

MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE – ZOOM MEETINGS
Monday, January 25, 2021
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held via videoconference, on Monday, January 25, 2021, 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 Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Bwayne Smotherson

Also, in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr.; Director of Planning and Zoning, Clifford Cross; Director of Public Works, Sinan Alpaslan, and Director of Parks & Recreation, Darren Dunkle.

C. APPROVAL OF AGENDA

Hearing no requests to amend, Councilmember Smotherson moved to approve the Agenda as presented. It was seconded by Councilmember Hales, and the motion carried unanimously.

D. APPROVAL OF MINUTES

1. December 14, 2020, Study Session Minutes (Community Cat – Trap, Neuter & Release), was moved by Councilmember Cusick, it was seconded by Councilmember Klein, and the motion carried unanimously.
2. January 11, 2021, Study Session Minutes (Washington University Fiscal Impact Report), was moved by Councilmember Hales, it was seconded by Councilmember Clay, and the motion carried unanimously.

E. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. January 11, 2021, Study Session Minutes (Washington University Fiscal Impact Report), was moved by Councilmember Hales, it was seconded by Councilmember Clay, and the motion carried unanimously
2. Teresa Huether is nominated to the Commission on Senior Issues as a fill-in replacing Wayne Flesh's expired term by Councilmember Jeff Hales, it was seconded by Councilmember Klein and the motion carried unanimously.
3. Kathryn Freese is nominated to the Urban Forestry Commission replacing Barb Chicherio's expired term by Councilmember Jeff Hales, it was seconded by Councilmember McMahon and the motion carried unanimously.
4. Andrea Lubershane is nominated to the Commission on Storm Water Issues by Councilmember Bwayne Smotherson, it was seconded by Councilmember Cusick and the motion carried unanimously.
5. Nicole Thomas is nominated for reappointment to Arts and Letters by Councilmember Bwayne Smotherson, it was seconded by Councilmember Hales and the motion carried unanimously.
6. Wilmetta Toliver-Diallo is nominated for reappointment to Arts and Letters by Councilmember Bwayne Smotherson, it was seconded by Councilmember Clay and the motion carried unanimously.

F. SWEARING IN TO BOARDS & COMMISSIONS

1. Dan Wald, Mahammed Qaudadeh, Mary Gorman, and Satish Kumar were sworn into the Loop Special Business District on January 12th via Zoom.

G. CITIZEN PARTICIPATION

Procedures for submitting comments for Citizen Participation and Public Hearings:

*ALL written comments must be received **no later than 12:00 p.m. the day of the meeting.** Comments may be sent via email to: councilcomments@ucitymo.org, or mailed to the City Hall – 6801 Delmar Blvd. – Attention City Clerk. Such comments will be provided to the City Council prior to the meeting. Comments will be made a part of the official record and made accessible to the public online following the meeting.*

*Please note, when submitting your comments, a **name and address must be provided.***

Also, note if your comment is on an agenda or non-agenda item. If a name and address are not provided, the provided comment will not be recorded in the official record

Mayor Crow thanked everyone who provided written comments and acknowledged that they have been reviewed by Council and made a part of this record.

H. PUBLIC HEARINGS

1. Vacation of General Utility Easement on 8348 and 8350 Delcrest Drive

Mayor Crow opened the Public Hearing at 6:36 p.m. Hearing no requests to speak, the Mayor closed the Public Hearing at 6:36 p.m.

I. CONSENT AGENDA

1. Consideration of the TichlerBise Fiscal Impact of Property Owned by Washington University on University City Study
2. Ruth Park – Golf Course Parking Lot Replacement

Councilmember Hales moved to approve Items 1 and 2 of the Consent Agenda, it was seconded by Councilmember McMahon.

Councilmember Clay asked if it was correct that payments are not made to consultants until after their report is adopted by Council? Mr. Rose stated while it is not a requirement, it is customary for Council to accept a consultant's report prior to the final payment being made. Councilmember Clay stated he does not think the two procedures should necessarily be dependent upon the other. So, something he would like staff to think about administratively is separating the two because there may come a time when Council is not in agreement and he would hate to see someone not get paid after they have completed a project.

Voice vote on Councilmember Hales' motion carried unanimously.

J. CITY MANAGER'S REPORT

1. Materials Recovery Facility (MRF) Study Consultant Selection and Agreement Approval.

Mr. Rose stated staff is recommending approval of the Consultant Selection and Agreement which will be described in more detail by Mr. Alpaslan.

Mr. Alpaslan stated this Materials Recovery Facility (MFR) Feasibility Study was deemed necessary due to recent price changes in single-stream recycling markets, and an option of reopening the MRF. The facility started delivering its single-stream recyclables in 2007 but has had to be used for other purposes since the price increase went into effect.

To determine the feasibility of this option staff recommended that a feasibility study be conducted and applied for funding through a grant offered by the St. Louis Jefferson Solid Waste Management District. The City was successful and has been awarded \$24,000 for the study to be performed.

A Request for Proposal was issued on December 11, 2020, and one proposal was received from MSW Consultants in the amount of \$24,000. MSW Consultants has extensive experience with MRF(s), commodity market analysis, and previously performed the City's Solid Waste Rate Study which was presented to Council in August of last year. The Feasibility Study will consist of:

- An analysis of U City's solid waste collection process;
- The scalability of operations in the feasible service area;
- An evaluation of the commodities market for material sales;
- An evaluation of equipment and space needs;
- An optional task of determining fleet needs and conceptualizing labor and management needs to reopen and operate an MRF on-site, and
- The possibility of using other municipal haulers, i.e., The Cities of Brentwood, Kirkwood, and Valley Park

Mr. Alpaslan stated these municipalities have already expressed an interest in sending their loads to U City's Facility if it is reopened, and there could potentially be more. He stated another cost-savings factor is MSW's familiarity with the City's Operations and their proven success.

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

Councilmember Smotherson asked if the City's neighbors to the north had expressed an interest in participating? Mr. Alpaslan stated while they have not received any feedback, they intend to initiate further discussions during the study.

Councilmember Hales asked if staff had researched other municipalities that provide recycling services at the level being proposed? Mr. Alpaslan stated St. Peters does a lot of hauling, collection, and processing themselves. But at this point, staff won't be able to gain a better understanding of the supply and demand, and who might be a good candidate until they start to bring a good stream of recycling in. He stated there are very limited opportunities to expand the City's facility because it is located in a floodplain. Currently, there are only about 3,000 square feet of space, so its capacity will have to be carefully examined before any consideration can be given to expanding the facility.

Mr. Rose stated based on the Solid Waste Rate Study, while the City is not in the red, the numbers are trending in that direction. So, staff is bringing this to Council in somewhat of a piecemeal fashion because before he asks Council to consider a rate increase, he wants to make sure they have looked at every opportunity available to enhance the City's revenue. He stated the next phase of this plan will include a proposal to conduct a Market Study for the Transfer Station.

Voice vote on Councilmember Smotherson's motion carried unanimously.

K. UNFINISHED BUSINESS

1. **BILL 9419 – AN ORDINANCE AMENDING CHAPTER 500 “BUILDING AND CONSTRUCTION” ARTICLES I, II, III, IV, V, VI, VII, VIII & VIIIA OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI.** Bill Number 9419 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

2. **BILL 9420 – AN ORDINANCE REPEALING CHAPTER 205 “FIRE CODE” OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, AND ENACTING IN LIEU THEREOF A NEW CHAPTER 205 TO BE KNOWN AS “CHAPTER 205 FIRE CODE”**

D - 2 - 3

Bill Number 9420 was read for the second and third time.
Councilmember Hales moved to approve, it was seconded by Councilmember Klein.

Roll Call Vote Was:

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

Nays: None.

3. **BILL 9422 – AN ORDINANCE VACATING AND SURRENDERING PORTION OF A PUBLIC EASEMENT LOCATED WITHIN THE CITY LIMITS OF UNIVERSITY CITY, WEST OF DELCREST DRIVE, EAST OF A PRIVATE ROAD PLATTED AS ST. LOUIS BELT & TERMINAL RAILROAD RIGHT OF WAY, AND EXTENDING NORTHEASTWARD 123.22 FEET FROM SAID PRIVATE ROAD, BUT RESERVING ANY OTHER PUBLIC EASEMENTS, AND DIRECTING THAT THIS ORDINANCE BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF ST. LOUIS COUNTY, MISSOURI.** Bill Number 9422 was read for the first and second time.

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

Councilmember Cusick asked Mr. Rose if he could explain the intent of this Ordinance? Mr. Rose stated this Ordinance is associated with the proposed Delcrest Development and the construction of an apartment complex and bistro. So, this Ordinance was designed to allow this type of development to proceed at the designated location. Councilmember Cusick asked if the City would still maintain ownership of the property if the development did not come to fruition?

Mr. Rose informed Councilmember Cusick that his comments may not be accurate, therefore, he would ask Mr. Alpaslan to elaborate further.

Mr. Alpaslan stated the reason for vacating the easement is that it lies along the property lines where the Crown Center Development Project has proposed to construct a building. The original request to MSD was made by the Developer's engineer. MSD responded that it had no objection to the request since this is a sanitary sewer easement and referred him back to the City for its review since it also held an interest in the easement. Mr. Alpaslan stated staff examined every aspect of the demand and concluded that it was feasible because there was no infrastructure in the area. However, should the developer decide not to proceed there is no reason for the easement to be vacated.

Mr. Rose stated the City has no public use for this right-of-way, and his understanding is that there are no public utilities within this easement. So even if the development does not come to fruition there is no viable rationale for maintaining the easement.

Councilmember Cusick stated part of his concern was whether the vacating of this easement would give the Developer an option to build something closer to any of the roadways or buildings. But according to Mr. Alpaslan, staff has no concerns about that happening.

Mr. Alpaslan stated that is correct.

Roll Call Vote Was:

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

Nays: None.

Mr. Rose stated he would like to comment on Bill Number 9423. While he recognizes that more work may be needed to establish a more succinct Ordinance, the reason it is being introduced tonight is that currently there are no policies in place to regulate the stray cat population.

This initial regulation will move the community in the right direction and any additions will be presented to Council in the form of an amendment.

L. NEW BUSINESS

RESOLUTIONS

BILLS

Introduced by Councilmember Hales

1. **BILL 9423** – AN ORDINANCE AMENDING CHAPTER 210, ARTICLE I OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO ANIMALS GENERALLY, BY ENACTING THEREIN A NEW SECTION TO BE KNOWN AS “SECTION 210.130 COMMUNITY CATS--MANAGEMENT OF CAT POPULATION--PERMITTED ACTS.” Bill Number 9423 was read for the first time.

Introduced by Councilmember Clay

2. **BILL 9424** – AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER ITS PASSAGE, AND REPEALING ORDINANCE NO. 7129. Bill Number 9424 was read for the first time.

M. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions

Councilmember Clay reported that the Green Practices Commission discussed recycling and the need for citizens to be mindful of what they place in their recycling bins. If an item is questionable, it should be placed in the regular trash because the cost of having ineligible items processed results in an additional cost to the City. Citizens should refer to the City's website for a complete list of eligible and ineligible items.

He stated although the Library has been closed to in-person visits; resulting in a significant downturn, the Commission reported that electronic borrowing is up 130 percent over 2019. So, he is glad to see that citizens are still supporting the Library in whatever way they can.

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

N. COUNCIL COMMENTS

Councilmember Cusick stated last Wednesday Gary Knelling, a long-time U City resident passed away. Mr. Knelling was an architect and Co-Chair of the 2015 University City-Washington University Task Force.

Mayor Crow stated Council would also like to express their sympathy to the family.

O. EXECUTIVE SESSION

Motion to go into a Closed Session according to Missouri Revised Statutes 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 or attorneys.

Councilmember Cusick moved to close the Regular Session and go into a Closed Session, it was seconded by Councilmember Hales.

Roll Call Vote Was:

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

Nays: None.

P. ADJOURNMENT

Mayor Crow thanked everyone for their participation and closed the Regular Session of Council at 7:01 p.m. to go into a Closed Session. The Closed Session reconvened in an open session at 8:01 p.m.

LaRette Reese
City Clerk

From: [Mitch Leachman](#)
To: [Council Comments Shared](#)
Subject: Concerns with Bill 9423: New Municipal Code Section 210.130 Community Cats
Date: Monday, January 25, 2021 11:22:15 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

First, our apologies if this is a duplication. We submitted concerns with this draft ordinance to the Mayor back on December 29th after the December 14th council study session on the same subject. However, since those comments were not sent in regards to a particular council agenda item, we felt it best to re-submit them today given the agenda for tonight's council meeting.

Mayor Crow and Councilmembers,

I am writing to you on behalf of the St. Louis Audubon Society to express our concern with Bill No. 9423 that would create a “community cat” designation for University City.

We are opposed to the legislation due to the impact free-roaming cats have on birds and other wildlife.

Songbirds are an essential part of the nature that surrounds us all. They consume insects. They disperse seeds of native plants. They inspire us and are one of the most accessible connections to nature for most people in our cities and towns.

Unfortunately, free-roaming cats are not a natural part of our environment and cause significant harm to songbirds and other wildlife. A ‘study of studies’ published in 2013 by the Smithsonian Conservation Biology Institute and the U.S. Fish and Wildlife Service [estimated at least 1 billion birds are lost each year](#) to free-roaming cats. With tens of millions of feral and community cats plus an untold number of owned cats that are allowed outdoors unsupervised, each cat need only catch and kill a couple birds a month to reach such a tragic data point.

Addressing the unowned cat population is a complicated issue, and we understand there are no quick fixes. As you consider new approaches, we simply urge you include the value and health of our native songbirds in your deliberations.

St. Louis Audubon has over 3,000 members in the region, many of whom are residents of University City. We have a long-standing partnership with the City through our [Bring Conservation Home program](#). We look forward to building upon that foundation and working with you on this important issue.

Sincerely,

Mitch Leachman

Director of Programs

St. Louis Audubon Society

P.O. Box 220227

St. Louis, MO 63122-0227

(314) 599-7390

www.stlouisaudubon.org

St. Louis Audubon has been connecting the St. Louis community to nature since 1915!

cc: Dennis Martin, St. Louis Audubon President

Jean Favara, St. Louis Audubon VP of Conservation

References:

The Impact of Free-ranging Domestic Cats on Wildlife of the United States

https://abcbirds.org/wp-content/uploads/2015/09/Loss_et_al._2013-Impacts_Outdoor_Cats.pdf