game. And if this administration had been paying attention in 2007, they might have been able to make some different moves.

Councilmember Carr stated she is also not willing to write this report off because there were some very talented and highly educated people; like Todd Swanstrom, one of the leading public policy professionals in St. Louis, who brought a great deal of expertise, experience, and their time to the table. Therefore, she would like to thank this committee for giving Council something substantive to think about.

Mayor Crow stated he thinks in this particular instance, when you're using the pronoun "we," the third-person or outside group you're referring to needs to be clearly defined because if you're talking about the Department of Community Development; which is responsible for various aspects of zoning, you've got an understaffed area that's working on a lot of other projects. Mayor Crow stated he understands that this administration may be coming to a point where the rubber meets the road, and while most people can certainly walk and chew gum at the same time, a lot of staff members may say that their plates are already full. So, at some point, this Council needs to examine its use of "we" and give serious strategic consideration to exactly how "we" can move forward with some of these projects.

Mr. Rose stated if Council views this as being one of its highest priorities, then most likely, he will need to make some modifications to the approved Work Plan by pushing some of the planning and development projects scheduled for this year to the following year. He acknowledged that staffing was in fact, very lean throughout the entire organization; however, he would be willing to take a look at the Work Plan and present some recommendations to Council.

Councilmember Carr stated she certainly understands that staff is lean, but her comments were based on her knowledge of some people that have the time and motivation to dig into the zoning aspects of this project. She stated she's not afraid to put another thing on her plate and knows there are others that feel the same way. So no, she is not waiting for staff to do it, simply because she's never really had the opportunity to do that.

Mr. Rose stated his comments regarding the need to make modifications to the Work Plan were premised on the capacity to postpone projects that have not been initiated. For instance, the visioning process and update of the comprehensive plan will take a great deal of time to complete and may encompass the need to update the City's Zoning Codes. So what he will likely recommend is that they both be pushed back to next year in order to focus on this issue which seems to have a higher priority.

Mayor Crow asked Mr. Rose if would clarify what he believes would be the next steps for this body? Mr. Rose stated if Council is in agreement, staff will move forward with drafting the letter to Wash U, which will then be placed on the consent agenda for final approval prior to its delivery.

Mr. Rose stated he could move forward with developing the scope of work, although he still believes it will be important to work with the Task Force; even if it's only for a finite amount of time, to resolve its accuracy. Therefore, he would ask that Council give strong consideration to moving forward with the appointment of a Task Force. Mr. Rose stated he

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also believes that bringing Wash U in at the beginning of this process and gaining their input is a good way to start.

During this process, Councilmember Cusick questioned whether the Zoning Codes or any related questions from Council could be submitted to Mr. Mulligan via the City Manager, for his review and determination on whether any changes are needed? Or perhaps, even an outside counsel could be utilized to perform this task if Mr. Mulligan does not have the time to conduct such an exhaustive review.

Councilmember Carr stated at this point, she thinks the first step would be for Council to establish a subcommittee to review some of the day-to-day zoning issues they've been made aware of, and then submit any questions that arise during that review to the City Attorney. She stated while she is willing to step back and take the position of allowing time for the creation of a Task Force and Impact Study, she is unwilling to sit back and wait to address some of the current issues associated with the City's zoning and enforcement policies.

Mayor Crow stated he possesses the same passion that all of his colleagues have when it comes to this issue, but at this point, he would ask Council to take a short pause and carefully think all of this through. If there is a need for staff to modify the Work Plan in order to effectively address this issue, then that's what should be done prior to placing any other demands on staff. He also thinks it is important for this City to enforce its existing codes. So he would like to hear Council's thoughts with respect to Councilmember Carr's suggestion to create a subcommittee, along with ideas about a timeline, its purpose, and potential members.

Councilmember McMahon stated while he would also agree that this is a marathon, he thinks it should be executed with deliberate speed to ensure this process continues in the right direction. And although he does not have a problem with the suggestion of a subcommittee, he believes that Council would be jumping the gun if it passed this along to the City Attorney. He stated it is Council's responsibility to identify the City's policy considerations evidenced within the Ordinances; determine how they are impacting residents; whether they need to be changed, and then make the policy decisions necessary to rectify or mitigate those problems; which at that point, will probably require the assistance of counsel.

Councilmember Clay asked if the subcommittee would be charged with taking a comprehensive look at the City's Zoning Ordinances or only those policies germane to Wash U?

Councilmember Carr stated her vision is that the subcommittee would consider things like parking within the Parkview Gardens Plan; identifying a clear definition for dormitories and their impact on neighborhoods; how this City can continue to absorb the sheer number of properties taken off of its tax roll, and their impact, if any, on the Zoning Codes. These are the kinds of things she would like the subcommittee to discuss and bring back to Council as a whole, prior to addressing any legal issues that ultimately may have to be resolved by the City Attorney. So their charge will not include a broad overhaul of the codes, which in her opinion, resides with staff, the Plan Commission, and others.

Councilmember Hales stated he actually thinks that the subcommittee makes sense because he has spent an inordinate amount of time looking at the Zoning Codes and trying to understand them in the context of the complaints received from constituents; particularly as it relates to Wash U. However, in his opinion, this process should initiate with the City Manager who can address questions and lay out specific sections of the code related to zoning for the subcommittee to explore in a more in-depth fashion.

Mr. Rose stated his recommendation would be more along the lines of what Councilmember Hales has articulated. Because he thinks the most efficient way to initiate this process would be to present staff with any questions or issues of concern regarding the code and let them conduct a preliminary analysis that would then be forwarded to Council. And after reviewing that analysis Council could make a determination about what type of subcommittee would be appropriate.

Councilmember Carr stated these recommendations put a lot of additional work on the City Manager and she has already identified three specific areas that need to be reviewed. So at this point, she is not willing to give this away or postpone taking any action for six months to a year. Councilmember Carr stated the fact that she is 70-years old and watching one of her good friends die, has made a huge impact on how she views the importance of getting things done. So she can readily admit that she probably has a bigger push than most of her colleagues who are half her age. Consequently, she would like to see several members of Council get together and initiate discussions; much like what occurred with Council's Rules, and if the City Manager would like to participate on the subcommittee he is certainly welcome to do so.

Mayor Crow noted that the Rules Subcommittee was created by the Mayor, and comprised of the Mayor and three members of Council. So in order to move forward, his question is whether everyone would be comfortable with the selection of one Councilmember from each Ward participating on the subcommittee? (*Mayor Crow acknowledged Council's consensus.*) He stated in the meantime, he and the City Manager will work on drafting the letter to Wash U, with a goal of rotating it out to every member for review, prior to putting it on the Consent Agenda.

Hearing no further discussions, Mayor Crow stated that he would like to entertain a motion to adjourn the Study Session.

Councilmember Hales moved to adjourn, seconded by Councilmember Clay and the motion carried unanimously.

### 3. **ADJOURNMENT**

Mayor Crow adjourned the City Council Study Session at 7:56 p.m.

LaRette Reese  
City Clerk

**UNIVERSITY CITY COUNCIL  
STUDY SESSION  
5th Floor of City Hall  
6801 Delmar  
November 26, 2018  
5:30 p.m.**

**MEETING CALLED TO ORDER**

The City Council Study Session was held in Council Chambers on the fifth floor of City Hall, on Monday, November 26, 2018. Mayor Crow called the Study Session to order at 5:30 p.m. In addition to the Mayor, the following members of Council were present:

Councilmember Stacy Clay  
Councilmember Paulette Carr  
Councilmember Steven McMahon (*arrived 5:32*)  
Councilmember Jeff Hales  
Councilmember Tim Cusick  
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr.

Hearing no requests to amend the Agenda, Mayor Crow proceeded to turn the meeting over to Mr. Rose for discussion around the Legislative Platform.

**AGENDA**

*(Requested by City Manager)*

**1. Legislative Platform**

Mr. Rose stated he would highlight the 2019 Legislative Platform for Councils consideration. The document being reviewed tonight is in draft form, once the review is completing, it will be placed on the consent agenda for your final consideration.

The purpose for the legislative platform is to ensure that both the State and Federal delegation are clear as to our interest for legislation going forward. Specifically the State legislation will go into session in January; so if there are bills that you would like to see advanced, those items should be included in this legislative platform.

**2019 State Legislative Highlights:**

**I. Revenue and Finance:**

The recommendation would be to support any legislation that maintains or enhances our revenues.

**II. Governance:**

The recommendation would to retain local control over all issues where possible; while resisting any unfunded mandates.

### **III. Quality Services:**

The recommendation is to support legislation that enhances our services or in our ability in the area of economic development.

### **IV. Infrastructure:**

Mr. Rose stated that he is recommending support of transportation projects; specifically those that would improve the traffic flow within University City.

### **V. 2019 Federal Legislative Platform**

The City would seek federal funding for transportation infrastructure projects.

The City would advocate at the Federal level for transportation improvement grants.

The City would advocate with the Environmental Protection Agency on making improvements; such as the River Des Peres project for which we have received a grant.

We would also be an advocate for continuation of the COPS Grants; which would allow us to seek funding to expand the number of police officers that we have.

In addition we would look for legislation that would improve health, wellness, and literacy. We would also support legislation to combat violent crimes and look at supporting legislation that reforms and reduces unnecessary incarceration.

Mr. Rose opened the floor for questions from the Mayor and Council.

Councilmember McMahon stated he wanted the record to reflect that he was present at the meeting. He reminded everyone of his 45 minute commute from work and that he make every effort to arrive to this meetings on time.

Councilmember Cusick agreed with Mr. McMahon and said the he commutes from downtown and the traffic is terrible. Mr. Cusick then asked Mr. Rose if we monitored the legislation that is introduced at the state level on a regular basis; to avoid surprises?

Mr. Rose stated that was correct and the he works very closely with the Missouri Municipal League on legislative issues. He believes it's important for the City to have its independent positions. We have not conflicted with the positions of MML, but that could occur as some point; so he wants to ensure that he has a clear understanding Councils position is on legislative issues.

Councilmember Clay asked what is the interaction with elected official today i.e. is it meetings with you, or roundtable discussion etc.?

Mr. Rose stated that the relation is still in the infancy stages as it relates to the improvement of our relation with the elected officials. Individual Councilmembers may have individuals that they speak with on an ongoing basis. In the future a stronger legislative platform is needed; that would give all of the delegation a sense of where the Council is on various positions.

Mr. Clay suggested as a possible best practice; something that the school district dose is hosts a legislative breakfast or lunch and brings in state representatives and even sometimes federal officials. It might be something we could consider doing.

Mr. Rose stated that would be something to consider as the program evolves. He would like to have a joint meeting with the delegation and City Council to ensure clear understanding of your position and for the elected officials to have an opportunity to ask questions about why our position is the way it is regarding legislative issues.

Councilmember Hales asked if the City has ever had a legislative platform in the past?

Mr. Rose responded that last year was the first time for having a legislative platform.

Councilmember Clay recommended that it might be good to partner with similar municipalities as there are likely some common issues.

Councilmember Carr stated that she understood this platform to be the general outline and asked if issues come up, will Council be notified?

Mr. Rose stated the intention is not to reply totally on this document. Things can move very quickly especially at the state level, this is just a guidance. He would still look for specific direction on issues that might impact the City.

*(Requested by the City Manager)*

**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 Carr moved to approve, it was seconded by Councilmember Cusick

Roll Call Vote Was:

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

**Nays:** None.

## **ADJOURNMENT**

Mayor Terry Crow closed the study session meeting at 5:40 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 6:23 p.m.

LaRette Reese  
City Clerk

## **City of University City 2019 Legislative Platform**

This 2019 Legislative Platform reflects Council's legislative positions and priorities on current or anticipated legislative action at both State and Federal levels. Guided by this legislative platform, staff will take action to influence legislative efforts based on the best interests of the City of University City. Staff will update Council throughout the legislative session while seeking specific feedback on issues of major importance to the City.

### **2019 State Legislative Platform**

#### **I. REVENUE AND FINANCE**

- A. The City will oppose legislation that results in the reduction of revenues collected by the City and support legislation that enhances revenue collections.
- Oppose legislation that reduces shared revenues, State Gas Tax, licensing or franchise fees, or any other source of current revenue for the City.
- B. The City will protect its ability to collect and use property taxes in order to properly manage the operations of the City and to manage growth.

#### **II. GOVERNANCE**

- A. The City will oppose legislation that reduces the City's local authority and support legislation that strengthens or increases local control.
- Oppose legislation that creates unfunded mandates and burdensome regulations.
  - Oppose legislation that imposes personal liability on Council members for actions taken as part of their official duty, and oppose legislation that increases City liability or requires the City to take on additional indemnity.

#### **III. QUALITY SERVICES**

- A. The City will support legislation that enhances or incentivizes economic development within the City and oppose legislation that weakens economic development tools.
- Support legislation that provides alternative financing tools in order to bring economic investments to the City.
  - Support legislation that leverages tax laws in order to bring economic investments to the City.



- B. The City will support legislation that enhances public safety and protection from criminal activity, and oppose any legislation that needlessly reduces public safety or compromises the City's ability to provide public safety and to protect property utilizing its own local authority.
- C. The City will support efforts to increase the ability to provide additional quality parks, recreation and library services and oppose efforts to limit the ability to fund community services.
- Support legislation that allows additional options to participate in cost sharing and to finance municipal recreational infrastructure.
  - Support all aspects of Community Development Block Grants (CDBG).
- D. The City will support legislation that advances responsive and high quality health and human service practices and delivery to people living in and around University City, and oppose legislation that negatively impacts these services.
- Support legislation that brings additional services and cost effective resources to our senior and veteran population.
  - Support legislation that increases health care access to the City's residents.

#### IV. INFRASTRUCTURE

- A. The City will support legislation that advances the planning, design, maintenance, and completion of transportation infrastructure and oppose legislation that will hinder completion of transportation infrastructure.
- Support legislation that creates additional funding options or revenue sources for transportation infrastructure including private-public partnerships and new revenue streams.
  - Support legislation that reduces or repeals unnecessary or redundant regulatory requirements.
- B. The City will support legislation that enhances the City's ability to provide or oversee safe and affordable utility services while protecting the health, safety, and public welfare of the people within the City, and oppose any legislation that needlessly reduces the safety and affordability of utilities or compromises the City's oversight authority.

#### V. 2019 FEDERAL LEGISLATIVE PLATFORM

- A. The City will seek federal funding for transportation infrastructure projects.

B. The City will advocate for continued federal support of the transportation infrastructure grant programs.

C. The City will advocate with the Federal Environmental Protection Agency on issues negatively impacting the City of University City.

D. The City will advocate for Federal Funding of COPS Grants.

**VI. STAFF REQUESTED LEGISLATIVE ACTIVITY**

Activity	Requesting Department
Support legislation that improves health, wellness, literacy and information access.	City Manager's Office
Support legislation that enhances the efficiency and effectiveness of law enforcement, while protecting taxpayers and maintaining local authority. <ul style="list-style-type: none"><li>• Prioritize resources to combat Violent Crime</li><li>• Federal Sentencing Reform and Reducing Unnecessary Incarceration</li></ul>	Police

MEETING OF THE CITY COUNCIL  
CITY HALL, Fifth Floor  
6801 Delmar Blvd.  
University City, Missouri 63130  
Monday, November 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, November 26, 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, and City Attorney, John F. Mulligan, Jr.

**C. APPROVAL OF AGENDA**

Mayor Crow announced that no changes had been made during the Study Session.

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. November 12, 2018, Regular Session minutes were moved by Councilmember Carr, it was seconded by Councilmember McMahon and the motion carried unanimously.

**F. APPOINTMENTS TO BOARDS & COMMISSIONS**

**G. SWEARING IN TO BOARDS & COMMISSIONS**

1. Karla Teeters Brown was sworn into the Arts and Letters Commission at tonight's meeting.

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

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

Ms. Ginsberg stated yesterday during the rain and hail U City's Trap, Neuter, Vaccinate, and Return (TNR) advocates were busy humanly trapping cats to prepare them for neutering and vaccinations at no cost to the City.

She stated according to the Health Services Manager for the City of St. Louis, TNR has had an impact because the number of cats taken in by Animal Control has dropped from 1,400 in 2009 to 200 in 2017. She stated TNR advocates look forward to having positive discussions with staff from the City's Animal Control and would like to thank Council for their consideration of a TNR Ordinance for U City.

Ms. Ginsberg stated she would also like to thank Mike for streaming tonight's Council meeting and commend the *Post Dispatch* and *West End Word* for their fact-based coverage of municipal news. On the other hand, Ryne Danielson's deliberately deceptive posts in the *Patch* have inspired her to create a website to counteract his bias with balance, correct misinformation with facts, and amend his omissions with evidence.

And along that same vein, she would like the record to reflect that drafts of U City's Residential and Commercial Relocation Assistance Plans have been posted on U City's website since last spring, and copies were made available at TIF Commission hearings. All in total contradiction to Jan Adams' claim at the last meeting that, "*There is no plan for relocation assistance*".

Ms. Ginsberg concluded by thanking the City Manager, Mayor, and Council, for all of their hard work. Their dedication and persistence are making it possible for this community to finally stabilize Ward 3, upgrade infrastructure along the Olive International Business District, and address the disparities in U City's relationship with Wash U.

**Donna McGhee, 7584 Melrose, University City, MO**

Ms. McGhee stated there was a tree that fell two doors down from her house which was much greener than the one located in front of her home, even though the cross-sections were hollow; meaning that it had been rotten for quite some time. So, with the predictions of a harsh winter, she is still very concerned because the branches on the tree located in front of her home are very dry. Ms. McGhee stated she is grateful to the employees from the City's Forestry Department who have been attentive to this situation, however, it is now the end of November and the tree has not been pruned; branches are hanging over her roof, and the excessive amount of leaves falling from the tree are clogging up her gutters. Not to mention the possibilities of injury or even death to the children that play in and around this area.

Ms. McGhee stated she truly believes this is a legitimate concern and is more than willing to work with the Forestry Department to replace the old tree with a smaller one since. But until some type of mutual resolution is achieved, she is not going away.

**Mark McNamara, 7554 Dajoby Lane, University City, MO**

Mr. McNamara stated since the day he moved in, he has had a constant problem with piles of trash getting dumped at the end of his cul-de-sac. It's a continuous cycle; he calls; they eventually get removed, and it is replaced by more piles of trash. He stated that he has become such a nuisance that the City simply stopped responding. In fact, this afternoon a City truck came out, ran a chainsaw for two or three minutes and left without moving one pile. And to make matters worse, a limb was left hanging from what he believed to be a vine, however, when he attempted to remove it he discovered that it was hanging from an electrical wire. Mr. McNamara stated this is just one example of the things residents who live in the 3rd Ward have been forced to deal with; which can be verified by Councilmember Smotherson who responded to his complaints by coming out to view the problem.

Another example of the disparities felt in the 3rd Ward is what happens on New Year's Eve. He stated he has a 7-minute recording on his cell phone of the gunfire that took place as bullets went whizzing past his house last year. And the response he received from the police was that they keep their resources where the people are; which means the 1st and 2nd Wards. So, this year he has made arrangements for his family to be somewhere else on New Year's Eve.

**Jerrold Tiers, 7345 Chamberlain, University City, MO**

Mr. Tiers stated he attended the Study Session held a couple of weeks ago pertaining to Wash U, and while he does agree that there are some issues with this relationship, he would also agree with a comment made by the Mayor that time was not of the essence when attempting to address the issues associated with Wash U. He stated his understanding is that the City's priority is the Olive/I-170 project, and rightly so because if that does not get done right then it's not going to matter what else the City doesn't get right. So his hope is that the City will not redirect any of the resources needed to move this redevelopment project forward.

Mr. Tiers stated as it relates to the 1-170 Project he still thinks more PR is needed. And while he realizes there are things on the City's website, he still runs into people who think the TIF is way too rich because they lack a clear understanding of the 10 million dollars and when it will become available. So perhaps, it would be useful for the website to include a section with frequently asked questions so that people can read some of the concerns and the responses to those concerns. Mr. Tiers stated the word "*contentious*," has even been used in a few news reports, which is troubling, because, in his opinion, there has been no contention; unless you count the three or four people who address this Council on a regular basis.

**I. PUBLIC HEARINGS**

1. Liquor License – Perfect Taste, 6310 Delmar Blvd.

Mayor Crow opened the Public Hearing at 6:48 p.m., and hearing no requests to speak the hearing was closed at 6:48 p.m.

**J. CONSENT AGENDA**

1. Approval of Liquor License - Perfect Taste Restaurant, 6310 Delmar Blvd.
2. Approval of the Annual Solid Waste Cart Purchase
3. Approval of the Annual Tree Trimming Contract with Gamma Tree Experts
4. Approval of the St. Louis County Municipal Park Grant Commission Agreement Fogerty Park Phase 2 Improvements

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

**K. CITY MANAGER'S REPORT**

1. Approval of the Solid Waste Rate Study (MSW Consultants)

Mr. Rose stated staff is recommending that Council approve the MSW Consultants' proposal of \$34,989, to conduct the Solid Waste Rate Study.

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

## 2. Approval of City Hall Annex Assessment – Consultant Contract (Trivers)

Mr. Rose stated staff is recommending Council's approval of a contract with Trivers Associates for evaluation of the City Hall Annex and design work associated with the Police Station. Funding for this work was approved as a part of the Capital Improvement Program Number POL-1801. He stated he would also note that while the signature line reflects approval by the Public Works Department, it should be amended to reflect his signature.

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

Councilmember Smotherson stated he is somewhat stunned by certain language in the proposal that is inconsistent with what Council had been told previously. He stated his understanding from the very beginning, was that the substation would be where the Police Department would be housed and the Annex would be utilized to house support services. However, it appears as though that conception has changed, so he would like to gain a better understanding of exactly what this analysis entails.

Councilmember Smotherson stated he would also like clarification on the following statements made by Mr. Alpasian, pursuant to the questions he submitted prior to this meeting: (Three), *"Future use of space as police station facility,"* and (Two), *"The new Police Department facility"*.

Mr. Rose stated he would like to respond by broadly highlighting the intent of this analysis. As a part of the Annual Operating Budget, the Mayor and Council approved an amendment to the Capital Improvement Program to which this item was funded. That amendment for Project Number POL-1801 reads as follows: *"Land acquisition, design, and construction of a Police Substation, and design of a Police Annex. This project will consist of purchasing property on which the Police Station will reside and the design and construction of a Police Substation for the purpose of housing police operations. Additionally, the project will include the design of the Police Annex for the purpose of housing police operations."* He stated in his opinion, the aforementioned language is consistent with exactly what was approved, which takes into consideration the addition of a new police station and an examination of the Annex to determine its feasibility for police operations.

Mr. Rose stated the intent was never to move Headquarters from the Annex; if at all possible, that's why the initial focus was going to be on determining the feasibility of using the Annex. As you know, there was an earlier study conducted of the Annex which raised concerns regarding the credibility of some of the information contained in that study. So his intention was to start over by contracting with a different firm to make certain that the preliminary information provided to the City was accurate. That's the backdrop for this agenda item and the reason this contract is being brought before Council.

Councilmember Smotherson stated while he clearly understands the language in the amendment, his confusion comes from this statement in Trivers' proposal that seems to be inconsistent with the amendment; *"The ultimate goal for the Department of Public Works is to house as much of the police program as possible, within the Annex itself, and to identify programs that would have to be housed elsewhere, if applicable"*. And in his mind, this statement seems to regard the substation as a possibility rather than a certainty.

In addition, there appears to be another inconsistent statement in the paragraph towards the end of the page on K2-5, *"The ultimate plan will be to remove the modular facilities and explore the potential for utilizing the Annex for police programs. This could possibly require some programs to be housed offsite"*. And he simply does not recall ever hearing that the City was focused on keeping the Headquarters in close proximity.

Mr. Rose informed Councilmember Smotherson that although he can identify with his interpretation, his belief is that the contract is broadly drafted to allow room for the flexibility to exercise various options. If the assumption is that the Annex is not safe, and it is determined that it cannot be made safe, then no operations could be housed in the Annex and staff would have to go back to the drawing board. Although he does not believe that is going to be the case. And if his belief holds true; and it is determined to be logistically and financially feasible, he would not recommend that the current operations, such as the shooting range and jail be moved from that location. He stated that the final determination regarding the location of other operations will be based on his discussions with the Chief of Police.

Councilmember Smotherson stated another statement he found interesting is Paragraph 4 on Page K2-5; *"U City has identified the Clayton Police Department facility and practices as a good example of the desired outcome"*. And based on that statement his question is; who is "U City"?

Mr. Rose stated what the Mayor and Council directed staff to do was evaluate the Annex and determine what operations would be feasible. As a part of that determination; especially as it relates to a new, state-of-the-art facility, Mr. Alpasian, Chief Hampton, and himself, visited the Clayton facility. The purpose was to determine what their outcome had been as it relates to the quality of construction and the type of police operations housed in their facility. And although Clayton's police operations are consolidated, which is not consistent with his recommendation, he does believe there were some lessons learned from the tour. He stated that he would also like to point out that the language included in the agreement simply identifies Clayton as an example, even though there are others that can be used.

Councilmember Clay stated as it relates to the police station, he has no opinion one way or another, about what the operations or the facility should look like. Consequently, he would perhaps, like to offer this way of thinking about it. The City does have the Annex and it is certainly incumbent upon Council and this administration to do something with it. The goal is to make it habitable; lest it just sits and decays, and the police need somewhere to go. So these are the two things that need to happen, either independently or concurrently. But he would caution everyone to think more broadly and remain open to the possibilities in order to make the best decision possible; be it the Annex; two stations or one. Because as he's previously stated, this is a going to be a generational decision impacting the next 30, 40, or 50 years, so there is an absolute need to be deliberate.

With that in mind, Councilmember Clay stated he would also like to offer this. Thinking comprehensively, U City has the Municipal Center, the Annex, and City Hall, coupled with the need to find a facility for its police. And so, might there be a world in which consideration could be given to all of these things? City Hall, while a beautiful building, is probably not as functional as it needs to be for an office space in 2018 or Council space for that matter.

What are Council and staff thinking about in terms of all of these buildings because, at some point, all of them will necessitate the need to make the same type of generational decision now being contemplated for the police station? Councilmember Clay stated he would hate to see a circumstance in which this City makes a decision in one area without thinking comprehensively, and unwittingly impact what it is trying to do in another area. So his hope is that his comments offer some degree of contemplation about the need to develop a comprehensive approach; with the understanding that the City may never have the finances to do everything at one time, but that should not stop us from at least articulating a holistic plan to ensure that any moves we make now won't be injurious to future moves.

Councilmember Hales stated with all due respect, he simply does not share Councilmember Smotherson's perspective regarding this proposal. And in reading through the packet, this agreement seems to be very consistent with his recollection of conversations with the City Manager, as well as the various meetings and proposals presented on this matter. So, in his mind, the substation will not be the primary location, and he thinks the City Manager has made it very clear that a part of the process is to identify what can be housed in each facility and then make a determination on what will be the most efficient path to take.

Councilmember Smotherson stated in reading this proposal, it almost feels like we are treating our Police Department like it's a second-rate division rather than the regionally-recognized police force that it is. Members of U City's Police Department are actually recruited by other municipalities simply because of its high standards and experience gained here. And yet, here we go, in what he believes is the wrong direction.

Councilmember Smotherson stated while he appreciates the fact that the proposal does state that Trivers will notify the City if the Annex is found to be unfeasible, he is very curious to see what direction that is actually going to go in. Because he still thinks the best process and outcome, is to build a new police station and just leave it at that. And the lingering question is his mind, is what makes U City so much different than the other municipalities who have built new stations from the ground up?

Councilmember Clay asked Mr. Rose if a part of this process would include the receipt of several options to assist Council in making the ultimate decision? Mr. Rose stated the intent of this assessment is to first, focus on the Annex to determine whether it will be feasible to house any operations there. If it is, then staff will identify exactly what the options are for housing each specific operation. If it is found not to be feasible, then staff will need to make recommendations regarding the best options for advancing the placement of the Police Department. So in either case, this assessment is just a starting point, wherein staff will come back to Council with a set of recommendations based upon the options available from a facilities and financial perspective.

Mr. Rose acknowledged that one of the questions received from Councilmember Smotherson was, "*What makes us different?*" And the answer to that question is, its bordering cities. Quite frankly, Clayton does not have the same problems as U City because U City's borders consist of cities that have; in some respects, some of the highest crime rates in the country. Therefore, U City has to be different and cannot take the same approach as other jurisdictions when there is a need to suppress or mitigate crime. And the reason he proposed a second station is that at the end of the day, U City's focus should not be just on the type of police station it has or what it can provide.



In his mind, it should be on reducing the crime rate throughout the entire City; specifically, in the northeast quadrant of the City which has the highest level of severe crimes in this jurisdiction.

Mayor Crow stated he can readily admit that the process of determining the right path for the Police Headquarters has not been this City's finest hour. As you may recall, discussions held on this topic in previous years yielded some interesting proposals, and what he views, as some rather embarrassing situations. So this Council and administration are doing its best to move through these muddied waters. And to that extent, he is in total agreement with his colleague, Councilmember Clay, in that everyone needs to do what is best as it relates to efficiency and economics; something this City has not really had the benefit of doing in previous years.

Mayor Crow stated while he doesn't necessarily speak for everyone on this dais, his firm belief is that if the cost-determinate to remain in the Annex is beyond what is anticipated, then more than likely the police will not be housed there. However, what he can say is that he honestly believes every member of this Body holds this police force at the highest level of esteem, and regrets that the actions associated with their relocation have been far more zigzagged than they ever should have been. Mayor Crow stated he also recognizes that having to work out of a temporary facility probably weighs heavily on the folks who keep this City safe every day. But the bright side is that everyone is working diligently to come up with the right solution for these officers, as well as the residents of this community.

Voice vote on Councilmember Carr's motion to approve, carried unanimously.

**L. UNFINISHED BUSINESS**

**BILLS**

1. **BILL 9369 – AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN (*Restricted Parking Jackson Ave.*)** Bill Number 9369 was read for the first and second time.

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

Roll Call Vote Was:

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

**Nays:** None.

Mayor Crow recused himself from Bill Number 9369 and abstained from participating in the vote.

**M. NEW BUSINESS**

**RESOLUTIONS**

**BILLS**

**N. COUNCIL REPORTS/BUSINESS**

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business

Mayor Crow stated he would like to take this opportunity to inform every one of the General Municipal Election on April 2, 2019, for the purpose of electing a Councilmember for Ward 1 to fill an unexpired term running until April of 2020. Any person desiring to seek the office of City Council may do so by filing his/her candidacy with the City Clerk of the City of University City, Missouri, at City Hall during regular office hours from 8:00 a.m. to 5:00 p.m. Candidate petitions and filing documents can be obtained from December 11, 2018, through January 15, 2019. The filing fee is \$50.00 and all questions should be addressed to Ms. LaRette Reese, City Clerk.

**O. CITIZEN PARTICIPATION - (continued if needed)**

**P. COUNCIL COMMENTS**

Hearing nothing further, Mayor Crow stated he would entertain a motion to adjourn.

Councilmember Carr moved to adjourn the meeting, it was seconded by Councilmember McMahon and the motion carried unanimously.

**Q. ADJOURNMENT**

Mayor Crow adjourned the City Council Regular Session at 7:14 p.m.

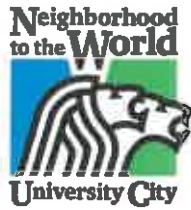
DRAFT

Please  
include  
this site  
in the  
meeting  
minutes

THANK  
YOU







## Council Agenda Item Cover

**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Liquor License for New Liling Kitchen, dba Asian Kitchen, 8423 Olive Blvd

**AGENDA SECTION:** Public Hearing

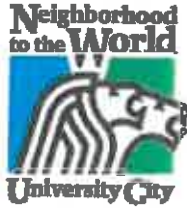
**CAN THIS ITEM BE RESCHEDULED?** Yes

---

**BACKGROUND REVIEW:** New Liling Kitchen has applied for **All kinds of Intoxicating Liquor, by the Drink, Retail** liquor license including **Sunday Liquor Sales**. The applicant / managing officer is Liling Wemhoener.

- A background check / investigation by the Police Department revealed no disqualifying information.
- Department Approval was granted from all necessary departments.
- Recommendations from University City citizens are included.
- Petition from business owners within a radius of 200 feet are included.
- A current Certificate of No Sales Tax Due issued by the Missouri Department of Revenue was received relative to the business.
- 2017 personal property tax record for the applicant indicates payment of taxes.
- Current voter registration documentation for the applicant was provided.





## Council Agenda Item Cover

**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Liquor License for New Liling Kitchen, dba Asian Kitchen, 8423 Olive Blvd

**AGENDA SECTION:** Consent

**CAN THIS ITEM BE RESCHEDULED?** Yes

---

**BACKGROUND REVIEW:** New Liling Kitchen has applied for All kinds of Intoxicating Liquor, by the Drink, Retail liquor license including Sunday Liquor Sales. The applicant / managing officer is Liling Wernhoener.

- A background check / investigation by the Police Department revealed no disqualifying information.
- Department Approval was granted from all necessary departments.
- Recommendations from University City citizens are included.
- Petition from business owners within a radius of 200 feet are included.
- A current Certificate of No Sales Tax Due issued by the Missouri Department of Revenue was received relative to the business.
- 2017 personal property tax record for the applicant indicates payment of taxes.
- Current voter registration documentation for the applicant was provided.

**RECOMMENDATION:** City Manager recommends the approval of the Liquor License.

**ATTACHMENTS:** Investigation and Report from Police Department



#119

**CITY OF UNIVERSITY CITY**  
**APPLICATION FOR LIQUOR LICENSE**  
 University City Municipal Code, Chapter 600 Section 600 060

**INSTRUCTIONS:** Read each question carefully. Make certain that each question is answered completely and correctly before you submit this application. If you need additional space, use the additional sheet provided at the end of this application. If a question does not apply to you, write N/A in the space, do not leave any blank fields. Submit all documents as requested. **PLEASE PRINT CLEARLY.**

Please note that this application may only be completed and filed by a sole proprietor, corporate officer, managing partner, or managing officer of the business applying for this license.

◊ AN APPLICANT IS NOT PERMITTED TO OPERATE UNTIL LICENSE IS ISSUED ◊

Applications must be accompanied by a non-refundable application filing fee of \$25.00

Type of license requested- separate license shall be obtained for each of the following classes of sales:  
 (Please check each classification that applies)

- |                                     |     |  |          |
|-------------------------------------|-----|--|----------|
| <input checked="" type="checkbox"/> | 2-  | All kinds of intoxicating liquor, by the drink, retail. . . . .                              | \$450.00 |
| <input type="checkbox"/>            | 4-  | CLUB: All kinds of intoxicating liquor, by the drink, retail . . . .                         | 200.00   |
| <input type="checkbox"/>            | 5-  | Malt liquor not in excess of 5% alcohol wholesaler to wholesaler . . . . .                   | 75.00    |
| <input type="checkbox"/>            | 6-  | Intoxicating liquor not in excess of 22% alcohol wholesaler to wholesaler . . . .            | 150.00   |
| <input type="checkbox"/>            | 7-  | Malt liquor not in excess of 5% alcohol wholesaler to retailer . . . . .                     | 150.00   |
| <input type="checkbox"/>            | 8-  | Intoxicating liquor not in excess of 22% alcohol wholesaler to retailer . . . . .            | 300.00   |
| <input type="checkbox"/>            | 9-  | Malt liquor in excess of 3.2% and not in excess of 5% alcohol, by the package, retail . . .  | 75.00    |
| <input type="checkbox"/>            | 10- | Malt liquor in excess of 3.2% and not in excess of 5% alcohol, by the drink, retail. . . . . | 75.00    |
| <input type="checkbox"/>            | 11- | Malt liquor not in excess of 5% beer and 14% wine, by the drink, retail . . . . .            | 75.00    |
| <input type="checkbox"/>            | 12- | Intoxicating liquor not more than 22%, by the package, retail . . . . .                      | 75.00    |
| <input type="checkbox"/>            | 13- | Intoxicating liquor of all kinds, wholesaler to wholesaler . . . . .                         | 375.00   |
| <input type="checkbox"/>            | 14- | Intoxicating liquor of all kinds, wholesaler to retailer . . . . .                           | 750.00   |
| <input type="checkbox"/>            | 15- | Intoxicating liquor of all kinds, by the package, retail . . . . .                           | 150.00   |
| <input checked="" type="checkbox"/> |     | Sunday Liquor License . . . . .  | 300.00   |



<b>I. BUSINESS APPLYING FOR LICENSE</b>		
<b>A. BUSINESS NAME AND TYPE</b>		<input type="checkbox"/> Sole Owner <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company
New Liling Kitchen DBA / ASIAN KITCHEN		
<b>B. DESCRIPTION OF PREMISES AND ADDRESS:</b>		<b>C. PHONE:</b>
DESCRIPTION: Restaurant		314-712-6612
ADDRESS: 2423 Olive Blvd. St. Louis, MO 63132		
HOURS OF OPERATION:		
<b>II. MANAGING OFFICER</b>		
<b>A. NAME: (LAST)</b>	<b>(FIRST)</b>	<b>(MIDDLE INITIAL)</b>
Wienhoefer	Liling	
<b>B. ADDRESS, CITY &amp; ZIP CODE:</b>		<b>G. PHONE:</b>
8409 Elmore Ave. St. Louis, MO 63132		314-712-6612
<b>D. DATE OF BIRTH:</b>	<b>F. BUSINESS PHONE: (IF DIFFERENT FROM ABOVE)</b>	
	None	
<b>G. PREVIOUS ADDRESS: (IF NOT AT PRESENT ADDRESS FOR 5 YEARS OR MORE)</b>		
None		
<b>H. IF FOREIGN BORN, PLEASE STATE COUNTRY, PLACE AND STATE OF NATURALIZATION:</b>		
Taiwan, Taiwan US citizen		
<b>I. MISSOURI RESIDENT SINCE: (MONTH &amp; YR)</b>	<b>K. TOWNSHIP:</b>	<b>L. COUNTY:</b>
November, 1994	11 city	St. Louis
<b>M. CURRENT BUSINESS OR OCCUPATION OF APPLICANT:</b>		
New Liling Kitchen LLC		
<b>N. NAME OF CORPORATION, PARTNERSHIP OR CLUB: (IF APPLICABLE)</b>		
None		
<b>FOR PARTNERSHIP OR LIMITED PARTNERSHIP:</b>		<b>NUMBER OF MEMBERS:</b>
A2. STATE NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH OF ALL PARTNERS: (USE PAGE 7 IF NECESSARY)		1
Wienhoefer, Liling 8409 Elmore Ave. St. Louis, MO 63132 06-18-1960		
<b>FOR CORPORATION OR LIMITED LIABILITY COMPANY:</b>		<b>NUMBER OF MEMBERS:</b>
A3. STATE NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH OF ALL OFFICERS, DIRECTORS AND STOCKHOLDERS OWNING 1% OR MORE INTEREST IN THE CORPORATION OR MEMBERS OF A LIMITED LIABILITY COMPANY. (USE PAGE 7 IF NECESSARY)		
<b>OTHER PERSONS:</b>		<b>NUMBER OF MEMBERS:</b>
A4. LIST NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH FOR ALL OTHER PERSONS WHO HAVE AN INTEREST IN THE BUSINESS FOR WHICH LICENSE IS REQUESTED (USE PAGE 7 IF NECESSARY)		
B4. IN WHAT TYPE OF BUSINESS IS EACH OF THE ABOVE PERSONS ENGAGED: (USE PAGE 7 IF NECESSARY)		

**III. OTHER INFORMATION**

A. IS APPLICANT A QUALIFIED VOTER IN THE STATE OF MISSOURI?  
 YES  NO

B. IS APPLICANT AN ASSESSED, TAX PAYING CITIZEN IN THE STATE OF MISSOURI?  
 YES  NO

C. HAS APPLICANT PREVIOUSLY HELD A LIQUOR LICENSE OF ANY TYPE?

D. EXPLAIN (WHEN, WHERE?)

YES  NO (IF YES, EXPLAIN, SEE ITEM D)

SHU FENG RESTAURANT 8435 OLIVE

E. HAS APPLICANT, OR ANY EMPLOYEE, OR PROPOSED EMPLOYEES, EVER BEEN DENIED A LIQUOR LICENSE, OR HAD A LICENSE TO SELL LIQUOR REVOKED?

F. EXPLAIN (WHEN, WHERE?)

YES  NO (IF YES, EXPLAIN, SEE ITEM F)

G. HAS APPLICANT EVER BEEN EMPLOYED IN ANY CAPACITY BY A BUSINESS WITH A BEER, WINE OR LIQUOR LICENSE?

H. EXPLAIN (WHEN, WHERE?)

YES  NO (IF YES, EXPLAIN, SEE ITEM H)

I. HAS THE APPLICANT, EMPLOYEE, OR PROPOSED EMPLOYEE EVER BEEN CONVICTED OF A VIOLATION OF ANY LAW REGULATING, CONTROLLING, OR PROHIBITING THE SALES OR MANUFACTURING OF INTOXICATING LIQUOR?  
 YES  NO (IF YES, EXPLAIN. USE PAGE 7 IF NECESSARY)

J. HAS ANY DISTILLER, WHOLESALER, WINE MAKER, BREWER OR ANY EMPLOYEE, OR AGENT THEREOF, HAVE OR PROPOSE TO HAVE, ANY FINANCIAL INTEREST IN THE BUSINESS TO WHICH THIS APPLICATION APPLIES?  
 YES  NO (IF YES, EXPLAIN. USE PAGE 7 IF NECESSARY)

K. INDICATE THE TYPE OF BUSINESS, IF ANY, APPLICANT PROPOSES TO CONDUCT ON PREMISES IN ADDITION TO SALE OF INTOXICATING LIQUOR:

- RESTAURANT
- HOTEL DINING ROOM
- OTHER (PLEASE EXPLAIN)

L. STATE ESTIMATE OF ANNUAL SALES VALUE: FOOD \$ 60,000 OTHER (INCLUDING LIQUOR) \$ 15,000

M. IS THERE A SCHOOL, CHURCH, SYNAGOGUE, PUBLIC PARK OR PLAYGROUND WITHIN ONE HUNDRED FIFTY (150) FEET OF THE PROPOSED BUSINESS?  YES  NO (IF YES, STATE THE NAME AND APPROXIMATE DISTANCES):

N. IS THE APPLICANT INDEBTED TO ANY PERSON FOR MONEY OR PROPERTY, TO BE USED IN THE LICENSED BUSINESS? (IF YES, STATE AMOUNT OF INDEBTEDNESS AND TO WHOM IT IS OWED.)

YES  NO

AMOUNT OWED:

\$

NAME:

ADDRESS, CITY, STATE, & ZIP:

PHONE:

OCCUPATION:

STATE OF MISSOURI )  
 ) SS.  
 COUNTY OF ST. LOUIS )

Comes now \_\_\_\_\_ of lawful age, being first duly sworn upon oath, deposes and says that he or she: (1) is the sole proprietor, corporate officer, managing partner, or managing officer of the business applying for this license, (2) is authorized to make this application, (3) has read this application and understands same, (4) knows the contents of this application, (5) swears that the answers and statements contained in this application are true and correct, and (6) on behalf of the applicant, agrees to comply with all laws of the City of University City and the State of Missouri relevant to the applicant's business.

*Lily C. Wood* Nov. 5, 18  
 SIGNATURE OF APPLICANT/MANAGING OFFICER

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DAY 5<sup>th</sup> OF November 2018

*Gladys Anne Conyears*  
 NOTARY PUBLIC

MY COMMISSION EXPIRES 05/10/2019



THIS SECTION FOR CITY USE ONLY

APPROVALS:

Police Chief	<u><i>Chief L. Hampton</i></u>	Date: <u>11-29-18</u>
Comments:		
Community Development	<u><i>Paul C. Lee</i></u>	Date: <u>12-4-2018</u>
Comments:		
City Manager	<u><i>[Signature]</i></u>	Date: <u>12/6/18</u>
Comments:		

**IV SUNDAY LIQUOR LICENSE**

If application is for Sunday liquor license, complete the following section:

Under the provisions of Chapter 600, Section 600.260 of the Municipal code of the City of University City, application is hereby made for a license to sell intoxicating liquor between the hours of 9:00 A.M. and midnight on Sundays.

A APPLICANT NAME (LAST) Wemke (FIRST) Liling (MIDDLE INITIAL)

B BUSINESS NAME: New Liling Kitchen LLC DBA Asia Kitchen PHONE NUMBER: 314-712-6612

Type of Liquor License held or applied for:

- 1-2 All kinds of intoxicating liquor, by the drink, retail
- 9 Malt liquor in excess of 3.2% not in excess 5% alcohol, by the package, retail
- 10 Malt liquor in excess of 3.2% not in excess 5% alcohol, by the drink, retail
- 11 Malt liquor not in excess of 5% beer and 14% wine, by the drink, retail
- 12 Intoxicating liquor not more than 22%, by the package, retail
- 15 Intoxicating liquor of all kinds, by the package, retail

For the purpose of obtaining said Sunday Liquor license: applicant states that at least fifty percent (50%) of the gross income of the restaurant bar at the above location is derived from the sale of prepared meals or food consumed on the premises, or which has an annual gross income of at least two hundred seventy-five thousand dollars (\$275,000.00) from the sale of prepared meals or food.

[Signature]  
Signature of Applicant

Owner  
Title of Applicant

Nov. 1, 19  
Date

V. RECOMMENDATIONS - COMPLETE IF APPLYING FOR LICENSE TYPE 2, 10, OR 11

Five recommendations are required for Applicants petitioning for a license to sell intoxicating liquor by the drink at retail under section 600.080 of University City Municipal Code.

Each of the following recommendations is to be filled in and signed by a creditable resident, real property tax-paying citizen of University City, vouching for the character of the applicant.

1) Date: 11/1/2018 Name: Tachung Hsia  
Location of University City real property taxed in your name: 8517 Olive Blvd.  
How long have you known applicant? 20 years Are you related? No  
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? No  
Do you vouch for applicant's moral character and reputation? Yes.  
Phone Number: 314-991-3747 Signature: [Signature]

2) Date: 11.5.2018 Name: P. L. LEE  
Location of University City real property taxed in your name: 8615 Waukegan Ct  
How long have you known applicant? 18 Are you related? No.  
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? No.  
Do you vouch for applicant's moral character and reputation? Yes.  
Phone Number: 214.825.8868 Signature: [Signature]

3) Date: 11/6/2018 Name: WANG ZHEIXING  
Location of University City real property taxed in your name: 8307 BRADDOCK DR  
How long have you known applicant? 10 YEARS Are you related? NO  
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO  
Do you vouch for applicant's moral character and reputation? YES  
Phone Number: (314)3970192 Signature: [Signature]

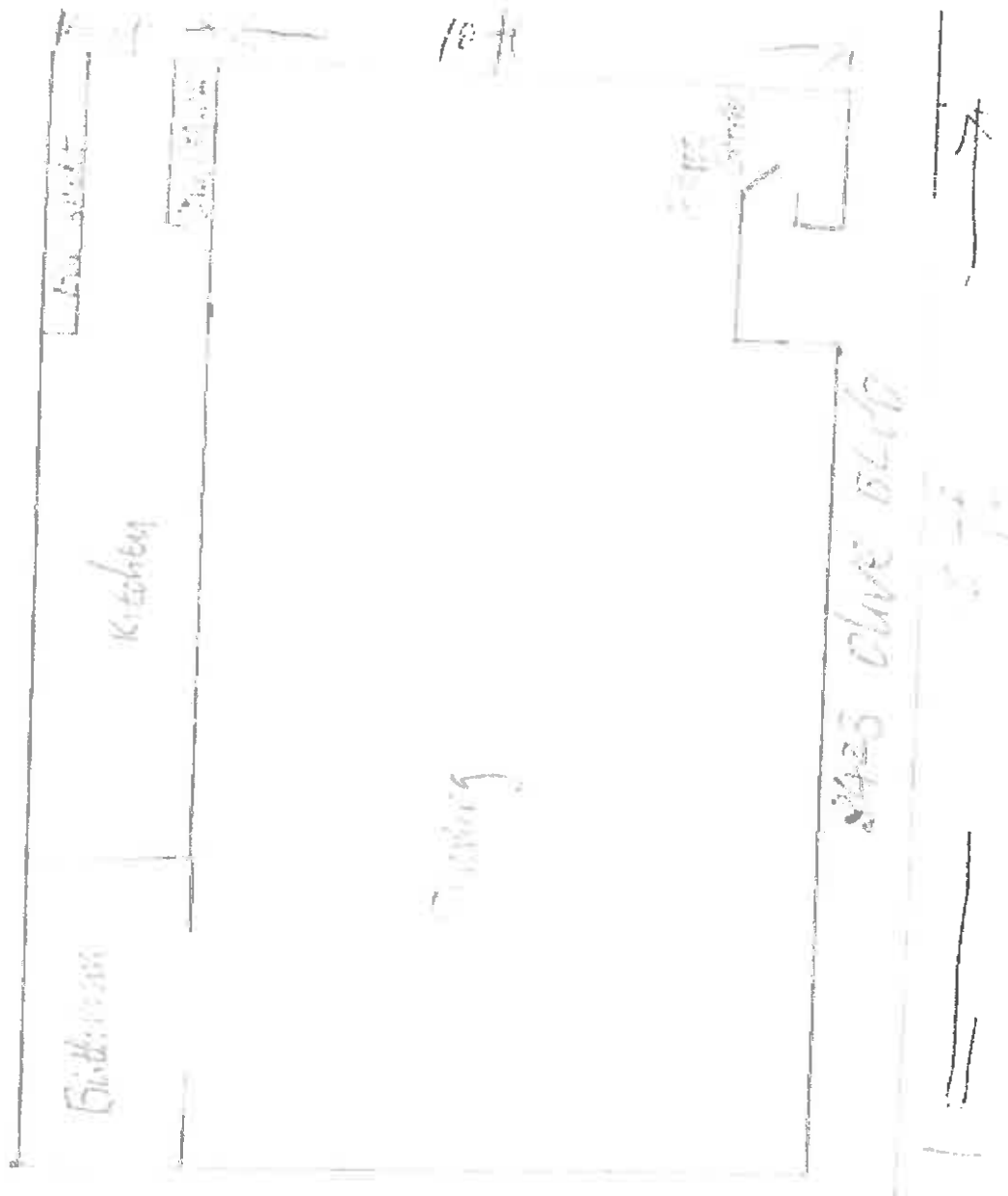
4) Date: 11/6/2018 Name: Richard C. Jennings SR  
Location of University City real property taxed in your name: 5401 Elmwood Ave  
How long have you known applicant? 8 years Are you related? NO  
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO  
Do you vouch for applicant's moral character and reputation? YES  
Phone Number: 314-333-9177 Signature: [Signature]

5) Date: 11-7-18 Name: Mildred Spitz  
Location of University City real property taxed in your name: 8404 Elmwood Ave  
How long have you known applicant? 12 yrs Are you related? NO  
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO  
Do you vouch for applicant's moral character and reputation? Yes  
Phone Number: 314-493-2782 Signature: [Signature]



3617 - 100 Jao - Outlook







TAXATION DIVISION  
PO BOX 3000  
JEFFERSON CITY, MO 65105-3000



Missouri  
DEPARTMENT OF REVENUE

Telephone: 573-751-5660  
Fax: 573-522-1722  
E-mail: [businessregister@dor.mo.gov](mailto:businessregister@dor.mo.gov)

NEW LILING KITCHEN LLC  
JIAN S LI  
8517 OLIVE BLVD  
SAINT LOUIS MO 63132-2817

October 24, 2018

### CERTIFICATE OF NO TAX DUE

RE: Notice Number 2003400353  
MISSOURI ID: 25464981

To whom it may concern: The Department of Revenue, State of Missouri, certifies that the above listed taxpayer/account has filed all required returns and paid all SALES TAX due, including penalties and interest, or does not owe any SALES TAX, according to the records of the Missouri Department of Revenue, as of October 24, 2018. These records do not include returns that are not required to be filed as of this date for taxes previously collected or that have been filed but not yet processed by the Department.

This statement only applies to SALES TAX due and does not limit the authority of the Director of Revenue to assess, or collect liabilities under appeal, in default of an installment agreement entered into with the Director of Revenue or that become known to the Department as a result of an audit, a review of taxpayer's records, or a determination of successor liability.

THIS CERTIFICATE REMAINS VALID FOR 90 DAYS FROM THE ISSUANCE DATE

TAXATION DIVISION

TEAR HERE AND RETURN LOWER PORTION WITH PAYMENT

2017

<b>100109701</b>	<b>131Q</b>	<b>057</b>	<b>1422</b>	<b>REG</b>	<b>ST LOUIS COUNTY, MISSOURI PERSONAL PROPERTY TAX BILL</b>			<b>10/20/2017</b>	<b>PIN 6187</b>			
<b>VALUATION</b>	<b>TYPE</b>	<b>X</b>	<b>RATE</b>	<b>PER \$100 =</b>	<b>CURRENT TAX</b>	<b>+</b>	<b>INTEREST</b>	<b>+</b>	<b>PENALTIES</b>	<b>+</b>	<b>TOTAL FEES =</b>	<b>PAY THIS AMOUNT \$424.63</b>
<b>4,330</b>	<b>PERSONAL</b>		<b>9.5061</b>		<b>411.63</b>		<b>0.00</b>		<b>0.00</b>		<b>13.00</b>	

Make check payable to: COLLECTOR OF REVENUE

PRINT  
MAILING  
ADDRESS  
CHANGE

WEMHOENER LI LING  
8409 ELMORE AVE  
SAINT LOUIS, MO 63132-2809

DESCRIPTION OF PROPERTY				VERT FEE	VALUATION
002810	A	03	TOYT	6.50	960
237154	A	13	NISS	6.50	3,370

AY174000011

CA51900109701CCCC

M00000042463

PX1312840 1





University City Police Department

**Inter-office Memo**



Date: 11/29/18

**TO:** Colonel Hampton, Chief of Police  
**FROM:** Lieutenant Isenberg  
**SUBJECT:** 8423 Olive (Liquor License Application)  
**CC:**

---

Business

New Liling Kitchen, DBA Asian Kitchen  
8423 Olive Blvd.  
University City, MO 63132  
314-712-6612

Applicant

Liling Wernhoener  
D.O.B.  
8409 Elmore Ave.,  
University City, MO 63132  
314-712-6612

Sir,

I have reviewed the findings of the investigation completed by Detective Daur Nodari concerning the liquor license application submitted by Liling Wernhoener for "New Liling Asian Kitchen" located at 8423 Olive Blvd., University City, MO 63132. Det. Nodari's investigation was thorough and revealed no cause for a denial for a City of University Liquor License as applied for by Liling Wernhoener.

Respectfully Submitted,

Lt. Isenberg.

Final Approval:

  
Col. Larry Hampton, Chief of Police



**Police Department**  
6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 725-2211

## MEMORANDUM

**TO:** Chief Hampton

**FROM:** Detective Nodari

**DATE:** 11-29-2018

**SUBJECT:** Liquor License Application for "New Liling Kitchen, DBA Asian Kitchen"

**Business**

New Liling Kitchen DBA Asian Kitchen  
8423 Olive Blvd.  
University City MO, 63132

**Applicant & Owner**

Liling Wemhoener

8409 Elmore Avenue  
University City MO, 63132  
314-712-6612

Application was received by Detective Nodari on 11-28-2018

Application is for (1) All kinds of Intoxicating liquor, by the drink, retail and (2) Sunday Liquor License

**11-28-2018**

- Det. Nodari contacted the Missouri Secretary of State and verified that New Liling Kitchen is an LLC, registered to Liling Wemhoener.
- Det. Nodari contacted the Better Business Bureau (BBB) and learned that Perfect Taste is not an accredited agency with the BBB.
- Det. Nodari conducted a computer check of the Lotus Notes database however, did not locate any records involving the applicant or his business as a suspect in any crimes.
- Det. Nodari contacted Liling Wemhoener and requested that she complete a "Records Check" with the St. Louis County Police Department.
- Det. Nodari conducted a computer check of the MO Department of Revenue database and learned that Liling Wemhoener had a valid MO Driver's License.

**11-29-2018**

- Det. Nodari met with Liling Wemhoener at the station and obtained a print out of her St. Louis County Records Check, which was stamped "No Convictions".
- Det. Nodari conducted an interview with Liling Wemhoener and learned that "New Liling Kitchen, DBA Asian Kitchen" will be open 10 am through 1 am Tuesday through Sunday
- Liling Wemhoener explained she operated a restaurant in University City called "She Feng", at 8435 Olive Blvd., University City MO, 63132 with NO violations and NO suspensions recorded. It should be noted that this was corrected on page 3 of her application to the City Hall (subsection III - C).
- Liling Wemhoener stated she plans to employ 5 employees with none under the age of 21.
- Det. Nodari advised Liling Wemhoener to file an application with the Missouri Division of Alcohol and Tobacco Control to obtain a State of Missouri Liquor License.

At this time I found no prohibiting factors from this applicant successfully moving forward for your review and approval.

Respectfully,

Det. Daur Nodari, DSN 466

A handwritten signature in black ink, appearing to read "Daur Nodari 466", is written over the typed name and ID number.



Saint Louis  
**COUNTY**  
**POLICE**

Colonel Jon M. Belmar  
Chief of Police  
7900 Forsyth Boulevard  
St. Louis, Missouri 63105  
Voice/TTY (314) 889-2341

**BUREAU OF CENTRAL POLICE RECORDS - (314) 615-5317**

**ARREST RECORD INFORMATION**

**RECORD CHECK INFORMATION REFLECTS ARREST/CRIMINAL INFORMATION FOR  
ST. LOUIS CITY AND ST. LOUIS COUNTY ONLY**

**DOES NOT INCLUDE TRAFFIC VIOLATION INFORMATION**

**RECORD CHECK APPLICATIONS WILL NOT BE ACCEPTED BY FAX**

**SECTION A: MUST BE COMPLETED PERSONALLY BY INDIVIDUAL REQUESTING RECORD CHECK**

NAME Lt/Inf C. Wambhoefer RACE Asita SEX F HT 5 WT 123  
ADDRESS: 8406 Hume Ave DATE OF BIRTH \_\_\_\_\_  
CITY St. Louis STATE MO. ZIP 63132 PLACE OF BIRTH Taiwan Taipei  
SOCIAL SECURITY # \_\_\_\_\_

THIS INFORMATION IS CURRENT AS OF 11-7-2018 BUT MAY NOT FULLY REFLECT DISPOSITIONS  
INSTITUTED THEREAFTER IN THE JUDICIAL PROCESS OR DURING JUDICIAL REVIEW.

I authorize the St. Louis County Police Department to release arrest/conviction information concerning myself which is on file at the Regional Justice Information Service in compliance with Chapter 610, Revised Missouri Statutes. I further understand that I am required to provide satisfactory verification of my identity prior to release of this information and that I am subject to a fee in accordance with County ordinance. The intent of the record check is for:

- St. Louis City and St. Louis County arrest/conviction information - OPEN RECORDS ONLY
- Record challenge (St. Louis County arrest/conviction information - BOTH OPEN AND CLOSED RECORDS)
- Child care and nursing home employment

**OFFICIAL NOTICE OF DISCLAIMER**

THE RECORD INFORMATION SHOWN ON THIS FORM INCLUDES OPEN ARREST INFORMATION AND CERTAIN CLOSED INFORMATION WITHIN ST. LOUIS COUNTY AS DEFINED BY MISSOURI STATE STATUTE. THIS **INCLUDES** ARRESTS AND CONVICTION INFORMATION WITHIN ST. LOUIS COUNTY AS WELL AS CONVICTION INFORMATION **ONLY** FOR ST. LOUIS CITY. The information provided is based on comparison of our records with the name, race, sex, age, date of birth and social security number provided by the applicant and, to the best of our knowledge, the information provided belongs to the applicant. Since the only positive means of identification is through fingerprinting and fingerprinting was not part of this record check, the Police Department cannot state unequivocally the record belongs to the applicant.

Signature Lt/Inf C. Wambhoefer

Nov. 7, 18  
Date of request

**SEE REVERSE SIDE FOR ARREST RECORD INFORMATION**



"Committed to Our Citizens Through Neighborhood Policing"

J-1-17  
J-1-17







## Council Agenda Item Cover

**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Project #1409 – Community Development Block Grant Concrete Sidewalk Spot Repairs

**AGENDA SECTION:** Consent Agenda

**CAN THIS ITEM BE RESCHEDULED?:** Yes

**BACKGROUND:** Every year the City receives funds from the St. Louis County Office of Community Development and a portion of this funding is used for Public Works improvement projects.

The City replaces sidewalks that are extensively cracked, failed, faulted and/or possess a trip hazard. Several areas have been selected from the Community Development Block Grant (CDBG) eligible areas based on resident requests received for individual sidewalk repairs in their neighborhoods.

A funding reallocation was approved by City Council on November 12, 2018 to utilize remaining CDBG dollars (\$50,782.40) to address deficiencies within the City sidewalk-curb network that also serves to meet Americans with Disabilities Act-compliance, as required.

The City advertised for bids for the CDBG Concrete Sidewalk Spot Repairs project on Drexel Technologies Plan Room and posted the bid on the City's website. On December 7, 2018, the City opened bids for the CDBG Concrete Sidewalk Spot Repairs Project. The Bid Results are as follows.

Contractor	Bid Price
Pride Master Inc.	\$78,698.50
RV Wagner	\$81,997.50
Spencer Contracting	\$97,392.50

**RECOMMENDATION:** City Manager recommends that City Council approve the award for the Project #1409 – CDBG Concrete Sidewalk Spot Repairs Project to Pride Master Inc the lowest responsible bidder, in an amount not to exceed \$50,782.40. Due to the bid prices exceeding the available funds a work list fitting within the available budget of \$50,782.40 is recommended for approval.

**ATTACHMENT:** Location List

**Project #1409 – Locations List**

<b>Street</b>	<b>From</b>	<b>To</b>
North Dr	Westgate	Cabanne
Cabanne	North Dr	Eastgate
Cates	Westgate	Eastgate
Eastgate	North Dr	Vernon
Eastgate	Vernon	Clemens
Leland	Delmar	Loop N
Leland	Loop N	Clemens
Leland	Clemens	Vernon
Heman	Loop N	Clemens
Syracuse	Loop N	Clemens
Wilshire	Morgan	Ahern
Morgan	Wilshire	Mt. Olive
Nobhill	81st	81st

## Council Agenda Item Cover

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**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Capital Improvement Program Amendment –  
K9 Vehicle Purchase

**AGENDA SECTION:** Consent Agenda

**CAN THIS ITEM BE RESCHEDULED?:** Yes

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### **BACKGROUND REVIEW:**

The Police Department is adding another K9 officer requiring addition of a K9 vehicle to its fleet.

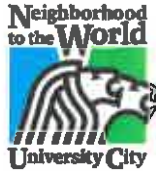
The Police departmental fleet currently has two K9 vehicle; is a 2011 Chevrolet Caprice and the other is a 2006 Chevrolet Impala. These vehicles are equipped with kennels, monitoring systems, and other equipment for the care and handling of the dog. The kennels are vehicle specific, but the other equipment can be transferred to new vehicles.

After discussing the options with the Police Chief, the recommended course of action is to add one new vehicle at an approximate cost of \$35,000. With this action, the proposed new K9 vehicle and the Chevrolet Caprice would be the primary units for the two K9s. When the replacement units for the other police cars arrive, one Chevrolet Impala will be proposed to be picked based on the overall best condition from the vehicle pool to be replaced. This vehicle will then receive the K9 equipment from the 2006 Impala and become a back-up unit. The back-up unit would get into service on an as-needed basis if the primary vehicle needed service, repairs, or is involved in an accident.

### **RECOMMENDATION:**

The City Manager is recommending that City Council authorize allocation of \$35,000 in Public Safety Sales Tax Fund reserve funding to the Capital Improvement Program – Police Department for “the purchase of a Police K9 Vehicle” – and to be assigned Project #POL-1904.





## Council Agenda Item Cover

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**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Capital Improvement Program Amendment –  
Window Replacement at Fire House #2

**AGENDA SECTION:** Consent Agenda

**CAN THIS ITEM BE RESCHEDULED?:** Yes

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### **BACKGROUND REVIEW:**

The City renovated the Fire House #2 on 1045 North and South in 2006. The windows have since developed various issues such as leaking and need replacement. City Council, on May 29, 2018, approved an award to Winco Window Company/Wil-Bond, LLC in the amount of \$85,980.00 for demolition, removal, disposal of existing windows, furnish and install new thermally broken Architecturally Rated Aluminum Windows, Series 1450 as manufactured by Winco Windows.

### **RECOMMENDATION:**

City Manager recommends that City Council authorize allocation of \$85,980.00 in Public Safety Sales Tax Fund reserve funding to the Capital Improvement Program – Fire Department for “Fire Station #2 (1045 North & South) Window Replacement” – and to be assigned Project #FIRE-1903.



### Council Agenda Item Cover

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**MEETING DATE:** December 10, 2018  
**AGENDA ITEM TITLE:** Emerald Ash Borer Tree Removals FY19 – Contract Approval  
**AGENDA SECTION:** Consent Agenda  
**CAN THIS ITEM BE RESCHEDULED?:** Yes

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**BACKGROUND:** The Emerald Ash Borer poses an eminent threat to the Ash trees in University City. The City has been pro-active in removing Ash trees utilizing in-house personnel. Unfortunately, this effort goes beyond the City's resources and additional assistance is necessary. To support these efforts the city bid out services for outside help in the removal effort. The contractor will be responsible for removing and replacing the Ash trees throughout the City. The funds for this contract come from the Capital Improvement Program (Tree Replacement Program) – P&R19-01 / \$110,000 budgeted.

The City advertised on the City's website and emailed the information for Bidders to 17 tree companies. The bid was advertised on November 12, 2018. On November 27, 2018 the City opened bids for this project. The tabulation of bid proposals is as follows:

<b>Contractor</b>	<b>Base Bid</b>
Arbor Masters Tree & Landscaping	\$148,500.00
Clipper T&L	\$151,965.00
Gamma Tree Experts	\$133,650.00
Timberline LLC	\$89,991.00

**RECOMMENDATION:** The City Manager is recommending that the City Council approve the award for the Emerald Ash Borer Contract to the lowest responsible bidder Timberline LLC in the amount of \$89,991.00.

**ATTACHMENT:** Locations list

AREA	ADDRESS	STREET	NUMBER	NOTES
NW	1432	TAMERTON	1	
NW	8326	SEVILLE	1	
NW	8303	APPLETON	1	
NW	8253	APPLETON	1	
NW	8245	APPLETON	1	
NW	8232	APPLETON	1	
NW	8225	APPLETON	1	
NW	8201	APPLETON	1	
NW	8140	APPLETON	1	
NW	8124	APPLETON	1	
NW	8116	MILAN	1	
NW	8029	PARKWAY	1	ON LAUGHLIN
NW	8030	PARKWAY	1	ON LAUGHLIN
NW	1525	PARKWAY	1	
NW	1540	PARKWAY	1	
NW	1541	PARKWAY	2	ON LAUGHLIN
NW	1510	LAUGHLIN	1	
NW	1514	LAUGHLIN	1	
NW	1518	LAUGHLIN	1	
NW	8005	NOEL CT	1	
NW	8012	APPLETON	1	
NW	8031	BRADDOCK	1	
NW	8012	BRADDOCK	1	
NW	8119	CANTON	1	
NW	8105	CANTON	1	
NW	1329	RUSHMORE	1	
CM	1012	LAVAL	1	
CM	1000	LAVAL	1	
CM	920	DALKEITH	1	
CM		DALKEITH	1	
CM	945	OLD BONHOMME	1	ON DALKEITH
CM		RUTH PARK GOLF COURSE	1	OPPOSITE 8266 GROBY
CM		RUTH PARK GOLF COURSE	1	OPPOSITE 8258 GROBY
CM		RUTH PARK GOLF COURSE	1	OPPOSITE 8240 GROBY
CM		RUTH PARK GOLF COURSE	1	OPPOSITE 8230 GROBY
CM	8211	GROBY	3	JUST WEST OF CLUBHOUSE
NW	8105	BRIAR	1	ON RUSHMORE
CM	975	GAY	1	
CM	8136	GROBY	10	ON BLACKBERRY BEHIND MCNAIR SCHOOL
CM	8025	BLACKBERRY	3	KAUFMAN PARK
CM	900	BLACKBERRY PL	1	ON BLACKBERRY
CM	7925	BLACKBERRY	3	
CM	7909	BLACKBERRY	1	
CM	7905	BLACKBERRY	1	
CM	7840	DREXEL	1	



CM	922	BRIARWOOD	1	
CM	973	WARDER	1	
CM	981	WARDER	1	
CM	977	WARDER	1	
CM	7746	WILD PLUM	1	OPPOSITE SIDE OF STREET
CM	7740	WILD PLUM	1	OPPOSITE SIDE OF STREET
CM	7738	WILD PLUM	1	OPPOSITE SIDE OF STREET
CM	7734	WILD PLUM	1	OPPOSITE SIDE OF STREET
CM	7728	WILD PLUM	1	OPPOSITE SIDE OF STREET
CM	7728	WILD PLUM	1	
CM	7720	WILD PLUM	1	
CM	829	WARDER	2	ON BALSON PARKWAY
CM	7835	BALSON	1	ON BALSON PARKWAY
CM	7835	BALSON	1	ON BALSON PARKWAY
CM	7853	BALSON	1	ON BALSON PARKWAY
CM	7832	BALSON	1	ON BALSON PARKWAY
CM	7804	BALSON	1	ON BALSON PARKWAY
CM	7744	BALSON	1	ON BALSON PARKWAY
CM	7736	BALSON	1	ON BALSON PARKWAY
CM	7500	SHAFTESBURY	2	
CM	7512	SHAFTESBURY	1	
CM	7516	SHAFTESBURY	1	
CM	7523	SHAFTESBURY	1	
CM	7524	SHAFTESBURY	1	
CM	7533	SHAFTESBURY	1	
CM	7545	SHAFTESBURY	1	
CM	7553	SHAFTESBURY	2	
CM	7561	SHAFTESBURY	1	
CM	7554	SHAFTESBURY	1	
CM	7558	SHAFTESBURY	1	
CM	7562	SHAFTESBURY	1	
CM	7563	SHAFTESBURY	1	
CM	7569	SHAFTESBURY	1	
CM	7929	STANFORD	2	
		<b>TOTAL</b>	<b>99</b>	



## Council Agenda Item Cover

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**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Project 1256 Transfer Station Ejector (Grinder) Pump Upgrade  
– Contract Award

**AGENDA SECTION:** Consent Agenda

**CAN THIS ITEM BE RESCHEDULED?** Yes

---

**BACKGROUND:** The City finalized bidding a construction contract on 24 August 2018 for this work and the low-bidder is Lulic, LLC in the amount of \$22,990. Project funding is via Solid Waste Fund-Miscellaneous Improvements. The budget for the project (\$25,000) was approved under Resolution #2018-9 for carrying forward Capital Improvement Funds into this fiscal year. The project consists of installation of a new, deep sump basin and associated ejector pump to divert sewage from the transfer station compactor area to an existing combined sewer which eventually flows into the MSD main on Pennsylvania Avenue.

Based on prior excavation earlier this year at the City Yard near the location of the deep sump basin, it is anticipated that there will be cost overruns related to the removal of additional rock and earth, and additional backfill. This was not taken into account when the Request for Proposals was issued as the subsurface conditions were unknown at that time. Ensuing discussions with the contractor, Lulic LLC, indicate that these overruns may amount to an additional \$3,000-\$5,000, but given the nature of the existing conditions, it's difficult to estimate.

In the interest of expediency in carrying out the contracted work, staff is seeking City Council approval for expenditure of funds up to \$30,000 for this project. The additional funding exceeding the budget (up to \$5,000) is proposed to come from Solid Waste Fund-Reserve. All contractor submitted change orders will be reviewed for accuracy, and costs will be compared against internal estimates using current construction cost estimating methodology. Any change order deemed reasonable will be approved, but in no instance will it exceed any additional amount approved by Council.

**RECOMMENDATION:** City Manager recommends that the City Council approve an award to Lulic, LLC in an amount not to exceed \$30,000 for the Transfer Station Ejector (Grinder) Pump Upgrade Project, with \$5000 being allocated from solid waste reserves.

**ATTACHMENT:** Draft construction contract

**ARTICLE 6 CONTRACT**

**6.1 THIS AGREEMENT**, made as of the 23rd day of October, 20 18, by and between City of University City, Missouri (hereinafter called the CITY) and Lulic, LLC, a limited liability corporation with offices at 1234 Assumption St Louis Mo (hereinafter called the CONTRACTOR), WITNESSETH, that whereas the CITY intends to construct improvements for Project No. 1256-TRANSFER STATION EJECTOR PUMP UPGRADE (hereinafter called the PROJECT), in accordance with the Drawings, Specifications, and Contract Documents prepared by the CITY.

NOW, THEREFORE, The CITY and CONTRACTOR for the considerations hereinafter set forth, agree as follows:

THE CONTRACTOR AGREES to furnish all necessary labor, materials, equipment, tools, and services necessary to perform and complete in a workmanlike manner all work required for the construction of the PROJECT, in strict compliance with the Contract Documents herein mentioned, which are hereby made a part of the Contract.

- a) **Contract Time:** Work under this Agreement shall be commenced upon written Notice To Proceed (NTP), and shall be completed within thirty (30) calendar days of the authorization date in the NTP.
- b) **Liquidated Damages:** The CONTRACTOR hereby expressly agrees to pay the CITY the sum of Two Hundred Dollars (\$200.00) per day for each and every day, Sundays and legal holidays only excepted, after the calendar days have expired during or upon which said work or any part thereof remains incomplete and unfinished.
- c) **Subcontractors:** The CONTRACTOR agrees to bind every Subcontractor by the terms of the Contract Documents. The Contract Documents shall not be construed as creating any contractual relation between any Subcontractor and the CITY. No Subcontractor shall further subcontract his work.

THE CITY AGREES to pay and the CONTRACTOR agrees to accept, in full payment for the performance of this Contract the amount as stipulated in the Proposal, which is:

Twenty-two thousand nine hundred ninety \_\_\_\_\_ Dollars  
(words)  
(\$ 22,990)  
(numbers)

The Contract contains a binding arbitration provision that may be enforced by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement:

(SEAL)

MELISA KSWANI  
Notary Public - Notary Seal  
STATE OF MISSOURI  
St. Louis County  
My Commission Expires: November 5, 2021  
Commission #13544815

Attest:

[Signature]  
Date: November 13, 2018

MEMBER  
Title  
By: [Signature]  
"Contractor"

(SEAL)

Attest:

\_\_\_\_\_  
Date: \_\_\_\_\_

CITY OF UNIVERSITY CITY

CITY OF UNIVERSITY CITY

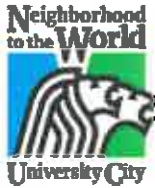
By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_





### Council Agenda Item Cover

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**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** In-Car Cameras

**AGENDA SECTION:** Consent Agenda

**CAN THIS ITEM BE RESCHEDULED:** Yes

---

**BACKGROUND REVIEW:** The University City Police Department (UCPD) is recommending the purchase of in car cameras for UCPD patrol vehicles. The purchase of twenty (20) in-car cameras is the targeted Capital Improvement original plan. The overall cost includes licenses, warranty, router, and installation.

After numerous trial periods with highly recommended companies, we are recommending WatchGuard Inc. as the company of choice \$151,000.00. The Police Department will provide in house hosting on a secure onsite server in order to reduce costs of annual cloud storage fees. WatchGuard Inc. technology automatically activates during critical situations in addition to Wi-Fi connectivity for increased ease-of-use. The new offering also boasts a wide-angle lens and HD video, flexible design that allows for quick and straightforward camera swaps, a rear-facing camera, and a pre-event buffer. Due to the functionality, customer service, constant viewing feature and possible expansion to body cameras, WatchGuard Inc. would fit the needs of the police department.

Leasing the cameras would result in 3%-4% financing for five (5) years. Purchasing the cameras outright will save on the interests' fees and UCPD will own the equipment instead of leasing the equipment

**RECOMMENDATION:** The City Manager recommends approval of the purchase of twenty in-car cameras for the Police patrol vehicles from WatchGuard Inc.

**ATTACHED:**

1. Project Description

**Project:** In-Car Cameras

**Department:** University City Police Department

**Budget:** \$209,000 through 5 yr. C.I.P. with UCPD

**Project Description:**

Agency executives reported that the cameras are a welcomed and unbiased tool s to ensure the accountability and the integrity of the officers in the field. Years of community perception research have established that officers' attitude, demeanor, responsiveness, and attentiveness toward a citizen determine that citizen's satisfaction with the police service. In fact, the citizen's confidence in the police depends on their perceptions of a police officer's motives more than on whether the outcome of a contact with an officer was favorable to the citizen. The institutionalization of in-car cameras along with a regular supervisory review process ensures professional accountability in citizen contacts.

The in-car camera can improve citizens' confidence in the police profession, enhance the ability to capture and convict violators, record inappropriate police behavior, provide officer safety and provide valuable data in our efforts to ensure homeland security. It is becoming documented that public safety will benefit from having in-car video cameras available to all police officers. Agency executives and community leaders should ensure that adequate resources for the proper management, storage, and retrieval mechanisms in hardware, software, and personnel are provided. There must be appropriate policies and guidelines in place to guarantee that while citizens are being protected their personal privacy is not being violated.

**Current Conditions:**

The Police Department does not currently have in-car cameras. Nearly 15+ years ago UCPD old analog system went obsolete.

**Project Goals:**

Implementation and installation into 20 fleet vehicles by 03/31/19. This pre-dates a possible expansion into body cameras by 2023 or 2024.







Thursday, November 01, 2018

University City Police Department

RE: Camera system(s) & related equipment

To whom it may concern,

Thank you for the opportunity to present proposed financing for the University City Police Department, Missouri.

FINANCING STRUCTURE:	Municipal Lease-Purchase Agreement
ISSUER:	University City
EQUIPMENT COST:	\$ 116,415.00
PAYMENT TERM:	<b><u>5 Payments</u></b>
INTEREST RATE:	3.95 % (fixed)
PAYMENT AMOUNT:	\$26,517.28/Yr.
FIRST PAYMENT DUE:	Twelve (12) months after signing/closing, annually thereafter

The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time. The above payment amount includes all applicable costs expressed as \$1800 these costs include documentation, legal, issuance, etc.

Our finance programs are extremely flexible and our goal is total customer satisfaction. If you have any questions or wish to consider other payment terms, frequencies or conditions, please contact me toll free at (800) 883-1199.

With Best Regards,

*Joshua Rosser*

Joshua Rosser  
Client Services, Public Finance

J - 7 - 3

*The transaction described herein is an arm's length, commercial transaction between you and Government Capital Corporation ("GCC"), in which GCC;(i)is acting solely for its own financial and other interest that may differ from yours;(ii)is not acting as your municipal advisor or financial advisor, and has no fiduciary duty to you with respect to this transaction; and (iii) is not recommending that you take an action with respect to this transaction.*





## Council Agenda Item Cover

**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Conditional Use Permit – Allow for “office use” in a PA - Public Activity District

**AGENDA SECTION:** City Managers Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

---

### **BACKGROUND REVIEW:**

Attached are the relevant documents for the above-referenced C.U.P. application. A C.U.P. is being required as per Zoning Code Section 400.960 which lists “offices, business, professional, medical, or institutional” as conditional uses in a PA – Public Activity District upon granting of a C.U.P.

Section 400.2700 of the Zoning Code requires staff to review the C.U.P. application and prepare a report for the Plan Commission. Subsequently, the Plan Commission shall review the C.U.P. application and conduct a public hearing. Plan Commission held a public hearing and considered the Church of Scientology’s application on November 28, 2018. The C.U.P. was subsequently approved by the Plan Commission.

**RECOMMENDATION:** The City Manager is recommending approval of this item.

### **ATTACHMENTS:**

1. Letter of Transmittal from Plan Commission
2. C.U.P. Application Materials
3. Staff Report



**Plan Commission**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

November 30, 2018

Ms. LaRette Reese  
City Clerk  
City of University City  
6801 Delmar Boulevard  
University City, MO 63130

RE: Conditional Use Permit – 6403 Clemens Ave – allowing “office use” in a PA –  
Public Activity District

Dear Ms. Reese,

At its regular meeting on November 28, 2018 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, University city, Missouri, 63130, the Plan Commission reviewed the above-referenced application by Brian Westbrook from the Coalition for Life for a Conditional Use Permit for 6403 Clemens Ave., University City, Missouri, 63130 allowing “office use” in a PA – Public Activity District.

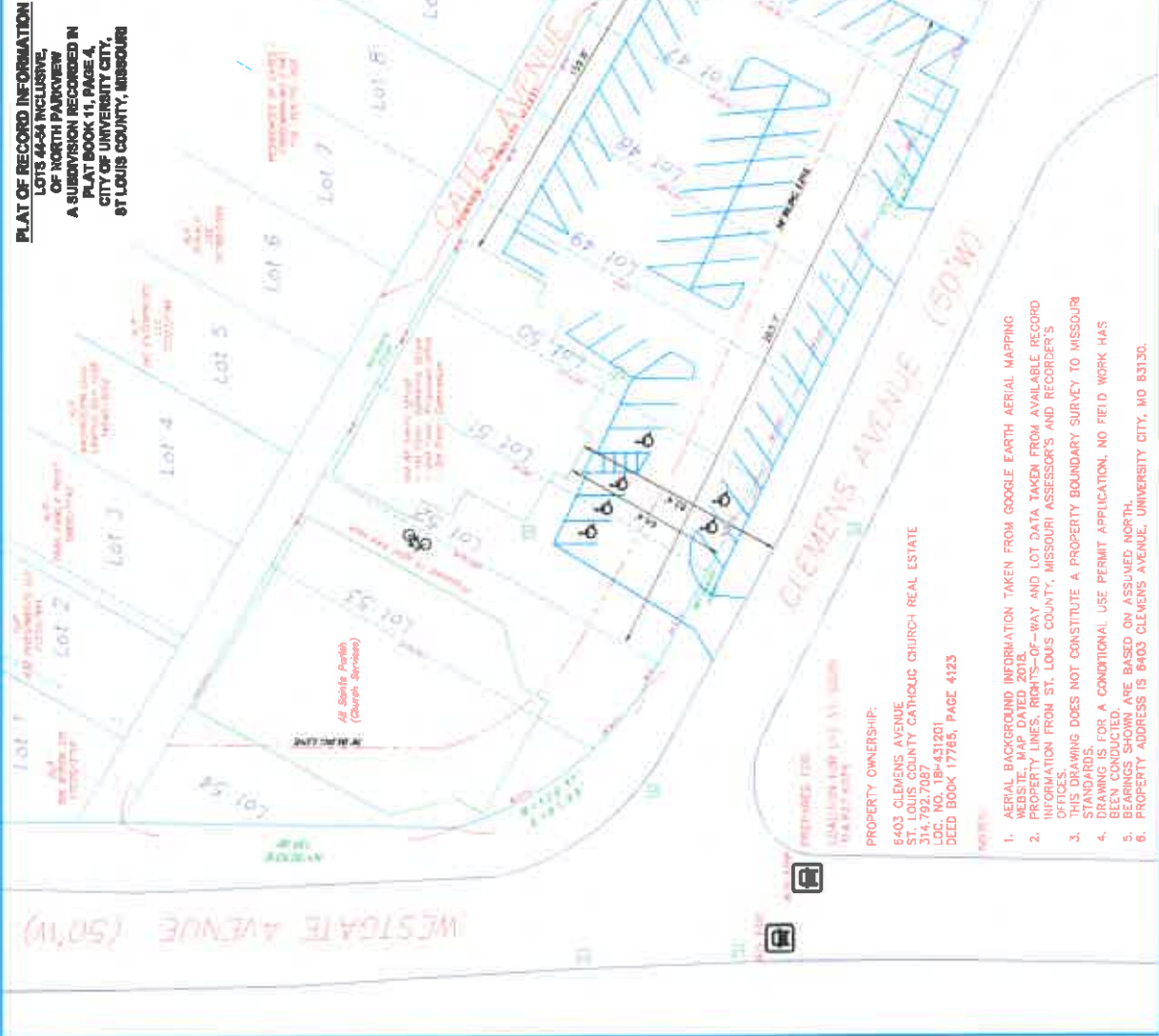
By a vote of 5 to 0, the Plan Commission recommended approval of the Conditional Use Permit

Sincerely,

Michael Miller  
University City Plan Commission

**PLAT OF RECORD INFORMATION**  
**LOTS 44-54 INCLUSIVE**  
**OF NORTH PARKVIEW**  
**A SUBDIVISION RECORDED IN**  
**PLAT BOOK 11, PAGE 4,**  
**CITY OF UNIVERSITY CITY,**  
**ST LOUIS COUNTY, MISSOURI**

**9403 Clemens Ave**  
 Area: 1.47 Acres (64,033 SF)  
 Zoning: Public Activity  
 Adjacent Zoning: High Density Residential  
 Parking:  
 - Main Church Parking - 57 Existing Spaces (6 Handicapped)  
 - Approximate Area: 27,000 SF  
 Proposed Parking on Lot 44:  
 - Rectory Parking - 2 car garage off Cates Ave.  
 - 9 spaces at 60° angle, 1 space at 90° angle, 1 covered space  
 - Approximate Area: 5,000 SF  
 Proposed Bike rack west of school building  
 - 15 additional bike parking spaces  
 Pavement: Asphalt



**PLAT OF RECORD INFORMATION**  
**LOTS 44-54 INCLUSIVE**  
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 - Approximate Area: 5,000 SF  
 Proposed Bike rack west of school building  
 - 15 additional bike parking spaces  
 Pavement: Asphalt

**PROPERTY OWNERSHIP:**  
 6403 CLEMENS AVENUE  
 ST. LOUIS COUNTY CATHOLIC CHURCH REAL ESTATE  
 314.792.7087  
 LDC. NO. 18-451201  
 DEED BOOK 17765, PAGE 4123

**NOTES:**

1. AERIAL BACKGROUND INFORMATION TAKEN FROM GOOGLE EARTH AERIAL MAPPING WEBSITE, MAP DATED 2016.
2. PROPERTY LINES, RIGHTS-OF-WAY AND LOT DATA TAKEN FROM AVAILABLE RECORD INFORMATION FROM ST. LOUIS COUNTY, MISSOURI ASSESSOR'S AND RECORDER'S OFFICES.
3. THIS DRAWING DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY TO MISSOURI SURVEYING BOARD STANDARDS.
4. DRAWING IS FOR A CONDITIONAL USE PERMIT APPLICATION. NO FIELD WORK HAS BEEN CONDUCTED.
5. BEARINGS SHOWN ARE BASED ON ASSUMED NORTH.
6. PROPERTY ADDRESS IS 6403 CLEMENS AVENUE, UNIVERSITY CITY, MO 63130.

COPY

# GENERAL WARRANTY DEED.

This Indenture, Made on the Thirtieth day of July  
 A. D. One Thousand, Nine Hundred and Twenty-Three by and between  
Maudie MacDonough And A. J. MacDonough, her husband,

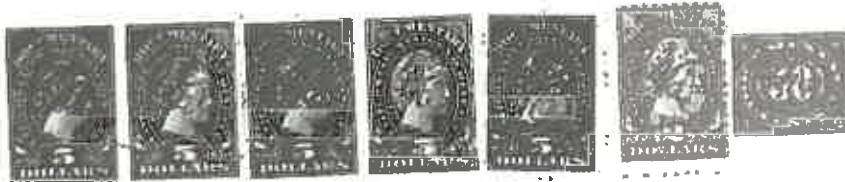
of the City of New York part ies of the first part, and

John J. Glennon, Archbishop,

of the City of St. Louis in the State of Missouri

part y of the Second Part,

WITNESSETH, That the said part ies of the First Part, in consideration of the sum of TEN (\$10.00) Dollars, and other valuable considerations- Dollars,  
 to them paid by the said part y of the Second Part, the receipt of which is hereby acknowl-  
 edged, do by these presents GRANT, BARGAIN and SELL, CONVEY and CONFIRM, unto the said  
 party of the Second Part his heirs and assigns, the following described Lots, Tracts or  
 Parcels of Land, lying, being and situate in the County of St. Louis and State of  
Missouri, to-wit: Lot Forty five (45) and the East ten (10)  
feet of Lot forty six (46), in Block eight (8) of NORTH PARKVIEW, a subdivision in  
St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 11  
page 4 of the St. Louis County Records, having an aggregate front of Fifty feet and  
one quarter inch (50'-1/4") on the north side of Glens Avenue, by a depth north-  
wardly of One Hundred thirty five feet and five inches, (135'-5") more or less, to  
the center line of a private alley.



To HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, ap-  
 purtenances, immunities and improvements thereto belonging, or in anywise appertaining, unto the  
 said party of the Second Part, and unto his heirs  
 and assigns FOREVER; the said parties of the first part  
 hereby covenanting that they, their heirs, executors and  
 administrators shall and will WARRANT and DEFEND the title to the said premises unto the said  
 part y of the Second Part and unto his successors  
 assigns FOREVER, against the lawful claims and demands of all persons whomsoever, excepting the  
 taxes, both general and special, for the year of 19 23 and thereafter. and subject to easements,  
 restrictions and other conditions of record. And subject to existing leases.

COPY

IN WITNESS WHEREOF, The said Parties of the First Part ha ve hereunto set their hand s and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of us.

*Maudie MacDonough* *A. J. MacDonough*

STATE OF MISSOURI } On this *17th* day of *August* 192*4*  
County of *New York* }  
before me personally appeared *A. J. MacDonough*

and *he* to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that *he* executed the same as *his* free act and deed.

In TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in *New York*, the day and year first above written.

My term expires *March 30th* 192*4* *Louis Adams*  
Notary Public.

STATE OF MISSOURI, } On this *10th* day of *Aug* 192*3*  
City of *St. Louis* }  
before me personally appeared

*Maudie Mac Donough* (*single*) *is* known to be the person described in, and who executed the foregoing instrument, and acknowledged that *she* executed the same as *her* free act and deed.

and the said *she* further declares *she* to be single and unmarried.

In TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in *St. Louis Mo*, the day and year first above written.

My term expires *Jan 16* 192*5* *Charles J. Daly*  
Notary Public.

GENERAL WARRANTY DEED.

FROM *Maudie MacDonough*

TO *John J. Glennon, Archbishop*

RECORDER'S FILING RECORD.

BOOK 611, PAGE 443  
FILED FOR RECORD  
1924  
AUG 17 1924

Recorder's Fee, . . . . . \$

NOTE: Deed should be promptly recorded, as a failure to do so may seriously impact the title to the property.

COPY

STATE OF MISSOURI }  
County of St. Louis } ss

I, the undersigned, Recorder of Deeds for said County and State, do hereby certify that the foregoing and annexed instrument of writing was filed for record in my office, on the 13 day of Aug A. D. 1929 at 2:37 o'clock P.M., and is truly recorded in Book 101 Page 443.

Witness my hand and official seal on the day and year aforesaid.

Arthur W. Schmid  
Recorder.  
By W. F. Fackman  
Deputy Recorder.



MEMO: 10/31/2018

**Application for Conditional Use Permit**

**Property:** 6304 Clemens Ave University City, MO 63130  
Lots 44-54 of North Parkview Subdivision

**Applicant:** Coalition For Life St. Louis  
11780 Borman Dr, Suite 128 St. Louis MO 63146  
314-827-4039

**Property Owner:** St Louis County Catholic Church Real Est  
20 Archbishop May Dr Saint Louis, MO 63119  
314-792-7087

Dear Colleen Durfee,

It is a pleasure to submit to you our application for a conditional use permit for the All Saints School located at 6304 Clemens Ave.

---

*Property History*

---

All Saints Parish was founded on Sept. 18, 1901. By October 1902, a two-story frame church was built at 63rd NS Maple, just south of the Cunningham Park neighborhood. Unfortunately, in 1917 this frame church caught fire and was a total loss. That same year Lots 47 – 54 along with 30 feet of Lot 46 were purchased on Clemens Ave to accommodate a new church and school. The school was completed first in 1918 and the church's construction was finally completed in 1936 amidst the Great Depression.

Later in 1923 the multi-family residence on lots 45 & 46 was purchased and converted into a rectory for the priests' residence and office. The following year in 1924 lots 43 and 44 were purchased and another multi-family residence at 6321 Clemens was converted to a religious convent where several sisters lived while teaching in the school. Lot 44 was paved and converted into a parking lot for the convent.

In 1972 All Saints Elementary School was officially closed. Several years later in 1992 the convent on lot 43 was closed and sold. The remaining property consists of Lots 44 – 54 where the Rectory, School and Parish buildings still stand today.

---

*Coalition For Life St. Louis - History*

---

Coalition For Life St. Louis began as a volunteer prayer effort for pregnant women in 2009. After nearly three years of hosting prayer vigils a new Christian based 501(c)3 was formed as an outreach effort to these pregnant women in the St. Louis metro area. At first, we only had the capacity to simply educate women about the many resources available to them but fell short of providing any direct help. Then in

2015 our newest program, Women's Care Connect, began enabling us to provide direct services such as financial & material aid, life coaching, utility assistance, pregnancy testing and employment help. We have grown from serving a handful of clients to now serving several hundred per year.

---

### *Coalition For Life St. Louis - Expanding*

---

Since 2012 all the Coalition For Life operations have been run out of a few extra offices at Children's Hope International on Borman Dr near Page and 270. As a non-profit adoption agency Children's Hope has been a fitting neighbor making it an excellent place to work and call home for many years. With the launch of the Women's Care Connect program in 2015 it became increasingly obvious that our office was not easily accessible to our clients or big enough to meet their needs.

After a multiple year search, we believe we have found a fitting new home at Old All Saints Parish School. This well-established parish community has been serving the University City people for over 100 years. Their Christian beliefs and service to the poor have made them a fitting partner in alignment with the Coalition For Life's mission of prayer and service to pregnant women and their families.

Furthermore, this site offers an expanded 4,600 SF of charitable office space and close proximity to our clients who live primarily in north St. Louis City or other municipalities like University City, Wellston Ferguson, Berkeley, and Overland. University City provides an ideal safe environment for our staff while also allowing convenient access for our clients using car, bike or public transit.

Lastly this site was chosen due to its historical significance. This 100-year-old building has gone mostly unused since the school was closed in 1972. Through our partnership with All Saints Parish we hope to bring new life into this space with improved maintenance and upkeep over time.

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### *Coalition For Life St. Louis - Staffing*

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The Coalition For Life currently has 4 full time employees with 18 part time employees. Our hours of operation will be from 8:00am – 5:00pm Monday – Friday with plans to add 8:00am - 1:00pm hours on Saturday when staffing becomes available.

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### *Buildings at 6403 Clemens Ave*

---

There are three buildings at 6403 Clemens Ave.

On the far west side is the main worship building finished in 1937 containing 8,842 sf of floor space including all common space, stairs, hallways, storage, etc. This worship building has 744 feet of pews that at [today's standards](#) would require 106 parking spaces, or 1 space for every 7 feet.

The second building on the property is the old School Building completed in 1918 containing 3 floors at a grand total of 18,828 SF. The first floor is used a church common area. The second floor will hold the new offices at 4,598 SF. The third floor holds an old gymnasium and a few extra classrooms.

- Distance from street: ~82.4'

- Distance from easement: ~64.4'

The third and final building is a 2 story residential building used as the primary residence for the priest assigned to this parish. This building holds an estimated 5,300 SF of living and parish office space.

---

### *Signage*

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There are currently no plans for signage in connection with this office space. If later signage is determined necessary the Coalition for Life will comply with [Section § 400.2240\(A\)\(6\)](#) to affix a window decal not exceeding 1 sf gross or apply for a sign permit per [Section § 400.2190\(A\)](#) of the zoning code.

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### *Zoning Code: Application Section 6A*

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In compliance with section [§ 400.690\(A\)\(9\)](#) of the University Zoning Code the Coalition For Life St. Louis plans to use this Public Activity space under conditional use for offices and institutional purposes. We plan to lease the 2<sup>nd</sup> floor of the Old All Saints School at 6304 Clemens Ave as-is without modifications to setbacks, screening, buffering or signs.

---

### *Promote Community Welfare: Application Section 6B*

---

The Coalition For Life is a Christian Based Non-Profit organization providing support to pregnant women and their families. We believe this provides a direct contribution to the welfare of our community both in University City and throughout the St. Louis area. Often an unexpected pregnancy can be a blessing in disguise. With the support that we and others can provide we've witnessed mothers completely turn their lives around. Throughout their pregnancy and beyond we've been able to work with mothers to lift them out of poverty, find suitable housing, connect them with gainful employment, and even remove them from dangerous situations like sex trafficking.

While our work is focused on pregnant women and their families we believe this has ripple effects throughout our entire community from a positive economic impact to a lowered crime rate.

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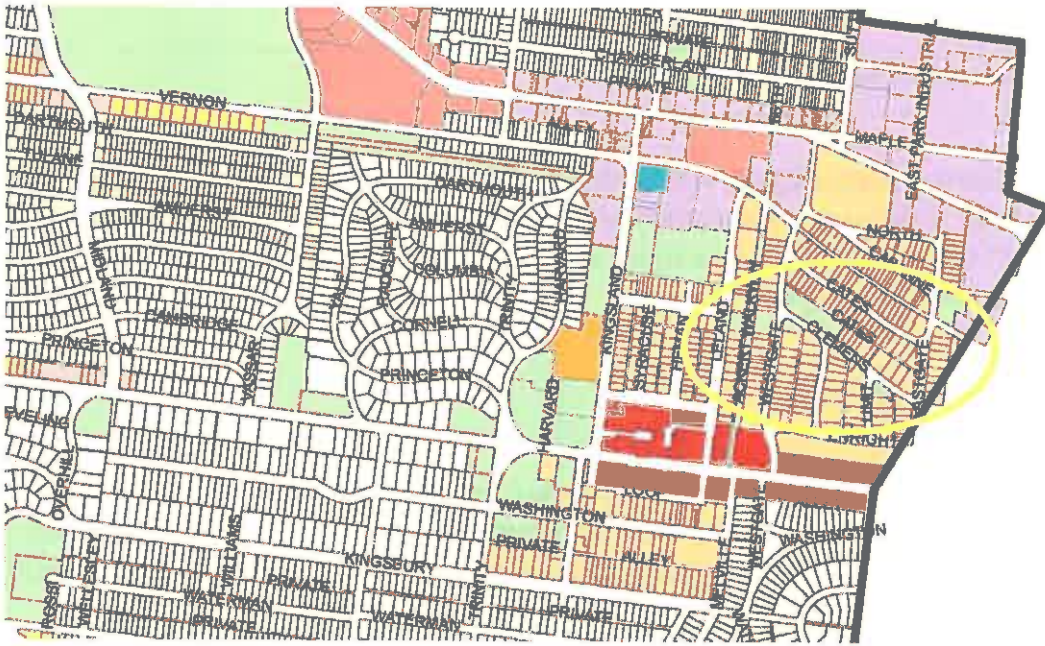
*Neighboring Properties: Application Section 6C*

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The Coalition For Life plans to operate quietly and peacefully during normal daytime hours Monday through Saturday. While there may be a slight increase in car and foot traffic along Clemens and Westgate Ave the adjacent property owners should not see any impact. The proposed traffic and operational patterns of the Coalition For Life will be in alignment with the impact of the All Saints Parish operation on a Sunday morning. We do not anticipate the operation of the parish on Sunday to overlap with the operation of the Coalition For Life Monday – Saturday.

The neighboring properties along Westgate, Clemens and Cates Ave are zoned High Density Residential / Office [Orange] or Public Activity [Green]. (see map below) Office use at 6403 Clemens would be comparable to the office use allowed in these neighboring properties.

Traffic flow on Clemens and Westgate Ave is fairly slow, however specific numbers are unknown.



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*Comprehensive Plan: Application Section 6D*

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The Coalition For Life St. Louis was founded as a Christian based religious non-profit not associated with any formal denomination. On [page 91 Table 19 \(Land Use\)](#) of the 2005 Comprehensive Plan the definition of Institution reads “Principal land use activities are government, schools, churches and other religious uses.” Of all the definitions listed in this table the Coalition For Life would best fit under “other religious uses.” On [page 92 Map 23](#) indicates in purple 6304 Clemens Ave as an Institution property. This property sits in the middle of a Residential Multi-Family neighborhood. Many of these properties have been renovated and are now used by Washington University students.

The 100 year old All Saints school building has been well maintained over the years, however with many of the current members growing old or moving to other areas in the region it has become increasingly difficult to preserve all three of these historical buildings. Over the next few years, with the revenue generated from the Coalition For Life lease, the parish hopes to make improvements to keep the property from falling into blight.

For example, several of the school building windows have been boarded up to save on energy costs, yet this has negatively impacted the outward appearance. In alignment with the residential implementation actions found on [page 22](#) the parish has already begun work to shore-up loose stones around each window opening and replace rusting metal supports. When this work is complete the parish hopes to re-install missing windows with modern energy efficient models while maintaining the unique historic characteristics of this building.

---

#### *Off Street Parking: Application Section 6E*

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The Coalition For Life office space will occupy 4,598 SF on the second floor of the Old All Saints School. According to [Section 400.2140](#) of the zoning code the Coalition For Life use would best fit under "Office" requiring 1 space for every 400 square feet. This would require 11 parking spaces.

Exceptions:

[§ 400.2130\(I\)](#) Exception For Uses Located Near Transit Stops

- There is a bus stop located at the corner of Clemens and Westgate Ave approximately 200 feet away from the entrance of the old school building
- This would reduce the parking requirement by 10% or 1 space

[§ 400.2130\(J\)](#) Exception For Uses That Provide Parking For Bicycles.

- The Coalition For Life plans to install a bike rack just west of the school building to accommodate 15 bicycles
- This would reduce the parking requirement by 3 spaces

With these exceptions the parking requirement would be 7 spaces.

The Coalition For Life St. Louis and All Saints Parish have entered into a long term lease agreement according to [§ 400.2010\(B\)](#) to rent the former religious convent parking pad on Lot 44. (approximately 260 feet from the front door of the school building) This parking pad will accommodate a total of 11 cars. In accordance with [§ 400.2030\(A\)](#) Lot 44 will fit 9 spaces at a 60° angle, 1 space at a 90° angle, and 1 covered parking space.

#### **LIGHTING**

The parking pad at Lot 44 will be lit with two existing overhead dusk to dawn lights. The current "foot-candle" capacity of these lights is unknown.

The main parking pad used by the parish worship space is lit by two existing overhead dusk to dawn lights that are mounted on the old school building.

All lighting on both public and private property is noted with a circle and the letter "L" on the site-plan.

---

I want to again thank you for your fine work on behalf of University City. My team and I look forward to bringing our operations to the region.

Sincerely,

Brian Westbrook  
Executive Director  
Coalition For Life St. Louis

Enclosed: Conditional Use Application, Site Plan, Lot 44 Lease



## Archdiocese of St. Louis

Cardinal Rigali Center  
20 Archbishop May Drive  
St. Louis, Missouri 63119

Office of Building and Real Estate

p) 314.792.7084

f) 314.961.6234

[randyrathert@archstl.org](mailto:randyrathert@archstl.org)

September 14, 2018

City of University City  
Department of Community Development  
6801 Delmar Blvd.  
University City, MO 63130

To Whom It May Concern;

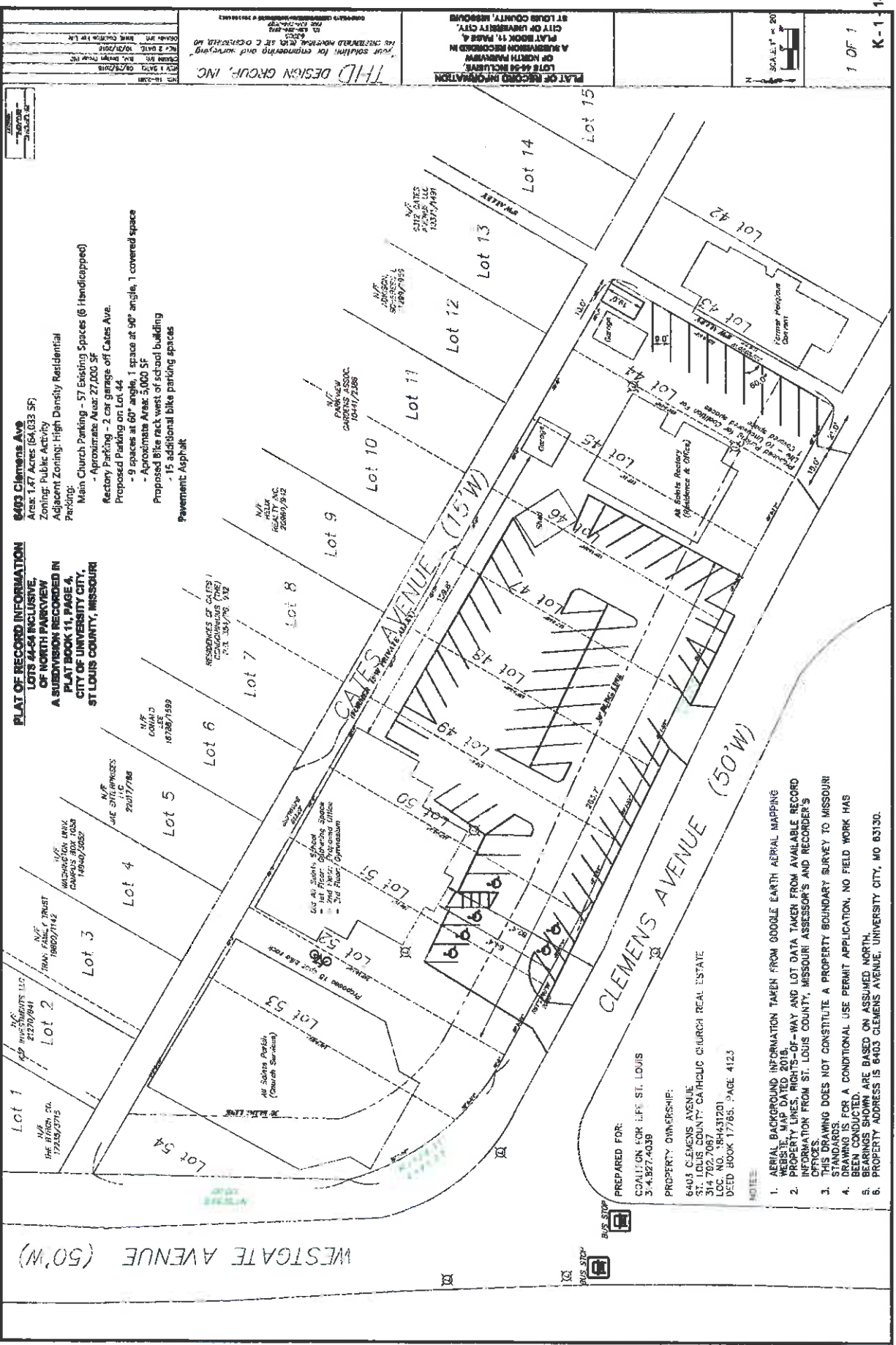
This letter is to state that tenant under pending contract (Coalition for Life St. Louis) has permission to file this application for Conditional Use Permit on our behalf.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randall K. Rathert", written over a circular blue stamp.

Randall K. Rathert  
Assistant Secretary  
St. Louis County Catholic Church Real Estate Corporation

cc: Msgr. Michael Witt – All Saints Parish



**6403 Clemens Ave**  
 Area: 1.47 Acres (64,033 SF)  
 Zoning: Public Activity  
 Adjacent Zoning: High Density Residential  
 Parking:  
 - Main Church Parking - 57 Existing Spaces (6 Handicapped)  
 - Approximate Area: 27,000 SF  
 - 9 spaces at 60' angle, 1 space at 90' angle, 1 covered space  
 Proposed Parking on Lot 44:  
 - Approximate Area: 5,000 SF  
 - 15 additional bike parking spaces  
 Pavement: Asphalt

**PLAT OF RECORD INFORMATION**  
 LOTS 44-54 INCLUSIVE,  
 A SUBDIVISION RECORDED IN  
 PLAT BOOK 11, PAGE 4,  
 CITY OF UNIVERSITY CITY,  
 ST LOUIS COUNTY, MISSOURI

**PREPARED FOR:**  
 COALITION FOR LIFE ST. LOUIS  
 314.927.4039  
**PROPERTY OWNERSHIP:**  
 6403 CLEMENS AVENUE  
 ST. LOUIS COUNTY CATHOLIC CHURCH REAL ESTATE  
 314.782.7087  
 LOC. NO. 38443120  
 DEED BOOK 17765, PAGE 4123

- NOTES:**
1. AERIAL BACKGROUND INFORMATION TAKEN FROM GOOGLE EARTH AERIAL MAPPING WEBSITE, MAP DATED 2016.
  2. PROPERTY LINES, RIGHTS-OF-WAY AND LOT DATA TAKEN FROM AVAILABLE RECORD INFORMATION FROM ST. LOUIS COUNTY, MISSOURI ASSESSOR'S AND RECORDER'S OFFICES.
  3. THIS DRAWING DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY TO MISSOURI STANDARDS FOR A CONDITIONAL USE PERMIT APPLICATION, NO FIELD WORK HAS BEEN CONDUCTED.
  4. BEARINGS SHOWN ARE BASED ON ASSUMED NORTH.
  5. PROPERTY ADDRESS IS 6403 CLEMENS AVENUE, UNIVERSITY CITY, MO 63130.



## LEASE

THIS LEASE is made and entered into as of the 1<sup>st</sup> day of November, 2018 by and between ST. LOUIS COUNTY CATHOLIC CHURCH REAL ESTATE CORPORATION, a Missouri nonprofit corporation, as Trustee under Indenture of Trust, St. Louis County Catholic Church Real Estate Trust dated June 23, 2003, hereinafter referred to as "Lessor," and COALITION FOR LIFE ST. LOUIS, hereinafter referred to as "Lessee."

1. Premises. Lessor, being the lawful owner of the following described property hereby leases to Lessee and Lessee hereby leases from Lessor, for the term and upon the terms and conditions hereinafter set forth, the property known and numbered as Lot 44 of All Saints Parish located at 6403 Clemens Avenue, St. Louis, Missouri 63130 in the County of St. Louis, State of Missouri, for the purpose of parking, hereinafter referred to as the "Premises."

The Premises are a part of All Saints Catholic Church ("Parish") property which is owned by Lessor and leased to the Parish which has full responsibility for the operation of the Parish, including the leased Premises. All questions which involve Parish operations should be referred directly to the Parish.

2. Rental. There is no rent associated with this lease.

3. Condition of Premises. Lessee represents that it has had an opportunity to inspect the Premises prior to the execution of this Lease and agrees to accept the Premises in an "AS IS" condition. Lessee further agrees during the term of this Lease to maintain the Premises in a clean, safe and sanitary condition, in good repair, except for those items which are the responsibility of the Lessor, and in accordance with applicable statutes, ordinances and directions of duly authorized public officers.

4. Term. The term of this Lease shall commence on November 1, 2018 and shall terminate on October 31, 2028 or when Lessee terminates their lease for the school building located at 6419 Clemens Ave., whichever occurs first. This lease may be renewed if agreed upon in writing by both parties.

5. Taxes and Assessments. Lessee will reimburse Lessor for any real estate taxes or special assessments levied or assessed against the Premises that may result from the lease of the Premises to Lessee and Lessee's use of the Premises. Lessee shall have the right at Lessee's sole expense, to contest the amount of and appeal all real estate assessments against the Premises in Lessee's own name or, if required by law, in the name of Lessor, and Lessor agrees to cooperate fully with Lessee. Any taxes required to be paid during said proceedings shall be paid under protest if permitted by law or, in the event the same cannot be paid under protest, then as a condition of Lessee's right to prosecute the appeal, suitable arrangements shall be made between Lessor and Lessee to assure that the tax liability as finally determined is satisfied and that there is no risk of a sale of the Premises for delinquent taxes.

6. Insurance and Indemnification.

6.1 Lessee shall maintain general liability insurance on an occurrence basis covering Lessee's use of the leased Premises in the minimum amount of One Million Dollars (\$1,000,000.00) per occurrence, with a Two Million Dollar (\$2,000,000.00) annual aggregate. Lessee shall also maintain workers' compensation insurance for Lessee's employees as required by law. Lessee shall name Lessor as an additional insured on such liability insurance policy and shall furnish a certificate of insurance to Director, Office of Building and Real Estate, Archdiocese of St. Louis, Cardinal Rigali Center, 20 Archbishop May Drive, St. Louis, Missouri 63119, showing that such coverage is in effect during the term of this Lease and which provides that the insurer or its agent shall provide Lessor with ten (10) days prior notice of cancellation.

6.2 Lessee shall defend, indemnify and save harmless Lessor, Parish, their agents, employees, contractors or invitees, against any liability or claim thereof, whether for injury to persons, including death, or damage to property occurring on or arising out of the use of the Premises by Lessee during the term of the Lease or arising out of any default by Lessee hereunder, except to the extent such liability or claims are based on the negligence or misconduct of Lessor, Parish, their employees or agents.

6.3 Lessor will maintain fire and extended coverage insurance at its cost. Lessor shall be the beneficiary of such insurance policy.

7. Waiver of Subrogation. Lessor and Lessee each hereby waive any and all rights of recovery, including any insurer's subrogation rights, against the other or against the officers, employees, agents and representatives of the other for loss of or damage to such waiving party of Lessee's property or the property of others under Lessee's control, to the extent that such loss or damage is insured under any insurance policy or self-insurance plan in force or which is required to be carried hereunder at the time of such loss or damages.

8. Damage or Destruction of Premises.

8.1 If the Premises are totally destroyed by fire, storm, lightning, earthquake or other casualty, this Lease will terminate as of the date of such destruction, and Lessor shall account to Lessee for that portion of the monthly installment of rent which is attributable to the days remaining in the month after the date of termination due to total destruction of the Premises.

8.2 If the Premises are damaged, but not wholly destroyed, by fire, storm, lightning, earthquake or other casualty and the damage is so extensive that the Premises cannot be reasonably repaired and restored for less than Twenty-five Thousand Dollars (\$25,000.00), either party shall have the right, exercisable by written notice to the other party within thirty (30) days after the occurrence, to terminate this Lease. The date of termination shall be the date on which the party receiving the notice of termination receives the notice unless a later date is specified in the notice. In the event of such termination, Lessor shall return to Lessee that portion of the monthly installment of rent which is attributable to the days remaining in the month after the date of termination due to such destruction.

8.3 If the Premises can be restored for less than Twenty-five Thousand Dollars (\$25,000.00) or if neither party exercises the right to terminate provided for in subparagraph 8.2, then, Lessor shall proceed to restore the Premises to a usable condition but shall not be required to restore the Premises to the same condition as before the damage occurred. During the period of time the Premises are in an unusable condition the rent shall be abated for that period.

9. State and Local Law. Lessee shall not make or suffer any use or occupancy of the Premises contrary to any law or ordinance now or hereafter in force. Lessee shall obtain any and all licenses from State, Federal or Local authorities which may be required for the operation of any program conducted on the Premises and shall furnish Lessor a copy of all such licenses which must be kept current during the term of this Lease. Any exception to this provision must be approved in writing by Lessor or its designee.

10. Maintenance and Janitorial Service. Lessor is responsible for all maintenance and repairs for the Premises. Lessor will be responsible snow removal and lawn care.

11. Utilities. Lessor shall be responsible for all utility bills incurred in Lessee's use of the Premises.

12. Alterations. Any alterations which Lessee wishes to make to the Premises, including but not limited to construction, painting, landscaping and signage (fixed or temporary), shall be at Lessee's expense and shall be subject to the written approval of Lessor. All construction plans must be approved by the Office of Building and Real Estate at the Archdiocese of St. Louis.

13. Mechanic's Liens. Lessee shall not and will not allow or permit any mechanic's liens or materialman's liens or other liens to stand against the Premises, for any labor or material furnished to Lessee. Lessee shall have the right to contest, at Lessee's cost and expense, the validity of any amount of any such lien, provided, however, that in the event of any such contest, Lessee shall provide Lessor with adequate security conditions for the payment and removal of such lien, and Lessee shall not be considered in default during the pendency of such contest.

14. Inspection. Lessee grants to Lessor or its agents, the right to enter upon the Premises, upon reasonable notice and during operational hours, to inspect the same and for purposes pertaining to the rights of Lessor. Such inspection shall not interfere with the operation of Lessee's business.

15. Quiet Enjoyment. If Lessee pays the rents and other amounts herein provided, observes and performs all the covenants, terms and conditions of this Lease, Lessor shall not interfere with Lessee's peaceable and quiet enjoyment of the Premises.

16. Assignment and Subleasing. The Lessee shall not have the right to assign this Lease or sublet the Premises.

17. Mortgage. Lessor shall have the right at any time to place mortgages against the Premises as security for loans to be obtained by Lessor and this Lease shall be subordinate to each such mortgage.

18. Default of Lessee. In the event Lessee shall fail for ten (10) days following receipt of notice from Lessor to remedy any default, Lessor may, at its option, to be exercised in writing, cause the forfeiture of this Lease. Possession of the Premises and all additions and permanent improvements thereon shall be delivered to Lessor upon ten (10) days written notice that Lessor has exercised said option and thereupon Lessor shall be entitled to and may take immediate possession of the Premises, any other notice or demand being hereby waived. It is hereby understood that such forfeiture, annulment or voidance shall not relieve the Lessee from the obligation to make the payments of rent hereinbefore reserved at the times and in the manner aforesaid and Lessor shall be entitled to recover from Lessee damages as provided by law. Because of the unique nature of the Premises, Lessor shall be under no obligation to relet the Premises.

19. Return of Premises. At the expiration of this Lease the Premises shall be surrendered to the Lessor in substantially the same condition as when received, normal wear and tear excepted.

20. Headings. Any headings preceding the text of the several paragraphs herein are inserted solely for convenience of reference and shall not constitute a part of this Lease, nor shall they affect its meaning, construction or effect.



**Department of Community Development**

6801 Delmar Boulevard •University City, Missouri 63130 •314-505-8500 •Fax: 314-862-3168

**APPLICATION FOR CONDITIONAL USE PERMIT  
Under Article 11 of the Zoning Code of University City, Missouri**

1. Address/Location of Site/Building: 6304 Clemens Ave University City, MO 63130

2. Zoning District (check one):

SR  LR  MR  HR  HRO  GC  LC  CC  IC  PA  PD

3. Applicant's Name, Corporate or DBA Name, Address and Daytime Telephone: \_\_\_\_\_

Coalition for Life St. Louis 11780 Borman Dr. Suite 128 St. Louis, MO 63146

(314) 827-4039

4. Applicant's Interest in the Property:  Owner  Owner Under Contract  Tenant\*

Tenant Under Contract\*  Other\* (explain):

Pending Tenant - Authorized Representative

\* Please Note: Zoning Code Section 400.2680 requires that the application may only come from one (1) or more of the owners of record or owners under contract of a lot of record (or zoning lot), or their authorized representative. If you are applying as a tenant, tenant under contract or other, you must attach a letter from the owner stating you are an authorized representative of them and they give you permission to file this application for Conditional Use on their behalf.

5. Owner's Name, Corporate or DBA Name, Address and Daytime Telephone, if other than Applicant:

St Louis County Catholic Church Real Estate Corporation

20 Archbishop May Dr Saint Louis, MO 63119

314-792-7084

6. Please state, as fully as possible, how each of the following standards are met or will be met by the proposed development or use for which this application is being made. Attach any additional information to this application form.

a) Complies with all applicable provisions of the University City Zoning Code (e.g. required yards and setbacks, screening and buffering, signs, etc.).

Refer to Memo

b) At the specific location will contribute to and promote the community welfare or convenience.

Refer to Memo

c) Will not cause substantial injury to the value of neighboring property.

Refer to Memo

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d) Is consistent with the Comprehensive Plan, neighborhood development plan (if applicable), and any other official planning and development policies of the City.

Refer to Memo

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e) Will provide off-street parking and loading areas in accordance with the standards contained in Article 7 of the University City Zoning Code

Refer to Memo

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**\*\* Please Note:** You should also submit twelve (12) copies of a memo detailing the following information:  
1) Description of the proposed Conditional Use, in narrative form. Please include historical information about the applicant, the company and/or the organization. Explain why this particular site was chosen for the proposal, state the number of employees that will be working at the site, state the hours of operation, explain other features unique to the proposed use and submit any other information that will help the Plan Commission and City Council in their decisions. 2) Estimated impact of the conditional use on the surrounding properties and adjacent streets, including, but not limited to, average daily and peak hour traffic generation, existing traffic volumes of adjacent streets, if available, use of outdoor intercoms, and any other operational characteristics of the proposed use that may have impacts on other adjacent or nearby properties. 3) Legal description of the property(s) proposed for the Conditional Use Permit, when the proposed use involves a substantial addition or new construction.

A Public Hearing before the Plan Commission is required by Ordinance. Notice of such Public Hearing must be published in a newspaper of general circulation at least fifteen (15) days in advance. Upon receipt of a Plan Commission Recommendation, the City Council must consider this application and supporting information before a Use Permit may be granted. A fee of \$250 must accompany this application.

10/31/2018

Date

*Brian Westbrook* Executive Director, Coalition For Life St. Louis  
Applicant's Signature and Title

St Louis County Catholic Church Real Estate Corporation  
Representing (if applicable)

FOR OFFICE USE ONLY

Application First Received.

Application Fee in the Amount of \$ \_\_\_\_\_ Receipt # \_\_\_\_\_

Application returned for corrections, additional data.

Final complete application received.

File # \_\_\_\_\_ created.

21. Rights are Cumulative. All rights, powers and privileges conferred hereunder upon the parties shall be cumulative, but not restricted to those given by law.

22. Scope and Interpretation of Agreement. This Lease shall be considered to be the only agreement between the parties hereto pertaining to the Premises. The laws of the State of Missouri shall govern the validity, interpretation and enforcement of this Lease. Any changes must be in writing.

IN WITNESS WHEREOF, the parties have executed this agreement and caused the same to be executed as of the day and year first above written.

ST. LOUIS COUNTY CATHOLIC CHURCH  
REAL ESTATE CORPORATION

By: Michael P. Boehm  
Rev. Michael P. Boehm  
President

10/25/18  
Date

COALITION FOR LIFE ST. LOUIS

By: Brian Westbrook  
Brian Westbrook  
Executive Director

10/25/2018  
Date

The undersigned Parish hereby approves the above Lease.

ALL SAINTS CATHOLIC CHURCH

By: Rev. Michael John Witt  
Rev. Msgr. Michael John Witt  
Pastor

22 October 2018  
Date





**Department of Community Development**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

**STAFF REPORT**

CITY COUNCIL MEETING DATE: December 10, 2018  
FILE NUMBER: PC 18-18492  
COUNCIL DISTRICT: 2  
Location: 6403 Clemens Ave.  
Applicant: Brian Westbrook, Coalition for Life St. Louis  
Property Owner: The Catholic Church of St. Louis  
Request: Conditional Use Permit (C.U.P.) for "office use" in a PA - Public Activity District

**COMPREHENSIVE PLAN CONFORMANCE**

Yes     No     No reference

**STAFF RECOMMENDATION**

Approval     Approval with Conditions     Denial

**ATTACHMENTS:**

- A. Conditions of Approval
- B. Application Documents & Site Plan Drawings

Existing Zoning: "PA" – Public Activity District  
Existing Land Use: Place of Worship  
Proposed Zoning: No change – "PA" District  
Proposed Land Use: Place of Worship and Office

**Surrounding Zoning and Land Use:**

North: HR – High Density Residential	Apartments
East: HR – High Density Residential	Apartments
South: PA – Public Activity and HR – High Density Residential	Park and Apartments
West: HR – High Density Residential	Apartments

## **Process – Required City Approvals**

**Public Hearing.** A public hearing at a regular Plan Commission meeting is required by the Zoning Code. The public hearing notice was published in the newspaper on November, 12 2018, 16 days prior to the meeting date. It was mailed to property owners within 200 feet of the subject property, exceeding the required distance of 185 feet. Signage was also posted on the subject property with information about the public hearing. Any member of the public has an opportunity to express any concerns by writing in or attending the Plan Commission meeting on November 28, 2018.

**Plan Commission.** Section 400.2700.C of the Zoning Code requires that C.U.P. applications be reviewed by Plan Commission. The Plan Commission shall make a recommendation to the City Council for their consideration. A public hearing is required at the Plan Commission meeting.

**City Council.** Section 400.2700.D of the Zoning Code requires that C.U.P. applications be reviewed by City Council for the final decision, subsequent to the public hearing and recommendation from Plan Commission. In conducting its review, City Council shall consider the staff report, Plan Commission's recommendation, and application to determine if the proposed C.U.P. application meets the requirements of the Zoning Code.

## **Applicant's Request**

The applicant's is requesting a Conditional Use Permit (C.U.P.) approval as required in Section 400.690 – "Conditional Uses" for Public Activity Districts to allow for office use in a Public Activity District. There will be no structural changes to the site or building.

## **Background**

The All Saints Catholic Church occupies 6403 Clemens. There are three buildings on the site including the main assembly space to the west, the old school building in the middle, and the rectory to the east. The school is the original building built on the lot in 1918. The parking lot was also built in 1918 for the school. The rectory was purchased in 1923 as a previous single family home. The two detached garages near the rectory were built in 1930 to likely accommodate parking for the rectory. The main church cathedral building was built in 1936. Lots 43 through 54 were consolidated into one parcel in 1939. The proposed office space would take up 4,598 square feet of the second floor of the school building. This use requires an additional 7 parking spaces (including exceptions).

The applicant, the Coalition for Life, has no plans to expand their size in this location. Their current space is about 1,600 square feet so if this CUP is approved, they would be increasing their square footage by 3,000 square feet. The applicant believes this will be enough space for at least five years. There is little chance that the applicant could expand within the school building as the first floor of the building is used as a reception and banquet area by the church and the 3<sup>rd</sup> floor is a gymnasium.

## **Site Plan**

The site plan with the CUP application for "office use" in a PA District has been reviewed by

staff and satisfies the parking requirements of Section 400 Article VII. The timing of each building's construction and/or acquisition indicates that the parking lot built in 1918 was meant to accommodate the school and then later the church cathedral use. This original parking lot for the cathedral and school accommodates 57 parking spaces. While this is less than what our current city code requires, (95 spaces with exception reductions), this parking lot is grandfathered in.

The parking spaces adjacent to the rectory building originally belonged to the convent on lot 43. When the convent was sold, the spaces became surplus the rectory's needs. The rectory building closest to those parking spaces was originally built as a single family home, requiring only one parking space per City code. The rectory which is on lot 44 and part of lot 43 was later consolidated into one parcel with the church and school in 1939. There are a total of 12 parking spaces surrounding the rectory including 9 angled parking spaces, one 90 degree parking space, and two garages. The rectory uses one of those spaces leaving 11 for the office use in the school building. The surplus spaces surrounding the rectory, not included in the 57 grandfathered in for the church can be used to meet the additional parking space requirements for the proposed office use in the second floor of the school building.

### **Parking Calculation**

In Section 400.2140, office use requires a minimum off street parking of 1 space per 400 square feet of floor area. Without reductions, this would require 11 spaces of additional parking for the 4,598 square feet of office space. The Coalition for Life is committing to build 15 bike parking spaces, reducing the required parking from 11 to 8 additional parking spaces. The lot is also located within 500 feet of a public transit stop, reducing the required parking spaces required to 7 spaces in total. The surplus parking spaces surrounding the rectory can be used to satisfy this parking requirement.

The Public Works & Parks – No Comments

The Fire and Police Department - No Comments

### **CUP Analysis**

Section 400.2710 Review Criteria for a CUP states that *"It shall be the responsibility of the applicant to clearly establish that the following criteria are met"* The relevant criteria for this CUP application are:

5. *The proposed use is compatible with the surrounding area;*
6. *The proposed use will not adversely impact designated historic landmarks or districts*
7. *Where a proposed use has the potential for adverse impacts, sufficient measures have been or will be taken by the applicant that would negate, or reduce to an acceptable level,*
  - f. *Limiting hours of operation of the use or certain operational activities of the use (e.g., deliveries)*

## **Staff Recommendation**

It is staff's recommendation that the Planning Commission make the following *Findings of Fact* as required by Section 400.2720 of the Zoning Code, based on the preceding evidence and analysis.

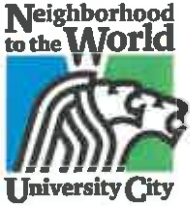
*That the Catholic Church of ST. Louis (CUP) application to allow for "office use" in a PA District;*

- 1. Complies with all applicable provisions of this Chapter;*
- 2. Will contribute to and promote the community welfare or convenience;*
- 3. Will not cause substantial injury to the value of neighboring property;*
- 4. Is consistent with the Comprehensive Plan, the University City Civic Complex Local Historic District guidelines, and other official planning and development policies of the City; and*
- 5. Will provide off-street parking and loading areas in accordance with the standards contained in Article VII of this Chapter.*

In conclusion, the proposed "office use" would not be detrimental to the surrounding area and should be approved. Staff recommends that the Planning Commission approve the Catholic Church of St. Louis's application, subject to the following conditions.

### Conditions

- Provide 15 bike parking spaces
- Limit hours of operation to be compatible with Church's hours of operation (different peak hours of operation)



## Council Agenda Item Cover

**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Approval for Wireless Communications New Pole in Public Right-of-Way Rear of 7206 Pershing Ave. also per to its impact on historic character of Maryland Terrace National Historic District

**AGENDA SECTION:** City Managers Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

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### BACKGROUND REVIEW:

Attached are the relevant documents for the above-referenced Wireless Communications Facility Permit application. Review of wireless communications facility applications in or within 300 feet of a local or national historic district is required per Section 400.1405.B.C.

Section 400.1405.B.C of the Zoning Code requires the Planning and Development Director and the Historic Preservation Commission to review the application before the City Council reviews the application. The Historic Preservation Commission reviewed the application on November 15, 2018 at 6:30pm at the Heman Park Community Center, 975 Pennsylvania Ave., University City, MO. Public notice for the Historic Preservation Commission review of this application was published on October 29, 2018 in the St. Louis Countian.

ExteNet Systems is the proposer and their proposal is to remove a 33'-6" tall utility pole to be removed and replaced in the same location with a 38'-6" tall pole fitted with wireless communication devices and with an antenna and mount over its top, installed to an elevation of 41'-1" above grade.

**RECOMMENDATION:** The City Manager is recommending approval of this item.

### ATTACHMENTS:

1. Letter of Transmittal from Historic Preservation Commission
2. Wireless Communication Facility Application Materials
3. Staff Report



**Historic Preservation Commission**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

December 3, 2018

Ms. LaRette Reese  
City Clerk  
City of University City  
6801 Delmar Boulevard  
University City, MO 63130

RE: Wireless Communications Facility at 7206 Pershing Ave., University City, MO,  
within the Maryland Terrace National Historic District

Dear Ms. Reese,

At its regular meeting on November 15, 2018 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, University city, Missouri, 63130, the Historic Preservation Commission reviewed the above-referenced application by Extenet Inc. to determine the impact of the wireless communications facility at 7206 Pershing Ave., University City, Missouri, 63130 on the character of the Maryland Terrace Historic District.

By a vote of 5 to 0, the Historic Preservation Commission recommended approval of the Wireless Communications Facility Permit.

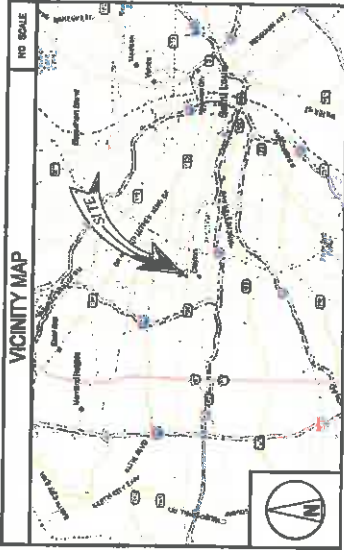
Sincerely,

A handwritten signature in black ink, appearing to read "Donna Marin", written in a cursive style.

Donna Marin  
Chairperson  
University City Historic Preservation Commission

# NC-MO-STLOUIS-00086-M ST90XS E02 AMEREN POLE # 3599743

(PROW)  
REAR OF 7206 PERSHING AVE.  
UNIVERSITY CITY, MO 63130



VICINITY MAP

BENCHMARK LOCATION

SHEET INDEX	
SHEET NO:	T-1
DR-1	GENERAL NOTES AND TYPICAL DESIGN
DR-2	GENERAL NOTES
DR-3	GENERAL NOTES
C-1	GENERAL SITE PLAN
C-2	POLE ELEVATIONS AND RISE DETAILS
C-3	EQUIPMENT DETAILS
C-4	EQUIPMENT DETAILS
C-5	GROUNDING DETAILS
OSP-1	OSP

IF USING 11X17 PLOT, DRAWINGS WILL BE HALF SCALE

CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR ANY



LOCAL MAP

### CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITY. NOTHING IN THESE PLANS IS TO BE CONSIDERED TO PROMOTE WORK NOT CONFORMING TO THESE CODES:

- IBC-2012
- ANSI-DA-25-G LIFE SAFETY CODE NFPA
- 2012 INTERNATIONAL ELECTRICAL CODE (IEC)
- 2012 INTERNATIONAL MECHANICAL CODE (IMC) 2012
- 2012 INTERNATIONAL PLUMBING CODE (IPC) 2012
- 2012 INTERNATIONAL FIRE CODE

### PROJECT DESCRIPTION

THESE DRAWINGS SHOW A PORTION OF A WIRELESS ANTENNA SYSTEM (DAS) TELECOMMUNICATIONS NETWORK, TO BE INSTALLED AT THE ABOVE LOCATED SITE. THE SYSTEM SHALL BE THE PROPERTY OF THE CLIENT AND SHALL BE MAINTAINED BY THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNING AUTHORITY.

THE MAIN COMPONENTS OF THIS INSTALLATION ARE:

- (1) MAIN ANTENNA
- (2) 1/2" DIA. RIGID PIPING
- (3) 1/2" DIA. RIGID PIPING
- (4) 1/2" DIA. RIGID PIPING
- (5) ASSOCIATED ELECTRICAL COMPONENTS AND WIRING
- (6) BRACKETS AS REQUIRED, LOCKED ON A WOOD POLE

### GENERAL PROJECT NOTES

- WORK TO BE SUBMITTED TO THE CONTRACTOR SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATIONS AND CONDITIONS OF THE JOB. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNING AUTHORITY.
- ALL FIELD MODIFICATIONS BEFORE, DURING OR AFTER CONSTRUCTION SHALL BE APPROVED IN WRITING BY A REGISTERED PROFESSIONAL ENGINEER.
- NOTIFY EXTRENET WIRELESS, IN WRITING, OF ANY HAZARDOUS CONDITIONS OR OBSTRUCTIONS THAT MAY AFFECT THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMEDIATING SUCH CONDITIONS AND ADJUSTING THE WORK AS NECESSARY.
- CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS AND UTILITIES. ANY DAMAGE TO SUCH UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNING AUTHORITY.
- CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS AND UTILITIES. ANY DAMAGE TO SUCH UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNING AUTHORITY.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNING AUTHORITY.



**BLACK & VEATCH**  
BLACK & VEATCH CORPORATION  
7700 FRANKLIN AVE. SUITE 100  
EDUCATION, MN 55435

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PROJECT NO: 19865A-2113  
DATE: 1/16  
BY: [Signature]

**TAYLOR MURPHY PROFESSIONAL ENGINEERS**  
10001289  
STATE OF MISSOURI  
TAYLOR MURPHY  
NUMBER  
PE-201-500332

EXTRENET SYSTEMS  
NC-MO-STLOUIS-00086-M  
SMALL CELL

SITE ADDRESS  
REAR OF 7206 PERSHING AVE.  
UNIVERSITY CITY, MO 63130

SHEET TITLE  
TITLE SHEET

SHEET NUMBER  
T-1

K-2-3

### PROJECT INFORMATION

#### PROPERTY OWNER

COMPANY: AMEREN  
ADDRESS: P.O. BOX 720632  
ST. LOUIS, MO 63176  
CONTACT: [Name]  
PHONE: (636) 355-7583

#### APPLICANT

COMPANY: EXTRENET SYSTEMS, INC.  
ADDRESS: 3330 WASHINGTON BLVD.  
SUITE 200  
LEWIS, L. MO 63022  
PHONE: (636) 355-3800  
FAX: (636) 377-1332

#### CONSTRUCTION

COMPANY: [Name]  
CONTACT: [Name]  
PHONE: [Number]

### PROJECT INFORMATION

#### REGIONAL DIRECTOR

COMPANY: EXTRENET SYSTEMS, INC.  
CONTACT: KENNETH HORTZ  
PHONE: (636) 248-2108  
E-MAIL: [Address]

#### ENGINEER

COMPANY: BLACK & VEATCH CORP.  
CONTACT: ARON BAWMS  
PHONE: (636) 866-6751  
E-MAIL: [Address]

### PROJECT INFORMATION

#### PROJECT MANAGER

COMPANY: EXTRENET SYSTEMS, INC.  
CONTACT: DALE DEBAMM  
PHONE: (314) 946-4801  
E-MAIL: [Address]

#### DESIGNER

COMPANY: BLACK & VEATCH CORP.  
CONTACT: JAMES WALKER  
PHONE: (636) 866-6750  
E-MAIL: [Address]

#### TELECO/BACKHAUL

COMPANY: [Name]  
CONTACT: [Name]  
PHONE: [Number]

#### PROJECT DATA

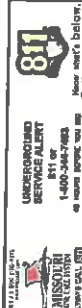
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ZONING DISTRICT: [Value]  
APPLICANT: [Value]  
OCCUPANCY: [Value]  
CONSTRUCTION TYPE: [Value]  
TITLE 24 REQUIREMENTS: [Value]

#### PROJECT DATA

LOT: 31 022301  
LATITUDE: -90.321797  
LONGITUDE: 38.9743  
ELEVATION: [Value]  
ZONING DISTRICT: [Value]  
APPLICANT: [Value]  
OCCUPANCY: [Value]  
CONSTRUCTION TYPE: [Value]  
TITLE 24 REQUIREMENTS: [Value]

#### PROJECT DATA

LOT: 31 022301  
LATITUDE: -90.321797  
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OCCUPANCY: [Value]  
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TITLE 24 REQUIREMENTS: [Value]

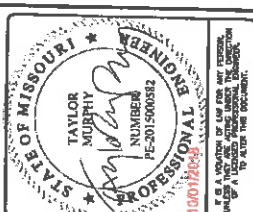


UNREGISTERED  
DESIGNER  
811 OF  
1-800-344-7463  
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Call before you dig



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PROJECT NO.	DATE	BY	CHKD.	APP.
1989542113	7/03	LP		



EXTENET SYSTEMS  
NC-MO-STLOUIS-00086-M  
SMALL CELL

SITE ADDRESS  
STROVVS EGD  
BEAR OF 7706 PERSHING AVE.  
UNIVERSITY CITY, MO 63130

SHEET TITLE  
GENERAL NOTES  
AND TYPICAL DESIGN

SHEET NUMBER  
GN-1

K-2-4

14. CONTRACTOR SHALL MAKE EXCAVATION AND LOCOT EXISTING FACILITIES SUFFICIENTLY DEEP TO PROVIDE PROPER REVISION TO PLANS IF REVISION IS NECESSARY BECAUSE OF LOCATION OF EXISTING UTILITIES.

15. THE LOCATIONS OF ALL EXISTING UTILITIES SHOWN ON THESE PLANS ARE FROM EXISTING RECORDS AND FIELD SURVEY. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES BY EXCAVATING AT THE LOCATIONS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES.

**GENERAL NOTES**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SURVEY, MEASUREMENTS AND/OR VERTICAL CONTROL. FIELD LOCUS, REFERENCE, AND/OR PROPOSED ALL UTILITIES OR CONDUITS SHALL BE SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES.
2. IMPORTANT NOTES: CALL SYSTEMS BY 1-(800)-856-8674 AT LEAST THREE DAY BEFORE YOU USE.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR THE POT HOLE AND LOCATING TO ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES.
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5. MANHOLES OR COVERS SHALL BE LABELED EXTERNALLY.

**R.O.W. GROUND CONSTRUCTION NOTES**

1. 120/240 POWER REQUIRED FOR 3-WIRE SERVICE
2. GO TO RECORDS/CLEAR ALL DEBRIS, NAILS, STAPLES, OR NON-USED VERTICALS OFF THE POLE.
3. ALL CONDUITS SHALL BE IN ACCORDANCE WITH MUNICIPAL, COUNTY, STATE, AND FEDERAL REGULATIONS AND REQUIREMENTS.
4. CALL 811, 72 HOURS PRIOR TO EXCAVATING AT (800) 344-7463.
5. ALL LANDSCAPING TO BE RESTORED TO ORIGINAL CONDITION OR BETTER.
6. SETTING CEMENT REQUIRED 3" CLEARANCE AT DOOR OPENING.
7. CHALK CHAINET BASE AT P.O.

**STANDARD GROUNDING NOTES**

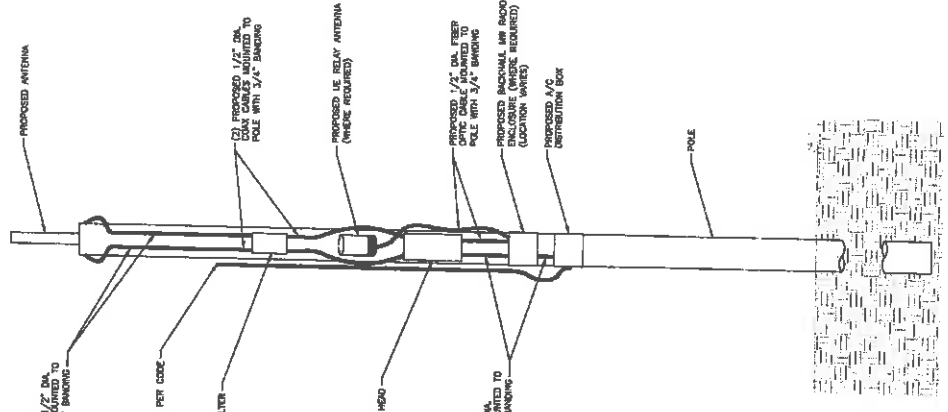
1. GROUND TIE TO AT 5 OHMS OR LESS.
2. 5/8" X 1/2" ROD, CAP WELD BELOW GRADE.
3. 1/2" GALV. STEEL BOND WIRE.
4. WOOD MOLING, SPACED EVERY 3' AND AT EACH END.
5. GRADES 3" FROM POLE.
6. PLACE 3" FIBRA REINETS FROM ENOUGH TO MEET DOC.

**STANDARD CONDUIT NOTES**

1. FOR UNDERGROUND USE SCHEDULE 40
2. FOR FACTS USE SCHEDULE 40
3. SCHEDULE 40
4. CONVERT 4" CONCRETE CONDUIT TO 3" AT BASE OF POLE.
5. GO TO END UP POLE TOP 1/2" POWER CONDUIT. POWER CO. TO CONVERT FROM 3" SCH. 40 TO 2" SCH. 40 FROM TOP OF STUB UP.
6. ALL CONDUIT WILL BE WHT. BULLED AND COATED WITH 3/4" RAL BOPE.

**STANDARD BENCHING NOTES**

1. MINIMUM 4" MINIMUM COVER FOR ELECTRONIC CONDUIT.
2. MINIMUM 30" MINIMUM COVER FOR COMMUNICATIONS CONDUIT.
3. MINIMUM 18" MINIMUM COVER FOR ALL OTHER CONDUITS, AND 6" COVERING ON TOP REQUIRED.
4. ALL CONDUITS SHALL BE PROTECTED BY A COMPANY, WHETHER FROM POLES, TRANSFORMERS, OR OTHER LOCATIONS. THE COMPANY SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL CONDUITS.
5. IN STREET SITUATION TO GRADE AND SHALL DOWN 1-1/2" FOR 20'.
6. IN STREET SITUATION 18" FROM GRADE, AND FALL WITH EXISTING CONSTRUCTION MADE SOL FOR BALANCE.
7. PLACE WARNING TAPE IN TRENCH 18" ABOVE ALL CONDUITS AND 18" WARNING TAPE ABOVE GRADE.



TYPICAL EQUIPMENT LAYOUT DIAGRAM

**EROSION AND SEDIMENT CONTROL NOTES**

CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF EROSION AND SEDIMENT CONTROL MEASURES TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF EROSION AND SEDIMENT CONTROL MEASURES TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF EROSION AND SEDIMENT CONTROL MEASURES TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MISSOURI DEPARTMENT OF TRANSPORTATION (MO DOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MAINTENANCE OF HIGHWAYS AND BRIDGES, LATEST EDITIONS OF THE MISSOURI DEPARTMENT OF TRANSPORTATION (MO DOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MAINTENANCE OF HIGHWAYS AND BRIDGES, LATEST EDITIONS OF THE MISSOURI DEPARTMENT OF TRANSPORTATION (MO DOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MAINTENANCE OF HIGHWAYS AND BRIDGES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF EROSION AND SEDIMENT CONTROL MEASURES TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF EROSION AND SEDIMENT CONTROL MEASURES TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF EROSION AND SEDIMENT CONTROL MEASURES TO PREVENT SOIL EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.

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GENERAL NOTES AND SCHEDULES

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GENERAL NOTES AND SCHEDULES











nef  
CONNECTIVITY  
SYSTEMS

**BLACK & VEATCH**  
BLACK & VEATCH CORPORATION  
7700 FRANKLIN AVENUE SOUTH  
BLOOMINGTON, IN 47403

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PROJECT NO./DRAWN BY CHECKED BY  
1089542113 / SAC / LJM

1. 10/17/18 ISSUED FOR CONSTRUCTION  
2. 10/20/18 ISSUED FOR CONSTRUCTION

EXTENET SYSTEMS  
NC-MO-STLOUIS-00086-M  
SMALL CELL

SITE ADDRESS  
ST90XMS E02  
REAR OF 7208 PERSHING AVE.  
UNIVERSITY CITY, MO 63130

SHEET TITLE  
EQUIPMENT DETAILS

SHEET NUMBER  
**C-3** K-2-9

**NOKIA B41 HIGH POWER RADIO HEAD**

TOTAL WEIGHT: 28.43 lbs (13 kg)  
DIMENSION (HxWxD): 8.87" x 12.83" x 12.37"

FRONT VIEW  
SIDE VIEW  
BOTTOM VIEW

**RADIO HEAD SPECIFICATIONS**

**NOKIA GENIEK UE RELAY**

TOTAL WEIGHT: 5.51 lbs (2.5 kg)  
DIMENSION (HxW): 11.41" x 6.69" (290mm x 170mm)  
DIAMETER: 7.87" (200mm)

NO SCALE

**CCL WIRELESS MBC-06 BRACKET**

TOTAL WEIGHT: 2.0 lbs (0.9 kg)  
MOUNTING POLE DIMENSION: 4" (102mm) AND 6.5"

ISO VIEW  
SIDE VIEW  
FRONT VIEW

**ANTENNA MOUNTING BRACKET**

**UE RELAY MOUNT**

DIMENSION (HxWxD): 16.05" x 10.22" x 7.5" (408mm x 260mm x 190mm)  
TOTAL WEIGHT: 12.0 lbs (5.44 kg)

PLAN VIEW  
SIDE VIEW  
FRONT VIEW

NO SCALE

**CCL WIRELESS SCA-0M-360FX-0-HZ**

DIAMETER: 4.8" (122mm)  
HEIGHT: 20.8" (530mm)  
TOTAL WEIGHT (WITHOUT MOUNTS): 3.2 lbs (1.45 kg)  
CONNECTION INTERFACE: CO 4-1-8.5 FEEDS  
RF CONNECTION LOCATION: BOTTOM  
ELECTRICAL DIRECTION (°): 7/12/14  
NO. OF PORTS: 3  
CONNECTIONS: 3  
CONNECTIONS TO BE SPECIFIED IN THE DRAWING.

**ANTENNA SPECIFICATIONS**

**FLEXI\_ZONE FMWA 472858A MOUNTING BRACKET**

DIMENSION (HxWxD): 14.5" x 11.5" (368mm x 292mm)  
STATIC BRACKET WEIGHT: 1.34 lbs (0.7 kg)  
RF COMPATIBILITY: NOKIA B28 AND B41 (HIGH & LOW POWER)  
INTERFACE BRACKET (MOUNTS TO RRH)  
STATIC BRACKET (MOUNTS TO RRH)

FRONT VIEW

NO SCALE

**UE RELAY SPECIFICATIONS**

NO SCALE

**WOOD POLE EQUIPMENT MOUNTING DETAIL**

NO SCALE

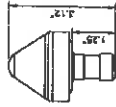
**RADIO MOUNTING BRACKET SPECIFICATIONS**

NO SCALE

NO SCALE	NO SCALE	NO SCALE
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NO SCALE	NO SCALE	NO SCALE
9	8	7
NOT USED	NOT USED	NOT USED

**NOKIA MM\_GPS\_ANTIENNA**

TOTAL WEIGHT: 3.34 lbs (1.51 kg)  
 DIMENSION (LxWxH): 3.12" x 2.36"



FRONT VIEW



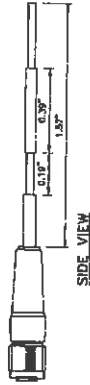
BOTTOM VIEW

**GPS ANTENNA DETAIL**

NO SCALE

1

**NOKIA MM\_RADIO\_HEAD\_AC\_POWER\_CABLE**



SIDE VIEW



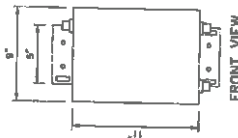
TOP VIEW

**GPS ANTENNA MOUNTING BRACKET**

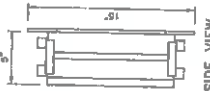
NO SCALE

2

**RF FILTER**  
 dimensions (nominal): 11" x 5" x 5" (279x127x127 mm)



FRONT VIEW



SIDE VIEW

**NOT USED**

NO SCALE

4

**RF FILTER DETAIL**

NO SCALE

5

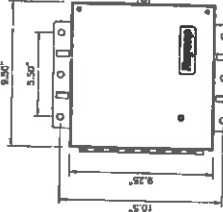
**NOT USED**

NO SCALE

6

**RAYCAP RSTAC-3112-P-120**

HEIGHT: 9.25"  
 WIDTH: 11"  
 DEPTH: 3.61"  
 WEIGHT: 14.04



FRONT VIEW

BOTTOM VIEW

**AC POWER PANEL**

NO SCALE

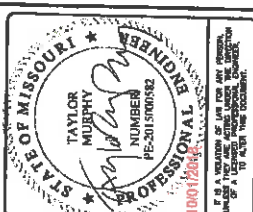
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PROJECT NO.	DRAWN BY	CHECKED BY
190524.211.3	YJC	LW

REV	DATE	DESCRIPTION
1	10/27/18	ISSUED FOR CONSTRUCTION
0	02/25/18	ISSUED FOR CONSTRUCTION



EXTENET SYSTEMS  
 NC-MO-STLOUIS-00086-M  
 SMALL CELL

SITE ADDRESS  
 STROYS, ED2  
 REAR OF 7206 PENNING AVE.  
 UNIVERSITY CITY, MO 65130

SHEET TITLE  
 EQUIPMENT DETAILS

SHEET NUMBER  
**C-4 K-2-10**

**NOT USED**

NO SCALE

7

**NOT USED**

NO SCALE

8

**NOT USED**

NO SCALE

9






**UTILITY NOTES:**

1. HAND EXCAVATION NEAR EXISTING FACILITIES, HAND DIG SHALL CROSSING BY A MINIMUM OF 18" ABOVE THE FACILITY. HAND EXCAVATION NEAR 2" BUSINESS DOTS PRIOR TO THE START OF WORK. TO SCHEDULE IN ORBIT. RESPECTOR DURING CONSTRUCTION CONTACT USABLE PERSONAL AT (855) 437-4187.
2. HAND EXCAVATION IS REQUIRED TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF EXISTING FACILITIES. A MINIMUM OF 4' FEET OF UNDISTURBED SOIL IS TO MAINTAIN FOR ALL EXISTING FACILITIES. EXISTING FACILITIES MUST BE TRACED TO AVOID DAMAGE TO THESE FACILITIES. THE CONTRACTOR AND/OR OWNER WILL BE RESPONSIBLE FOR THE COST OF REPAIRING OR REPLACING THE DAMAGED FACILITIES.

**NOTES:**

1. THE FULL POWER OF THE APPLICABLE RESTORATION LAWS SHALL BE SOLED COMPLETELY AT THE OFFICE OF THE CITY SAVORING WORK OR BY MEANS OF BUSINESS ORDERS BY THE CONTRACTOR.

**LEGEND:**

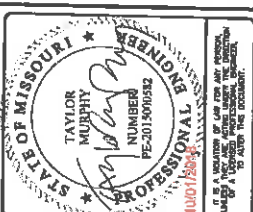
-  UTILITY TRENCH OR UTILITY/STREET CUT WITHIN THIS ZONE
-  CITY STANDARD FOR CONCRETE SIGNALS RESTORATION
-  60% STANDARD FOR SIGNALS RESTORATION



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PROJECT NO	DATE	BY	CHECKED BY
188564.2113	06/11/18	YJC	LW

NO.	DATE	DESCRIPTION
1	06/11/18	ISSUE FOR CONSTRUCTION
2	06/12/18	ISSUE FOR CONSTRUCTION
3	06/12/18	ISSUE FOR CONSTRUCTION
4	06/12/18	ISSUE FOR CONSTRUCTION
5	06/12/18	ISSUE FOR CONSTRUCTION
6	06/12/18	ISSUE FOR CONSTRUCTION
7	06/12/18	ISSUE FOR CONSTRUCTION
8	06/12/18	ISSUE FOR CONSTRUCTION
9	06/12/18	ISSUE FOR CONSTRUCTION
10	06/12/18	ISSUE FOR CONSTRUCTION



EXTENET SYSTEMS  
NC-MO-STLOUIS-00086-M  
SMALL CELL

SITE ADDRESS  
STROXS ED2  
REAR OF 7206 PERSHING AVE.  
UNIVERSITY CITY, MO 63130

SHEET TITLE  
OSP

SHEET NUMBER  
OSP-1K-2





**Department of Community Development**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

**HISTORIC PRESERVATION COMMISSION MEETING  
STAFF COVER SHEET**

**MEETING DATE:** November 15, 2018

**APPLICATION TYPE:** Design Review for Conformance w/ District Standards (HPC 18-07380)

**LOCATION:** 7206 Pershing Ave.

**HISTORIC DISTRICT:** Maryland Terrace (National Historic District)

**PROJECT DESCRIPTION:** Proposed Wireless Communications Facility Replacement of existing pole at 33'6" with new pole at 38'6" plus a 2'7" antenna totaling 41'1" tall facility.

**APPLICANT:** Extenet Systems, Inc.

**PROPERTY OWNER:** Ameren

**COUNCIL DISTRICT:** 1

**EXISTING ZONING:** SR – Single-Family Residential

**EXISTING LAND USE:** Single-Family Residential

**SURROUNDING ZONING AND LAND USE**

North:	PA – Public Activity	Park/Recreation
East:	SR-Single Family Residential District	Single-family residential
South:	SR-Single Family Residential District	Single-family residential
West:	PA – Public Activity	School/ House of Worship

**PERTINENT CODE SECTION(S):** Article 6 – Historic Landmarks and Districts  
 - Division 11 Parkview Historic District  
 400.1860 Historic District Established  
 400.1870 District Regulations  
 400.1880 District Standards

Bill 9344, Ordinance No. 7067 – Small Wireless Communications Facilities  
 100.085 - Definitions  
 400.1405 – Administrative Approval

Prepared by: Colleen Durfee, Planner





## Council Agenda Item Cover

**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Wireless Communications New Pole in Public Right-of-Way Side of 7491 Amherst Ave. also per to its impact on historic character of Maryland Terrace National Historic District

**AGENDA SECTION:** City Managers Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

---

### BACKGROUND REVIEW:

Attached are the relevant documents for the above-referenced Wireless Communications Facility Permit application. Review of wireless communications facility applications in or within 300 feet of a local or national historic district is required per Section 400.1405.B.C.

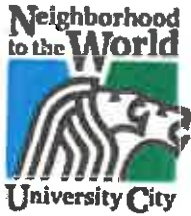
Section 400.1405.B.C of the Zoning Code requires the Planning and Development Director and the Historic Preservation Commission to review the application before the City Council reviews the application. The Historic Preservation Commission reviewed the application on November 15, 2018 at 6:30pm at the Heman Park Community Center, 975 Pennsylvania Ave., University City, MO. Public notice for the Historic Preservation Commission review of this application was published on October 29, 2018 in the St. Louis Countian.

ExteNet Systems is the proposer and their proposal is to remove a 33'-4" tall utility pole to be removed and replaced in the same location with a 38'-6" tall pole fitted with wireless communications devices and with an antenna and mount over its top, installed to an elevation of 41'-1" above grade.

**RECOMMENDATION:** The City Manager is recommending approval of this item.

### ATTACHMENTS:

1. Letter of Transmittal from Historic Preservation Commission
2. Wireless Communication Facility Application Materials
3. Staff Report



**Historic Preservation Commission**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

December 3, 2018

Ms. LaRette Reese  
City Clerk  
City of University City  
6801 Delmar Boulevard  
University City, MO 63130

RE: Wireless Communications Facility at 7491 Amherst, University City, MO, within  
300 feet of the University City Education District

Dear Ms. Reese,

At its regular meeting on November 15, 2018 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, University city, Missouri, 63130, the Historic Preservation Commission reviewed the above-referenced application by Extenet Inc. to determine the impact of the wireless communications facility at 7491 Amherst, University City, Missouri, 63130 on the character of the University City Education District.

By a vote of 5 to 0, the Historic Preservation Commission recommended approval of the Wireless Communications Facility Permit.

Sincerely,

Donna Marin  
Chairperson  
University City Historic Preservation Commission













**AERIAL SITE LOCATION**

**NO SCALE**

**1**

**2**

**SITE PHOTO**

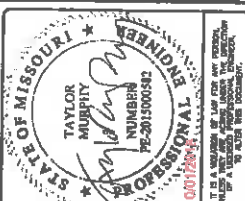
THIS DRAWING IS NOT A SITE SURVEY. THE PURPOSE OF THIS DRAWING IS TO ILLUSTRATE THE PROPOSED LOCATION OF THE EQUIPMENT RELATIVE TO THE EXISTING PROPERTIES AND ADJACENT PROPERTIES.



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PROJECT NO. DRAWN BY CHECKED BY  
188924-2113 SCS LW

NO.	DATE	DESCRIPTION
1	10/21/18	ISSUE FOR CONSTRUCTION
2	11/14/18	ISSUE FOR CONSTRUCTION
3	11/14/18	ISSUE FOR CONSTRUCTION
4	11/14/18	ISSUE FOR CONSTRUCTION
5	11/14/18	ISSUE FOR CONSTRUCTION
6	11/14/18	ISSUE FOR CONSTRUCTION
7	11/14/18	ISSUE FOR CONSTRUCTION
8	11/14/18	ISSUE FOR CONSTRUCTION
9	11/14/18	ISSUE FOR CONSTRUCTION
10	11/14/18	ISSUE FOR CONSTRUCTION



EXTENET SYSTEMS  
NC-MO-STLOUIS-00075-L  
SMALL CELL

SITE ADDRESS  
ST90XS D68  
SIDE 7491 AMHERST AVENUE  
UNIVERSITY CITY, MO 63130

SHEET TITLE  
OVERALL SITE PLAN

SHEET NUMBER  
**C-1** K-3-7



**OVERALL SITE PLAN**

SCALE: 1" = 40'-0"

**OVERALL SITE PLAN**





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PROJECT NO.	190554-2113	CHECKED BY	SW
DRAWN BY	SW	DATE	

REV	DATE	DESCRIPTION
1		ISSUED FOR CONSTRUCTION
2		ISSUED FOR CONSTRUCTION



EXTENET SYSTEMS  
NC-MO-STLOUIS-00075-L  
SMALL CELL

SITE ADDRESS  
STROXS DBB  
SIDE 7401 AMHERST AVENUE  
UNIVERSITY CITY, MO 63130

SHEET TITLE  
EQUIPMENT DETAILS

SHEET NUMBER  
C-3 K-B-9

**NOKIA B41 HIGH POWER RADIO HEAD**

TOTAL WEIGHT: 28.45 lbs (12 kg)  
DIMENSION (HxWxD): 8.67" x 12.57" x 3.7"

FRONT VIEW  
SIDE VIEW  
BOTTOM VIEW

**RADIO HEAD SPECIFICATIONS**

**NOKIA GEMTEK UE RELAY**

TOTAL WEIGHT: 5.31 lbs (2.5 kg)  
DIMENSION (HxWxD): 11.41" x 8.07" (305mm x 170mm)  
DUCTOR: 7.67" (200mm)

NO SCALE

**CCI WIRELESS MRC-06 BRACKET**

TOTAL WEIGHT: 2.6 lbs (0.9 kg)  
MOUNTING POLE DIMENSION: 4" (10 cm) AND GREATER

ISO VIEW  
SIDE VIEW  
FRONT VIEW

**ANTENNA MOUNTING BRACKET**

**UE RELAY MOUNT**

DIMENSION (HxWxD): 18.07" x 25.72" x 2.75" (460mm x 276 mm)  
TOTAL WEIGHT: 12.0 lbs (5.44 kg)

PLAN VIEW  
SIDE VIEW  
FRONT VIEW

NO SCALE

**CCI WIRELESS SCA-0M-360EX-Q-HZ**

HEIGHT: 4.5" (100mm)  
WIDTH: 20.5" (520mm)  
TOTAL WEIGHT (WITHOUT MOUNT): 3.2 lbs (1.45 kg)  
CONNECTOR INTERFACE: (2) 4.1-4.5 FEMALE  
RF CONNECTOR LOCATION: BOTTOM  
ELECTRICAL CONNECT (C): 7/16" x 1/4"  
CALL OUT ELECTRICAL CONNECTOR IS SPECIFIED IN THE SCHEDULED ELECTRICAL SPECIFICATIONS.

**ANTENNA SPECIFICATIONS**

**ELEXI\_ZONE\_F1WA\_472B58A MOUNTING BRACKET**

DIMENSION (HxWxD): 8.87" x 9.11" x 1.7" (148.5x156.3 mm)  
STATIC BRACKET HEIGHT: 1.04 lbs (0.7 kg)  
NOKIA B41 AND B41 (HIGH & LOW POWER)  
MOUNTING BRACKET (ATTACH TO RAIL)  
STATIC BRACKET (ATTACH TO STATIC BRACKET)

INTERFACE BRACKET  
STATIC BRACKET  
FRONT VIEW

NO SCALE

**UE RELAY SPECIFICATIONS**

NO SCALE

**UE RELAY MOUNTING DETAIL**

NO SCALE

**RADIO MOUNTING BRACKET SPECIFICATIONS**

NO SCALE

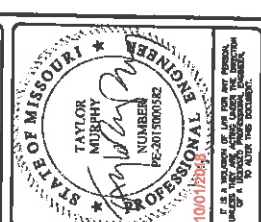
NO SCALE	NO SCALE	NO SCALE	NO SCALE	NO SCALE	NO SCALE	NO SCALE	NO SCALE
1	2	3	4	5	6	7	8
ANTENNA SPECIFICATIONS	ANTENNA MOUNTING BRACKET	RADIO HEAD SPECIFICATIONS	UE RELAY MOUNTING DETAIL	UE RELAY SPECIFICATIONS	UE RELAY SPECIFICATIONS	WOOD POLE EQUIPMENT MOUNTING DETAIL	NOT USED



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PROJECT NO. DRAWN BY CHECKED BY  
1809542113 SCS LW

REV	DATE	DESCRIPTION
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0	01/04/11	ISSUED FOR CONSTRUCTION

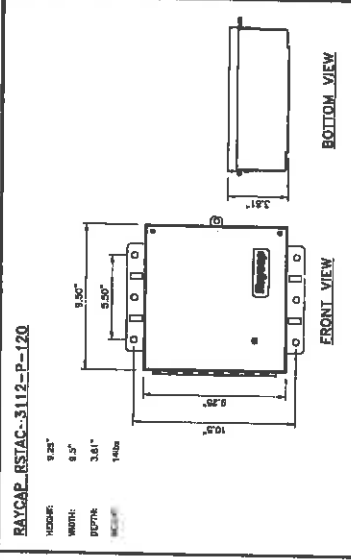


EXTENET SYSTEMS  
NC-MO-STLOUIS-00075-L  
SMALL CELL

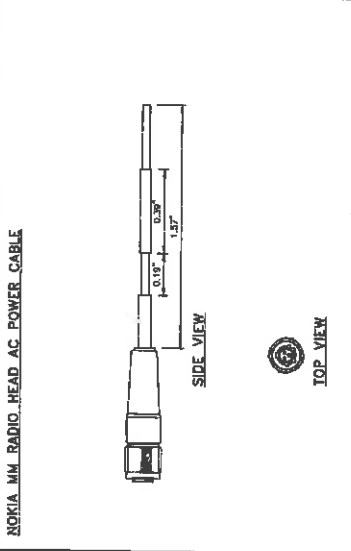
SITE ADDRESS  
STROXS DIB  
SIDE 7401 AMHERST AVENUE  
UNIVERSITY CITY, MO 63130

EQUIPMENT DETAILS

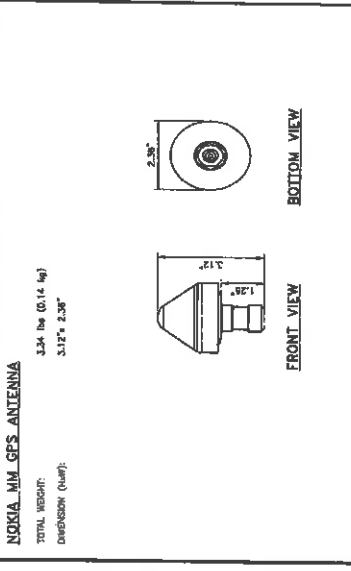
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**C-4** K-9-10



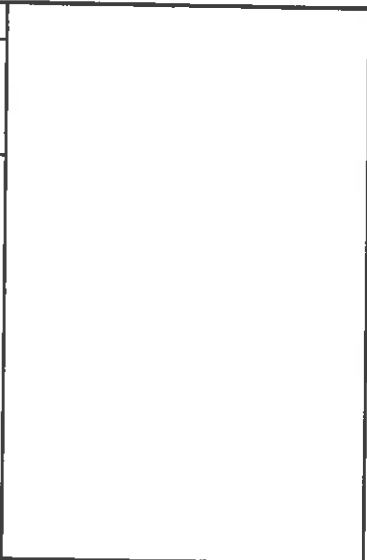
AC POWER PANEL NO SCALE 3



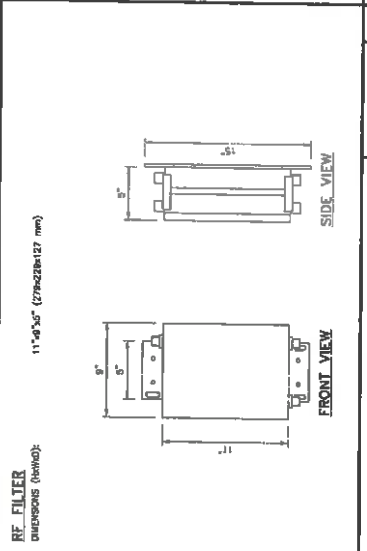
GPS ANTENNA MOUNTING BRACKET NO SCALE 2



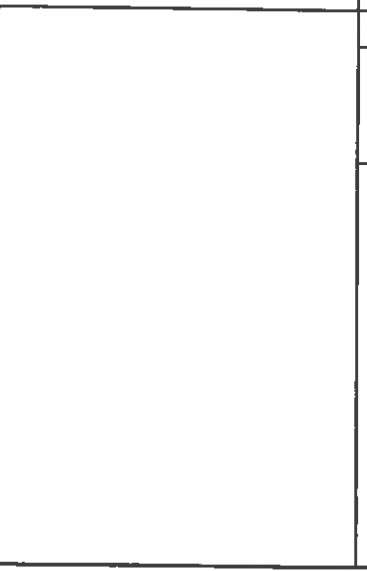
GPS ANTENNA DETAIL NO SCALE 1



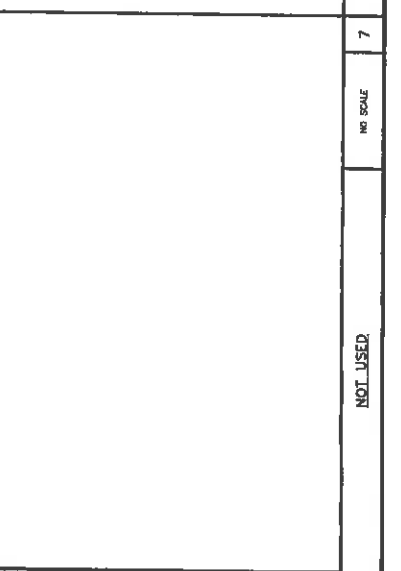
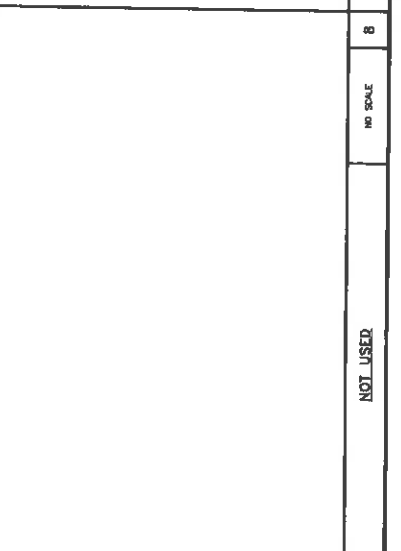
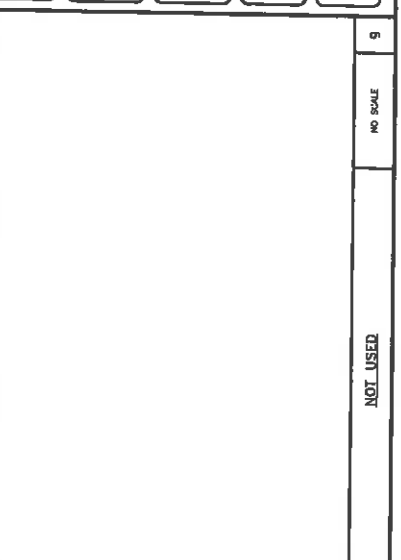
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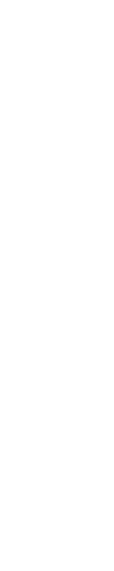
RF FILTER DETAIL NO SCALE 6



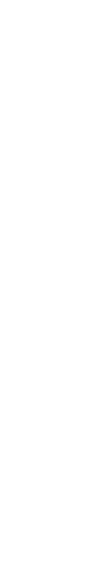
NOT USED NO SCALE 4



NOT USED NO SCALE 7



NOT USED NO SCALE 8



NOT USED NO SCALE 9







**Department of Community Development**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

**HISTORIC PRESERVATION COMMISSION MEETING  
STAFF COVER SHEET**

**MEETING DATE:** November 15, 2018

**APPLICATION TYPE:** Design Review for Conformance w/ District Standards (HPC 18-07383)

**LOCATION:** 7491 Amherst Ave.

**HISTORIC DISTRICT:** University City Education Complex Historic District (Local Historic District)

**PROJECT DESCRIPTION:** Proposed Wireless Communications Facility Replacement of existing pole at 33' with new pole at 38' plus a 2'7" antenna totaling 41'1" tall facility.

**APPLICANT:** Extenet Systems, Inc.

**PROPERTY OWNER:** Ameren

**COUNCIL DISTRICT:** 2

**EXISTING ZONING:** SR – Single-Family Residential

**EXISTING LAND USE:** Single-Family Residential

**SURROUNDING ZONING AND LAND USE**

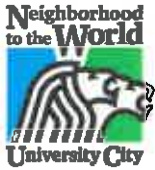
North:	PA – Public Activity	Park/Recreation
East:	SR-Single Family Residential District	Single-family residential
South:	SR-Single Family Residential District	Single-family residential
West:	PA – Public Activity	School/ House of Worship

**PERTINENT CODE SECTION(S):** Article 6 – Historic Landmarks and Districts  
 - Division 11 Parkview Historic District  
 400.1860 Historic District Established  
 400.1870 District Regulations  
 400.1880 District Standards

Bill 9344, Ordinance No. 7067 – Small Wireless Communications Facilities  
 100.085 - Definitions  
 400.1405 – Administrative Approval







## Council Agenda Item Cover

---

**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Legislative Platform - 2019

**AGENDA SECTION:** City Manager Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

---

### **BACKGROUND REVIEW:**

The attached City of University City 2019 Legislative Platform is crafted to provide you with the ability to give direction to staff, and provide your position to our Federal and State delegation on current and potential legislative issues. Specifically the platform provides your direction on Revenue and Finance, Governance, Quality Services, and Infrastructure. Guided by this legislative platform staff will take action to influence legislative efforts based on the best interest of the City of University City. I am recommending approval of the City of University City 2019 Legislative Platform.

### **RECOMMENDATION:**

The City Manager recommends approval.

### **ATTACHMENTS:**

- City of University City 2019 Legislative Platform – Requesting Council Approval

## **City of University City 2019 Legislative Platform**

This 2019 Legislative Platform reflects Council's legislative positions and priorities on current or anticipated legislative action at both State and Federal levels. Guided by this legislative platform, staff will take action to influence legislative efforts based on the best interests of the City of University City. Staff will update Council throughout the legislative session while seeking specific feedback on issues of major importance to the City.

### **2019 State Legislative Platform**

#### **I. REVENUE AND FINANCE**

- A. The City will oppose legislation that results in the reduction of revenues collected by the City and support legislation that enhances revenue collections.
  - Oppose legislation that reduces shared revenues, State Gas Tax, licensing or franchise fees, or any other source of current revenue for the City.
- B. The City will protect its ability to collect and use property taxes in order to properly manage the operations of the City and to manage growth.

#### **II. GOVERNANCE**

- A. The City will oppose legislation that reduces the City's local authority and support legislation that strengthens or increases local control.
  - Oppose legislation that creates unfunded mandates and burdensome regulations.
  - Oppose legislation that imposes personal liability on Council members for actions taken as part of their official duty, and oppose legislation that increases City liability or requires the City to take on additional indemnity.

#### **III. QUALITY SERVICES**

- A. The City will support legislation that enhances or incentivizes economic development within the City and oppose legislation that weakens economic development tools.

- Support legislation that provides alternative financing tools in order to bring economic investments to the City.
  - Support legislation that leverages tax laws in order to bring economic investments to the City.
- B. The City will support legislation that enhances public safety and protection from criminal activity, and oppose any legislation that needlessly reduces public safety or compromises the City's ability to provide public safety and to protect property utilizing its own local authority.
- C. The City will support efforts to increase the ability to provide additional quality parks, recreation and library services and oppose efforts to limit the ability to fund community services.
- Support legislation that allows additional options to participate in cost sharing and to finance municipal recreational infrastructure.
  - Support all aspects of Community Development Block Grants (CDBG).
- D. The City will support legislation that advances responsive and high quality health and human service practices and delivery to people living in and around University City, and oppose legislation that negatively impacts these services.
- Support legislation that brings additional services and cost effective resources to our senior and veteran population.
  - Support legislation that increases health care access to the City's residents.

#### IV. INFRASTRUCTURE

- A. The City will support legislation that advances the planning, design, maintenance, and completion of transportation infrastructure and oppose legislation that will hinder completion of transportation infrastructure.
- Support legislation that creates additional funding options or revenue sources for transportation infrastructure including private-public partnerships and new revenue streams.
  - Support legislation that reduces or repeals unnecessary or redundant regulatory requirements.
- B. The City will support legislation that enhances the City's ability to provide or oversee safe and affordable utility services while protecting the health, safety, and

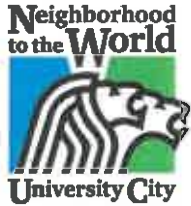
public welfare of the people within the City, and oppose any legislation that needlessly reduces the safety and affordability of utilities or compromises the City's oversight authority.

**V. 2019 FEDERAL LEGISLATIVE PLATFORM**

- A. The City will seek federal funding for transportation infrastructure projects.
- B. The City will advocate for continued federal support of the transportation infrastructure grant programs.
- C. The City will advocate with the Federal Environmental Protection Agency on issues negatively impacting the City of University City.
- D. The City will advocate for Federal Funding of COPS Grants.

**VI. STAFF REQUESTED LEGISLATIVE ACTIVITY**

Activity	Requesting Department
Support legislation that improves health, wellness, literacy and information access.	City Manager's Office
Support legislation that enhances the efficiency and effectiveness of law enforcement, while protecting taxpayers and maintaining local authority. <ul style="list-style-type: none"> <li>• Prioritize resources to combat Violent Crime</li> <li>• Federal Sentencing Reform and Reducing Unnecessary Incarceration</li> </ul>	Police



## Council Agenda Item Cover

**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Zoning Map Amendment – Re-zoning of 1167 Remley Ct. from GC – General Commercial to SR – Single Family Residential.

**AGENDA SECTION:** New Business

**COUNCIL ACTION:** Passage of Ordinance required for Approval

**CAN THIS ITEM BE RESCHEDULED? :** Yes

---

**BACKGROUND REVIEW:** The Plan Commission recommended approval of the proposed Map Amendment at their September 12, 2018 meeting. This agenda item requires a public hearing at the City Council level and consideration for the passage of an ordinance. The first reading and public hearing should take place on December 10, 2018. The second and third readings and passage of the ordinance could occur at the first meeting in the New Year in January of 2019.

**RECOMMENDATION:** The City Manager recommends approval of the zoning map amendment

### Attachments

1. Ordinance and Map Exhibits
2. Transmittal Letter from Plan Commission
3. Re-zoning Application
4. Staff Report
5. Attachment A



INTRODUCED BY:

DATE: \_\_\_\_\_

BILL NO. 9374

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO ZONING DISTRICTS ESTABLISHED PURSUANT TO SECTION 400.070 THEREOF, AND ENACTING IN LIEU THEREOF A NEW OFFICIAL ZONING MAP, THEREBY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY THAT IS LOCATED WITHIN THE CITY LIMITS OF UNIVERSITY CITY AT 1167 REMLEY COURT FROM "GC" - GENERAL COMMERCIAL DISTRICT, TO "SR" – SINGLE FAMILY RESIDENTIAL.

WHEREAS, Chapter 400 of the Municipal Code of the City of University City (University City Zoning Code) divides the City into several zoning districts, and regulates the character of buildings which may be erected in each of said districts, and the uses to which the buildings and premises located therein may be put; and

WHEREAS, the City Plan Commission examined an amendment of the Official Zoning Map of the City which changes the classification of property that is located within the city limits of University City at 1167 Remley Court from General Commercial District ("GC") to Single Family Residential District ("SR"); and

WHEREAS, the City Plan Commission, in a meeting at City Hall on September 12, 2018, approved said amendment and recommended to the City Council that it be enacted into an ordinance; and

WHEREAS, due notice of a public hearing to be held by the City Council in the City Council Chambers at City Hall at 6:30 p.m., December 10, 2018, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on November 19<sup>th</sup>, 2018; and

WHEREAS, said public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning said amendment of the Official Zoning Map of the City were duly heard and considered by the City Council.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 400 of the Municipal Code of the City of University City, Missouri, relating to zoning is hereby amended by repealing the Official Zoning Map illustrating the zoning districts established pursuant to Section 400.070 thereof, and enacting in lieu thereof a new Official Zoning Map, thereby amending the Official Zoning Map so as to change the classification of property that is located within the city limits of University City at 1167 Remley Court, General Commercial District ("GC") to Single Family Residential ("SR").

Section 2. Said property at 1167 Remley Court, University City, MO totaling 0.12 acres, is more fully described with legal descriptions, attached hereto, marked Exhibit "B" and made a part hereof.

The above described tract having St. Louis County locator number of 17K621010

Section 3. The new Official Zoning Map of the City is attached hereto, marked Exhibit "A", and made a part hereof.

Section 4. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty incurred by the violation of Chapter 400, nor bar the prosecution of any such violation.

Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalties provided in Chapter 400, Article 9, Division 5 of the Municipal Code of the City of University City.

Section 6. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

EXHIBIT A



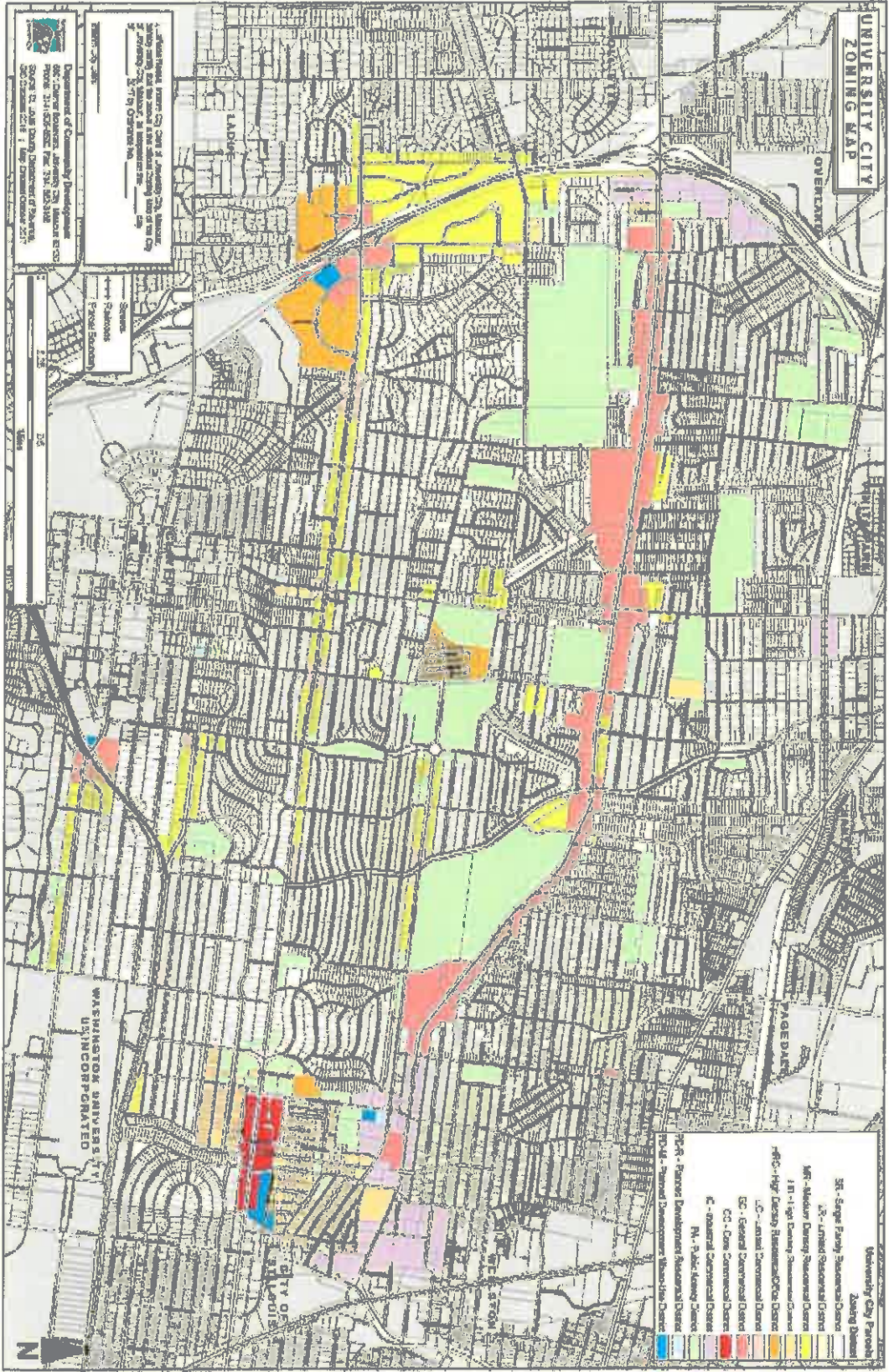


EXHIBIT B -

**LEGAL DESCRIPTION FOR REZONING – 1167 REMLEY COURT**

1167 Remley Court – Lot 16 (excepting the South 7 feet thereof) in Block 1 of Pearl Heights, according to the plat thereof recorded in Plat Book 17 Page 19 of the St. Louis County Records.



**Plan Commission**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

September 14, 2018

Ms. LaRette Reese  
City Clerk  
City of University City  
6801 Delmar Boulevard  
University City, MO 63130

RE: Zoning Map Amendment – Re-zoning of 1167 Remley Ct. from GC – General Commercial to SR – Single Family Residential

Dear Ms. Reese,

At its regular meeting on September 12, 2018 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, University city, Missouri, 63130, the Plan Commission reviewed the above-referenced application by Regina Ruminova for a re-zoning of 1167 Remley Ct., University City, Missouri, 63130 from GC – General Commercial to SR – Single Family Residential.

By a vote of 5 to 0, the Plan Commission recommended approval of the re-zoning

Sincerely,

Cirri Moran, Chairperson  
University City Plan Commission



**Department of Community Development**

6801 Delmar Boulevard -University City, Missouri 63130 -314-505-8500 -Fax: 314-862-3168

APPLICATION FOR ZONING MAP AMENDMENT: 1167 Remley Ct, MO 63130  
Address / Location / Site of Building

1. Current Zoning District (Check one):

CC  GC  HR  HRO  IC  LC  LR  MR  PA  PD  SR

2. Proposed Zoning District (Check one):

CC  GC  HR  HRO  IC  LC  LR  MR  PA  PD  SR

3. State proposed use:

4. Describe existing premises:

Small Residential Home

5. Describe proposed construction (please attach additional narrative):

Brick Ranch

6. State applicant's name, address and daytime telephone number:

Regina RUVINOVA 314-393-3815  
1696 Willowbrook Manors Ct, MO 63146

7. Applicant's interest in the property (check one):

Owner  Tenant  Under contract to purchase  Under contract to lease  
 Other (specify):

8. State name and address and daytime telephone number of owner, if other than applicant:

Regina RUVINOVA 314-393-3815

Other (specify):

The undersigned hereby makes application for a Site Plan Review and requests the authorization of the City Council to proceed with the activities described in this application.

05/04/2010  
Date

Regina Ruvanova, owner  
Applicant's Signature and Title

**FOR OFFICE USE ONLY**

Date: \_\_\_\_\_ Application first received of \_\_\_\_\_

Application fee in the amount of \$ \_\_\_\_\_ Receipt # \_\_\_\_\_

**Requesting to rezone 1167 Remley Court from GC – General Commercial District to SR – Single Family Residential**

**COUNCIL DISTRICT:** 2  
**LOCATION:** 1167 Remley Ct.  
**FILE NUMBER:** 18-05774  
**REQUESTED ACTION:** Approval  
**APPLICANT** Regina Ruvino  
7843 Olive  
University City, Missouri 63130  
**STATUS:** Property owner

**COMPREHENSIVE PLAN CONFORMANCE**

Yes  No  No reference

**STAFF RECOMMENDATION**

Approval  Approval with conditions  Denial

**PLAN COMMISSION RECOMMENDATION**

Approval  Approval with conditions  Denial

**PROJECT DESCRIPTION:**

Existing Zoning: GC-General Commercial District  
Proposed Zoning: SR- Single Family Residential  
Existing Land Use: Vacant Commercial  
Proposed Land Use: Single Family Residential

**Surrounding Zoning and Land Use:**

North: GC – General Commercial	Commercial
East: GC – General Commercial	Commercial
South: SR – Single Family Residential	Single Family Residential
West: SR – Single Family Residential	Single Family Residential

**Process – Required City Approvals**

Plan Commission. Section 400.3180 of the Zoning Code requires that Map Amendment applications be reviewed by Plan Commission after receipt of staff report. The Plan Commission shall report a recommendation to the City Council for their consideration.

City Council. Sections 400.3190 and 400.3200 of the Zoning Code require that a public hearing be held by the City Council before making a final decision, subsequent to receiving a recommendation from Plan Commission.

**Fire Chief Comments**

**Police Chief Comments**

**Public Works Comments**

**Analysis**

Property Information

The subject property is currently zoned GC – General Commercial and is about 5,100 square feet. The parcel contains one building. It is located at the beginning of Remley Court, adjacent to a parking lot and another single family home (see Attachment A) with access to Olive Blvd.

In the past, a dentist’s office occupied 1167 Remley Court, which abuts both GC and SR zoned districts. 1167 Remley was built as a single family home in 1946. At the time, dental offices were permitted under “transitional uses” in single family residential where a property abutted a commercial or industrial zone. Dental offices remained permitted transitional uses in single family residential until 1970 when the ordinance changed to regulate home occupations, prohibiting medical, dental, and physician offices in a single family zoned area.

After 1970, a dentist still operated their business in the building. The current GC – General Commercial zoning of the property likely resulted from a spot zoning to allow for the residence’s previous transitional use to remain

Current Proposal

The applicant requests that the property be rezoned from GC – General Commercial to SR – Single Family Residential. The intent is to use the property as a single family home. The building footprint will remain the same.

**Zoning Code Analysis**

Article 14, Section 34-162.2 of the Zoning Code requires that Plan Commission review a request for a map amendment and forward its recommendation to City Council. A public hearing will be conducted at the City Council level.

The purpose of “SR” Single Family Residential districts, as set forth in Section 400.130 of the Zoning Code, is;

*"To protect and conserve areas of predominantly single-family detached dwellings, while at the same time allowing for the construction of new dwelling units if in substantial conformance with the character of surrounding single-family dwellings."*

Under home occupations prohibited in single family residential (Section 400.130.A) are;

*"Medical or dental offices or clinics, including chiropractors, veterinarians, podiatrists, and similar professions"*

Replacing the transitional uses language, the code now explicitly allows or prohibits various home occupations regardless of their proximity to commercial and industrial districts. Therefore, this property was likely rezoned to accommodate a dentist's office.

### **Staff Recommendation**

The staff recommends that proposed rezoning of GC – General Commercial to SR – Single Family Residential be granted for the following reasons.

1. While we do not know when the lot was zoned to GC, the fact that the structure matches the size and shape of surrounding residential structures and was built prior to 1950, like the surrounding residential structures were, suggests the structure was originally built as a home and not a dentist office.
2. The lot and structure fit the prevailing pattern and character of single family residential on its South and West sides;
3. The rezoning will not cause substantial injury to the value of neighboring properties;
4. Approving the rezoning would increase consistency in the surrounding zoning district by including a structure originally built as a single family home in the adjacent SR district.

In conclusion, the staff recommend the proposed zoning map amendment be approved by the Planning Commission, and forward its recommendation on the City Council. Please see Attachment A for more details on site location and character.

**ATTACHMENT A**

Map I. Aerial view of 1167 Remley Ct.





Map II. Zoning of and surrounding 1167 Remley Ct.



Image I. Street view of 1167 Remley Ct.



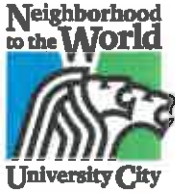
Image II. Street view of adjacent properties to the South (1159 & 1163 Remley Ct.)



Image III. Street view of adjacent property to the North (7700 Olive)







## Council Agenda Item Cover

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**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Municipal Code Amendment to Address Small Wireless Law (Missouri House Bill 1991)

**AGENDA SECTION:** New Business

**CAN THIS ITEM BE RESCHEDULED?** Yes

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**BACKGROUND:** An update is proposed to the City's Municipal Code Chapters 100 and 505, specifically to clarify the rate due to the City for violation of the City's requirement for a Right-of-Way Use Agreement and unauthorized use of City property, as well as updates to the City's Rights-of-Way Code due to recent changes in law. These proposed Code amendments were precipitated by recent changes in Missouri and federal law, including the Uniform Small Wireless Facility Deployment Act (§§ 67.5110-67.5121 RSMo.; the "Act"), that set certain boundaries and limitations on the City's authority as it relates to the installation of certain wireless communications facilities and infrastructure. Most of the Act will go into effect on January 1, 2019. These Code updates are companion updates to the proposed amendments to Division 10 of Chapter 400 concerning Wireless Communications Facilities, which is also proposed under separate item title.

Among the new limitations the Act places on cities include alterations to the City's insurance, indemnification, and bonding requirements for usage of the City's Rights-of-Way by ROW Users installing Small Wireless Facilities therein. Therefore, these Code updates revise those requirements in accordance with the Act. These amendments also address certain spacing requirements for new utility poles within the City's Rights-of-Way, as well as a procedure to waive these generally applicable spacing requirements. In addition, these Code amendments amend the City's existing location and design requirements for wireless facilities and work in conjunction with the amendments to Division 10 in allowing Small Wireless Facilities and Fast-Track antenna facilities to be installed within the City's Rights-Way in compliance with the new Act. Finally, the Code amendments set a minimum usage rate per month for linear feet of facilities in the City's Rights-of-Way, remove the antenna fee, and set a rate for attachment to City facilities in the City's Rights-Way in accordance with the Act.

**RECOMMENDATION:**

City Manager recommends the City Council approve the proposed amendments to Municipal Code Chapters 100 and 505.

**ATTACHMENT:** Proposed Ordinance Amending Chapters 100 and 505 of the University City Municipal Code to adopt regulations related to regulations for Right-of-Way management and enforcement regulations.



**INTRODUCED BY:**

**DATE:** \_\_\_\_\_, 2018

**BILL NO. 9375**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING CHAPTERS 100 AND 505 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI RELATED TO REGULATIONS FOR RIGHT-OF-WAY MANAGEMENT AND ENFORCEMENT REGULATIONS.**

**WHEREAS**, the City of University City, Missouri (“City”) has specifically been granted authority including Chapter 67 RSMo. to establish permitting requirements for structures or equipment for wireless communication facilities in the public right-of-way (“ROW”); and

**WHEREAS**, the City Council’s legislative findings include that: (a) the ROW is a unique and physically limited resource; (b) the ROW is critical to the travel and transportation of persons and property in the City; (c) the ROW is intended for public uses and must be managed and controlled consistent with that intent and can be partially occupied by facilities and public service entities to the enhancement of the health, welfare, and general economic well-being of the City and its citizens; and (d) such findings require adoption of specific additional regulations to ensure coordination of users, maximize available space, reduce maintenance and costs to the public, and facilitate entry of a maximum most efficient number of ROW Users that will serve the public interest; and

**WHEREAS**, the City has been granted the authority to enact legislation to regulate the construction, placement, and operation of telecommunications towers and antennas pursuant to its zoning powers established in Chapter 89 RSMo. and additionally, pursuant to its general and specific police powers established by statute (including Chapters 67, and 392 RSMo.); and

**WHEREAS**, the City is a “grandfathered” City authorized to impose linear foot fees and antenna fees pursuant to Section 67.1846 RSMo. because the City had, prior to May 1, 2001, one or more ordinances reflecting a policy of imposing a linear foot fee on ROW Users; and

**WHEREAS**, the Missouri General Assembly enacted the “Uniform Small Wireless Facility Deployment Act” §§ 67.5110 to 67.5121 RSMo., which governs certain installations of wireless equipment in the City’s ROW, which has an effective date of January 1, 2019; and

**WHEREAS**, consistent with state and federal law and the City Council’s legislative findings, the City Council desires to enact new regulations for small wireless facilities within the ROW; and

**WHEREAS**, the City is authorized to protect the taxpayer and public funds from incurring expenses resulting from violators of laws or contracts or other obligations to the City including such as relating to use of the city facilities or other City property, and the Council desires to amend the Municipal Code of the City of University City to ensure the regulations for use of public property and facilities are clear and that recovery of costs are available in the event that the City is forced to incur such expenses.

**NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:**

**Section 1.** The whereas clauses and findings therein are hereby specifically incorporated herein by reference.

**Section 2.** Section 100.210, Violation; Remedies, Unauthorized Holdover, of Article IV of Chapter 100, General Provisions, of the Municipal Code of the City of University City, Missouri, is hereby amended to repeal Section 100.210 and enact a new Section 100.210 to read as follows:

**Section 100.210 Violation; Remedies, Unauthorized Holdover.**

Any person who fails to hold and maintain a current and valid agreement with the City to use the City's land or facilities has no right to holdover and shall be subject to the provisions and City remedies of this subsection in addition to all other remedies and penalties as may otherwise exist in applicable law. Any claimed holdover right shall be deemed void and terminated upon expiration of a valid use agreement unless the City has affirmatively in writing authorized the holdover, or as otherwise may be required by law. Where an agreement, lease, or other agreement for use of public land or facilities expires, or a person is using public lands without authorization, and in addition to any penalties or other requirements therein, the person during any period without a valid agreement shall, during any period of unauthorized use: (1) indemnify the City from any liability arising from the use, (2) pay any damages and costs of the City from such use, including attorneys' fees incurred in enforcing this ordinance, and (3) make payment of compensation in the amount of two times the monthly rent of the last expired agreement, if a holdover, and two times the market rental value reasonably determined by the City in Section 505.220 or otherwise provided by ordinance ("Violation Rate"), if no prior agreement, provided that in no event shall the Violation Rate be less than the rate set by ordinance, until a valid agreement is executed with the City or the attachments and/or use is fully removed, the property restored and all obligations to the City satisfied. Unless otherwise provided in an unexpired agreement, such person shall also be responsible for interest on all amounts owed and at a rate of one and one-half percent (1.5%) per month. Nothing in these provisions, remedies, or compensation requirements, or acceptance or enforcement thereof by the City, shall be deemed to accept or authorize any use of public property without a required agreement, or after the expiration of such agreement, or otherwise in violation of applicable requirements.

**Section 3.** Section 505.220, Right-Of-Way Management, of Article III of Chapter 505, Public Right-of-Way Use Regulations, of the Municipal Code of the City of University City, Missouri, is hereby amended to amend Subsection C.8 to enact the underlined text and repeal the struck through text to read as follows:

*C. Agreement Required; User Fee.*

...

*8. Right-of-Way User Fees.*



(1) *User Fee.* Unless otherwise established by the City Council or applicable law, each Right-of-Way User shall pay to the City as compensation for the use of the public way, and including as referenced in Section 505.220.G.4, a user fee as follows:

a. **Linear Foot Fee:** one thousand dollars (\$1,000.00)/month for the first (1st) mile of linear facilities, or part thereof, plus a monthly payment of \$.165 per linear foot of Facilities located in the Right-of-Way, for an annual amount of one dollar and ninety-eight cents (\$1.98) per linear foot of Facilities in the Right-of-Way; and

~~b. **Antenna Fee:** a \$200.00 fee per month for each antenna in the Right of Way, if applicable to the user;~~

provided that all Right-of-Way Users shall be entitled to a credit against the user fee due hereunder equal to the payment(s) from such Right-of-Way User in accordance with Section 67.1846 RSMo.; provided, however, such credit cannot exceed the amount due under this subsection and may not be carried forward or back to any other time period and a credit shall not apply to any taxes paid under protest or otherwise paid with qualification unless so required by law.

(2) *Bundled Services.* The Right-of-Way User expressly acknowledges and agrees that to the extent it markets bundled services, including combination of goods or services, it will fairly reflect to the City an appropriate and reasonable division of services among the various services offered based on the actual value of each separate service. Whether or not the Right-of-Way User separates services on a subscriber's bill, it will provide to the City notice of any such allocation sufficient for City verification. Should the Right-of-Way User engage in billing or payment practices that, in the reasonable determination of the City, do not fairly reflect a fair and appropriate allocation, the City may nullify such allocation and require payment applicable to the full receipts.

(3) *Timing of Payment of User Fees.* Unless otherwise agreed to in writing, all Right-of-Way User fees shall be due and payable every month of each calendar year within thirty (30) days after the end each such month. A credit of the applicable gross receipts tax for that same period may be taken against the linear foot payment for that month.

(4) *Interest of Late Payments and Under Payments.* If any Right-of-Way User fee, or any portion thereof, is not postmarked or delivered on or before the due date, interest on the payment and interest on the unpaid balance shall accrue from the due date until received, at the rate of one and one-half percent (1.5%) per month, of the total amount past due, unless such other maximum rate is established by law. ~~or at such other lower rate as may be required by applicable law.~~

(5) *Fee Statement; Retroactive Adjustments.* Each Right-of-Way User fee payment shall be accompanied by a statement, certified as true, showing the manner in which the Right-of-Way User fee was calculated including the total number of feet of Right-of-Way occupied by the Right-of-Way User's Facilities and number of antennas in the Right-of-Way, the per foot linear foot rate applied, any credit or adjustment taken (including

setting forth the prior month's gross revenue and describing what revenues or receipts were included and excluded in the fee paid), and the payment of the user fee made. If any fee statement is determined to understate the fee owed, then such additional amount owed shall be made with a corrected statement, including interest on said amount as provided herein. No refund, credit or offset shall be granted for any claimed payment or overstatement of the amount due or certification of facilities reported, provided that a corrected payment or reported may be filed within the time for the original time for payment

- (6) *No Accord and Satisfaction.* No acceptance by the City of any use fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any use fee payment be construed as a release of any claim of the City.
- (7) *Maintain Records.* Right-of-Way Users shall at all times maintain complete and accurate books of account and records of the business, ownership, and operations of the Right-of-Way User with respect to the Facilities in a manner that allows the City to determine whether the Right-of-Way User has properly calculated its user fee in compliance with this Section. Should the City reasonably determine that the records are not being maintained in such manner, the Right-of-Way User shall correct the manner in which the books and/or records are maintained so that the Right-of-Way User comes into compliance with this Section. All financial books and records which are maintained in accordance with FCC regulations and the regulations of any governmental entity that regulates utilities in Missouri, and generally accepted accounting principles shall be deemed to be acceptable under this Section. Such books and records shall be maintained for a period of at least three (3) years.
- (8) *Right of Inspection.* The City or its designated representatives shall have the right to inspect, examine, or audit, during normal business hours and upon seven (7) calendar days' notice, all documents, records, or other information that pertains to the Facilities within the Right-of-Way and/or Right-of-Way User's user fee obligations. In addition to access to the records of Right-of-Way User for audits, upon request, Right-of-Way User shall provide reasonable access to records necessary to verify compliance with the terms of this Section.
- (9) *Fees and Compensation not a Tax.* The fees and costs provided for in this Section, and any compensation charged and paid for the use of the Right-of-Way as provided for in this Section, are separate from, and additional to, any and all federal, state, City or other local taxes as may be levied, imposed, or due.

**Section 4.** Section 505.220, Right-Of-Way Management, of Article III of Chapter 505, Public Right-of-Way Use Regulations, of the Municipal Code of the City of University City, Missouri, is hereby amended to enact the underlined text within Subsection C.11 to read as follows:

11. *Indemnification.* Every Right-of-Way User, as a condition of use of the Right-of-Way, shall at its sole cost and expense fully indemnify, protect, defend (with counsel for the City acceptable to the City) and hold harmless the City, its municipal officials, officers, employees, and agents,

from and against any and all claims, demands, suits, proceedings, and actions, liability, and judgment by other persons for damages, losses, costs, and expenses, including attorney fees, arising, directly or indirectly, in whole or in part, from the action or inaction of the Right-of-Way User, its agents, representatives, employees, contractors, subcontractors, or any other person for whose acts the Right-of-Way User may be liable, in constructing, operating, maintaining, repairing, restoring or removing facilities, or use of the Right-of-Way or the activities performed, or failed to be performed, by the Right-of-Way User under this Section or applicable law, or otherwise, except to the extent arising from or caused by the sole or gross negligence or willful misconduct of the City, its elected officials, officers, employees, agents, or contractors. Nothing herein shall be deemed to prevent the City, or any agent from participating in the defense of any litigation by their own counsel at their own expense. Such participation shall not, under any circumstances, relieve the person from the duty to defend against liability or its duty to pay any judgment entered against the City or its agents. Provided however, that in accordance with § 67.5121(2), a Right-of-Way User solely to the extent a Right-of-Way User is operating "Small Wireless Facility" as defined in the Uniform Small Wireless Facility Deployment Act within the Right-of-Way shall only indemnify and hold the City, its officers and employees, harmless against any damage or personal injury caused by the negligence of the Right-of-Way User, its employees, agents, or contractors. This exception shall only apply to the Right-of-Way User's "Small Wireless Facilities" and shall not otherwise alter the obligations of a Right-of-Way User to provide indemnification to the City for any other activities or operations.

**Section 5.** Section 505.220, Right-Of-Way Management, of Article III of Chapter 505, Public Right-of-Way Use Regulations, of the Municipal Code of the City of University City, Missouri, is hereby amended to enact a new Subsection D.5 to read as follows:

5. A Right-of-Way permit is not required for the following:

- (1) Routine maintenance on previously approved Small Wireless Facilities, as defined by Section 400.1382,
- (2) Replacement of such Small Wireless Facilities that are the same or smaller in size, weight, and height, or
- (3) Installation placement, maintenance, operation, or replacement of Micro Wireless Facilities, as defined by Section 67.5111 RSMo., that are strung on cables between Utility Poles in compliance with applicable safety and building codes

when such work will not involve excavation, affect traffic patterns, obstruct traffic in the right-of-way, or materially impede the use of a sidewalk, and provided the Right-of-Way User submits as-builts of such new Small Wireless Facilities or Micro Wireless Facilities so the City may maintain an accurate inventory of facilities installed in the Right-of-Way.

**Section 6.** Section 505.220, Right-Of-Way Management, of Article III of Chapter 505, Public Right-of-Way Use Regulations, of the Municipal Code of the City of University City, Missouri, is hereby amended to enact the underlined text within Subsection F to read as follows:

**F. Liability Insurance.** Except as provided in this section, each Right-of-Way User shall provide, at its sole expense, and maintain during the term of an agreement or franchise, commercial general liability insurance with a reputable, qualified, and financially sound company licensed to

do business in the State of Missouri, and unless otherwise approved by the City, with a rating by best of not less than "A," that shall protect the Right-of-Way User, the City, and the City's officials, officers, and employees from claims which may arise from operations under an agreement or franchise, whether such operations are by the Right-of-Way User, its officers, directors, employees and agents, or any subcontractors of the Right-of-Way User. This liability insurance shall include, but shall not be limited to, protection against claims arising from bodily and personal injury and damage to property, resulting from all Right-of-Way User operations, products, services or use of automobiles, or construction equipment. The amount of insurance for single limit coverage applying to bodily and personal injury and property damage shall be at least two million eight hundred sixty-five thousand three hundred and thirty dollars (\$2,865,330~~00,000~~.00), but in no event less than the individual and combined sovereign immunity limits established by RSMo § 537.610 for political subdivisions; provided that nothing herein shall be deemed to waive the City's sovereign immunity. An endorsement shall be provided which states that the City is listed as an additional insured and stating that the policy shall not be cancelled or materially modified so as to be out of compliance with the requirements of this section, or not renewed without thirty (30) days' advance written notice of such event being given to the Director of Public Works and Parks. If the person is self-insured, it shall provide the City proof of compliance regarding its ability to self-insure and proof of its ability to provide coverage in the above amounts. The City's additional insured coverage shall have no deductible. The insurance requirements in this section or otherwise shall not apply to a Right-of-Way User to the extent and for such period during an agreement or franchise as Right-of-Way User is exempted from such requirements pursuant to RSMo § 67.1830(6)(a) and has on file with the city clerk an affidavit certifying that Right-of-Way User has twenty-five million dollars (\$25,000,000.00) in net assets and is otherwise, therefore, so exempted unless otherwise provided by agreement or franchise. Additionally, in accordance with § 67.5121(3), a self-insured Right-of-Way User shall not be required to obtain insurance naming the City as an additional insured solely to the extent such Right-of-Way User is utilizing "Small Wireless Facilities" as defined in the Uniform Small Wireless Facility Deployment Act within the Right-of-Way. This exception to the City's insurance requirements shall only apply as related to such "Small Wireless Facilities" and shall not otherwise alter the obligations of a Right-of-Way User to provide appropriate insurance to the City for any other activities or operations. The City reserves the right to waive any and all requirements under this section when deemed to be in the public interest.

A copy of the liability insurance certificate, or other proof of compliance if otherwise requested by the City shall be delivered by the Right-of-Way User to the city clerk.

**Section 7.** Section 505.220, Right-Of-Way Management, of Article III of Chapter 505, Public Right-of-Way Use Regulations, of the Municipal Code of the City of University City, Missouri, is hereby amended to enact the underlined text within Subsection H to read as follows:

H. *Deposit, Performance Bond Requirements.* Before a permit is issued, the applicant shall deposit with the Director of Public Works and Parks a sum of cash, and shall file with the Director of Public Works and Parks a continuing bond with good and sufficient sureties payable to the City, both conditional upon the performance of all the requirements of the permit and the law, and the restoration, to the satisfaction of the Director of Public Works and Parks, of the public street, avenue, highway, alley, tree lawn or other public place, easement or right-of-way in

as good a condition as it was, or better, before the work was done. Each permit shall have a separate cash deposit and performance bond to guarantee backfilling, paving, and/or site restoration of the particular project. The performance bond shall list the specific project for which the applicant is requesting a permit. The bond shall continue in full force and effect for a period of forty-eight (48) months following completion of the work. The bond shall be issued by a surety with an "A" or better rating of insurance in Best's Key Rating Guide, Property/Casualty Edition, shall be subject to the approval of the City's Attorney and shall contain the following endorsement: "This bond may not be cancelled or allowed to lapse until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew." The approximate cost of granular backfill, repaving operations, and general site restoration will be estimated by the Director of Public Works and Parks at the time an application for a right-of-way permit is submitted, and the cost so estimated shall be deposited with the City prior to permit issuance. The amount of the deposit shall be reasonably sufficient to secure the City against any damage or expense that may result from the applicant's failure to comply with the provisions of the permit. The amount of such deposit shall be based upon the location, purpose, and extent of the work. The amount of the cash deposit and bond shall vary. The minimum deposit shall be two hundred fifty dollars (\$250.00). The minimum bond shall be at least one thousand dollars (\$1,000.00). Any occupation/blockage of the right-of-way for four (4) hours or longer shall result in a minimum deposit of two hundred fifty dollars (\$250.00) and a minimum bond of three thousand dollars (\$3,000.00). The individual permit bond requirement may be waived for applicants having on file with the City an unexpired annual bond of ten thousand dollars (\$10,000.00) for work requiring right-of-way permits in University City, with good and sufficient sureties payable to the City. If a Right-of-Way User fails to complete the work in a safe, timely, and competent manner or if the completed restorative work fails without remediation (as determined by the Director of Public Works and Parks) within the time period for the bond, then after notice and a reasonable opportunity to cure, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the City as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the Right-of-Way User and the cost of completing work in or restoring the Right-of-Way, up to the full amount of the bond. The City may also recover against the bond any amount recoverable against a security fund or letter of credit where such amount exceeds that available under a security fund or letter of credit. Right-of-Way Users ~~Utility companies~~ with twenty-five million dollars (\$25,000,000.00) in net assets and who do not have a history of permitting non-compliance within the City as defined by the Director of Public Works and Parks shall not be required to provide construction performance bonds or liability insurance coverage. Additionally, in accordance with § 67.5121(4), the bonds required for "Small Wireless Facilities" as defined in the Uniform Small Wireless Facility Deployment Act shall not exceed one thousand five hundred dollars (\$1,500.00) per "Small Wireless Facility" or more seventy-five thousand dollars (\$75,000.00) for all "Small Wireless Facilities" within the Right-of-Way of a Right-of-Way User. This exception to the City's bonding requirements shall only apply as related to such "Small Wireless Facilities" and shall not otherwise alter the obligations of a Right-of-Way User to provide appropriate bonds to the City for any other activities or operations.

**Section 8.** Section 505.220, Right-Of-Way Management, of Article III of Chapter 505, Public Right-of-Way Use Regulations, of the Municipal Code of the City of University City, Missouri, is hereby amended to enact the underlined text within Subsection I to read as follows:

*I. Issuance Of Permit.* If the Director of Public Works and Parks determines that the applicant has satisfied all requirements, the Director of Public Works and Parks shall issue a right-of-way permit. The Director of Public Works and Parks may impose conditions upon the issuance of a right-of-way permit and the performance of the permittee in order to protect the public health, safety and welfare; to ensure the structural integrity of the right-of-way; to protect the property and safety of other users of the right-of-way; and to minimize the disruption and inconvenience to the public. A right-of-way permit shall have an effective date and an expiration date. Establishment of the expiration date shall be in the discretion of the Director of Public Works and Parks, which discretion shall be reasonably exercised to achieve the City's policy of minimizing disruption of public right-of-way. No permittee may excavate the right-of-way beyond the date or dates specified in the right-of-way permit unless the permittee makes a request for an extension of the right-of-way permit before the expiration of the initial permit and a new right-of-way permit or permit extension is granted. Right-of-way permits issued shall be conspicuously displayed by the permittee at all times at the indicated work site and shall be available for inspection by the Director of Public Works and Parks, other City employees and the public. Installation and collocation of a Small Wireless Facility shall be completed within one (1) year of issuance of the right-of-way permit or the right-of-way permit shall become null and void and shall no longer authorize installation or collocation of the Small Wireless Facility.

**Section 9.** Section 505.220, Right-Of-Way Management, of Article III of Chapter 505, Public Right-of-Way Use Regulations, of the Municipal Code of the City of University City, Missouri, is hereby amended to repeal Subsections O and P and enact new Subsections O, P, Q, R, S, T, U, V, and W to read as follows:

*O. Location, Type, and Design of Facilities Subject to Approval.*

1. *Exclusion of Certain Locations/Facilities.* To the extent permitted by applicable law, the Director of Public Works and Parks may designate certain locations or Facilities in the Right-of-Way to be excluded from use by the Right-of-Way User, including but not limited to, ornamental or similar specially-designed street lights or other Facilities or locations which, in the reasonable judgment of the Director of Public Works and Parks cannot safely bear the weight or wind loading thereof, or any other Facility or location that in the reasonable judgment of the Director of Public Works and Parks would be rendered unsafe or unstable by the installation. The Director of Public Works and Parks may further exclude certain other Facilities that have been designated or planned for other use or are not otherwise available for use by the Right-of-Way User due to engineering, technological, proprietary, legal, or other limitations or restrictions as may be reasonably determined by the City. In the event such exclusions conflict with the reasonable requirements of the Right-of-Way User, the City will cooperate in good faith with the Right-of-Way User to attempt to find suitable alternatives, if available, provided that the City shall not be required to incur financial cost nor require the City to acquire new locations for the Right-of-Way User.
2. *Location, Type, and Design of Facilities Subject to Approval.*

(1) *Review Required.* The design, location, and nature of all Facilities shall be subject to the review and approval of the Director of Public Works and Parks to the extent permitted by law. Such review shall be on a non-discriminatory basis in application of City policy and approvals shall not be unreasonably withheld. City height limitations, applicable zoning restrictions, and general City policies with regard to all users of the Right-of-Way shall be applicable to all Facilities. The Director of Public Works and Parks may establish regulations or policies as may be deemed necessary or appropriate to affect this provision.

(2) *Underground and Collocation of Facilities Required; Exceptions.* Except as provided herein or where prohibited by applicable law, no Person may erect, construct, or install Facilities above the surface of the Right-of-Way without the written permission of the City based on good cause established by Applicant and found by the City. In addition, all new fiber optics, coaxial, and similar cable Facilities shall be located within existing conduit, trenches, or other Facilities to minimize unnecessary use of Right-of-Way space, reduce potential existing or future interference and obstructions, and to reduce the cost to the public or others therefrom, and to maximize the public's ability to use and license appropriate private or public uses of the Right-of-Way in the public interest except where preempted by law or where good cause is established and written permission granted by the City. Such permission may be granted by the City Council when other similar Facilities exist above-ground and conditions are such that underground construction is impossible, impractical or unfeasible, as determined by the City, and when in the City's judgment the above-ground construction has minimal aesthetic impact on the area where the construction is proposed. Where reasonable and appropriate and where adequate Right-of-Way exists, the Right-of-Way User shall place above-ground Facilities underground in conjunction with City capital improvement projects and/or at specific locations requested by the City provided that such placement is practical, efficient, and economically feasible. New Utility Poles and related ground mounted equipment shall be permitted to be installed above ground; provided, however, that to ensure unobstructed pedestrian use and City maintenance of the Right-of-Way and minimize visual obstructions for vehicular traffic, a new Utility Pole and any ground mounted equipment related to that Utility Pole or the equipment thereon shall not be installed within two hundred feet (200') of another Utility Pole or other ground mounted equipment on the same side of the Right-of-Way. A replacement Utility Pole that is installed in lieu of an existing Utility Pole and is installed within ten feet (10') of the existing Utility Pole, shall not be considered a new Utility Pole subject to the spacing requirements herein. Such spacing regulations as applied to that specific site may be altered by the Director of Public Works and Parks upon good cause shown by the Applicant including: (1) when and where nearby Utility Poles exist that are spaced closer than two hundred feet (200') apart; (2) when conditions are such that no Existing Structure is available for placement of Facilities; and (3) the Utility Pole can be placed to be minimally visually intrusive.

3. *Wireless Antennas and Facilities.* Pursuant to City authority, including Section 67.1830(6)(f) RSMo. and the Uniform Small Wireless Facility Deployment Act (§§ 67.5110 *et seq.* RSMo.), and to properly manage the limited space in the City's Right-of-

Way, minimize obstructions and interference with the use of the Right-of-Way by the public and to ensure public safety, while also seeking to facilitate delivery of broadband technologies to City residents and businesses, wireless Facilities shall be permitted in the Right-of-Way in compliance with the requirements applicable to other Facilities and users in the Right-of-Way, and the additional requirements set forth in this Subsection for wireless antennas and Facilities.

(1) *General Conditions.* Any wireless Facility in the Right-of-Way shall be subject to conditions relating to the location (including prohibited or limited locations), design, height, appearance, safety, radio-frequency, and other interference issues as may be lawfully imposed by the City where necessary or appropriate to protect the public, and to conform to policies and interests of the public as may be set forth in special district plans, historic areas, or other policies as may be reasonably adopted by the Director of Public Works and Parks to address changing infrastructure, technology, and uses of the Right-of-Way and/or City Facilities. A wireless Facility shall not be located or installed in a manner that results in interference with or impairs the operation of existing utility facilities or City or third-party attachments. Wireless Antennas or Facilities shall further comply with (1) all applicable requirements for installation of any Facilities in the Right-of-Way as set forth in this Subsection including a right-of-way permit, (2) the requirements of this Section, and (3) requirements for installation of wireless Antennas and Facilities set forth in the Uniform Wireless Communications Infrastructure Deployment Act (§§ 67.5090 *et seq.* RSMo.), Uniform Small Wireless Facility Deployment Act (§§ 67.5110 *et seq.* RSMo.), applicable zoning, building, and other regulations and approvals, specifically including Chapter 400.

(2) *Specific Conditions.*

(a) *Small Wireless Facilities.* Any Small Wireless Facility meeting the requirements for Small Wireless Facility as defined by Section 400.1382 and as provided in Section 400.1390 of the Zoning Code shall be authorized to be located in the Right-of-Way with approval of the Director of Public Works and Parks subject to the following additional requirements:

- i. If proposing to install a new Utility Pole, compliance with the spacing requirements in .2(2) of this Subsection;
- ii. Compliance with § 67.5113.3(9) RSMo. to the satisfaction of the City;
- iii. For collocations on City Utility Poles, all make-ready estimates for the Utility Pole, including replacement costs where necessary for the safety and reliability of the Utility Pole, as determined by the City;
- iv. Attestation that the proposed Small Wireless Facility meets the volumetric requirements to meet the definition of a Small Wireless Facility in Section 400.1382 of the Zoning Code; and
- v. Any other requirements which may be applicable to the proposed Small Wireless Facility pursuant to the Uniform Small Wireless Facility Deployment Act (§§ 67.5110 *et seq.* RSMo.).



(b) *“Fast-Track” Small Wireless Collocation.* Any wireless Facility meeting the requirements of a “Fast-Track’ Small Wireless Facility” as defined by Section 400.1382, and as provided in Section 400.1392 of the Zoning Code, may be authorized to be located in the Right-of-Way with approval of the Director of Public Works and Parks subject to the following additional requirements:

- (1) Attestation that the proposed facilities meet the volumetric requirements to meet the definition of “Fast Track” in Section 400.1382 of the Zoning Code;
- (2) Only one “Fast-Track” Small Wireless Facility shall be permitted per structure or Utility Pole in the Right-of-Way;
- (3) No ground equipment shall be authorized;
- (4) If the proposed structure the Applicant proposes to locate its “Fast-Track” Small Wireless Facility is not structurally sound, but the Director of Public Works and Parks finds such to be a desired location, the Director of Public Works and Parks can require the Applicant to install a new substantially similar structure at its cost; and
- (5) Compliance with the spacing requirements in .2(2) of this Subsection if granted a waiver under the “Fast-Track” zoning procedure to install a new structure.

(c) *All other Wireless in Right-of-Way.* Any wireless Facility located on a Utility Pole or Existing Structure as defined in Section 400.1382, but not meeting the requirements of (a) *Small Wireless Facilities* or (b) *“Fast-Track” Small Wireless Collocation* above, may be approved, subject to conditions as may be imposed consistent with the purposes of this Section, only upon approval by the Council upon a determination by the Council that such wireless Facility is: (1) in the public interest to provide a needed service to persons within the City, (2) cannot feasibly meet all of the requirements of a “Small Wireless Facility,” “Fast-Track” or otherwise, but varies from such requirements to the minimum extent necessary, (3) does not negatively impact appearance or property values in light of the location, design, and circumstances to be approved, (4) does not create any reasonable safety risk, and (5) complies with all zoning, Right-of-Way, and other applicable requirements.

(3) *Wireless Facility Compensation.* If the Small Wireless Facility or Fast-Track is to be located on a City owned structure or Utility Pole, an annual payment of \$150.00 per attachment shall be required. Nothing herein shall limit, waive, or otherwise affect the applicability of linear foot fees as may be required by a grandfathered political subdivision pursuant to § 67.1846 RSMo.

(4) *Application Requirements.* Any application including one or more wireless Antennas or Facilities shall include all requirements for (1) installation of any Facilities in the Right-of-Way as set forth in this Section, (2) the requirements of this Subsection, and also include (3) requirements for installation of wireless Antennas and Facilities set forth in the Uniform Wireless Communications Infrastructure Deployment Act (§§ 67.5090 *et. seq.* RSMo.) or other applicable law including written proof of consent of landowner (copy of the Right-of-Way Agreement) and of structure owner (document

authorizing use of the structure).

P. *Mapping of Facilities.* Upon completion of the Right-of-Way work involving installation of new Facilities, the Right-of-Way User shall supply the City copies of as-built and detailed maps showing the exact location of Facilities installed in the Right-of-Way. As a condition of continued Right-of-Way use, all Right-of-Way Users shall, on an annual basis, provide the City with as-builts or other detailed maps of the Right-of-Way User's current facilities. Such annual requirement may be waived by the Director of Public Works and Parks upon written request.

Q. *No Interference.* All Right-of-Way Users shall construct and maintain its Facilities so as not to interfere with other users of the Right-of-Way. The Right-of-Way User shall not interfere with or alter the Facilities of the City or other Right-of-Way User without their consent and shall be solely responsible for such. Except as may otherwise be provided or as determined by the Director of Public Works and Parks, the Right-of-Way User shall, prior to commencement of work, execute a City-approved resident-notification plan to notify residents affected by the proposed work. All construction and maintenance by the Right-of-Way User or its subcontractors shall be performed in accordance with industry standards. The Right-of-Way User shall, in the performance of any excavation, Facilities maintenance, or other Right-of-Way work, limit such work to that necessary for efficient operation and so as not to interfere with other users of the Right-of-Way. All Facilities and other structures shall be installed and located to cause minimum interference with the rights and convenience of property owners, Right-of-Way Users, and the City. Facilities and other structures shall not be placed where they will disrupt or interfere with other Facilities, structures, or public improvements or obstruct or hinder in any manner the various utilities serving the residents and businesses in the City or public improvements. Above-ground Facilities shall be constructed and maintained in such a manner so as not to emit any unnecessary or intrusive noise. When reasonable and necessary to accomplish such purposes, the Director of Public Works and Parks may require as alternatives to the proposed work either less disruptive methods or different locations for Facilities consistent with applicable law.

R. *Subordinate Uses.* Right-of-Way User's use shall be in all situations subordinate and subject to public municipal use.

S. *Site Triangle Maintained.* Right-of-Way Users shall comply with the requirements of site triangles and nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision within the triangular area formed by the Right-of-Way lines and a line connecting them at points thirty (30) feet from their point of intersection or at equivalent points on private street.

T. *Relocation*

(1) *City Required Relocation.* The Right-of-Way User shall promptly remove, relocate, or adjust any Facilities located in the Right-of-Way as directed by the City when such is required by public necessity, or public convenience and security require it, or such other findings in the public interest that may require relocation, adjustment, or removal at the cost of the Right-of-Way User. Such removal, relocation, or adjustment shall be performed by the Right-of-Way User within the time frames

established by the City and at the Right-of-Way User's sole expense without any expense to the City, its employees, agents, or authorized contractors and shall be specifically subject to rules, regulations, and schedules of the City pertaining to such.

- (2) *Emergency Exception.* In the event of an emergency or where construction equipment or Facilities create or are contributing to an imminent danger to health, safety, or property, the City may, to the extent allowed by law, remove, re-lay, or relocate such construction equipment or the pertinent parts of such Facilities without charge to the City for such action or for restoration or repair. The City shall attempt to notify the Person having Facilities in the Right-of-Way prior to taking such action, but the inability to do so shall not prevent same. Thereafter, the City shall notify the Person having Facilities in the Right-of-Way as soon as practicable.
- (3) *Third-Party Relocation.* A Person having Facilities in the Right-of-Way shall, on the reasonable request of any Person, other than the City, holding a validly issued Permit, after reasonable advance written notice, protect, support, or temporarily disconnect or relocate Facilities to accommodate such Person and the actual cost, reasonably incurred, of such actions shall be paid by the Person requesting such action. The Person having Facilities in the Right-of-Way taking such action may require such payment in advance.
- (4) *Abandonment Exception.* Rather than relocate Facilities as requested or directed, a Right-of-Way User may abandon the Facilities if approved by the City as provided in Subsection V of this Section.
- (5) *Right-of-Way User Responsible for Damage.* Any damages suffered by the City, its agents or its contractors to the extent caused by the Right-of-Way User's failure to timely relocate, remove or adjust its Facilities, or failure to properly relocate, remove, or adjust such Facilities, shall be borne by the Right-of-Way User. Where the Right-of-Way User shall fail to relocate Facilities as required by the City, the City may, but shall not be required to, upon notice to the Right-of-Way User remove the obstructing Facilities with or without further delay and the Right-of-Way User shall bear all responsibility and liability for the consequences therefrom, and the City shall bear no responsibility to the Right-of-Way User or others for damage resulting from such removal.

U. *No Vested Rights.* No action hereunder shall be deemed a taking of property and no Person shall be entitled to any compensation therefor. No location of any Facilities in the Right-of-Way shall be a vested interest or property right.

V. *Abandoned Facilities; Removal.* A Person owning Abandoned Facilities in the Right-of-Way must not later than thirty (30) days of notice or of abandonment remove its Facilities and replace or restore any damage or disturbance caused by the removal at its own expense. The Director of Public Works and Parks may upon written application and written approval allow underground Facilities or portions thereof to remain in place if the Director of Public Works and Parks determines that it is in the best interest of public health, safety, and general welfare to do so. The City shall be entitled to all costs of removal and enforcement for any violation of this

provision.

W. *Nuisance.* Facilities abandoned or otherwise left unused in violation of this Section are deemed to be a nuisance. The City may exercise any remedies or rights it has at law or in equity, including, but not limited to, (a) abating the nuisance, (b) taking possession and ownership of the Facility and restoring it to a useable function, or (c) requiring the removal of the Facility by the Right-of-Way User.

**Section 10.** The portions of this ordinance shall be severable. In the event that any portion of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds that the valid portions of this ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 11.** This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_ 2018.

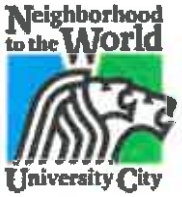
By: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



**Department of Community Development**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

**Council Agenda Item Cover Sheet**

**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Text Amendment of Chapter 400 Article 5 Division 10 "Amateur Radio Antennas and Towers, Parabolic Reflector Antennas and Telecommunications Antennas, Towers and Support Structures"

**AGENDA SECTION:** New Business

**CAN THIS ITEM BE RESCHEDULED?** No

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**BACKGROUND REVIEW**

At the upcoming Plan Commission meeting, members will be considering a recommendation to revise the City's Zoning Regulations for wireless communications facilities, (Chapter 400, Article V, Division 10 "Amateur Radio Antennas and Towers, Parabolic Reflector Antennas and Telecommunications Antennas, Towers and Support Structures" ("Division 10")).

**REVISIONS**

The amended Division 10 will be retitled the "Wireless Communications Facilities Code" and will govern how wireless communications facilities and infrastructure are deployed *in all Districts* throughout the City. These proposed Code amendments were precipitated by recent changes in Missouri and federal law, including the Uniform Small Wireless Facility Deployment Act (§§ 67.5110-67.5121 RSMo.; the "Act"), that set certain boundaries and limitations on the City's authority as it relates to the installation of certain wireless communications facilities and infrastructure.

These Code amendments are meant to address the limitations that the Act places on the City's authority, as well as to clarify and streamline when, where, and how these wireless communications installations are approved in all Districts. The Division has general requirements that apply to all wireless facilities and is designed to allow these installations, either as a permitted use, administratively approved, or conditionally approved through the City's Conditional Use Permit ("CUP") procedures, depending on the specifications (such as volumetrics, height, among other specifications) of the installation. Specifically, in certain districts where the Act preempts the City's zoning, "small wireless facilities" as defined by the Act are permitted uses. In districts where the Act does not preempt the City's zoning authority (i.e., areas zoned Single-Family Residential or Historic on/before August 28, 2018), we have drafted two separate uses with differing processes for approval. These procedures are:

1. An administratively approved use of a "Fast-Track" Small Wireless Facility, which meets smaller volumetric requirements than those found in the Act, among other aesthetic and safety requirements and Disguised Support Structures, which are truly disguised structures (similar to the code provisions you passed last December via Ordinance 7067); and

2. Requiring installations that do not meet the "Fast-Track" requirements or Disguised Support Structures to go through the City's CUP procedure.

In addition, the Commission will be considering an amendment which repeals individual references throughout the City's District Regulations that are inconsistent with the revised changes to Division 10, as the amended Division 10 will govern these installations City-wide rather than needing individual District regulations. These zoning amendments have a high-priority, as the Act places certain timing requirements on when the City must have terms that comply with the Act, and that such mandated terms must be passed via ordinance.

**RECOMMENDATION:** The City Manager is recommending approval of this item.

**ATTACHMENTS:**

Attachment A: Proposed Ordinance Amending Chapter 400 of the University City Municipal Code to Adopt Regulations Relating to Communications Antennas and Support Structures



**Plan Commission**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

December 5, 2018

Ms. LaRette Reese  
City Clerk  
City of University City  
6801 Delmar Boulevard  
University City, MO 63130

RE: Text Amendment for Chapter 400, Article 5, Division 10 "Amateur Radio  
Antennas and Towers, Parabolic Reflector Antennas and Telecommunications  
Antennas, Towers and Support Structures"

Dear Ms. Reese,

At its regular meeting on November 28, 2018 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, University city, Missouri, 63130, the Plan Commission reviewed the above-referenced Text Amendment.

By a vote of 5 to 0, the Plan Commission recommended approval of the Text Amendment.

Sincerely,

Michael Miller  
University City Plan Commission





INTRODUCED BY:

DATE: \_\_\_\_\_, 2018

BILL NO. 9376

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 400 OF THE UNIVERSITY CITY MUNICIPAL CODE TO ADOPT REGULATIONS RELATING TO COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES**

**WHEREAS**, the City has been granted the authority to enact legislation to regulate the construction, placement, and operation of telecommunications towers and antenna pursuant to its zoning powers established in Chapter 89 of the Missouri Revised Statutes and additionally pursuant to its general and specific police powers established by statute authorizing the regulations herein to protect the public health, safety, and welfare; and

**WHEREAS**, consistent with the Telecommunications Act of 1996, and as amended in 2014, the regulations of this Ordinance will not have the effect of prohibiting the provision of personal wireless services and do not unreasonably discriminate among functionally equivalent providers of such service. The regulations also impose reasonable restrictions to protect the public safety and welfare and to ensure opportunities for placement of antennas with prompt approval by the City. This Ordinance does not attempt to regulate in areas within the exclusive jurisdiction of the FCC, and

**DRAFT**

**WHEREAS**, various state and federal statutes and regulations continue to be enacted, supplemented, promulgated, and amended regarding regulation of certain communications providers, services, and operations as they pertain to local right-of-way, zoning regulations, and other municipal authority; and

**WHEREAS**, the Missouri General Assembly has recently enacted another such law, the "Uniform Small Wireless Facility Deployment Act" §§ 67.5110 to 67.5121 RSMo., governing certain installations of wireless equipment, which has an effective date of January 1, 2019; and

**WHEREAS**, the City Council desires to continue to at all times to ensure compliance with applicable law, and, therefore, finds it in the best interest of the public to update its telecommunication regulations; and

**WHEREAS**, a duly noticed and published public hearing was held regarding the proposed regulations in conformity with all requirements of Section 89.060 of the Missouri Revised Statutes and City Code, and the Planning and Zoning Commission has reviewed the amended regulations and given a recommendation of \_\_\_\_\_; and

**WHEREAS**, after review of the Planning and Zoning Commission recommendation, the City Council now desires to update its zoning regulations related to support structures and small wireless facilities.

**NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:**

**Section 1.** Division 10 entitled “Amateur Radio Antennas and Towers, Parabolic Reflector Antennas and Telecommunications Antennas, Towers and Support Structures” of Article V “Supplementary Regulations” of Chapter 400 the “Zoning Code” of the University City Municipal Code (the “Code”), is hereby repealed in its entirety and replaced with a new Division 10, entitled “Wireless Communications Facilities Code”, attached hereto in substantially the form of **Exhibit A** and incorporated herein by reference.

**Section 2.** Article IV entitled “District Regulations” is hereby amended as follows:

1. Section 400.140, entitled Permitted Uses, is hereby amended by repealing Subsection A.7.
2. Section 400.150, entitled Conditional Uses, is hereby amended by repealing Subsection A.6 in its entirety and enacting a new Subsection A.6 to read as follows: Public utility facilities.
3. Section 400.200, entitled Permitted Uses, is hereby amended by repealing Subsection A.8.
4. Section 400.210, entitled Conditional Uses, is hereby amended by repealing Subsection A.8 in its entirety and enacting a new Subsection A.8 to read as follows: Public utility facilities.
5. Section 400.260, entitled Permitted Uses, is hereby amended by repealing Subsection A.9.
6. Section 400.270, entitled Conditional Uses, is hereby amended by repealing Subsection A.11 in its entirety and enacting a new Subsection A.11 to read as follows: Public utility facilities.
7. Section 400.320, entitled Permitted Uses, is hereby amended by repealing Subsection A.9.
8. Section 400.330, entitled Conditional Uses, is hereby amended by repealing Subsection A.13 in its entirety and enacting a new Subsection A.13 to read as follows: Public utility facilities.
9. Section 400.380, entitled Permitted Uses, is hereby amended by repealing Subsection A.11.
10. Section 400.390, entitled Conditional Uses, is hereby amended by repealing Subsection A.11.d.14 in its entirety and enacting a new Subsection A.11.d.14 to read as follows: Public utility facilities.

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11. Section 400.440, entitled Permitted Uses, is hereby amended by repealing Subsection A.21.
12. Section 400.450, entitled Conditional Uses, is hereby amended by repealing Subsection A.14 in its entirety and enacting a new Subsection A.14 to read as follows: Public utility facilities.
13. Section 400.500, entitled Permitted Uses, is hereby amended by repealing Subsection A.21.
14. Section 400.510, entitled Conditional Uses, is hereby amended by repealing Subsection A.22 in its entirety and enacting a new Subsection A.22 to read as follows: Public utility facilities.
15. Section 400.560, entitled Permitted Uses, is hereby amended by repealing Subsection A.18.
16. Section 400.570, entitled Conditional Uses, is hereby amended by repealing Subsection A.8 in its entirety and enacting a new Subsection A.8 to read as follows: Public utility facilities.
17. Section 400.620, entitled Permitted Uses, is hereby amended by repealing Subsection A.22.
18. Section 400.630, entitled Conditional Uses, is hereby amended by repealing Subsection A.16 in its entirety and enacting a new Subsection A.16 to read as follows: Public utility facilities.
19. Section 400.680, entitled Permitted Uses, is hereby amended by repealing Subsection A.12.
20. Section 400.690, entitled Conditional Uses, is hereby amended by repealing Subsection A.11 in its entirety and enacting a new Subsection A.11 to read as follows: Public utility facilities.

**DRAFT**

**Section 3.** The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds that the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 4.** This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_ 2018.

By: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**DRAFT**

## DIVISION 10: WIRELESS COMMUNICATIONS FACILITIES CODE

### Section 400.1380 Purpose.

A. *Statement of Purpose.* The general purpose of this Division 10 (“Division”) is to regulate the placement, construction, and modification of telecommunications Wireless Communications Facilities to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City of University City. Specifically, this Division is intended to:

1. Provide for the appropriate location and development of telecommunications facilities and systems to serve the citizens and businesses of the City of University City;

2. Minimize adverse visual impacts of Wireless Communications Facilities through careful design, siting, landscape screening, and innovative camouflaging techniques that provide predictability for nearby property owners and others that future uses will not materially alter such approved aesthetic protections without zoning hearing procedures and input from interested parties;

3. Ensure that any new Wireless Communications Facilities are located in an area compatible with the neighborhood or surrounding community to the extent possible; and

4. Ensure that regulation of Wireless Communications Facilities does not have the effect of prohibiting the provision of personal wireless services and does not unreasonably discriminate among functionally equivalent providers of such service and promotes the provision and availability of communication services within the city.

B. *Applicability; preemption.* Notwithstanding any ordinance to the contrary, the procedures set forth in this Division shall be applicable to all Wireless Communications Facilities existing or installed, built or modified after the effective date of this Division to the fullest extent permitted by law. No provision of this Division shall apply to any circumstance in which such application shall be unlawful under superseding federal or state law and furthermore, if any section, subsection, sentence, clause, phrase, or portion of this Division is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

### Section 400.1382 DEFINITIONS.

As used in this Division, the following terms shall have the meanings and usages indicated:

**ANTENNA:** Any device that transmits and/or receives wireless radio waves for voice, data, or video communications purposes including, but not limited to, television, AM/FM radio, texts, microwave, cellular telephone, and similar forms of communications. The term shall exclude satellite earth station antenna less than two (2) meters in diameter (mounted within twelve feet (12’) of the ground or building-mounted) and any receive-only home television antenna.

**AGL (Above Ground Level):** Ground level shall be determined by the average elevation of the natural ground level within a radius of fifty feet (50') from the center location of measurement.

**AUTHORITY POLE:** A Utility Pole that is owned and/or operated by the City.

**CABINET:** A structure for the protection and security of communications equipment associated with one (1) or more Antenna where direct access to equipment is provided from the exterior and that has horizontal dimensions that do not exceed four feet (4') by six feet (6'), and vertical height that does not exceed six feet (6').

**DIRECTOR:** The Zoning Administrator or his/her designee or official acting in such capacity.

**DISGUISED SUPPORT STRUCTURE:** Any free-standing, man-made structure designed for the support of Antenna, the presence of which is camouflaged or concealed as an appropriately placed and designed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, campaniles, observation towers, light standards, flag poles, and artificial trees. For purposes of this definition, a structure "camouflaged or concealed as an appropriately-placed and designed architectural or natural feature" shall mean:

- i. It is consistent with and contributes to and does not detract from the character and property values and use of the area and neighborhood in which it is located;
- ii. It does not contain distorted proportions, scale, or other features not typically found on the type of structure or feature to which it is designed to replicate;
- iii. It cannot be identified as a support structure by persons with reasonable sensibilities and knowledge;
- iv. Its equipment, accessory buildings, or other aspects or attachments relating to the Disguised Support Structure are wholly concealed using a manner consistent with and typically associated with the architectural or natural structure or feature being replicated; and
- v. It is of a height, design, and type that would ordinarily occur at the location and neighborhood selected.

**EXISTING STRUCTURE:** Any structure capable of supporting Wireless Communication Facilities (other than a Support Structure) in full conformance with the design and other requirements of this Division and is: (1) existing prior to the date of all applicable permit applications seeking City authorization for installation of such facilities thereon and (2) not built or installed in anticipation of such specific installation or erected as a means to evade approvals applicable to a non-existing structure.

**FAA:** The Federal Aviation Administration.

**"FAST-TRACK" SMALL WIRELESS FACILITY:** a "Fast-Track" Small Wireless Facility, or "Fast-Track", shall mean a Small Wireless Facility that meets the following requirements for an Antenna and associated equipment:

- i. No more than seven cubic feet (7ft<sup>3</sup>) in volume (comprised of no more than twenty-seven square feet (27ft<sup>2</sup>) of exterior surface area, excluding the surface width equal to the width of

the Existing Structure or Utility Pole to which it is mounted, on an imaginary enclosure around the perimeter thereof, excluding cable or cable conduit of four inches (4") or less). Volume shall be the measure of the exterior displacement of the Antenna and associated equipment;

- ii. Located with the consent of the owner on an Existing Structure or Utility Pole, or concealed within or on a replacement Utility Pole if appearance is not materially altered and the Existing Structure or Utility Pole is no more than 5' taller;
- iii. Not exceeding six feet (6') above the top of an Existing Structure or Utility Pole for a total height not exceeding forty-five feet (45') (nor taller than more than six feet (6') above the average of similar poles within three hundred feet (300')).

**FCC:** The Federal Communications Commission.

**HEIGHT:** The vertical distance measured from the average grade of the base of the structure at ground level to its highest point and including the main structure and all attachments thereto.

**INCIDENTAL USE:** Any use authorized herein that exists in addition to the principal use of the property.

**MODIFICATION:** Any addition, deletion, or change, including the addition or replacement of Antenna, or any change to a structure requiring a building permit or other governmental approval.

**SHELTER:** A building for the protection and security of communication equipment associated with one (1) or more Antenna and where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected Antenna is prohibited.

**SMALL WIRELESS FACILITY:** An Antenna and associated equipment that meets the following:

- i. An Antenna of no more than six cubic feet (6ft<sup>3</sup>) in volume; and
- ii. All other associated equipment, to the extent permitted by applicable law to be calculated, cumulatively no more than twenty-eight cubic feet (28ft<sup>3</sup>) in volume; provided that no single piece of equipment on the Utility Pole shall exceed nine cubic feet (9ft<sup>3</sup>) in volume, and no single piece of ground mounted equipment shall exceed fifteen cubic feet (15ft<sup>3</sup>) in volume.

**SUPPORT STRUCTURE:** A Tower or Disguised Support Structure.

**TOWER:** A structure designed for the support of one (1) or more Antenna and including guyed towers, self-supporting (lattice) towers, or monopoles, but not Disguised Support Structures, Utility Poles, or buildings. The term shall also not include any Support Structure that includes attachments of sixty-five feet (65') or less in height owned and operated solely for use by an amateur radio operator licensed by the FCC.

**UTILITY POLE:** A pole that is or may be used for wireline communications, lighting, traffic control, signage, or a similar function, which may also support a Small Wireless Facility or "Fast Track".

**WIRELESS COMMUNICATIONS FACILITY:** Any Antenna, Small Wireless Facility, “Fast Track,” Cabinet, Shelter, and Support Structure, and associated equipment.

**Section 400.1385 Application Procedures; Timing.**

A. *Applications.* Applications for permitted, administrative, or conditional uses pursuant to this Division shall be subject to the supplementary procedures in this Division. Applications shall be submitted to the City as a complete application on forms provided by the City. A “complete application” shall be an application submitted on the forms provided by the City, fully executed by the applicant, identifying the specific approval sought, and containing all attachments, fees as may be established to reimburse the City for its inspection and review costs, and information as required thereon or by the City, consistent with this Division. Applications shall be accompanied by a building permit application and other applicable forms.

B. *Proof of Owner Consent.* Applications for permitted, administrative, or conditional uses pursuant to this Division shall be required to provide proof of landlord consent, which shall minimally include:

- i. Written consent to pursue the application by all fee simple owners of the underlying real estate (or where located in street Right-of-Way, the Right-of-Way owner thereof), including when the proposed location is also in a utility easement; and
- ii. Written consent to pursue the application of the owner of the structure on which such Facility is to be placed, if different than an applicant.

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C. *Timing.* Applications shall be decided upon within a reasonable time, subject further to state or federal specific additional time requirements as may apply to the particular application.

**Section 400.1387 General Requirements.**

A. *Applicability.* The requirements set forth in this Division shall be applicable to all Wireless Communications Facilities within the City installed, built, or modified after the effective date of this Division to the full extent permitted by law. Such zoning review and approvals required in this Division shall be in addition to any other generally applicable permitting requirement, including applicable building, excavation, or other right-of-way permits.

1. *Principal or incidental use.* Towers may be either a principal or incidental use in all commercial and industrial zoning districts, subject to any applicable requirement relating to yard or setback. An incidental use subject to a leasehold interest of a person other than the lot owner may be approved for a Tower only if the leasehold area separately meets all requirements for a separate subdivided lot, including dedicated access, parking, setbacks, and lot size, applicable to a primary use in the district in which the use is proposed as if it was a separate subdivided lot. No other district shall allow Towers unless required by law. All other wireless facilities other than Towers, may be a principal or incidental use in all districts subject to the requirements herein.



2. *Building codes, safety standards, and zoning compliance.* Wireless Communications Facilities shall be constructed and maintained in compliance with all standards contained in applicable state and local building codes. A certified engineer's structural report shall be required for all applications to construct a new or modify, or any way alter, a Support Structure, a Utility Pole, or Antenna, including Small Wireless Facility and Fast Track, unless waived upon application to the Director stating why such report is unnecessary to the specific application and a determination in the discretion of the Director approving such statement. In addition to any other approvals required by this Division, no Wireless Communication Facility or portion thereof shall be erected, replaced, or expanded prior to receipt of a Certificate of Zoning Compliance, unless otherwise required by law, and the issuance of a Building Permit. For sites within City Right-of-Way, (1) the most restrictive adjacent underlying zoning district classification shall apply unless otherwise specifically zoned and designated on the official zoning map, (2) no application shall be submitted for permit approval without attaching the City's consent to use the Right-of-Way for the specific construction application, to the extent permitted by applicable law; (3) Wireless Communications Facilities shall be installed and maintained as not to obstruct or hinder the usual travel or public safety on the Right-of-Way or obstruct the legal use of such Right-of-Way by authorities or authorized right-of-way users; and (4) such use shall be required to obtain applicable permits and comply with the City's ROW management rules and regulations set forth in Chapter 505.

3. *Regulatory compliance.* All Wireless Communications Facilities shall meet or exceed current standards and regulations of the FAA, FCC and any other local, state, or federal agency with the authority to regulate Wireless Communications Facilities, and including all required licenses, permits, and fees applicable to such structure and/or modification. Should such standards or regulations be amended, then the owner shall bring such devices and structures into compliance with the revised standards or regulations within the time period mandated by the controlling agency. No approval for any placement, construction, or modification of any Wireless Communications Facilities permitted by this Division shall be granted for any applicant having an uncured violation of this Division, any zoning regulation regarding the lot on which the structure is proposed, or any other governmental regulatory, licensing, or tax requirement applicable to such Wireless Communications Facilities within the City unless preempted by applicable law.

4. *Security.* All Wireless Communications Facilities shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build, alter, or modify Wireless Communications Facilities. Additional measures may be required as a condition of the issuance of a Building Permit as deemed necessary by the Director or by the City Council in the case of a Conditional Use Permit.

5. *Lighting.* Antenna, Small Wireless Facilities, Fast Track, and Support Structures shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build, alter, or modify the Antenna, Small Wireless Facilities, Fast Track, or Support Structure. Lighting may also be approved as a consistent component of a Disguised

Support Structure. Equipment Cabinets and Shelters may have lighting only as approved by the Director or City Council on the approved site plan.

6. *Advertising.* Except for a Disguised Support Structure in the form of an otherwise lawfully permitted sign, the placement of advertising on Wireless Communications Facilities is prohibited other than identification signage or required safety signage of not greater than one (1) square foot on ground equipment.

7. *Design.*

a. *Color.* Subject to the requirements of the FAA or any applicable state or federal agency, Wireless Communications Facilities and attachments shall be painted a neutral color consistent with the natural or built environment of the site or an alternative painting scheme approved by the Director, or the City Council in the case of Conditional Use Permits, consistent with the requirements of this Division. Unpainted galvanized steel Support Structures are not permitted.

b. *Ground equipment.* When authorized, equipment Shelters or Cabinets shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with any design guidelines as may be applicable to the particular zoning district in which the facility is located. All equipment shall be either placed underground, contained in a single Shelter or Cabinet, or wholly concealed within a building or approved walled compound.

c. *Antenna design.* Antenna attached to a Disguised Support Structure or Tower shall be contained within the Disguised Support Structure or within or mounted flush on the surface of the Tower to which they are mounted. Antenna attached to an existing building, Utility Pole, or structure shall be of a color identical to the surface to which they are mounted and architecturally integrated in a manner as to be visually unobtrusive. Antenna on the rooftop shall be screened or constructed and/or colored to match the structure to which they are attached and be located as far away as feasible from the edge of the building. All Antenna shall be designed to be disguised and maximally concealed on or within the Support Structure, or other structure. Exposed Antenna on "crow's nest" or other visible platforms or extensions are prohibited.

d. *Height.* Support Structures and Antenna shall be no taller than necessary and shall not exceed the height limitation of any airport overlay zone as may be adopted by the City or other regulatory agency. Support Structures may exceed underlying zoning district height restrictions for buildings and structures only where shown to be necessary, provided that no reasonable alternative exists. To the extent permitted by applicable law, district height restrictions shall be considered by the City in determining the appropriateness of the design and location of the application under the applicable standards for approval. No Support Structure shall be approved at a height exceeding one hundred twenty feet (120') AGL unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system.

e. *Monopole design.* All Towers shall be of a monopole design. Lattice, guyed Towers, or other non-monopole Tower designs shall not be permitted.

f. *Compound walls/landscaping.* All Towers shall be surrounded by a minimum of a six foot (6') high decorative wall constructed of brick, stone, or comparable masonry materials and a landscape strip of not less than ten feet (10') in width and planted with materials, which will provide a visual barrier to a minimum height of six feet (6'). The landscape strip shall be exterior to any security wall. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by the Director, or by the City Council in the case of a Conditional Use Permit, upon demonstration by the applicant that an equivalent degree of visual screening will be achieved. Landscaping or other improvements may be required for Disguised Support Structures if needed to implement an approved disguise.

g. *Setbacks.* All Support Structures, including any portions of any Wireless Communications Facilities thereon and associated structures, fences, and walls (except for parking associated with the Wireless Communications Facility) shall be separated from any public Right-of-Way, sidewalk or street, alley, parking area, playground, or other building, and from the property line of any adjacent property at least a horizontal distance equal to the height of the Support Structure, including any portions of any Wireless Communications Facilities thereon, whichever is greater. No Tower shall be located within two hundred (200) feet of a property line within the "SR", "LR", "MR", "HR", "PD", "PRO", or "PA" districts or within two hundred (200) feet of a street other than a limited access highway.

h. *Storage.* Vehicle or outdoor storage on any Wireless Communications Facilities site is prohibited, unless otherwise permitted by the zoning district.

i. *Parking.* On-site parking for periodic maintenance and service shall be provided at all Support Structure locations consistent with the underlying zoning district and the type of Antenna or Support Structure approval granted.

j. *Decorative poles.* In districts where there are Utility Poles which were specifically designed for their aesthetic nature and compatibility with the built environment of that district, as determined by the City, such Utility Poles shall be deemed to be decorative Utility Poles. Such decorative Utility Poles, when authorized to be replaced by an applicant for Wireless Communications Facilities pursuant to applicable law and in compliance with this Division and Code, shall only be replaced with a substantially similar decorative Utility Pole which matches the aesthetics and decorative elements of the original decorative Utility Pole being replaced. Such replacement expenses shall be bore wholly by the applicant seeking to place Wireless Communications Facilities on such decorative Utility Pole.

8. *Public property.* Wireless Communications Facilities located on property owned, leased, or otherwise controlled by the City shall be subject to the requirements of this Division. A license or lease with the City authorizing the location of such Wireless Communications

Facilities shall be required for each site.

9. *As-built plans.* Within sixty (60) days of completion of the initial construction and any additional construction, two (2) complete sets of plans drawn to scale and certified as accurately depicting the location of all Wireless Communications Facilities constructed shall be furnished to the City.

10. *Historic preservation; 30-day hearing period.* Notwithstanding any provision within Article VI of this Zoning Code, the provisions of this Section shall govern any application regarding a Wireless Communication Facilities within a Historic District. To the extent permitted by law, approval shall not be issued for any Wireless Communications Facility that the Director determines would create a significant negative visual impact or otherwise have a significant negative impact on the historical character and quality of any property within a Historic Preservation District or such District as a whole. For collocation of any certified historic structure as defined in Section 253.545 RSMo., in addition to all other applicable time requirements, there shall be a thirty-day (30) time period before approval of an application during which one or more public hearings on collocation to a certified historic structure are held. The City may require reasonable, technically feasible and technological neutral design and concealment measures as a condition of approval of a Wireless Communication Facility within a historic district.

11. *Facility maintenance.* Wireless Communication facilities and associated structures shall be maintained in good repair, free from trash and graffiti and other forms of vandalism, and any damage shall be repaired as soon as reasonably possible so as to minimize the occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility as soon as practicable, and in no instance more than seven (7) days from the date of notification by the City.

12. *Quiet within abutting property.* All Wireless Communication Facilities shall be designed, located and operated to avoid interference with the quiet enjoyment of abutting residential, school, and park properties, and, at a minimum, shall be subject to any noise standards contained in the City's Code.

B. *Administration.* The Director shall have the authority to establish forms and procedures consistent with this Division and applicable federal, state, and local law to ensure compliance and to facilitate prompt review and administration of applications.

#### **Section 400.1390 Permitted Use.**

A. *Permitted use.* The placement of Wireless Communications Facilities fully conforming with the General Requirements in this Division are permitted in all zoning districts only as follows:

1. *Collocations on Existing Support Structures.* The attachment of additional or replacement complying Antenna or equipment to any existing fully conforming Support Structure or as otherwise authorized by state or federal law where local zoning is preempted, provided that building permit requirements, national safety codes, and other applicable codes

including recognized accepted industry standards for structural, safety, capacity, reliability, and engineering are satisfied, including specifically the requirement to submit a certified structural engineering report as provided in Section 400.1387.

2. *Antenna on high-voltage Towers.* The mounting of Antenna on or within any existing high-voltage electric transmission Tower, but not exceeding the height of such Tower by more than ten feet (10'), provided that all requirements of this Division and the underlying zoning ordinance are met, except minimum setbacks provided in this Division shall not apply.

3. *Antenna on Existing buildings/structures.* In all districts, except not on single-family residential or two-family dwellings, the mounting of Antenna on any existing and conforming building or structure (other than a Support Structure or Utility Pole) provided that the presence of the Antenna and equipment is concealed by architectural elements or fully camouflaged or concealed by painting a color identical to the surface to which they are attached, and further provided that all requirements of this Division and the underlying zoning ordinance are met.

4. *New, replacement, and modified Utility Poles.* New, replacement, or modified Utility Poles, at heights below the height limitations outlined in this Subdivision, and collocation of Small Wireless Facilities on the same shall be a permitted use in all districts except single-family residential and historic districts provided the proposed installation does not:

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- a. materially interfere with the safe operation of traffic and control equipment or City-owned communications equipment;
  - b. materially interfere with compliance with the American Disabilities Act, or similar federal or state standards regarding pedestrian access or movement;
  - c. materially obstruct or hinder the usual travel or public safety on the rights-of-way;
  - d. materially obstruct the legal use of the rights-of-way by the City, utility, or other third-party;
  - e. fail to comply with the spacing requirements within Section 505.220.O;
  - f. fail to comply with applicable national safety codes, including recognized engineering standards for Utility Poles or Support Structures;
  - g. fail to comply with the decorative pole replacement requirements herein;
  - h. fail to comply with undergrounding requirements within Section 505.220.O; or
  - i. interfere or impair the operation of existing utility facilities, or City or third-party attachments.

New, replacement, or modification of Utility Poles under the following circumstances shall not be considered a permitted use under this Section:

1. Proposals to construct or modify a Utility Pole which exceeds the greater of:
  - i. Fifty feet (50') AGL; or
  - ii. More than ten feet (10') above the tallest existing Utility Pole as of January 1, 2019 within five hundred feet (500') of the proposed Utility Pole in the City'; and
2. Proposals to collocate on an existing Utility Pole in place on August 28, 2018 which exceeds the height of the existing Utility Pole by more than ten feet (10').

**B. *Application procedure.*** Application for a Permitted Use under this Section shall require submission of an application with proof of owner consent as required by Section 400.1385 and an application fee of five hundred dollars (\$500.00) as required to partly cover the City's actual costs, but not to exceed such amounts as may be limited by law. If the applicant is not a Wireless Services Provider, then the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the City that the proposed site(s) will become operational and used by a Wireless Services Provider within one year of the permit's issuance date. For any Application for a Small Wireless Facility, the applicant shall provide an attestation that the proposed Small Wireless Facility complies with the volumetric limitations as required to meet the definition of a Small Wireless Facility in accordance with this Division and pursuant to applicable law. Applicant shall also submit a certified structural analysis as required in the General Requirements of this Division. Applications requesting any information that is prohibited by federal or state law under the applicable circumstance shall be deemed inapplicable to the subject application. The Director shall issue a decision on the application for a permitted use within the time-frame permitted by applicable law. A decision to deny an application shall be made in writing and state the specific reasons for the denial.

#### **Section 400.1392 Administrative Approval.**

**A. *Administrative approval.*** The placement of Wireless Communications Facilities fully conforming with the General Requirements in this Division are permitted in all zoning districts by Administrative Permit approved by the Director only as follows:

1. ***Disguised Support Structures.*** The construction of a Disguised Support Structure, provided that all related equipment shall be placed underground or concealed within the structure. Equipment may be placed in an appropriately concealed cabinet if the Disguised Support Structure is incidental to an industrial, commercial, or other non-residential use and fits with the natural built environment or the Disguised Support Structure. Any Disguised Support Structure shall have as a condition of approval, unless expressly exempted in the approval, an obligation and corresponding covenant recorded on the property that runs with the land to the benefit of the City on behalf of the public, prohibiting modifications to the Disguised Support

Structure that eliminate or are materially detrimental to the disguise, unless such proposed modification is approved by a duly authorized zoning or conditional use approval approved. If the applicant does not wish to have such a covenant, the application shall not qualify for Administrative Permit approval, unless another mechanism is proposed and approved to ensure that the disguise is not subsequently eliminated or materially detrimentally altered.

2. *“Fast-Track” Small Wireless Facilities.* An application for a “Fast-Track” Small Wireless Facility may be approved administratively by the Director, subject to meeting the following requirements:

a. *General requirements.* The following requirements shall generally apply to all “Fast-Track” Small Wireless Facilities located within the City:

i. The “Fast-Track” shall substantially match any current aesthetic or ornamental elements of the Existing Structure or Utility Pole, or otherwise be designed to maximally blend in to the built environment, with attention to the current uses within the district at the proposed site;

ii. Any portion above the Existing Structure or Utility Pole shall be concealed and of the same dimensions and appearance so as to appear to be a natural extension of the Existing Structure or Utility Pole in lieu of an enclosure or concealment;

iii. The “Fast-Track” equipment shall not emit noise audible from the building line of any residential zoned or used property; and

iv. Location, placement, and orientation of the “Fast-Track” shall, to the extent feasible, minimize the obstruction to, or visibility from, the closest adjacent properties unless otherwise required by the City for safety reasons.

b. *Additional requirements when sited near pedestrian and vehicle ways.* When a “Fast-Track” is proposed to be located on an Existing Structure or Utility Pole on or adjacent to public or private streets, sidewalks, or other pedestrian or vehicle ways:

i. Only one “Fast-Track” shall be permitted per structure or Utility Pole in the Rights-of-Way;

ii. The height of all portions of the “Fast-Track” shall be located at least eight feet (8’) above ground level;

iii. No ground equipment shall be permitted; and

iv. No portions of the “Fast-Track” shall extend horizontally from the surface of the Utility Pole or Existing Structure more than sixteen inches (16”).

c. *Waiver for good cause shown.* Additionally, the Director may for good cause shown increase any one or more of the maximum volumetric specifications from the definition of a “Fast-Track” by up to fifty percent (50%) if the applicant demonstrates that it:

- i. Does not in any location nationally use equipment capable of meeting the specifications and the purpose of the equipment; and
- ii. Cannot feasibly meet the requirements as defined and described.

The City Council may further waive one or more of the requirements found in the definition of “Fast-Track”, or from *a. General Requirements* or *b. Additional Requirements When Sited Near Pedestrian or Vehicle Ways* of this Subdivision, upon good cause shown by the applicant, and provided a showing that the waiver is the minimum necessary to accomplish the purposes of this Division. The burden of proof for any waiver shall be wholly on the applicant and must be shown by clear and convincing evidence.

B. *Application procedures.* Applications for Administrative Permits shall be made on the appropriate forms to the Director consistent with the requirements of this Division. Applications requesting any information that is prohibited by federal or state law under the applicable circumstance shall be deemed inapplicable to the subject application.

1. *General application requirements.* Applicant shall submit along with its completed application form

a. An application fee of five hundred dollars (\$500.00) as required to partly cover the City’s actual costs, but not to exceed such amounts as may be limited by law; any amount not used by the City shall be refunded to the applicant upon written request after a final decision;

b. A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating the exact location of the facility, all dimensions and orientations of the facility and associated equipment, in addition to all existing and proposed improvements including buildings, drives, walkway, parking areas, and other structures, public right-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, and the coordinates and height AGL of the Utility Pole, or Existing Structure, if applicable;

c. Specifications, dimensions, photos, or drawings of the completed installation;

d. Proof of owner consent as required by Section 400.1835.

e. Certified structural analysis as required in the General Requirements of this Division;



f. If the applicant is not a Wireless Services Provider, then the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the City that the proposed site(s) will become operational and used by a Wireless Services Provider within one year of the permit's issuance date; and

g. All other information necessary to show compliance with the applicable requirements of this Division.

2. *"Fast-Track"-specific application requirements.* In addition to the above General application requirements, applications for a "Fast-Track" shall include the following:

a. An attestation that the proposed "Fast-track" meets the volumetric and other requirements to meet the definition of "Fast-track" provided in this Division; and

b. Information demonstrating that the applicant's proposed plans are in compliance with § 67.5113.3(9) RSMo. to the satisfaction of the City.

3. *Review.* The application shall be reviewed by the Director to determine compliance with the above standards, including specifically design, location, safety, and appearance requirements and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facility.

4. *Additional information may be required.* In reviewing an application, the Director may require the applicant to provide additional information, including technical studies, to the extent permitted by applicable law. An application shall not be deemed complete until satisfaction of all application requirements and submission of all requested information as provided herein.

5. *Decisions; denials required in writing.* The Director shall issue a decision on the permit within the time-frame permitted by applicable law. The Director may deny the application or approve the application as submitted or with such modifications or conditions as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens and property values consistent with and to affect the purposes of this Division. The Director may consider the purposes of this Division and the factors established herein for granting a Conditional Use Permit as well as any other considerations consistent with the Division. A decision to deny an application shall be made in writing and state the specific reasons for the denial.

#### **Section 400.1395 Conditional Use Permit Required.**

A. *Conditional Use Permit Required.* All proposals to construct or modify a Wireless Communications Facilities not permitted by Section 400.1390 (Permitted Use) or Section 400.1392 (Administrative Approval) or not fully complying with the General Requirements of this Division shall be permitted only upon the approval of a Conditional Use Permit authorized

consistent with Section Article XI of this Zoning Code, subject to the following additional requirements, procedures, and limitations:

1. *Applications.* Applications for Conditional Use Permits shall be filed on such forms required by the Director and processed subject to the requirements of and in the manner established by applicable law, herein, and for Conditional Use Permits in the Zoning Code and, in addition to such other requirements, shall be accompanied by a deposit of one thousand five hundred dollars (\$1,500.00), to the extent permitted by applicable law to the specific Wireless Communications Facility. Any amount not used by the City shall be refunded to the applicant upon written request after a final decision. Except as otherwise provided by law, no application for a Conditional Use Permit under this Section shall be deemed complete until the applicant has paid all fees and deposits required under this Division, submitted certified engineering plans, and provided proof of owner consent as required by Section 400.1835. Applications requesting any information that is prohibited by federal or state law under the applicable circumstance shall be deemed inapplicable to the subject application.

2. *Decision and findings required.* A decision shall be contemporaneously accompanied by substantial evidence supporting the decision, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered. Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others.

3. *Additional minimum requirements.* No Conditional Use Permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of Wireless Communications Facilities pursuant to Section 400.1390 Permitted Use or Section 400.1392 (Administrative Approval) of this Division is not technologically or economically feasible. The City may consider current or emerging industry standards and practices, among other information, in determining feasibility.

4. *Findings required.* In addition to the determinations or limitations specified herein and by the applicable provisions of Article XI of this Zoning Code for the consideration of Conditional Use Permits, no Conditional Use Permit shall be approved by the City Council unless findings in the affirmative are made that the following conditions exist:

a. That the design of the Wireless Communications Facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Division;

b. That the design is visually compatible with the area, will not distract from the view of the surrounding area, is maximally concealed or blended in with the environment, and will not adversely affect property values;

c. That such conditional use shall not be inconsistent or adversely affect the regular permitted uses in the district in which the same is located; and

d. That the proposal fully complies with applicable law including the General Requirements herein; provided that an exception to the General Requirements, other than building or safety code compliance, may be approved upon evidence that compliance is not feasible or is shown to be unreasonable under the specific circumstances shown.

**Section 400.1397 Commercial Operation of Unlawful Wireless Communications Facilities.**

Notwithstanding any right that may exist for a governmental entity to operate or construct Wireless Communications Facilities, it shall be unlawful for any person to erect or operate for any private commercial purpose any Wireless Communications Facilities in violation of any provision of this Division, regardless of whether such Wireless Communications Facilities are located on land owned by a governmental entity.

**Section 400.1400 Removal of Support Structure.**

Any Wireless Communications Facility or portion thereof that is no longer in use for its original communications purpose shall be removed at the owner's expense. In the case of multiple operators sharing use of a single Support Structure, this provision shall not become effective until all users cease operations.

**Section 400.1402 Penalty.**

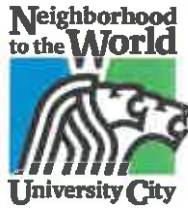
Except as may otherwise be provided by law, any person violating any provision in this Division shall be subject to the penalties set forth in Section 400.1399.

**Section 400.1405**

The procedures of Article XII of Chapter 400, shall govern appeals by any aggrieved person of a final action of any City Officer, employee, board, commission, or the City Council that are claimed by an aggrieved person to be unlawful or an unconstitutional taking of property without compensation. To the fullest extent permitted by law, the review procedures of Article XII of Chapter 400 shall be exhausted before any action may be filed in any court against the City or its officers, employees, boards, officials or commissions. Nothing herein shall be deemed to unlawfully limit any remedy that is required to be available as a matter of law.

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## Council Agenda Item Cover

**MEETING DATE:** December 10, 2018

**AGENDA ITEM TITLE:** Council Rules – Proposed Revision

**AGENDA SECTION:** Council Reports and Business

**CAN THIS ITEM BE RESCHEDULED? :** Yes

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### **BACKGROUND REVIEW:**

The Sub-Committee regarding the review of the current council rules held two meetings (Sept. 7, 2018 and Dec. 3, 2018). The attached file contains the proposed revisions that were discussed and agreed upon by the sub-committee.

### **ATTACHMENTS:**

1. Redline Copy of revisions

RULES OF ORDER AND PROCEDURE  
OF THE COUNCIL OF UNIVERSITY CITY  
~~Approved July 14, 2014~~ Draft December 3, 2018

**Section I**  
**MISSOURI LAW AND THE CHARTER**

**Rule 1**

Rules of the Council must conform to the provisions of Missouri State Law. Specifically, the Council must act in accord with the Sunshine Law and its rules for public and private meetings and adequate notice of meetings, which generally refers to Missouri Open Meetings and Records Act as found in Sections 610.010 through 610.035 of the Revised Missouri Statutes. The Sunshine Law pertains to e-mail messages that re-transmitted among the members of public governmental bodies. Any member of a public body that transmits an e-mail to at least three other members of the body so that when counting the sender, a majority of members are copied, a copy of the e-mail or the member forwarding the business related e-mail to additional member(s), which would constitute the majority, shall be sent to either the custodian of records, or the members' public office computer. Any such message, subject to the exceptions of Section 610.021, shall be considered a public record upon receipt by the custodian or at the public member's computer.

**Rule 2**

Rules of the Council must conform to the provisions of the Charter of University City, Missouri. Specifically, the Mayor and Councilmembers must act in accord with Article II of the Charter.

**Section II**  
**MEETINGS**

**Rule 3**

The Council shall meet in Regular Session in the Council Chambers on the fifth floor of City Hall or other posted location on at least one and usually two Monday nights of every month at 6:30 p.m. The Council may, by motion, dispense with any regular meeting, but at least one meeting must be held in each month. A schedule of regular meetings will be determined during the preceding year by the City Council and printed in the City Calendar City website and on the City marquees. A majority of the Councilmembers elected (or appointed) shall constitute a quorum to do business, but a smaller number may adjourn such meetings. If Councilmembers know in advance they cannot attend a specific Council meeting, they must inform the Mayor and/or City Clerk.

**Rule 3-A**

All efforts should be expended to ensure that a quorum of Councilmembers is physically present at all meetings. In case of an emergency situation or other circumstances preventing physical attendance, Councilmembers may attend meetings and vote via video conference transmission. If at any time during a meeting one or more of the elements of a video conference becomes compromised (e.g. if any participants are unable to see, hear or fully communicate), then the video conference participant is deemed immediately absent and this absence should be reflected in the minutes.

Councilmembers attending a meeting via video conference are deemed present for purposes of participating in a roll call vote to the same effect as Councilmembers who are in physical attendance of the meeting. If the video conference fails during the act of voting, the voting shall stop until all of the components of the video conference attendance are restored and the video conference participant's presence is again noted in the minutes. If the video conference cannot be restored during voting, the participant will be deemed immediately absent and will not participate in the vote. Council meeting minutes shall reflect the Councilmember, if any, participating via video conference. ~~Participation and vote by video conference shall not be permitted in closed meetings of Council.~~

**Rule 4**

Special Sessions may be called by any two members of the Council by written request filed with the City Clerk, who shall thereupon prepare a notice of such Special Session, to make diligent effort to notify each member of the Council, either by telephone or e-mail, of such special session. If a majority (4) of the Council does not attend the called Special Session, then discussion may be held, but decisions voted upon must wait until a majority (4) is present at another special or regular council meeting. Minutes will not be made of any Council meeting when a majority is not present.

**Rule 5**

Except as otherwise provided by the Charter or by these rules, the proceedings of the Council shall be guided by Robert's Rules of Order, as Revised. The presiding officer shall preserve the decorum and shall decide all questions of order subject to appeal to the Council. Any member may appeal to the Council from a ruling of the presiding officer. If the motion for an appeal is seconded, the member making the appeal may briefly state the reason for the same, and the presiding officer may briefly express the ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question to vote as to whether the decision of the chair shall be sustained. If a majority of the members present vote "aye" the ruling of the chair is sustained; otherwise, it is overruled.

As per *Robert Rules of Order, Newly Revised, 11th Edition, page 468*, the minutes of the meetings of the City Council, "shall be a record of what was done at a meeting, not what was said by the members".

**Rule 6**

The Council is free to use "general consent" or "consensus" in meetings as detailed in *Robert's Rules of Order, Newly Revised, 10th Edition; page 51*. As noted: "In cases where there seems to be no opposition in routine business, time can often be saved by the procedure of unanimous consent, or as it is also called, general consent. Action in this manner is in accord with the principle that rules are designed for the protection of the minority and generally need not be strictly enforced when there is no minority to protect. Under these conditions, the method of unanimous consent can be used either to adopt a motion without the steps of stating the question and putting the motion to a formal vote, or it can be used to take action without even the formality of a motion...Unanimous consent does not necessarily imply that every member is in favor of the proposed action; it may only mean that the opposition, feeling it is useless to oppose or discuss the matter, simply acquiesces. "

**Rule 7**

No member of the Council may leave the room while in formal session of the Council, as defined by Robert's Rules, without acknowledgement from the presiding officer. If/when a conflict of interest exists on an agenda item; the member of Council affected shall recuse himself or herself and must leave the dais until the vote is concluded.

**Rule 8**

Notice of a closed meeting must be given by the City Council, including the time, date and place of the closed meeting and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of Section 610.021 RSMo. An example is Section 610.021(1) RSMo, legal actions, causes of action, litigation or confidential legal communications. Notice must comply with the same procedures set forth in Section 610.020 RSMo for notice of a public meeting. See Section 610.022 RSMo. No meeting can be closed without an affirmative public vote of the majority of a quorum of the City Council (four members). The vote of each member on the question of closing a public meeting and the specific reason for closing the public meeting by reference to the specific section of the Sunshine Law must be announced publicly at an open meeting and entered into the minutes. There must be a motion to close the open meeting, and if any Councilmember believes that such motion, if passed, would be in violation of the Sunshine Law, such Councilmember must state his or her objection to the motion at or before the time the vote is taken on the motion. The City Council must enter in the minutes any objection made. Any Councilmember making such objection must be allowed to fully participate in any meeting that is closed to the public over the Councilmember's objection. In the event the objecting Councilmember also voted in opposition to the motion to close the meeting, the objection as entered into the minutes is an absolute defense to any claim filed against the Councilmember pursuant to the section of the Sunshine Law relating to violations. See section 610.022 RSMo.

Any meeting closed pursuant to the Sunshine Law must be closed only to the extent necessary for the specific reason announced to justify the closed meeting. The City Council must close only an existing portion of the meeting facility necessary to house the Councilmembers in the closed session, allowing members of the public to remain to attend any subsequent open session held by the City Council following the closed session. See Section 610.22 RSMo.

A journal or minutes of closed meetings must be taken and retained by the City Council, including, but not limited to, a record of any votes taken at such meeting. The minutes must include the date, time, place, Councilmembers present, Councilmembers absent and a record of any vote taken. Any votes taken during a closed session must be taken by roll call. When a roll call vote is taken, the minutes must attribute each "aye" and "nay" vote or abstention if not voting to the name of the individual Councilmember. See Sections 610.015 and 610.022 RSMo.

No audio recording of any closed meeting, record, or vote closed pursuant to the Sunshine Law is permitted without the permission of the City Council. Any person who does so is guilty of a State misdemeanor. See Section 610.020 RSMo. Any Councilmember betraying the confidentiality of a closed session can be censured by the Council to the extent decided upon by the remaining Councilmembers.



**Rule 9**

For the purposes of obtaining more information on a specific subject, and for the opportunity to ask questions on a subject prior to making a decision, the Council may choose to hold Study Sessions. These sessions can be held at any time, and shall be posted in accordance with the Missouri Open Meetings and Records Act.

Study Sessions held prior to regularly scheduled Council meetings will begin with any questions in regard to the Regular Session's agenda. The Study Session agenda will then proceed as time permits,

Study Sessions shall be designed for Council deliberations and shall not be open for citizen comment, except when such comments are approved by a majority of the Council at a specific meeting. Members of Council and staff shall be prepared to consider any questions arising from a Study Session at the next regularly scheduled Council meeting.

**Rule 10**

At the Regular meetings of the Council, the order of business shall be as follows (this may be changed or by majority vote of Council after being moved and seconded)

1. Call to Order
2. Roll Call
3. Approval of Agenda.
4. Proclamations
5. Approval of Minutes
6. Appointments
7. Swearing In
8. Citizen Participation
- ~~9. Council Comments~~
- ~~108. Public Hearings~~
- ~~119. Consent Agenda~~
- ~~1210. City Manager's Report~~
- ~~1344. Unfinished Business~~
- ~~1442. New Business/Bills to be Introduced~~
- ~~1543. Citizen Participation~~
- ~~1644. Council Reports and Business~~
- ~~1745. Council Comments~~
- ~~1846. Adjournment~~

**Comment [LR1]:** Added Council Comments after the first Citizen Participation. Corrected the number order to include the addition and correct the duplicate #8

**Rule 11**

Routine City business agenda items may be grouped under a Consent Calendar and voted on as one item with no discussion. Any item may be removed from the Consent Calendar and voted on separately by request from a member of the Council.

**Rule 12**

The Council Reports and Business section of the agenda is designed for members to present Board and Commission liaison reports and to discuss other issues/items which members want to formally present to other members of Council.

- a) The presiding officer will present a list of pending Board and Commission appointments and reappointments to the Council under this section at each session.

**Rule 13**

The Council Comments portion of the agenda is designed to allow Councilmembers time to freely express their opinions and ideas on topics of interest to them.

**Rule 14**

The Citizen Participation sections of the agenda are designed to allow members of the general public time to express their thoughts and concerns to members of Council, staff and the community at large. This section of the agenda is not meant to be time for a discussion between the speaker, members of Council or City staff. This is not to disallow a simple answer. The content of the speech will not be restricted. *(revised 6/12/2017)*

**Section III**  
**ORDINANCES**

**Rule 15**

All proposed ordinances and resolutions shall be introduced in written form and identified as to who proposed: City Manager or member of the City Council. All proposed ordinances shall be prepared by the City Attorney or bear the City Attorney's certification that they are in correct form. A copy of each proposed ordinance shall be sent to each member of the Council prior to the first reading. The first reading is for information and shall have attached to it a brief resume of the bill as prepared by or for the City Manager, together with the reasons for the introduction thereof or, if an amendment of an existing ordinance is proposed, the nature of the change sought to be made. ~~A bill may be "defeated" or "killed" with a motion and a second or by postponing indefinitely with a second.~~

Comment [LR2]: Revised 12/3/18 mtg

**Rule 16**

The City Manager shall not request the introduction and passage of any bill carrying an emergency clause unless a copy of said bill has been delivered to each member of the Council, together with a resume thereof and the reasons for the emergency, at least 24 hours prior to the meeting of the Council at which said bill is to be introduced.

**Rule 17**

Following the second or third reading of any bill, the question shall be put by the chairman, "What is the pleasure of the Council?" A Councilmember shall motion in the affirmative or negative, if the motion is followed by a second, a roll call vote will be taken to either confirm or deny the passage of the bill.

**Rule 18**

Any bill shall be subject to amendment until the vote for final passage; however, substantive amendments will require the bill be continued to the next meeting. What is substantive will be decided by vote of the Council.

**Rule 19**

Except as provided in the Sunshine Law or as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each 'aye' and 'nay' vote to the name of the individual Councilmember.

**Section IV**  
**RIGHTS TO THE FLOOR**

**Rule 20**

Any member of the public may speak at a Council Regular Session at the times listed in Rule 10 and Rule 14, under the following conditions:

- 1) Speakers must fill out a written form, available at the entrance, and place the completed form in the respective inbox for either "agenda" or "non-agenda" items.
- 2) The Mayor will call speakers to the microphone at the appropriate time.
- 3) A member of the audience may also be called to the microphone to answer specific questions at the discretion of the Council. A City employee should be called forward only if the City Manager requests the Mayor to do so.
- 4) All speakers must give their name and address.
- 5) All speeches are limited to five (5) minutes or less.
- 6) When warranted the City Manager will send a letter, e-mail or place a phone call to the speaker in answer to his/her comments.

**Rule 21**

All special committees shall be proposed by the Mayor or any two members of Council and approved by a majority of Council.

**Rule 22**

By consent of a majority of the Council, a special committee may be appointed at any time to hold public hearings for the Council upon any matter pending before it.

**Section VI**  
**CITY OFFICERS**

**Rule 23**

The City Manager shall attend all meetings of the Council unless excused by the Council. The City Manager shall keep the Council fully advised of the financial condition and needs of the City. The City Manager shall make recommendations to the Council and may take part in discussions on all matters concerning the welfare of the City, but shall have no vote in the meetings of the governing board.

**Rule 24**

In advance of each meeting of the Council, the City Manager shall prepare an agenda of matters, including ordinances and resolutions, to be presented to the Council at each such meeting. Members of the Council desiring reports or a discussion upon any matter involving the administrative offices of the City shall notify the City Manager in time to include such matter upon the agenda. An ordinance or resolution will be placed on the agenda at the request of two members. ~~Any resolution that has been finally disposed of at a meeting may not be brought back or renewed at a subsequent meeting for 12 months and any resolution that is the same or essentially the same will be considered out of order during that time period. The agenda should be received at least ten days before the meeting.~~ Copies of the agenda shall be accessible at City Hall, in the Library and on the website as soon as possible in advance of each Council meeting. The agenda and the Council packet shall be and e-mailed ~~and~~ hand-delivered to all members of Council.

**Section VII**  
**COUNCIL OFFICERS**

**Rule 25**

The City Clerk shall be ex-officio clerk of the Council and shall perform such duties as may be provided by the Charter or by job description. The City Clerk shall keep a journal of the proceedings of the Council including the kind of meeting, date, time and place, presence of participants. The body of the minutes should identify all speakers, including an abstract or text of each address, and include motions made, any amendments thereto, points of order, dispositions of these matters, and the time of adjournment. The format of the journal can only be changed by a vote of the majority of the Council. The minutes of the meetings shall be transcribed within a reasonable period after each meeting. The Clerk shall furnish each Councilmember with a copy of the minutes of the preceding meeting.

**Rule 26**

The City Clerk is responsible for preparing and maintaining the final agenda which includes Proclamations, Minutes, Appointments, Swearing In, Public Hearings, Consent Agenda, City Manager's Report, Unfinished Business and New Business which was previously approved by the City Manager.

**Rule 27**

The City Clerk shall post copies of notices of all Council meetings on the City Council's bulletin board on the lower level of City Hall, at the University City Library and on the City's website and alternate locations as Council deems appropriate.

**Section VIII**  
**NON-PARTISAN COUNCIL**

**Rule 28**

Members of the City Council serve in a non-partisan capacity. Mayoral and Councilmember elections are non-partisan. City letterhead and logos are to be used only for official City business and are not to be used in support of any candidate.

**Comment [LR3]:** Rule 28 is revised to include verbiage of Rule 29 and portions of Rule 30

~~**Rule 29**~~

~~Mayoral and Councilmember elections are non-partisan.~~

**Comment [LR4]:** Added as 2<sup>nd</sup> sentence of Rule 28. Removing the need for Rule 29

**Rule 30**

~~When members of the Council engage in partisan political endorsements and activities, they should make it as clear as possible that they are acting as individuals, in a non-City official capacity and do not represent the Council or City. City letterhead and logos are to be used only for official City business and are not to be used in support of any candidate.~~

**Comment [LR5]:** This 2<sup>nd</sup> sentence is added as last sentence of Rule 28. Rule 30 is deleted

**Section IX**  
**COUNCIL POSITIONS ON ISSUES**

**Rule 31**

No member may represent the Council or the City in taking a position on a political issue unless the position has been previously agreed to by a majority of the Council. However,

votes taken at meetings of the St. Louis County Municipal League, the Missouri Municipal League, the National League of Cities, Metro Mayors, National Conference of Black Mayors, and United States Conference of Mayors organizations will be decided by a majority of those members of the Council who are members and present at such meetings; unless a position has previously been decided on an issue by the Council as a whole, in which case the latter shall prevail.

**Rule 32**

A. When presenting personal positions or views, Councilmembers should make it clear that these are not the positions of the City or Council

B. Nothing in these rules is meant to limit the First Amendment Speech rights of any individual member of Council

**Section X**

**REMUNERATION**

**Rule 33**

Members of the Council shall receive no remuneration except that specified in the City Charter of University City.

Mayor and Councilmembers salaries can only be changed by a change in the City Charter, which requires a voter approval by the residents.

**Rule 34**

Members of the Council shall make no personal use of City resources, e.g., supplies, personnel, equipment, facilities, paper. Resources of the City Clerk's office may be used in an official capacity. Resources of the legislative budget may be used according to the rules of the Council's travel and expense policies and guidelines. Members of the City Council shall pay the same fees for City services and facilities as other citizens except for park passes.

**Rule 35**

No Councilmember should receive any gratuity from anyone doing business with the City.

**Section XI**

**INTERNAL COMMUNICATIONS**

**Rule 36**

As per the City Charter, members of Council have the right to communicate with members of staff for the purpose of inquiry. However, whenever possible, Council inquiries should be channeled through the City Manager's office.

**Rule 37**

~~Contents of executive sessions and confidential memos must be kept confidential. All closed meeting records, and votes shall remain closed as provided in the code, chapter 150.~~

~~All confidential information and documents shall be kept confidential. All closed meetings, records and votes shall remain closed as provided in Municipal Code Chapter 150.~~

Comment [LR6]: 11/16 revised per JMulligan's 11/23 email

**Section XII**  
**APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Rule 38 - A**

1. Each Group A Board or Commission appointment will be linked to a specific Council seat. This will be the "appointing Council member". Appointing Council members elected in 2010 (2014, 2018...) will be Ward 1A, Ward 2B, and Ward 3A. Council members elected in 2008 (2012, 2016...) will be Ward 1B, Ward 2A, and Ward 3B. Appointments must conform to any special conditions in the City Ordinance

2. The initial linkage of Board and Commission seats is attached (A).

3. When a Board or Commission seat is vacant, the appointing Council member will ~~have 30 days from the date of the vacancy to~~ make an appointment. ~~If there is no appointment after 30 days, the appointment will be transferred to the other Council member in that Ward. If the seat remains open after an additional 30 days, the appointment will be transferred to the Mayor.~~ The intent of the City Council is that a new appointment to a Board or Commission will be made prior to the expiration of the previous member's term. The above (1, 2, 3) apply to initial appointments

4. It is the intention of the Council that a person serves no more than two terms on the same Board or Commission, except for the Library Board, which allows three terms. The Council Liaison to a Board or Commission can re-appoint a sitting Board or Commission member to a second term. In special circumstances, the re-appointing Council liaison can ask the Council to approve a reappointment for a third term or an extension shorter than a full term.

If the council liaison declines to make a specific re-appointment within thirty days of a vacancy, the seat is declared vacant and the initial appointment process applies.

5. These rules apply to the following (group A) Boards and Commissions:

- Building Code Appeals
- Plan Commission
- Infill Review Board
- CALOP
- Traffic Commission
- Green Practices Committee
- Urban Forestry Commission
- Historic Preservation Commission
- Park Commission
- Commission on Human Relations
- Municipal Commission on Arts and Letters (15 members;  
(2 appointments for each Councilmember; 3 for the Mayor)
- Board of Trustees of the Non-Uniformed Employee Retirement Fund
- Board of Trustees of the Police and Firemen's Retirement Fund
- Library Board Seats 1, 2, 3, 4, 5, 6, 7 are subject to the rules in 38-A

**Rule 38 - B**

1. The definition of Council seats 1A, 1B, 2A, 2B, 3A, 3B in 38-A (1) shall apply to the Civil Service Board. Appointments must conform to any special conditions in City ordinances.

2. Starting with the adoption of these rules, the next appointments to the Civil Service Board will be rotated as follows: 1A, 3A, 2A, 1B, 3B, 2B, M.

3. When a Civil Service Board seat is vacant, the appointing Council member will ~~have 30 days from the date of the vacancy to~~ make an appointment. ~~If there is no appointment after 30 days, the appointment will be transferred to the other Council member in that Ward. If the seat remains open after an additional 30 days, the appointment will be transferred to the Mayor.~~

4. The above (1, 2 3) apply to initial appointments. It is the intention of Council that a person serves no more than two terms on the same Board or Commission. If the Council liaison declines to make a specific re-appointment within thirty days of a vacancy, the seat is declared vacant and the initial appointment process applies.

5. The Council liaison can re-appoint a sitting Civil Service Board member to a second term.

#### **Rule 38-C**

1. Seats 8 and 9 on the Library Board are defined in attachment A

2. Starting with adoption of these rules, the next appointments to seats 8 and 9 of the Library Board will be jointly rotated as follows: 3A, 2B, 1A, 2A, 1B, 3B, M.

3. The appointing Council member will ~~have 30 days from the date of the vacancy to~~ make an appointment. ~~If there is no appointment after 30 days, the appointment will be transferred to the other Council member in that Ward. If the seat remains open after an additional 30 days, the appointment will be transferred to the Mayor.~~

4. Reappointments to seat 8 and 9 are the responsibility of the Council liaison. If the Council liaison declines to make a specific re-appointment within thirty days of a vacancy, the seat is declared vacant and the initial appointment process applies.

#### **Rule 38-D**

A Board or Commission seat shall be declared "vacant":

1. On the date when a member's term expires, or

2. On the date a member resigns, or

3. The date a member is removed by other means

#### **Rule 38-E**

If a Board or Commission member has 3 consecutive unexcused absences or 3 unexcused absences in a calendar year, the Council liaison can request that the Council send a letter to that Board or Commission member to determine whether the Board or Commission member wishes to continue serving, or wishes to resign from that Board or Commission. If there is no response to the letter within 3 weeks or if the member continues to be absent without excuse, then the Council can send a follow-up letter informing the member that he/she is deemed to have resigned and will be replaced by the Council.

**Rule 38-F**

University City citizens may serve on only one University City Board or Commission at a time. Anyone who already serves on one Board or Commission may not be appointed or re-appointed to a second Board or Commission. This rule does not apply to the Mayor or Councilmembers.

**Rule 39**

Before providing the applications to members of Council, the City Clerk will check to determine whether a nominee has resigned from a board or commission prior to the expiration of his or her term. Failure to complete a term by resignation ~~shall~~may be a disqualification for future appointment unless the failure to complete the term was beyond the individual's control.

**Rule 40**

Councilmembers are required to serve as liaisons to boards/~~and~~ commissions and will be appointed by the Mayor. These appointments should be rotated every two years, after the April municipal elections.

Comment [LR7]: Rule 40 revised 12/3/18 mtg

The liaison serves as a communicator between the Council and the board/commission, and ~~does not vote or shall have the right to participate to the fullest extent in the proceedings and work of the board/commission except to vote. in the work on the Board or Commission as a full deliberator.~~

As liaisons, Councilmembers are required to attend ~~b~~Board and ~~c~~Commission meetings and report back to the entire Council on work of those bodies. Such reports shall be presented in the Council Reports and Business section of the agenda of a Regular Council meeting.