



MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE
Monday, April 26, 2021
6:30 p.m.

**IMPORTANT NOTICE REGARDING
PUBLIC ACCESS TO THE CITY COUNCIL MEETING & PARTICIPATION**

City Council will Meet Electronically on April 26, 2021

On March 20, 2020, City Manager Gregory Rose declared a State of Emergency for the City of University City due to the COVID-19 Pandemic. Due to the ongoing efforts to limit the spread of the COVID-19 virus, the April 26, 2021 meeting will be conducted via videoconference.

Observe and/or Listen to the Meeting (your options to join the meeting are below):

Webinar via the link below:

<https://us02web.zoom.us/j/84263288695?pwd=V1NuYmZTVGZjREYyWjJ5ZW5vNURaZz09>

Passcode: 694161

Live Stream via YouTube:

<https://www.youtube.com/channel/UCyN1EJ-Q22918E9EZimWoQ>

Audio Only Call

Or iPhone one-tap :

US: +19292056099,,84263288695# or +13017158592,,84263288695#

Or Telephone:

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 842 6328 8695

International numbers available: <https://us02web.zoom.us/j/84263288695>

Citizen Participation and Public Hearing Comments:

Those who wish to provide a comment during the "Citizen Participation" portion as indicated on the City Council agenda; may provide written comments to the City Clerk ahead of the meeting.

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 City Hall – 6801 Delmar Blvd. – Attention City Clerk. Such comments will be provided to 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**. Please 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.

The City apologizes for any inconvenience the meeting format change may pose to individuals, but it is extremely important that extra measures be taken to protect employees, residents, and elected officials during these challenging times.



MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE – ZOOM MEETINGS
Monday, April 26, 2021
6:30 p.m.

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. April 12, 2021 – Study Session – Flood Warning System and Minority Participation Policy
2. April 12, 2021 – Regular Meeting

E. APPOINTMENTS to BOARDS & COMMISSIONS

1. Sylvia Morris is nominated to the Civil Service Board replacing James Stephenson's expired term by Councilmember Stacy Clay
2. James Nowogrocki is nominated for reappointment to the Civil Service Board by Councilmember Jeff Hales
3. Bobette Patton is nominated to the Economic Development Retail Sales Tax Board replacing Robert Kuhlman's expired term by Mayor Terry Crow

F. SWEARING IN to BOARDS & COMMISSIONS

1. Edward Nickels was sworn into the Historic Preservation Commission at City Hall on April 12, 2021.

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 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.*

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H. PUBLIC HEARINGS

1. Re-Allocation of Funds – 2019 and 2020 Community Development Block Grant (CDBG)

I. CONSENT AGENDA

1. Project 1481 – Sidewalk and Curb Replacement Project

J. CITY MANAGER'S REPORT

1. Third Quarter Financial Report
2. Facility Use Agreement – Farmers Market
3. Conditional Use Permit (PC-21-05) – Convenience Store – 8326-8328 Olive Blvd.

K. UNFINISHED BUSINESS

1. **BILL 9430** - AN ORDINANCE CALLING A BOND ELECTION IN THE City OF UNIVERSITY CITY, MISSOURI

**L. NEW BUSINESS
RESOLUTIONS**

1. **Resolution 2021-6** – A Resolution Approving a First Amendment to the Rights-of-Way Use Agreement

M. 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

N. COUNCIL COMMENTS

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.

P. ADJOURNMENT

Posted 23rd day of April 2021.

LaRette Reese
City Clerk

On March 20, 2020, City Manager Gregory Rose declared a State of Emergency for the City of University City due to the COVID-19 Pandemic. Due to the ongoing efforts to limit the spread of the COVID-19 virus, the April 12, 2021 meeting will be conducted via videoconference.

STUDY SESSION
VIA VIDEOCONFERENCE
Flood Warning System and
Minority Participation Policy
April 12, 2021
5:30 p.m.

AGENDA

Requested by City Manager

1. MEETING CALLED TO ORDER

At the Study Session of the City Council of University City held via videoconference, on Monday, April 12, 2021, Mayor Terry Crow called the meeting to order at 5:31 p.m.

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 Public Works, Sinan Alpaslan; Director of Finance, Keith Cole; Commissioners Eric Stein and Todd Thompson, of the Storm Water Commission.

2. CHANGES TO REGULAR AGENDA

Mr. Rose requested that Item H-3; (Conditional Use Permit (PC-21-05), Convenience Store at 8326-8328 Olive Blvd.), be moved to the April 26th meeting.

3. EARLY WARNING SYSTEM

Mr. Alpaslan stated members of the Storm Water Commission are present to provide Council with an update on the Flood Early Warning System.

Commissioner Stein stated based on all the facts ascertained by the Task Force their written report presented to Council last year recommended that the City implement its own Flood Warning System instead of waiting for the USACE.

Background

- Both the USACE and the City's Storm Water Task Force (*now commission*) have recommended a flood warning system; (FWS).
- The Task Force found that significant resources for a system are already in place.
 - Extensive USGS stream gauge & MSD rain gauge data for our watershed exists. This is required to develop a basis for predicting floods.
 - Expertise exists on the Task Force for analyzing this data.
 - Advances in technology make the equipment required affordable.
 - These factors would allow the City to develop its own system rather than wait on the uncertainty and cost of a USACE system.

Components of a Flood Warning System

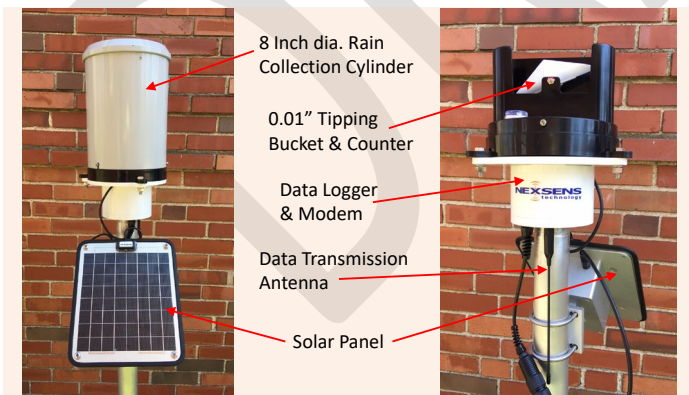
- An established protocol for the prediction of flooding based on rainfall.
- Rain gauges. Must be located in the watershed of the problem stream due to the localized nature of rainstorms.
- Stream gauges (sometimes). In our case not, because the River Des Peres (RDP) rises too quickly.
- Data logging equipment to record rain gauge readings.
- Telemetry capability for transmitting the data to a control center.
- A control center to collect, record, and analyze the data, and issue alarms when rainfall exceeds a predetermined threshold that is predictive of flooding.
- A system for disseminating warnings to the public, along with established emergency protocols.

U City's System - Prediction Protocol

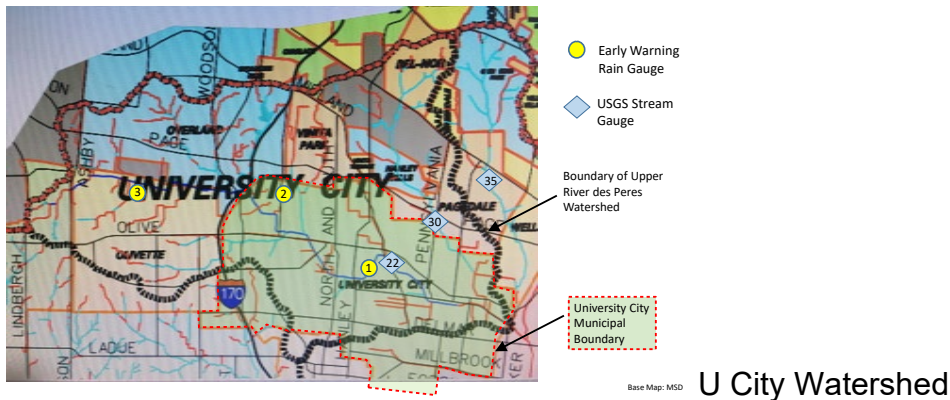
- Commission member Dr. Robert Criss; Professor of Earth & Planetary Science, built an extensive database and developed statistical protocols for flood prediction.
- Data included 10 years of 5-minute interval data from the USGS stream gauge in Heman Park and six MSD rain gauges in or near our watershed (thanks to MSD for access).....over 7 million data points.
- Experimentation showed a statistically reliable basis for flood prediction exists.

U City's System - Rain Gauges

- Three enterprise-level, automated rain gauges (NexSens G2-Rain Alert Systems), with solar power packs distributed across our 9 square mile watershed.
 - Wilson buyout tract, at Wilson & Drexel (operational).
 - Fogerty Park, near the parking lot at 82nd St (operational).
 - Indian Meadows Park in Olivette (pending).
- Gauges have integrated data logger to record rainfall at 5-minute intervals.
- Gauges have integrated cellular data modem that reports to the control center at 5-minute intervals at the onset of rainfall.



Battery Powered Automated Rain Gauge mounted on streetlights

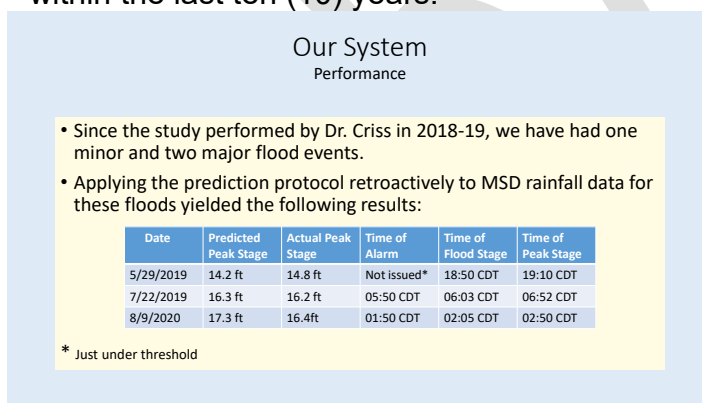


U City's System - Control Center

- Control Center is a cloud-based SaaS system (*Software as a Service*).
- Provided by the rain gauge manufacturer.
- Gauges transmit data to the City's private account at this center.
- Individuals designated by the City can log in from any computer.
- From there, we can configure the gauges, collect, record, and analyze data, and configure automated alarms to designated recipients.
- The software provides for a public portal. (*Portal to be provided to Council*)
- Emerging trends toward SaaS and cellular data transmission are what make a system like this affordable.

Performance

- Data based on MSD rainfall records.
- Flood stage equals 14 square feet; water at the top of the bank
- U City has had seven (7) 16-foot storms in twenty (20) years; six (6) have occurred within the last ten (10) years.



Current Status

- Get the Olivette gauge up and running. (*Olivette was scheduled to have a walk-through of the site on March 19th and examine possible gauge locations.*)
 - Important. This is in the RDP headwaters where much of our flood water originates.
 - The system will be ready to issue alarms within 1-2 weeks of installation.
 - Decide how to disseminate warnings to the public and define associated emergency protocols.

- The Commission envisions an FWS alarm going to the City's emergency dispatch, which then issues a public warning.
- Many vendors provide targeted emergency notification services to the public by text/email/phone.
- These are SaaS systems, with the price determined by the population served. The best known is CodeRed; used by Jefferson County. Olivette uses SirenGPS.
- City emergency managers need to be involved in the process at this point.

Future Requirements - Next Steps

- Direct the City's flood plain manager to collect data on future major floods.
 - Measure elevations of high water marks in neighborhoods; (*FEMA & USGS have training materials*).
 - Gather data on damages, including building inspection & first responder reports.
 - Procure support equipment for this; (*survey equipment, install staff gauges in flood-prone areas*).
 - Post signs showing historically high water levels to raise public awareness.
- Procure equipment to allow commission members to research stream behavior during floods.
 - Water level measuring equipment. Video cameras at Hafner Court, Groby Bridge, and Pennsylvania bridges, which may be under-sized.

Related Commission Activities

- Established a basis for measuring high-water levels of future floods.
 - The City has not collected water level data for previous floods. This is important for planning.
 - Commission members used a satellite-based surveying system to establish elevations of reference points in flood-prone areas.
 - These will serve as calibration points for measuring high water elevations for future flood events. They are accurate to within one inch.
- Developed materials for public outreach and education on stormwater and flooding issues to be published in ROARS and possible website.
- Solicited photos & information from the public on past floods to fill in gaps.
- Developing a 3-D printed model of our watershed for public display, based on satellite LIDAR data.
- Attending USACE team meetings.

Commissioner Thompson stated Mark Holly has arranged to display a prototype of the 3-D model in his garage tomorrow evening for anyone interested.

He stated he visited the Olivette site which is a much-undeveloped area. So, it may not be that Olivette is stonewalling, just that they are unsure of what they want to do with the area. However, this is not a very intrusive installation and whatever the City can do to help move this forward would be appreciated.

Mr. Thompson stated the USACE has almost concluded its review and should be making their recommendation on what their project will consist of for U City. Primarily, he believes it will entail detention basins, levees, or floodwalls in residential and commercial areas.

Councilmember Clay thanked the Commission for their work.

Mayor Crow stated he is acquainted with Olivette's Mayor and several of their Council members, so he would be happy to help if and when it is appropriate to do so.

Mr. Rose stated Mr. Alpaslan has been working with the Director of Public Works, but at some point, he may need to address this issue with their City Manager.

Councilmember Klein asked if Olivette needed to be in place before anything could be done in U City? Mr. Stein stated if the rainfall were uniform across U City's watershed all you would need is one gauge. However, the reason for three (3) gauges is to ensure that you are adequately accounting for the variations that occur. So, while the two U City gauges that are already operational are better than nothing, to cover all bets you really need that third eye in Olivette. But technically, the alarms are configured, and the City could go with what it has.

Mayor Crow stated it is a real benefit to have such talented people living within this community and he would like to thank the Commission for the incredible work they have performed.

4. MINORITY PARTICIPATION POLICY

Mr. Rose stated pursuant to Council's request regarding information on the City's existing policy, he has asked Mr. Cole to make this next presentation.

Mr. Cole highlighted the pertinent portions of each Section related to the City's requirements for minority participation.

Section 135.010 – Personnel Requirements for Contractors with City (Ordinance No. 5604, June 1, 1987)

A. Any person, firm, or corporation contracting with the City to provide services such as but not limited to, technical/professional services, street repairs, supplies, building maintenance, **at a cost to the City of fifty thousand dollars (\$50,000.00) or more and involving ten (10) or more employees in the workforce providing the contracted services, shall, as a condition precedent to the rendition of such services, certify by affidavit filed with the said City that at least twenty percent (20%) of the workforce providing the contracted services shall consist of workers generally classified as members of minorities and/or female workers. The City Council may, under special circumstances such as, for example, situations requiring technical expertise and/or specialization, waive the conditions set forth herein, provided, however, that such waiver is justified by a two-thirds (2/3) vote of the City Council.**

Section 135.010 – Personnel Requirements for Contractors with City (Ordinance No. 5604, June 1, 1987), continued.

B. Any person, firm, or corporation contracting with the City to provide **services involving payment of one hundred thousand dollars (\$100,000.00) or more in which there are two (2) or more subcontractors** shall agree with the City that at least fifteen percent (15%) of the total amount of the City's contract shall be allocated to subcontractors who employ workers generally classified as members of minorities and/or female workers.

Section 135.020 – Personnel Requirements with Respect to Employees and Owners (Ordinance No. 6818, June 21, 2010)

A. As many as possible of the City contracts over two thousand dollars (\$2,000.00) shall be entered into with the following:

- Individuals generally classified as members of minorities and/or female; and
- Firms consisting of individuals generally classified as members of minorities and/or female; and
- Corporations, the stock of which is owned by the individuals generally classified as members of minorities and/or females.

B. The City Manager shall take all reasonable steps to achieve compliance with this Section; which steps shall include, but are not limited by, the following:

- Regularly and periodically place ads in the media, which are aimed at the minorities, to solicit those minorities to bid on City contracts and to place themselves on the City's bid list;
- When publishing bid notices, the City at all times will also publish in a minority newspaper; and
- Utilize all available directories of minority and female firms.

C. The City Manager shall report quarterly to the City Council of the efforts in carrying out this Section and the results of said efforts.

D. All minority and/or female firms, corporations, or individuals shall file an affidavit with the City, prior to commencing work, that they are a minority and/or female firm, corporation, or individual.

Mr. Rose stated this is an area that was decentralized, and this year staff made the first steps towards centralizing this policy under the Finance Department. He stated based on his knowledge, Ms. Fitch was the last person to hold the position of a Purchasing Coordinator, which is something they are in the process of trying to reinstate. He stated the goal is to ensure that all departments are following these standard operating procedures and the City can do a better job with reporting its program results.

Councilmember Clay asked Mr. Rose when he believed staff would be in a position to provide these results to Council? Mr. Rose stated initially staff's priority is to put all of these procedures in place because prior to the centralization every department was doing its own thing.

Mr. Cole stated the Purchasing Specialist has revised the City's Purchasing Policy to include these Sections of the Code to make sure every department is complying. But he will need time to review the policy before it goes into affect.

Councilmember Clay asked if staff had a sense of whether departments were meeting any of these percentages? Mr. Rose stated although this does not mean departments have not been adhering to these requirements, to his knowledge, minority contract percentages have been tracked for at least ten (10) years. However, going forward, his objective is to put the appropriate resources in place to ensure these policies, as well as the State Statutes, are properly executed. The creation of a Purchasing Specialist position is the first step but if the City is to do a good job with oversight of these contracts, additional resources will be needed.

Mr. Rose stated unfortunately, staff is dealing with a lot of challenges, but he hopes to have these policies in place within the next 90 to 120 days. Once that is completed, he will have a better understanding of the type of resources needed and will advise Council of his findings.

Councilmember Smotherson stated these policies seem to indicate that when the cost of a contract increases, the amount of minority participation is decreased. For example, any contract at a cost to the City of fifty thousand dollars (\$50,000.00) requires at least twenty (20) percent, but a contract at a cost to the City of one hundred thousand dollars (\$100,000.00) only requires fifteen (15) percent. Can someone provide him with an explanation of these percentages and whether this is something that can be amended by Council? Mr. Cole stated his understanding is that the fifteen (15) percent requirement refers to subcontractors and the twenty (20) percent requirement refers to the prime contractor.

Mayor Crow stated these policies have probably been off the administration's radar for some time. However, now that the City is starting to engage in some sizeable construction projects, this might be a good opportunity to see what U City's neighboring communities are doing in this area to ensure that the City is on an equal playing field in its implementation and execution of these policies.

Mr. Rose stated staff would be happy to conduct the suggested research to identify how the City's policies compare to its surrounding neighbors.

Mayor Crow stated he appreciates the fact that this issue has been brought to Council's attention because during his tenure, he does not recall ever seeing a report on minority participation.

5. ADJOURNMENT

Mayor Crow adjourned the Study Session at 6:22 p.m.

LaRette Reese
City Clerk

MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE
Monday, April 12, 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, April 12, 2021, Mayor Terry Crow called the meeting to order at 6:31 p.m.

B. ROLL CALL

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

Councilmember 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 Parks, Recreation & Forestry, Darren Dunkle; Director of Public Works, Sinan Alpaslan; Amy Gilbertson and Amanda Truemper of Trivers, and Bob Schwartz of HOK.

C. APPROVAL OF AGENDA

Mayor Crow noted the City Manager's request to move Item H-3; (Conditional Use Permit (PC-21-05), Convenience Store at 8326-8328 Olive Blvd.), to the April 26th meeting.

Councilmember Smotherson moved to approve, seconded by Councilmember Clay, and the motion carried unanimously.

Councilmember Clay moved to approve the Agenda as amended, seconded by Councilmember Hales, and the motion carried unanimously.

D. APPROVAL OF MINUTES

1. March 8, 2021, Study Session – River Des Peres & Visioning and Comprehensive Plan Update was moved by Councilmember Klein, seconded by Councilmember Hales, and the motion carried unanimously.
2. March 15, 2021, Special Meeting was moved by Councilmember Clay, seconded by Councilmember Hales, and the motion carried unanimously.
3. March 22, 2021, Regular Meeting, was moved by Councilmember Cusick, seconded by Councilmember McMahon, and the motion carried unanimously.
4. March 30, 2021, Special Meeting was moved by Councilmember McMahon, seconded by Councilmember Klein, and the motion carried unanimously.

E. APPOINTMENTS TO BOARDS & COMMISSIONS

1. John Roman is nominated to the Urban Forestry Commission as fill in replacing Julie Brill Teixeira's unexpired term by Councilmember Aleta Klein, seconded by Councilmember Cusick, and the motion carried unanimously.

F. CITIZEN PARTICIPATION

Procedures for submitting comments for Citizen Participation and Public Hearings:

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*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 submitted comment will not be recorded in the official record.*

Mayor Crow thanked citizens for taking the time to submit their written comments, which have been made a part of this record.

G. CONSENT AGENDA

1. Economic Development Strategic Plan Acceptance
2. Heman Park – Sealing and Striping Project
3. ABI Force Z23 Ball Field Groomer
4. Canton Fence Project
5. Economic Development Retail Sales Tax – Relocation Assistance

Councilmember Clay moved to approve Items 1 through 5 of the Consent Agenda, seconded by Councilmember Klein, and the motion carried unanimously.

H. CITY MANAGER'S REPORT

1. Police Station Design Concept – Video Presentation

Mr. Rose stated as requested by Council, Ms. Truemper and her team are here tonight to present a video of the proposed design concepts for the Police Station.

Ms. Truemper stated although this current vision provides an idea of the potential opportunities with the Annex, there will be additional design changes based on feedback from departments as they move forward. She stated a lot of the credit for putting this together goes to Bob and his team at HOK.

Mr. Schwartz stated what they discovered is that there are a lot of opportunities that have yet to be investigated and flexibility in determining where departments can be located.

(Viewing of Video Presentation)

Mayor Crow stated he was unable to determine where some of the workspaces and intake areas would be located.

Mr. Schwartz stated the video concentrates on the spaces that generate a lot of natural light, rather than locker rooms, evidence storage, or the intake areas. He stated the photo of the two garage doors make up the vehicle Sally port where prisoners will be brought into the facility outside of plain view. So, the entire northwest corner of the building will represent the intake area, which includes several holding cells.

Councilmember Clay questioned what space if any has been devoted to community rooms that could potentially house activities like the Citizen's Police Academy or programs that entail community interaction with the police?

Ms. Truemper stated the building between the Annex and City Hall; which they have identified as the connector affords them the opportunity to create shared community/conference rooms or break rooms.

Mr. Schwartz stated there is one large and one small conference room behind the windows and two conference rooms located off the hallway that leads to the entrance off of the west parking lot.

There is also a large briefing room on the southeast corner of the second floor equipped with video technology and whiteboards that would be an ideal spot for the Citizen's Police Academy.

Councilmember Hales asked whether the staircase portrayed at the beginning of the video was the original staircase? Ms. Truemper stated that it was. Councilmember Hales questioned whether any other features of the building would remain? Ms. Truemper stated for the most part, outside of the staircase, which is considered a historic core of the building, will be retained. The elevator core will require a new elevator, the clear story will be reopened and covered, and new stairs will be added to meet the current egress requirements.

Councilmember Hales stated this building was a hodgepodge of renovations that resulted in a pretty dismal environment, so the open concept and use of glass in the interior resulting in a radiant space is what he was hoping to see.

Mr. Schwartz stated the main spaces pictured in the lobby will have a counter for the police with a glass partition separating it from the lobby that can only be accessed with a security card. Police enter from behind the stairs off the west parking lot which has been cut off from the public.

Councilmember Hales questioned whether the exterior walls would be insulated and dry-walled or if the exposed brick would remain? Mr. Schwartz stated they had not begun the design phase, so the video does not include the more detailed work and types of materials that will be used. He stated this is merely a glimpse at some of the opportunities.

Ms. Truemper stated they have the opportunity to do either a finished space or retain the exposed brick.

Mayor Crow thanked Ms. Truemper and her team for joining Council this evening. He stated all of their efforts are appreciated and they look forward to the next phase of this project.

2. Allocation of Funding to Hire Assistant City Manager - Housing

Mr. Rose stated staff is requesting that Council consider allocating \$13,000 from the General Fund reserves and \$12,000 from the RPA 2 Fund to hire an Assistant City Manager to assist in the development and administration of a housing program, as well as oversight of various construction projects and the courts.

Councilmember Clay moved to approve, seconded by Councilmember McMahon.

Councilmember Smotherson stated he does not have a clear understanding of why this position could not be incorporated into the Planning and Zoning Department? Mr. Rose stated except for the Courts, this individual will act as a liaison to some of the City's departments rather than a direct report. Mr. Cross's role involves planning and code enforcement associated with development, so, while this position could be incorporated into his department, his belief is there needs to be a greater degree of autonomy.

Mr. Rose stated the intent is for this individual to work with the Task Force appointed by Council to develop and administer a housing program for the entire City, as well as the 3rd Ward, which has roughly 3 million dollars allocated for improvements. Along with those housing improvements the Assistant City Manager will be tasked with working with other departments to identify how to address other deficiencies in the 3rd Ward, as well as assisting NOVUS in the development of all 50 acres, and other proposed projects. So, it will be important to have the infrastructure in place to accommodate all these needs.

As a final point, with the reintroduction of earmarks, this position will provide him with an opportunity to focus on building a strong relationship with the City's federal and state delegations that have influence over the allocation of dollars to the State, and regional organizations like East/West Gateway, where the City has yet another potential to derive resources.

So, while at some point he may recommend that this position be assigned to a specific department, he does not think that would be a wise move during the design and implementation stage of a City-wide program.

Councilmember Klein asked Mr. Rose if he envisioned this to be a temporary or permanent position? Mr. Rose stated based on the number of projects staff has been unable to pursue because of staff reductions; the availability of federal resources, and improvements in the economy, he envisions this to be a position that will be needed indefinitely. One example of a project that will be coming before Council shortly is the expansion of Cunningham Industrial Park to recruit more businesses and strengthen the City's economic development strategy.

Voice vote on Councilmember Clay's motion to approve carried unanimously, with the exception of Councilmember Smotherson.

3. Conditional Use Permit (PC-21-05) – Convenience Store – 8326-8328 Olive Blvd.
(Removed)
4. Redbird Rookies Program

Mr. Rose stated a proposal for volunteers to handle the majority of the functions associated with the Redbird Rookies Program, with minimal direct support by City personnel was submitted to the Parks Commission, and he would ask Mr. Dunkle to present the details and recommended outcomes.

Mr. Dunkle stated the City has supported the Redbird Rookies Program, which is sponsored through Cardinal's Care, for four years, handling the assignment of fields, scheduling, and the recruitment of volunteer coaches. This year the City received a request to restart the program after it was placed on hold due to COVID. However, since the City was not in a position to maintain this program due to staffing shortages, some volunteers drafted a proposal to handle a majority of the City's functions, with minimal support by staff. That proposal was submitted to the Parks Commission who voted unanimously to recommend approval.

Mr. Rose stated staff is recommending that Council approve the proposal for the City to resume its support of this program, which includes providing insurance under the City's umbrella.

Councilmember Smotherson moved to approve, seconded by Councilmember McMahon.

Councilmember Clay thanked the volunteers who stepped up to administer this program which he believes will be a great benefit for the City's youth.

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

I. **NEW BUSINESS** **RESOLUTIONS**

1. **Resolution 2021-5** – A Resolution Condemning Racism, Discrimination, and Hate Crimes against Asian-Americans in Our Society.

Councilmember Smotherson moved to approve, seconded by Councilmember Klein.

(Mayor Crow read the Resolution into the record.)

Voice vote on the motion to approve carried unanimously.

BILLS

Introduced by Councilmember Hales

2. **BILL 9430** -AN ORDINANCE CALLING A BOND ELECTION IN THE CITY OF UNIVERSITY CITY, MISSOURI. Bill Number 9430 was read for the first time.

J. COUNCIL REPORTS/BUSINESS

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

Councilmember Clay reported that the bulk of the Green Practices Commission meeting consisted of a presentation by Renew STL; an organization that has established a buying cooperative for reduced costs on the purchase and installation of solar panels. He stated his understanding is that the City is currently in discussions with Renew STL to determine whether it would be feasible to install this type of solar technology in some of its buildings.

Councilmember Hales stated the Civil Service Board has several members whose terms will expire this year. And since, at this point, there does not appear to be enough candidates to fill this void, he would suggest that someone discuss this situation with the retiring members and encourage them to remain on the Board until sufficient replacements have been recruited.

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

K. COUNCIL COMMENTS

Councilmember Smotherson thanked Council for approving Resolution 2021-5 and asked that it be submitted to the Asian Chamber of Commerce and U City's Chinese newspaper.

Councilmember Hales stated it has been almost a year since Council conducted its first Zoom meeting, and while staff has done an exemplary job in organizing these meetings for Council and all its Boards and Commissions, he looks forward to seeing everyone in person again; hopefully in the very near future.

L. 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 Hales moved to adjourn the Regular Session and go into a Closed Session, seconded by Councilmember Smotherson.

Roll Call Vote Was:

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

Nays: None.

M. ADJOURNMENT

Mayor Crow thanked everyone for their participation and closed the Regular Session of Council at 7:11 p.m. to go into a Closed Session. The Closed Session reconvened in an open session at 7:49 p.m.

LaRette Reese
City Clerk

From: David Harris <djharris11@sbcglobal.net>
Sent: Sunday, April 11, 2021 8:36 PM
To: Council Comments Shared
Subject: Olive-170 Project - All Properties Acquired for Costco? - Funds for Third Ward - Comments for April 12, 2021 Council Meeting

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

I am sharing with City Council my email correspondence with City Manager Rose and Mayor Crow from March 30 to today, April 11, about the March 29 City announcement that Novus had acquired all the property and the financing for the Costco site.

I want to highlight two items from the email correspondence.

First, from my April 3 message, I hope that you create a diverse and representative task force or citizens' committee to advise about spending the \$3 million and other funds earmarked for the Third Ward.

Second, I know that you want to trust the Developer. I encourage you not to rely only on trust but also to verify.

David J. Harris
8039 Gannon Avenue
University City, MO 63130
314-795-3465
djharris11@sbcglobal.net

From: David Harris <djharris11@sbcglobal.net>
To: Gregory Rose <grose@ucitymo.org>; Terry Crow <mayor@ucitymo.org>
Sent: Sunday, April 11, 2021, 08:12:25 PM CDT
Subject: Re: Olive-170 Project - All Properties Acquired for Costco? - Supplement - Follow-Up

Mr. Rose and Mayor Crow:

Supplementing our email correspondence between March 30 and April 3 on the above-referenced subject, a few days ago I learned the following information about the eminent domain (condemnation) action because the publicly available docket entries were updated.

The City voluntarily dismissed the condemnation action as to Parcels 1 and 2 (Public Storage) and Parcels 5, 6, and 7 (McNeill). The dismissal was "with prejudice," meaning the City cannot sue again. The dismissals were filed on March 29, 2021. An order granting the dismissal as to Parcels 1 and 2 was entered on April 6. I have not yet seen an order on Parcels 5, 6, and 7.

It would have been nice and helpful as part of our email correspondence if you had mentioned the voluntary dismissals, and the sequence of events that led to the dismissals, as another reason you believed the sale of the properties closed. The court filings are public information so there was no reason not to disclose the dismissals. I am assuming you were aware of the dismissals.

David

From: David Harris <djharris11@sbcglobal.net>
To: Gregory Rose <grose@ucitymo.org>; Terry Crow <mayor@ucitymo.org>
Sent: Saturday, April 3, 2021, 09:02:18 AM CDT
Subject: Re: Olive-170 Project - All Properties Acquired for Costco? - Supplement to my 4-2-21 Email

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Mr. Rose: Supplementing the email I sent yesterday, although I remain skeptical about the property acquisition claim, I am pleased to read in the City's April 1 news release that you are "recommending that the Mayor and Council consider creating a Task Force to work with staff in identifying the components and priorities of a housing program." I hope that you and the Mayor and Council go further, and actually create a diverse and representative task force or citizens' committee to advise not just about a housing program but also about spending the \$3 million and other funds earmarked for the Third Ward. I also look forward to seeing the "calendar of events that [you] intend to make public" as mentioned in the April 2 Community Report. David

From: David Harris <djharris11@sbcglobal.net>
To: Gregory Rose <grose@ucitymo.org>; Terry Crow <mayor@ucitymo.org>
Sent: Friday, April 2, 2021, 09:59:58 PM CDT
Subject: Re: Olive-170 Project - All Properties Acquired for Costco?

Mr. Rose: Thank you again for your prompt reply.

I saw the news about the City receiving the \$3 million payment in your Community Report emailed this morning as the weekly "The latest news for you."

I understand how you could think receipt of the \$3 million means the properties were acquired and then sold or leased to Costco per Section 2.3(a) of the Redevelopment Agreement.

Are you sure, however, that the Developer did not pay the \$3 million in order to be released from the letter(s) of credit obligations, as provided in Section 3.1(e)(1)(1) of the Redevelopment Agreement?

The Developer could make the \$3 million payment, thus freeing the Developer from the letter(s) of credit obligations, even before acquiring all the properties.

Until I see evidence that the Developer acquired all the properties, I remain skeptical that all the properties have been acquired, for the reasons I described, and I think it more likely the payment was made to release the letter(s) of credit obligations.

David

On Friday, April 2, 2021, 04:38:01 PM CDT, Gregory Rose <grose@ucitymo.org> wrote:

Mr. Harris,

Yesterday I notified the public the City of University City received \$3 million as a result of the sale of the "anchor site" parcels to Costco. You may be aware under the Redevelopment Agreement Section 2.3(a) the terms stipulate the City of University City will receive the payment when the Developer sales or leases the parcels to the end-user or tenant of the North Phase Anchor site. I received the payment and believe the terms of the Redevelopment Agreement have been followed; and the sale of the property has closed.

Sincerest regards,

Gregory

From: David Harris <djharris11@sbcglobal.net>
Sent: Thursday, April 1, 2021 11:38 PM
To: Gregory Rose <grose@ucitymo.org>; Terry Crow <mayor@ucitymo.org>
Subject: Re: Olive-170 Project - All Properties Acquired for Costco?

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Mr. Rose: Thank you for your prompt response.

I appreciate that you are "confident in the accuracy of the press release."

For the reasons in my email message, I do not share that confidence.

I respectfully request that you tell me the reason(s) for your confidence.

Have you seen the signed transfer deeds for the properties?

Have you seen signed closing statements?

Has the City paid funds for the Public Storage and the McNeill parcels that are not in the court registry?

Or are there other reason(s)?

Thank you.

David

On Wednesday, March 31, 2021, 08:50:18 AM CDT, Gregory Rose <grose@ucitymo.org> wrote:

Mr. Harris,

I am confident in the accuracy of the press release we distributed informing the public of the acquisition of the properties needed for the Costco phase of the Markets at Olive Development.

With regards to the sale of McNair, the City has not been involved with this transaction; with the exception of members on the Council expressing their support for the sale.

Sincerest regards,

Gregory

From: David Harris <djharris11@sbcglobal.net>
Sent: Tuesday, March 30, 2021 12:46 PM
To: Gregory Rose <grose@ucitymo.org>; Terry Crow <mayor@ucitymo.org>
Subject: Olive-170 Project - All Properties Acquired for Costco?

City Manager Rose and Mayor Crow:

According to a Post-Dispatch news article on stltoday.com last night, printed in today's edition, and according to a news release yesterday from U. City referred to in the article, citing both of you, Novus has acquired all the property and the financing for the Costco site. See the attached article and news release.

I am writing to clarify whether all the property has been acquired or whether "all acquired" could be premature for the reasons below (and maybe other reasons).

The latest update in the eminent domain (condemnation) case shows a March 26 order and a receipt from yesterday, March 29, in which \$6,368,711 was paid into the court registry by the City for Parcels 3 and 4. Parcels 3 and 4 are ~~being~~ ^{were}

owned by Tsai's Investment, Inc. The payment amount was from arbitration instead of a commissioner's award. The order and receipt are attached. 4065

Parcels 1 and 2 are the parcels owned by SSC Acquisitions, Inc. n/k/a Shurgard Storage Centers, LLC (what we see as "Public Storage").

Parcels 5, 6 and 7 are Wallace McNeill's properties.

It appears that no funds have yet been paid by the City for the Public Storage or McNeill parcels.

Additionally, there is a hearing scheduled for April 7 on McNeill's objections to City Lights Church, Inc.'s Motion to Intervene. The notice of hearing is attached. Therefore, it appears the McNeill parcels are not yet resolved.

Moreover, the funds for Parcels 3 and 4 have not yet been paid out to purchase those parcels.

Furthermore, there are at least two other properties that need to be acquired for the Costco site, the Archdiocese property (owned by St. Louis County Catholic Church Real Estate Corporation) and the Torah Prep School for Girls property (owned by Torah Center/Midwest, Inc.).

According to the St. Louis County Real Estate Information, which takes several weeks to update, the Archdiocese and Torah Prep properties are not yet owned by U City LLC or Novus.

I assume Torah Center/Midwest, Inc. will not sell until Novus closes on the purchase of the McNair Administration Building from the University City School District so that Torah Prep School for Girls will have a place to move.

I confirmed that the sale of McNair is still pending and has not closed.

Therefore, as requested at the beginning of this email message, I would appreciate clarification whether or not all the property has been acquired for the Costco site as stated in the City's news release.

Thank you.

David



Council Agenda Item Cover

MEETING DATE: April 26, 2021

AGENDA ITEM TITLE: 2019 and 2020 Community Development Block Grant (CDBG)
Re-Allocation of Funds

AGENDA SECTION: Public Hearing

CAN THIS ITEM BE RESCHEDULED? No

PREPARED/SUBMITTED BY: Keith Cole – Director of Finance

The **(Virtual)** public hearing will be held via Zoom Webinar at the link below:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84263288695?pwd=V1NuYmZTVGZjREYyWjJ5ZW5vNURaZz09>

Passcode: 694161

Additional details may be found on the City's website:

<https://www.ucitymo.org/879/Virtual-Meetings>

Procedure for submitting Public Hearing Comments:

- 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 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.** Please also note, if a name and address are not provided, the provided comment will not be recorded in the official record.

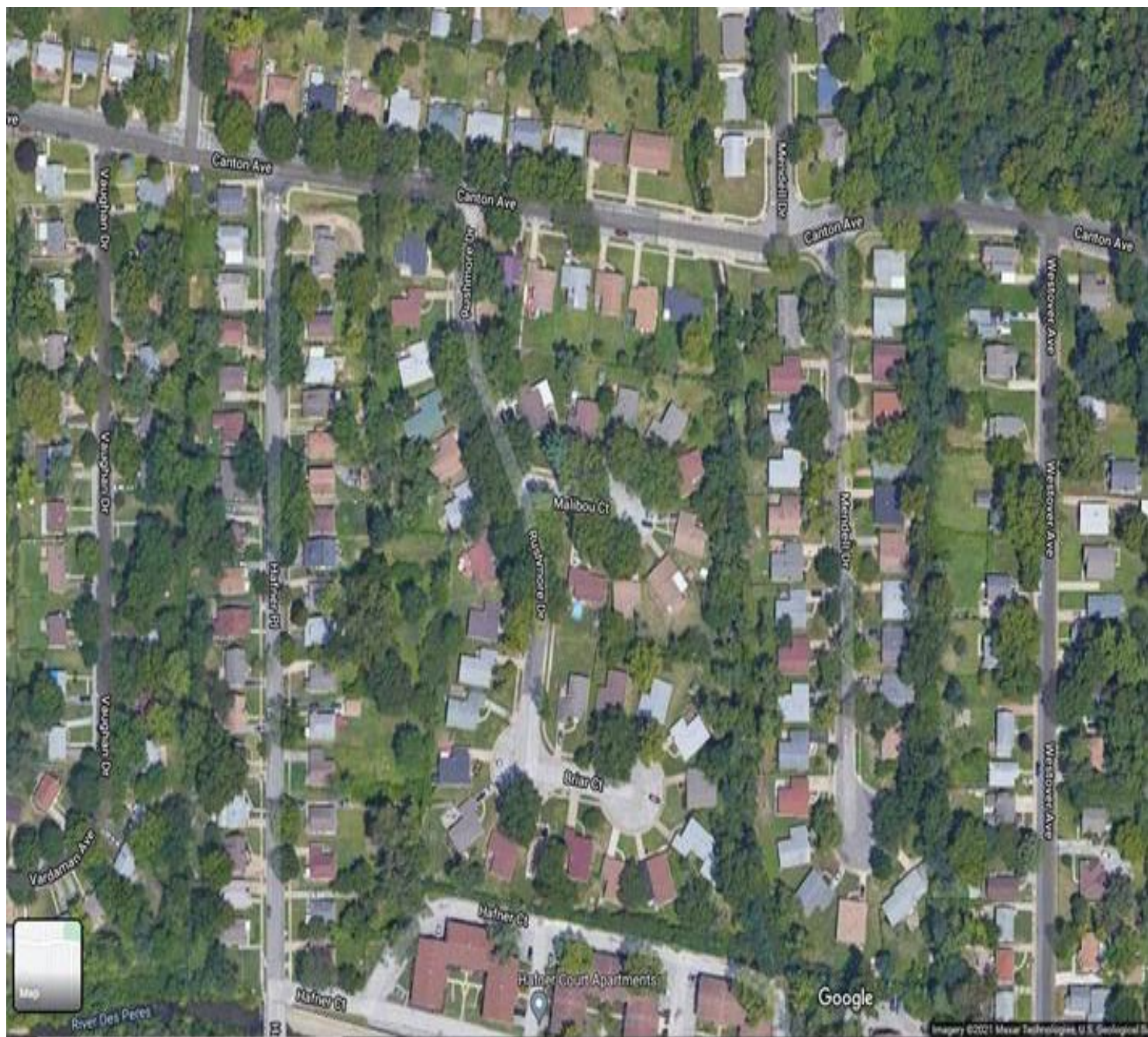
BACKGROUND REVIEW:

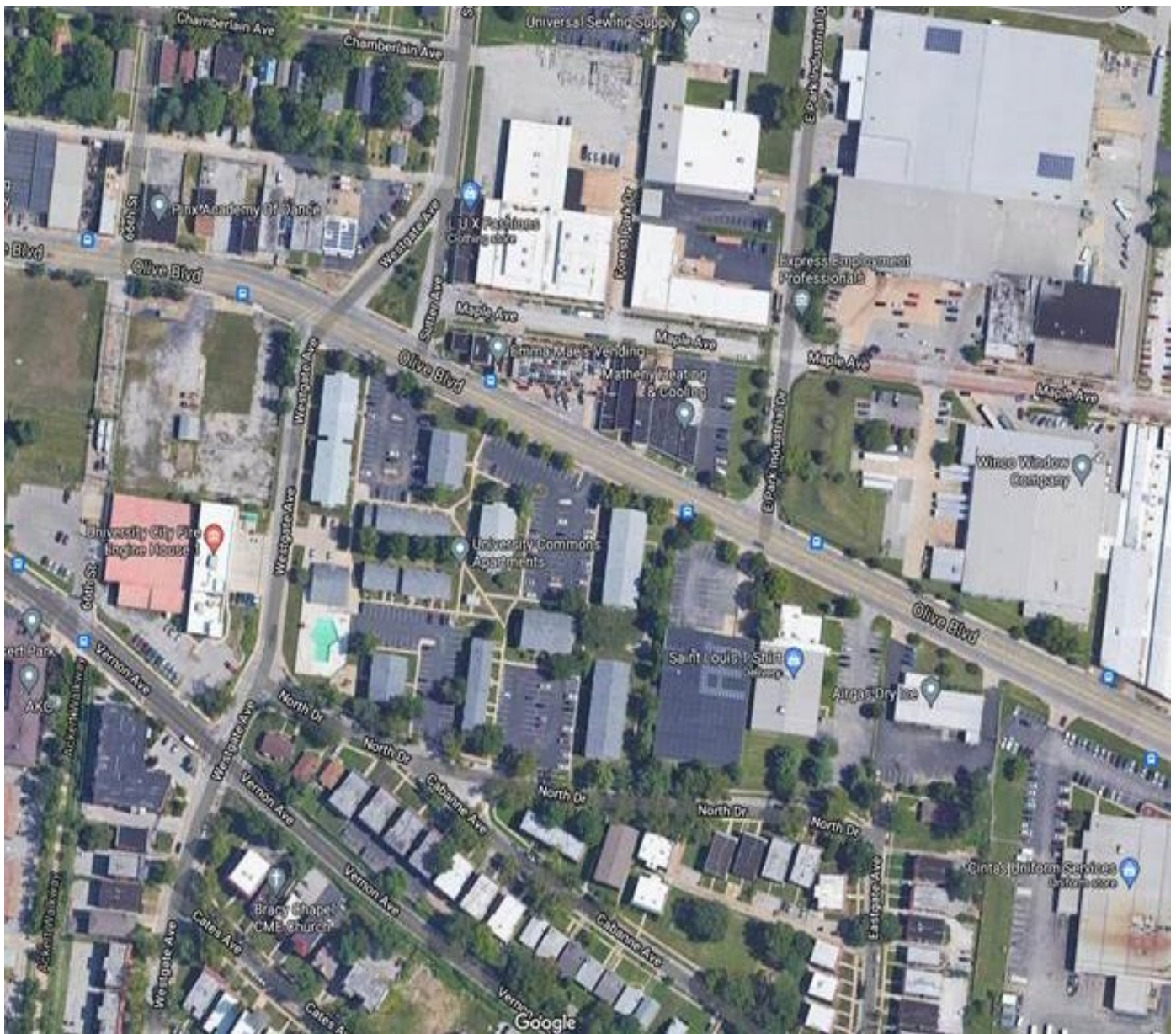
Calendar Year 2019 proposed CDBG total fund allocation was \$103,400. The Public Works Department recommended a street improvement project – asphalt resurfacing improvements with sidewalk-curb replacement on Westgate Avenue, Vernon to Olive Road. However, the Westgate Avenue project will not be ready until later in 2021 to meet with other joining projects. St. Louis County Office of Community Development is allowing the City to re-allocate the funds from this project to sidewalk and curb replacement on the 1300 block of Rushmore Dr., 8000 block of Malibu Ct., and 8000 block of Briar Ct. in the amount of \$103,400 since this project is ready to proceed.

Calendar Year 2020 proposed CDBG total fund allocation was \$78,400 for street improvements. The Public Works Department recommended a sidewalk and curb replacement on the 1300 block of Rushmore Dr., 8000 block of Malibu Ct., and 8000 block of Briar Ct. As stated previously, the Westgate Avenue project will not be ready for construction until later in 2021. St. Louis County Office of Community Development is allowing the City to re-allocate funding between the two projects.

Activity	2019	2020
Public Service		
Police Patrol	\$ -	\$ 25,000
Street Improvement		
Streets, Sidewalks, and Curbs	103,400	78,400
	<u>\$ 103,400</u>	<u>\$ 103,400</u>

ATTACHMENTS: Aerial Maps of Rushmore Ct., Malibu Ct., Briar Ct., and Westgate Ave.
Public Notice
Public Hearing Handout (CDBG Overview)





Kenya fights locusts with military, weather and luck

BY TONI GOULA
Associated Press

BARAKA, Kenya — In a convoy of pickup trucks fitted with spray guns, soldiers zoom through Baraka's hills, leaving a trail of dust and bemused villagers in its wake.

The vehicles brake when the soldiers see the enemy: billions of invading desert locusts that have landed in a twitching swarm in the forested area meets farmland.

The deployment of soldiers among the usual agriculture officials is a testament to the seriousness of the threat as East Africa's locust outbreak continues well into a second year. The young locusts arrive in waves from breeding grounds in Somalia, where insecurity hampers a response to the swarms.

It's the beginning of the planting season in Kenya, but the delayed rains have brought a small amount of optimism in the fight against the locusts, though farmers still worry about their crops.

The United Nations' Food and Agriculture Organization says the locust swarms have been spotted in the Rift Valley — which produces Kenya's staple foods of maize, wheat and potatoes.

But the FAO says that as a re-



Stephen Mudoja, 12, chases away a swarm of locusts on his dad's farm on Wednesday in Nakuru county, Kenya, as he returns home from school.

sult of the poor rains in Kenya and neighboring Ethiopia, the swarms in both countries are remaining immature. Their numbers also continue to decline due to ongoing control operations.

Without rainfall, the swarms will not breed, severely limiting the scale and extent of their threat, the FAO says in a recent update.

"For this reason, there is cautious optimism that the current upsurge is winding down in the Horn of Africa, especially if poor

rain limit breeding this spring in northern Kenya and southern Ethiopia, followed by equally poor rains during the summer in northeast Ethiopia."

Last year, authorities managed to contain what was seen as the biggest locust infestation in Kenya in 70 years, largely through coordinated aerial spraying which covered vast territories quickly.

Many of those swarms were in uninhabited areas. This year the swarms have presented a different challenge by landing in more in-

habited areas. That means spraying is out of the question because it could adversely affect people and livestock, says Ambrose Nyatich, a livelihood recovery expert with the FAO.

So the delayed rains are a benefit — in part.

Desert locusts pose an unpredictable risk to agriculture-based livelihoods and food security in the already fragile Horn of Africa region amid economic crises, drought and conflict, FAO says.

A typical desert locust swarm can contain up to 150 million locusts per square kilometer, according to the East African regional body, the Intergovernmental Authority on Development.

"An average swarm can destroy as much food crops in a day as is sufficient to feed 2,500 people."

Farmers like Harunah Nyakabi in the community of Baraka — which means "blessing" in Swahili — find themselves in a difficult situation. Poor rains might lessen the locust threat but will almost certainly mean a poor harvest.

"Things have gone very bad. If you look at the farm there is nothing," she said. "We have children who are in school, and we were depending on the farm for their fees."

Another farmer, Anne Wa-

Mago, 60, called a poor harvest better than nothing.

"We are lucky (the locusts) arrived when we had not planted, otherwise they would have wiped out our produce," she said, mentioning at thousands of the voracious insects crowding a tree branch.

Groups of school children, some still in uniforms, ran around the farms snatching the locusts from the air or the ground.

To them, the swarm that recently arrived, almost blighting the sun, is a windfall like no other. A kilogram of locusts fetches money from a non-governmental organization that wants to turn the insects into livestock food.

"This is money that has come to our doorstep," said 10-year-old John Mbiti. Anne Wangari, 12, said she had collected 35 kilograms before leaving for school.

But Nyatich with the FAO warned against using locusts for food because they could have been sprayed with insecticide.

"The initiatives that were being conducted by some organizations to try and use locusts for fish feeds or animal feeds is something that should be looked into in terms of how can we regulate it going forward maybe in the future," Nyatich said.

CLASSIFIED

Cats
Bergal Kittens TGA Reg. UTO on prevention, health care, and spay/neuter. Don't know if kitten package \$1500. (616) 419-1323

Dogs
COCKAPOO: 10 week male Cockapoo. Shirts updated 1 yr. Cream color apricot. \$1100. 635-209-2078 ask for Pats

Real Estate Auctions
Land Auction
Knox County, MO
Tues, April 27 - 10 AM
342 Acres + 7 Tracts
Productive 1400 Acres
+ 2000 Acres of land
+ 1000 Acres of timber
+ 1000 Acres of pasture
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St. Louis County Department of Planning
Office of Community Development
Community Development Block Grant (CDBG) OVERVIEW

WHAT IS CDBG?

The U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- to moderate-income persons.

NATIONAL OBJECTIVES

All activities funded by the CDBG program must meet one of the following National Objectives:

1. Primarily benefit low- and moderate-income residents.
2. Eliminate slums and blight.
3. Alleviate urgent, serious, and critical community needs that are of recent origin.

ELIGIBLE ACTIVITIES

- **Infrastructure & Public Facilities Improvements** - Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, such as streets, sidewalks, parks, water and sewer facilities, sanitary sewers, neighborhood centers, parking lots, fire stations, and ADA accessibility enhancements.
- **Clearance Activities** - Clearance, demolition, and removal of buildings.
- **Public Services** - Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, utility payments, or recreational needs. To be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the level of an existing service above that which has been provided by or on behalf of the unit of general local government.
- **Rehabilitation & Preservation Activities** - CDBG funds may be used to finance the rehabilitation of:
 - Privately owned buildings and improvements for residential purposes.
 - Low-income public housing and other publicly owned residential buildings and improvements.
 - Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvements to the exterior of the building and the correction of code violations.
 - Nonprofit-owned nonresidential buildings and improvements.

INELIGIBLE ACTIVITIES

- Improvements to buildings used for conduct of government such as a city hall.
Exceptions: Police/fire stations, community centers, ADA improvements to government buildings.
- General government expenses such as regular trash pickup.
- Political activities such as campaigns, voter registration drives.
- Activities that support religious worship or proselytizing.



Council Agenda Item Cover

MEETING DATE: April 26, 2021

AGENDA ITEM TITLE: Project 1481 - Sidewalk and Curb Replacement Project

AGENDA SECTION: Consent Agenda

CAN THIS ITEM BE RESCHEDULED?: YES

PREPARED/SUBMITTED BY: Sinan Alpaslan – Director of Public Works

BACKGROUND: Every two years, the City inspects all streets for deficiencies and rates them based on severity of deterioration/damage. By documenting the actual conditions of the pavement, the City is able to develop a maintenance budget, make timely repairs and use cost-effective maintenance procedures.

The City replaces sidewalks that are extensively cracked, failed, does not meet certain ADA requirements, faulted, and/or possesses a trip hazard. Curbs are replaced when severe enough to disrupt drainage or when deteriorated and adjacent to street pavement that is being resurfaced.

On April 16, 2021, the City opened bids for the Sidewalk and Curb Replacement Project. The tabulation of bid proposals is as follows:

Contractor	Base Bid Price
Pride Master, Inc.	\$342,635.50
Build Pro	\$345,556.50
Raineri Construction	\$409,825.00
Spencer Contracting	\$513,124.00

The lowest bidder Pride Master has worked on the previous sidewalk and curb project with a Minority Business Enterprise (MBE) Sub Contractor and workforce with satisfactory performance and flexibility to respond to the City's requests.

The City's FY21 budget for sidewalk replacement is \$350,000.00

RECOMMENDATION: City Manager recommends City Council's approval of the award for the Sidewalk and Curb Replacement Project to Pride Master, Inc. in the amount of \$342,635.50.

ATTACHMENTS: 1) Project locations list
2) Bids tabulation.

ATTACHMENT 1:**LOCATIONS**

STREET SECTION	FROM	TO
Camden Ct	Dover Ct	Dover Ct
Clemens Ave	Westgate	Eastgate
Eastgate Ave	Vernon	Cabanne
Eastgate Ave	Cabanne	North
Harrison Ave	Lynn	Wayne
Harrison Ave	Wayne	Milan
Kempland Pl	Fullerton	Deadend
Limit Ave	Delmar	alley
Limit Ave	Enright	Clemens
Quendo Ave	Lynn Ave	Canton Ave
Quendo Ave	Milan Ave	Lynn Ave
Kingsbury	Hanley	Jackson
Purdue	Dartmouth	Shaftesbury
Seville Ave	Braddock	Tamerton
Wayne Ave	Harrison	Lamb
Appleton Ave	Sheridan	Coolidge
Appleton Ave	Tamerton	Braddock
Braddock Dr	Seville	Fullerton
Coolidge Dr	Kempland	Appleton
Coolidge Dr	Richard	Elmore
Eastgate Ave	Vernon	Cates
Eastgate Ave	Cates	Clemens
Eastgate Ave	Clemens	City limit
Varney Ave	Woodson	Sheridan

Bid Tabulation
PROJECT NO. 1481 - SIDEWALK AND CURB REPLACEMENT AT VARIOUS LOCATIONS
 Bid Opening: April 16, 2021 10:00 a.m.

						Raineri Construction, LLC		Build Pro		Pride Master, Inc		Spencer	
<u>Item No.</u>	<u>Items</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>	<u>Unit Price</u>	<u>Total Cost</u>	<u>Unit Price</u>	<u>Total Cost</u>	<u>Unit Price</u>	<u>Total Cost</u>	<u>Unit Price</u>	<u>Total Cost</u>
1	Sidewalk Removal	SF	25,000			\$1.75	\$43,750.00	\$1.70	\$42,500.00	\$2.21	\$55,250.00	\$5.10	\$127,500.00
2	Curb Removal	LF	2,350			\$7.50	\$17,625.00	\$5.77	\$13,559.50	\$6.09	\$14,311.50	\$19.40	\$45,590.00
3	Portland Cement Concrete Sidewalk , 4"	SF	17,000			\$8.75	\$148,750.00	\$6.36	\$108,120.00	\$6.49	\$110,330.00	\$7.68	\$130,560.00
4	Portland Cement Concrete Sidewalk , 6"	SF	1,000			\$9.50	\$9,500.00	\$6.87	\$6,870.00	\$7.80	\$7,800.00	\$6.41	\$6,410.00
5	Portland Cement Concrete Curb Ramp , 7"	SF	8,000			\$11.00	\$88,000.00	\$9.34	\$74,720.00	\$8.93	\$71,440.00	\$13.14	\$105,120.00
6	Precast Truncated Dome Tiles - New	SF	800			\$20.00	\$16,000.00	\$16.36	\$13,088.00	\$13.50	\$10,800.00	\$18.63	\$14,904.00
7	Combination Curb and Gutter, 30"	LF	1,350			\$32.00	\$43,200.00	\$31.36	\$42,336.00	\$28.00	\$37,800.00	\$25.20	\$34,020.00
8	Roll Type Curb and Gutter, 30"	LF	500			\$30.00	\$15,000.00	\$28.85	\$14,425.00	\$25.60	\$12,800.00	\$25.20	\$12,600.00
9	Vertical Curb and Gutter	LF	850			\$30.00	\$25,500.00	\$32.28	\$27,438.00	\$22.24	\$18,904.00	\$25.20	\$21,420.00
10	U Heights 4" Specialty Concrete Sidewalk	SF	0			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
11	Mobilization (unplanned)	EA	5			\$500.00	\$2,500.00	\$500.00	\$2,500.00	\$640.00	\$3,200.00	\$3,000.00	\$15,000.00
	TOTAL BID AMOUNT						\$409,825.00		\$345,556.50		\$342,635.50		\$513,124.00



Council Agenda Item Cover

MEETING DATE: April 26, 2021

AGENDA ITEM TITLE: 3rd Quarter Financial Report – March 31, 2021

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED? Yes

PREPARED/SUBMITTED BY: Keith Cole – Director of Finance

BACKGROUND REVIEW:

The Director of Finance will present the FY2021 3rd Quarter Financial Report as of March 31, 2021 to the Mayor and City Council. The presentation will consist of an overview on the major funds.

RECOMMENDATION:

The City Manager is recommending approval of the 3rd Quarter Financial Report as of March 31, 2021.

ATTACHMENTS:

- 1) PowerPoint Presentation – 3rd Quarter March 31, 2021 FY2021
- 2) 3rd Quarter Financial Report – Statement of Revenues and Expenditures

3rd Quarter MARCH 31, 2021

FY2021 Presentation



April 26, 2021

By

Keith Cole

Director of Finance

General Fund - Revenues

Adjusted Budget	\$24,904,250
YTD Actual	\$17,288,257
Actual as % of Adjusted Budget	69.4%
Increase/(Decrease) compared to same quarter of FY2020	\$1,130,882

Key Points:

- Received remaining half of St. Louis Co – MRP CARES Act Funds in February in the amount of \$1,216,250. Allocated \$300,000 to Public Safety Sales Tax Fund. YTD received \$2,432,499.
- Continuous increase in collection of ambulance services charges, up by \$329,000
- Increase in Use Tax of approximately \$137,000. Decrease in Sales Tax of approximately \$109,000, or 3%.
- Decrease in Parks & Recreation Fees of approximately \$444,000 due to closure
- Decrease in Municipal Court & Parking of roughly \$551,416, or 63.5% due to closure

Overall, revenues as a percent of budget show a slight increase of 3.9% when compared to the same quarter of FY20.

General Fund - Expenditures

Adjusted Budget	\$24,825,859
YTD Actual	\$16,387,393
Actual as % of Adjusted Budget	66.0%
Increase/(Decrease) compared to same quarter of FY2020	(\$649,358)

Key Points:

- The continued closure of the Recreational Facilities during the 3rd quarter has produced a reduction in expenses of approximately \$494,000, or 59% compared to same quarter of FY20
- A decrease of expenditures in Street Maintenance of approximately \$197,000, or 19% compared to same quarter of FY20. This was mainly from staff reduction and most of the street maintenance doesn't occur until the 4th quarter months.

Overall, the expenditures as a percent of budget decreased slightly by 3.2% when compared to the same quarter of FY2020.

Capital Improvement Sales Tax - Revenues

Adjusted Budget \$2,050,000

YTD Actual \$1,377,559

Actual as % of Adjusted Budget 67.2%

Increase/(Decrease) compared to
same quarter of FY2020 \$(20,399)

Key Points:

- Sales Tax revenue declined marginally during the 3rd Quarter after the first six months showed signs of increase compared to same quarter of FY20.
- The revenue is based on a “per capita”

Capital Improvement Sales Tax - Expenditures

Adjusted Budget	\$1,635,467
YTD Actual	\$306,695
Actual as % of Adjusted Budget	18.8%
Increase/(Decrease) compared to same quarter of FY2020	(\$1,139,334)

Key Points:

- Decrease due to the pausing of construction projects through the first six months due to the uncertainty of the revenue stream. The construction projects has since resumed, and majority of the projects will begin in the 4th quarter when the weather is more beneficial.
- Decrease also due to final payment on the COPS Series 2012 debt in the amount of \$726,000 in the 3rd quarter of FY2020.
- As of the 3rd quarter, expenditures are well within budget for FY2021.

Park and Stormwater Sales Tax - Revenues

Adjusted Budget	\$845,000
YTD Actual	\$603,056
Actual as % of Adjusted Budget	71.4%
Increase/(Decrease) compared to same quarter of FY2020	(\$197,264)

Key Points:

- Sales Tax revenue for the first six months of fiscal year has been consistent. However, 3rd quarter FY2021 has shown a decrease when compared to the same quarter of FY2020.
- The revenue is based on a “point of sale”

Park and Stormwater Sales Tax - Expenditures

Adjusted Budget	\$672,262
YTD Actual	\$215,425
Actual as % of Adjusted Budget	32.0%
Increase/(Decrease) compared to same quarter of FY2020	\$(679,977)

Key Points:

- Decrease in expenditures due to 3rd quarter FY2020 incurred \$325,000 expense for a design agreement with the Army Corp of Engineers to complete a General Reevaluation Report for Flood Risk Reduction, and final Principal / Interest payment in the amount of \$383,000 for the COPS Series 2012 debt.
- 3rd quarter expenditures for FY2021 are well within the budget for FY2021.

Public Safety Sales Tax - Revenues

Adjusted Budget	\$1,759,700
YTD Actual	\$1,443,732
Actual as % of Adjusted Budget	82.0%
Increase/(Decrease) compared to same quarter of FY2020	\$271,587

Key Points:

- Allocated \$300,000 from St. Louis Co – MRP CARES Act Funds out of \$1.216 million received in February 2021.
- Received \$24,598 from insurance company for insurance reimbursement due to police car being totaled.
- Revenue based on “per capita”

3rd quarter revenues for FY2021 thus far are within budget.

Public Safety Sales Tax - Expenditures

Adjusted Budget \$1,035,453

YTD Actual \$442,207

Actual as % of Adjusted Budget 42.7%

Increase/(Decrease) compared to
same quarter of FY2020 (\$218,950)

Key Points:

- The decrease in expenditures as compared to FY2020 is due to purchases that occurred in FY20, but not in FY21. Items such as police vehicle laptops / laptop docks and ambulance
- In Q3 of FY2021, purchases included the supporting equipment related body cameras like software and hardware and a police vehicle
- 3rd quarter expenditures for FY2021 are under budget and appears reasonable.

Questions

City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>General Fund Revenues:</u>							
Property Taxes	3,574,700	3,585,700	3,257,357		90.8%	3,353,849	95.2%
Sales and Use Taxes	5,983,000	5,983,000	3,812,563		63.7%	3,922,454	57.1%
Gross Receipts Taxes	6,113,000	6,113,000	3,936,065		64.4%	3,921,451	63.1%
Intergovernmental	1,882,000	1,882,000	1,545,889		82.1%	1,556,429	71.5%
Grants	1,276,300	1,276,300	493,924		38.7%	637,251	49.9%
Licenses	586,000	586,000	332,070		56.7%	242,999	35.8%
Inspection Fees and Permits	927,300	927,300	492,410		53.1%	506,384	58.5%
Charges for Municipal Services	1,135,000	1,135,000	788,896		69.5%	420,816	43.8%
Parks and Recreation Fees	490,000	490,000	(1,204)		-0.2%	443,551	59.9%
Municipal Court and Parking	766,600	443,300	316,624		71.4%	868,040	97.2%
Interest Revenue	135,000	135,000	68,511		50.7%	78,903	109.1%
Other Revenues	203,100	2,347,650	2,245,153		95.6%	205,248	50.3%
Total Revenues	23,072,000	24,904,250	17,288,257		69.4%	16,157,375	65.5%
<u>General Fund Expenditures:</u>							
Legislative Services	221,304	224,123	119,079	119,079	53.1%	138,948	62.7%
City Manager's Office	453,397	539,497	490,949	490,949	91.0%	573,057	84.9%
Communications	192,105	192,105	138,116	138,116	71.9%	154,271	59.6%
Human Resources	227,137	246,459	152,993	152,993	62.1%	201,166	64.0%
Finance Department	623,217	731,309	561,291	561,291	76.8%	495,550	71.0%
Information Systems	620,862	623,784	325,500	342,257	52.2%	360,174	57.7%
Municipal Court	363,479	374,876	246,569	246,569	65.8%	234,951	67.4%
Police Department	9,310,177	9,373,162	6,271,110	6,271,110	66.9%	6,161,232	68.2%
Fire Department	5,195,067	5,209,067	3,867,978	3,910,966	74.3%	3,796,652	71.5%
Public Works - Admin.	275,255	275,255	228,743	228,743	83.1%	264,588	60.5%
Street Maintenance	1,359,579	1,359,579	834,140	847,322	61.4%	1,031,266	75.5%
Facilities Maintenance	809,369	799,369	569,158	569,449	71.2%	634,138	76.8%
Public Works - Capital Imp	300,000	300,000	10,615	10,615	3.5%	-	0.0%
Planning & Development	1,305,965	1,509,122	993,016	993,016	65.8%	1,048,880	67.3%
Parks & Recreation - Parks Maint	1,759,811	1,754,815	1,144,615	1,410,215	65.2%	998,010	68.0%
Community Center	192,962	192,962	50,468	50,468	26.2%	115,350	67.8%
Aquatics	274,158	275,219	57,432	311,042	20.9%	216,175	56.1%
Centennial Commons	680,815	681,876	232,471	235,659	34.1%	502,393	60.4%
Parks & Recreation - Capital Imp	163,280	163,280	93,150	136,335	57.0%	-	0.0%
Debt Service	-	-	-	-	0.0%	109,950	99.8%
Total Expenditures	24,327,939	24,825,859	16,387,393	17,026,193	66.0%	17,036,751	69.2%
Total Operating Surplus (Deficit)	(1,255,939)	78,391	900,863			(879,376)	
Insurance Recoveries	67,000	67,000	67,350			69,905	
Transfer In from Other Funds	1,843,655	1,843,655	1,843,655			734,830	
Transfer Out to Other Funds	(1,136,331)	(1,136,331)	(1,136,331)			(1,011,900)	
Total Other Financing Sources	774,324	774,324	774,674			(207,165)	
Operating Revenues Over (Under) Expenditures	(481,615)	852,715	1,675,538			(1,086,541)	

**City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021**

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Capital Improvement Sales Tax:</u>							
Sales and Use Taxes	2,047,000	2,047,000	1,376,126		67.2%	1,395,179	57.7%
Interest Revenue	3,000	3,000	1,433		47.8%	2,778	0.0%
Total Revenues	2,050,000	2,050,000	1,377,559		67.2%	1,397,958	57.8%
<u>Capital Improvement Sales Tax:</u>							
Personnel Services	263,204	263,204	193,881	193,881	73.7%	177,469	58.3%
Contractual Services	2,072	2,072	560	560	27.0%	829	0.0%
Materials and Supplies	156	156	-	-	0.0%	-	0.0%
Capital Outlay	1,370,035	1,370,035	112,254	382,344	8.2%	541,207	26.1%
Debt Service	-	-	-	-	0.0%	726,524	100.2%
Total Expenditures	1,635,467	1,635,467	306,695	576,785	18.8%	1,446,029	46.5%
Total Operating Surplus (Deficit)	414,533	414,533	1,070,864			(48,071)	
Transfer Out to General Fund	(300,000)	(300,000)	(300,000)			-	
Operating Revenues Over (Under) Expenditures	114,533	114,533	770,864			(48,071)	

**City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021**

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Park and Stormwater Sales Tax:</u>							
Sales and Use Taxes	843,000	843,000	602,280		71.4%	798,735	57.2%
Interest Revenue	2,000	2,000	775		38.8%	1,585	0.0%
Total Revenues	845,000	845,000	603,056		71.4%	800,320	57.3%
<u>Park and Stormwater Sales Tax:</u>							
Personnel Services	238,229	238,229	164,954	164,954	69.2%	159,066	54.5%
Contractual Services	524	524	239	239	45.5%	302	2.9%
Capital outlay	433,509	433,509	50,232	100,102	11.6%	342,898	74.7%
Debt Service	-	-	-	-	0.0%	393,136	100.7%
Total Expenditures	672,262	672,262	215,425	265,295	32.0%	895,402	77.7%
Total Operating Surplus (Deficit)	172,738	172,738	387,631			(95,082)	
Transfer Out to General Fund	(41,280)	(41,280)	(41,280)			(20,640)	
Operating Revenues Over (Under) Expenditures	131,458	131,458	346,351			(115,722)	

City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Public Safety Sales Tax:</u>							
Sales and Use Taxes	1,446,000	1,446,000	1,106,786		76.5%	1,170,240	68.8%
Other Financing Sources	-	11,200	35,803		319.7%	-	0.0%
Non- Operating Income	-	300,000	300,000		100.0%	-	0.0%
Interest Revenue	2,500	2,500	1,142		45.7%	1,905	0.0%
Total Revenues	1,448,500	1,759,700	1,443,732		82.0%	1,172,145	68.9%
<u>Public Safety Sales Tax:</u>							
Personnel Services	-	26,238	30,354	30,354	115.7%	47,241	69.4%
Materials and Supplies	-	-	(1,020)	(1,020)	0.0%	17,072	0.0%
Capital Outlay	695,715	894,215	298,461	1,141,979	33.4%	432,393	70.2%
Other	-	-	-	-	0.0%	50,039	0.0%
Debt Service	115,000	115,000	114,411	114,411	99.5%	114,411	99.5%
Total Expenditures	810,715	1,035,453	442,207	1,285,725	42.7%	661,157	82.7%
Total Operating Surplus (Deficit)	637,785	724,247	1,001,525			510,988	
Transfer Out to Various Funds	(1,842,795)	(1,842,795)	(1,842,795)			(839,850)	
Total Other Financing Sources	(1,842,795)	(1,842,795)	(1,842,795)			(839,850)	
Operating Revenues Over (Under) Expenditures	(1,205,010)	(1,118,548)	(841,270)			(328,862)	

**City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021**

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Fleet Operations:</u>							
Service to Other Jurisdictions	1,100	1,100	341		31.0%	587	0.0%
Total Revenue	1,100	1,100	341		31.0%	587	0.0%
<u>Fleet Operations:</u>							
Expenditures	1,229,331	1,244,610	959,404	962,405	77.1%	831,021	82.1%
Total Operating Surplus (Deficit)	(1,228,231)	(1,243,510)	(959,062)			(830,434)	
Transfer In from Other Funds	1,206,331	1,206,331	1,206,331			1,011,900	
Operating Revenues Over (Under) Expenditures	(21,900)	(37,179)	247,269			181,466	

**City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021**

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Sewer Lateral Fund:</u>							
Service Charges	575,000	575,000	533,734		92.8%	533,645	92.8%
Interest Revenue	-	-	-		0.0%	-	0.0%
Total Revenues	575,000	575,000	533,734		92.8%	533,645	92.7%
<u>Sewer Lateral Fund:</u>							
Personal Services	57,912	57,912	15,740	15,740	27.2%	12,648	25.3%
Contractual Services	5,675	7,124	6,675	6,675	93.7%	4,090	75.1%
Sewer Lateral Reimbursement	425,000	425,000	307,334	369,834	72.3%	216,599	47.1%
Total Expenditures	488,587	490,036	329,749	392,249	67.3%	233,337	45.3%
Total Operating Surplus (Deficit)	86,413	84,964	203,985			300,308	
Transfer Out to General Fund	(57,240)	(57,240)	(57,240)			(31,196)	
Operating Revenues Over (Under) Expenditures	29,173	27,724	146,745			269,112	

City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Solid Waste Fund:</u>							
Service Charges	3,073,500	3,073,500	2,688,272		87.5%	2,764,060	89.1%
Miscellaneous Revenues	19,700	19,700	13,000		66.0%	17,267	50.4%
Interest Revenue	1,000	1,000	-		0.0%	(5,961)	-557.1%
Grants	-	-	-		0.0%	18,144	0.0%
Total Revenues	3,094,200	3,094,200	2,701,272		87.3%	2,793,510	89.0%
<u>Solid Waste Fund:</u>							
Administration	269,899	290,235	220,475	220,475	76.0%	197,662	57.0%
Operations	2,582,437	2,583,766	1,829,325	1,829,325	70.8%	1,716,338	72.2%
Leaf Collection	299,178	331,178	290,036	290,036	87.6%	308,006	92.1%
Capital Improvement	115,000	125,000	1,119	7,995	0.9%	492	2.5%
Grants	20,000	20,000	5,364	33,764	26.8%	10,667	0.0%
Total Expenditures	3,286,514	3,350,179	2,346,319	2,381,595	70.0%	2,233,165	72.5%
Total Operating Surplus (Deficit)	(192,314)	(255,979)	354,953			560,345	
Transfer Out to General Fund	(70,000)	(70,000)	(70,000)			-	
Operating Revenues Over (Under) Expenditures	(262,314)	(325,979)	284,953			560,345	

City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Economic Development Retail Sales Tax</u>							
Sales and Use Taxes	456,100	456,100	301,139		66.0%	399,367	59.8%
Miscellaneous Revenues	-	-	700		0.0%	-	0.0%
Interest Revenue	900	900	388		43.1%	793	0.0%
Total Revenues	457,000	457,000	302,227		66.1%	400,160	60.0%
<u>Economic Development Retail Sales Tax</u>							
Personnel Services	90,965	90,965	45,101	45,101	49.6%	78,643	66.4%
Contractual Services	-	1,126,736	210,162	210,162	18.7%	168,380	52.6%
Capital Outlay	-	148,712	65,145	119,154	43.8%	1,288	0.4%
Total Expenditures	90,965	1,366,413	320,408	374,417	23.4%	248,310	32.5%
Total Operating Surplus (Deficit)	366,035	(909,413)	(18,181)			151,850	
Transfer In from General Fund	-	-	-			-	
Operating Revenues Over (Under) Expenditures	366,035	(909,413)	(18,181)			151,850	

**City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021**

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Grants:</u>							
Grant Revenue	767,000	767,000	14,832		1.9%	615,698	73.8%
Total Revenues	767,000	767,000	14,832		1.9%	615,698	73.8%
<u>Grants:</u>							
Contractual Services	-	-	-	-	0.0%	(10,360)	0.0%
Capital outlay	767,000	767,000	16,587	17,187	2.2%	1,437,838	172.4%
Total Expenditures	767,000	767,000	16,587	17,187	2.2%	1,427,478	171.2%
Total Operating Surplus (Deficit)	-	-	(1,755)			(811,780)	
Transfer Out to General Fund	-	-	-			-	
Operating Revenues Over (Under) Expenditures	-	-	(1,755)			(811,780)	

**City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021**

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Parking Garage:</u>							
Parking Revenue	203,624	203,624	72,583		35.6%	153,179	74.6%
Miscellaneous	50,000	50,000	-		0.0%	12,387	14.1%
Total Revenues	253,624	253,624	72,583		28.6%	165,566	56.5%
<u>Parking Garage:</u>							
Personnel Services	1,290	1,290	-	-	0.0%	17,786	50.1%
Contractual Services	118,194	118,194	58,904	58,904	49.8%	80,831	64.6%
Material and Supplies	800	800	-	-	0.0%	617	176.2%
Capital outlay	5,627	16,205	-	-	0.0%	28,426	142.1%
Total Expenditures	125,911	136,489	58,904	58,904	43.2%	127,660	70.5%
Total Operating Surplus (Deficit)	127,713	117,135	13,679			37,906	
Transfer Out to General Fund	(53,220)	(53,220)	(53,220)			(30,668)	
Operating Revenues Over (Under) Expenditures	74,493	63,915	(39,541)			7,238	

City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Golf Course:</u>							
Golf Course Revenue	725,000	725,000	726,333		100.2%	561,626	70.6%
Miscellaneous	-	-	500		0.0%	-	0.0%
Total Revenues	725,000	725,000	726,833		100.3%	561,626	0.0%
<u>Golf Course:</u>							
Personnel Services	363,059	363,059	259,592	298,692	71.5%	221,770	46.4%
Contractual Services	192,781	210,781	132,888	171,988	63.0%	115,029	72.7%
Material and Supplies	150,600	150,600	95,116	95,116	63.2%	60,854	46.0%
Other	-	-	-	-	0.0%	4,058	0.0%
Capital outlay	100,000	100,000	7,978	53,062	8.0%	16,740	55.8%
Total Expenditures	806,440	824,440	495,574	618,857	60.1%	418,451	52.4%
Total Operating Surplus (Deficit)	(81,440)	(99,440)	231,259			143,174	
Transfer out to General Fund	(53,220)	(53,220)	(53,220)			(26,610)	
Operating Revenues Over (Under) Expenditures	(134,660)	(152,660)	178,039			116,564	

City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Police and Fire Pension:</u>							
Property Taxes	994,000	994,000	833,149		83.8%	856,781	84.7%
Miscellaneous	400,000	400,000	4,884,189		1221.0%	(3,044,121)	-253.7%
Interest Revenue	400,000	400,000	299,384		74.8%	367,785	65.2%
Total Revenues	1,794,000	1,794,000	6,016,723		335.4%	(1,819,554)	-65.6%
<u>Police and Fire Pension:</u>							
Pension Administration	169,500	169,500	105,733	105,733	62.4%	119,156	72.4%
Pension Benefits	2,661,000	2,661,000	1,907,050	1,907,050	71.7%	2,189,662	76.6%
Total Expenditures	2,830,500	2,830,500	2,012,783	2,012,783	71.1%	2,308,818	76.3%
Total Operating Surplus (Deficit)	(1,036,500)	(1,036,500)	4,003,939			(4,128,373)	
Transfer In from Public Safety	504,100	504,100	504,100			207,500	
Operating Revenues Over (Under) Expenditures	(532,400)	(532,400)	4,508,039			(3,920,873)	

City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Non-Uniformed Pension:</u>							
Miscellaneous	1,544,000	1,544,000	5,931,740		384.2%	(2,670,029)	-132.8%
Interest Revenue	400,000	400,000	328,852		82.2%	373,142	93.3%
Total Revenues	1,944,000	1,944,000	6,260,592		322.0%	-2,296,887	-95.3%
<u>Non-Uniformed Pension:</u>							
Pension Administration	217,978	217,978	170,197	170,197	78.1%	114,719	47.2%
Pension Benefits	1,523,000	1,523,000	1,107,622	1,107,622	72.7%	1,105,874	76.6%
Total Expenditures	1,740,978	1,740,978	1,277,819	1,277,819	73.4%	1,220,593	72.4%
Total Operating Surplus (Deficit)	203,022	203,022	4,982,773			(3,517,479)	
Transfer in from General Fund	-	-	-			-	
Operating Revenues Over (Under) Expenditures	203,022	203,022	4,982,773			(3,517,479)	

City of University City
Statement of Revenues and Expenditures
As of March 31, 2021
FY 2021

	Annual Budget	Adjusted Budget	YTD Actual	YTD With Encumb	2021 Actual As % of Adjusted Budget	2020 3rd Qtr Actual	2020 Actual As % of Budget
<u>Library:</u>							
Property Taxes	2,820,973	2,820,973	2,388,240		84.7%	2,336,765	82.8%
Intergovernmental	500	22,983	11,242		48.9%	13,396	70.9%
Grants	66,384	66,384	78,928		118.9%	24,306	24.3%
Miscellaneous	50,000	23,000	15,769		68.6%	60,666	60.7%
Interest Revenue	7,000	7,000	125		1.8%	3,906	55.8%
Total Revenues	2,944,857	2,940,340	2,494,303		84.8%	2,439,040	80.1%
<u>Library:</u>							
Personal Services	1,478,884	1,505,369	1,009,287	1,009,287	67.0%	894,897	57.2%
Contractual Services	377,635	377,635	195,412	195,412	51.7%	305,246	108.6%
Material and Supplies	398,685	398,685	200,726	200,726	50.3%	182,776	53.5%
Capital Outlay	604,961	604,961	57,829	57,829	9.6%	-	0.0%
Miscellaneous	18,308	18,308	-	-	0.0%	-	0.0%
Grants Expenditures	66,384	66,384	112,907	112,907	170.1%	59,832	92.5%
Total Expenditures	2,944,857	2,971,342	1,576,161	1,576,161	53.0%	1,442,751	47.5%
Total Operating Surplus (Deficit)	-	(31,002)	918,142			996,289	
Transfer In from General Fund	-	-	-			-	
Operating Revenues Over (Under) Expenditures	-	(31,002)	918,142			996,289	



Council Agenda Item Cover

MEETING DATE: April 26, 2021

AGENDA ITEM TITLE: Facility Use Agreement (Farmers Market)

AGENDA SECTION: City Managers Report

CAN THIS ITEM BE RESCHEDULED? : Yes

PREPARED/SUBMITTED BY: Clifford Cross, Director of Planning & Development

BACKGROUND REVIEW:

At the upcoming City Council meeting, staff will be requesting City Council approval of a “Facility Use Agreement” with the Midwest Association of Farmers Markets (MAFM). This has been an annual agreement that authorizes the utilization of parking lot 4 and City assistance to accommodate the event. The proposed agreement is similar to previously approved agreements except that the market organizers are planning on having a mid-week market in addition to the traditional Saturday market. Specifically, in addition to the Saturday 9:00 am to 1:00 pm event, they are proposing to have a Wednesday 2:00 pm to 7:00 pm market as well.

Staff has attached the proposed agreement for City Council review and approval. The agreement identifies the proposed changes in red for review. If acceptable, staff is seeking City Council approval authorizing the City Manager to enter into the presented “Facility Use Agreement” with the Midwest Association of Farmers Markets for the 2021 season.

RECOMMENDATION:

The City Manager recommends approval of the agreement.

FACILITY USE AGREEMENT

This Facility Use Agreement (the "Agreement"), is made and entered into this _____ of _____, 2021 by the Midwest Association of Farmers Markets (MAFM) and the City of University City, Missouri, a municipal corporation of the State of Missouri (the "City").

WHEREAS, the City would like to support a farmer's market for the purposes of promoting local commerce, making the freshest produce available to its residents, and providing a dynamic gathering place for local farmers and residents of the City and adjoining areas;

WHEREAS, the MAFM recently began operating the U City Farmers Market in the Loop (the Market) on Saturdays at the rear portion of the commercial building (Market in the Loop) at 6655 Delmar Boulevard;

WHEREAS, the MAFM and the City desire to enter into this Agreement to allow the MAFM to expand the current operation onto certain areas of the Municipal Parking Lot #4 in the City of University City;

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter set forth, the adequacy of which is hereby acknowledged by both parties, MAFM and the City agree as follows:

ARTICLE 1. Purpose

Section 1.1 The Market will be operated by Deborah Henderson, President and Executive Director of the MAFM. The purpose of this Agreement is to set forth the terms and use for certain areas of the Municipal Parking Lot #4.

Section 1.2 The Market shall be used to (i) promote foods from locally grown producers and regionally branded products that appeal to dedicated Market-goers, (ii) support local farmers, (iii) support local musicians and events, (iv) educate the public about healthy food choices and preparation of local seasonal food, (v) provide a dynamic meeting place for City residents and others to enjoy, (vi) encourage Market-goers to patronize local Loop businesses.

Section 1.3 The overall guiding principle embodied in this Agreement is the mutual desire of the City and the MAFM to maximize the resources of each entity to provide the highest quality Market possible for the constituents of the City and as a shopping destination for the region.

ARTICLE 2. Governance

Section 2.1 Day-to-day Market operations shall be governed by certain rules and regulations (Farmer's Market Rules) set forth in **Exhibit A**, attached hereto and incorporated herein, and shall be under the direction of Deborah Henderson (Market Manager).

Section 2.2 The MAFM represents and acknowledge that the Market shall adhere to all applicable local and State statutes and regulations, City and St. Louis County ordinances, and St. Louis County Health Department Guidelines.

ARTICLE 3. Location and Time

Section 3.1 On Saturdays, the Market will occupy 16 designated parking spaces and a portion of the right-of-way in the City-owned Municipal Parking Lot #4, located immediately north of the existing Market in the Loop, attached hereto and incorporated herein.

Section 3.2 The MAFM agrees to manage vendor parking and assure vendors park only in designated vendor parking area as set forth in Exhibit B or as set forth in **Exhibit C**, attached hereto and incorporated herein. City is not responsible if other cars are parked there prior to the arrival of vendors.

Section 3.3 The MAFM will operate on the City-owned Municipal Parking Lot #4 on **Wednesdays** and Saturdays only. On Saturdays the MAFM agrees to not set-up for the Market before 6:00am. The MAFM agrees to open the Market promptly by 9:00am and close the Market promptly no later than 1:00pm on the Municipal Lot. The Market may stay open later on the "Market in the Loop" property only. On **Wednesdays** the MAFM agrees to operate the market **in the same area as on Saturdays** between 2:00pm and 7:00pm. Parking for customers and vendors will be in Parking Lot #4 as designated above.

Section 3.4 The MAFM agrees that it will at all-times keep Municipal Parking Lot #4 and the Market facilities in a neat and sanitary condition.

Section 3.5 The MAFM agrees to return Municipal Parking Lot #4, including the area for the farmers market and vendor parking, to normal conditions no later than 2:00pm on Saturdays and 8:00pm on **Wednesdays**, including, but not limited to, removal of all tents and tables, coolers, barriers, trash and recycle cans, litter, etc.

ARTICLE 4. Use Agreement

Section 4.1 The MAFM shall pay for all expenses related to the Market including marketing, promotions, advertising, etc.

Section 4.2 The City agrees to provide the MAFM 2-10ft Wooden Barriers, 2-5 ft Plastic Barriers with "Road Closed" Signs, 4 Orange Plastic Traffic Cones, 2 Orange Plastic Traffic Cones with "Handicap Parking" Signs. The safety barriers are to be placed on both the east and west sides of the market in the space between the Market in the Loop and the 16 designated spaces in Municipal Parking Lot #4.

The MAFM agrees to store barricades indoors when not in use. ~~and install the two signs and barricades each Saturday by 7:30am. The signs and barriers may be installed on Fridays by noon on the boundaries of the 16-parking space section to prevent vehicles from being parked overnight.~~ City staff will review and consider approval of the barricade and sign location prior to the start of the first market.

Section 4.3 The MAFM shall pay for all fees and services related to providing portable restroom facilities on-site. A portable facility must be located on an accessible route and in a serviceable location and screened by a fence. The portable facility must be serviced after each event, and shall be properly maintained in accordance with all City regulations. The portable facility must be properly secured and/or locked when not in use by patrons and vendors of the MAFM.

Section 4.4 The MAFM shall be responsible for the payment and provision of all utilities to vendors.

Section 4.5 The City shall provide the MAFM with in-kind donations including the use of certain designated areas of the Municipal Parking Lot #4 for the Market (Exhibit B) and for vendor parking (Exhibit C) for the Market season.

Section 4.6 The City commits to provide occasional visits by University City Police.

Section 4.7 The MAFM may put recyclable materials generated at the market into the large blue recycling container which is located on the owner's property and serviced by the City.

Section 4.8 The MAFM agrees to allow the City to occupy space/booth at the Market for educational or promotional events, as needed. The City will be required to give Market Manager a 48-hour notice when the City intends to participate in the Market.

Section 4.9 The MAFM shall be responsible for ensuring all patrons, employees, and businesses using the Municipal Parking Lot #4 have full access to parking areas other than areas shown in Exhibits B and C.

Section 4.10 The MAFM is responsible for ensuring that no vendor uses an open flame in the Market. Any heat source provided within the Market shall be code-compliant and approved by the City.

Section 4.11 The MAFM is responsible for ensuring that no vendor sells or distributes alcohol at any time during the Market, with the following exceptions. 1. A regional winery, which is considered to be a farm that sells an agricultural product by their State Agriculture Department, is allowed to sample their wines and to sell by the bottle upon procurement of a City Liquor License. 2. Per Section 600.090.5 of the City Code, MAFM may apply for a Picnic Liquor License and may obtain up to 20 licenses per year providing the requests coincide with a special event of the market as approved by the City Manager.

Section 4.12 The MAFM will be allowed to place (2) "Market Today" sidewalk signs at the corners of Delmar and Kingsland Ave. and at the corner of Delmar and Leland Ave. These signs are used to direct patrons to the Public Parking Lot #4. One (1) "Market Today" sidewalk sign may be placed at the intersection of Delmar and Big Bend.

All "entrance" and "sidewalk" signs will only be set out on market day and must be removed when market is over. Signs may not block accessible paths or restrict the line-of-sight for vehicular traffic.

Section 4.13 The MAFM is responsible for ensuring that all musicians and entertainers associated with the operation are in compliance with all applicable City codes regarding noise or the unnecessary calling with the voice for the purpose of attracting attention by the creation of noise or for advertising purposes. A one-time permit (fee waived) for the full Market season shall be obtained from the City Manager for the weekly "Market Music Series." The Market Manager shall provide the City Manager with a music schedule, hours of use, location of music set-up; and will notify the City Manager of any changes.

Section 4.14 At the end of the market season, the MAFM shall secure all City provided materials (barricades, trash receptacles, etc.) in the locked market sheds for the winter season. Upon termination of the agreement the MAFM is responsible for returning City provided materials and equipment.

Section 4.15 MAFM shall be responsible for repair or replacement of any City provided materials damaged by MAFM, its agents, servants or employees, vendors or patrons.

Section 4.16 The MAFM shall not permit or knowingly condone any illegal activities to occur on Municipal Parking Lot #4 or the Market facilities during the Market's activities.

Section 4.17 The MAFM shall procure a business license from the City for the operation of the Market; such license fee shall be \$45.00.

ARTICLE 5. Term

Section 5.1 The Market shall operate beginning after April 1, 2021 and continuing no later than November 30, 2020. This Agreement is null and void on November 30, 2021.

Section 5.2 The MAFM may hold additional special event farmers markets, such as “Spring” and “Holiday” markets, on dates outside of the time frame specified in Section 5.1. The MAFM shall notify the City at least twenty-one days in advance of any additional markets.

Section 5.3 The City has the authority to revise this Agreement at any time, as needed, with a 20-day notice to the MAFM.

ARTICLE 6. Termination

Section 6.1 This Agreement may be terminated by either party for failure to perform or for the breach of the terms of this Agreement. The responding party shall have three (3) days to reply if an effort to rectify or correct the failure or breach is desired. If an agreement to rectify is not reached within seven (7) days, the original date of termination shall stand.

Section 6.2 This Agreement may be terminated without cause by either party by giving written notice to the other thirty (30) days prior to the date of termination.

ARTICLE 7. Services

Section 7.1 The City shall promote the Market through its website and ROARS newsletter. The City shall periodically put up 3 Farmers Market banners and will rotate them around the City throughout the market season.

Section 7.2 The City’s Director of Community Development shall serve as the primary staff liaison to the MAFM for handling questions or issues that may arise in regard to the execution of this Facility Use Agreement.

Communications may be directed to and received from the directors or project managers of Public Works and Zoning and Planning, and the Police Department, when time-based issues arise having to do with road or parking lot construction, road closures, facility changes requiring permits, annual license renewals, and City or school district events.

Section 7.3 The City and MAFM will allow the use of their logos for advertising by the other party. The City shall review and approve all proposed uses of the City’s logo by MAFM prior to its use and dissemination.

ARTICLE 8. Notice All notices required or permitted under this Agreement shall be deemed served when received by personal delivery, by nationally recognized overnight carrier or certified mail, return receipt requested, postage prepaid at the following addresses:

The City:

The City of University City
6801 Delmar Blvd.
St. Louis, MO 63130
(314) 862-6767
Attn: Gregory Rose

MAFM:

Midwest Association of Farmers Markets
P.O. Box 440340
St. Louis, MO 63144
(314) 913-6632
Attn: Deborah Henderson

ARTICLE 9. Liability of the City

Section 9.1 The City shall not be liable for any damage, loss or injury to the person, property or effects of the Market or of any agent, servant or employee of MAFM, vendor or patron of the Market on, in or about the Municipal Parking Lot #4 during the Market activities other than through the negligence attributable to the City.

Section 9.2 MAFM agrees to carry general liability insurance covering the premises herein described in Exhibits B and C, which insurance shall name the City as co-insured. Such policy shall be presented to the City upon request. Such policy of insurance must include coverage for all activities performed at the Market.

Section 9.3 MAFM shall require an agreement that vendors indemnify MAFM and the City for the negligence or intentional acts of the vendors and their agents.

ARTICLE 10. Indemnification As a condition of this Agreement, the MAFM agrees to indemnify, defend and hold harmless the City of University City and all of its officers and employees against any and all suits, causes of action or claims for injuries, damages, costs and expenses to persons or property, whether public or private, that may arise out of, or be constituting a part of the Midwest Farmers Market, or any activity constituting a part of the Market, or any act, omission or misconduct of the MAFM or agents, representatives, contractors or employees. The MAFM agrees to discharge any and all judgments that may be rendered against the City of University City or its officers and employees in connection with any suit, cause of action, or claim after the judgment becomes final and un-appealable.

ARTICLE 11. Assignment Neither party shall assign, transfer, pledge, encumber or sublease this Agreement; any attempt to do so shall be null and void.

ARTICLE 12. Relationship of Parties No agency, partnership, joint venture, employment agreement or any other relationship is created by this Agreement.

ARTICLE 13. Counterparts This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, when taken together, shall constitute one and the same instrument.

ARTICLE 14. Integration This Agreement represents the entire integrated agreement between the City and MAFM, and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the City and MAFM.

ARTICLE 15. Authorization The City of University City and The Midwest Association of Farmers Markets agree to the above terms and conditions and enter into an agreement for the 2021 Farmers Market.

Midwest Association of Farmers Markets

DEBORAH HENDERSON,

By: _____

Date: _____

Title: President and Executive Director

CITY OF UNIVERSITY CITY

GREGORY ROSE,

By: _____

Date: _____

Title: City Manager, City of University City



Council Agenda Item Cover

MEETING DATE: April 26, 2021

AGENDA ITEM TITLE: Conditional Use Permit – PC 21-05 – Approval of a Conditional Use Permit to establish and operate a proposed “Convenience Store” at the property commonly known as 8326-8328 Olive Boulevard.

AGENDA SECTION: City Manager’s Report

CAN THIS ITEM BE RESCHEDULED? Yes

PREPARED/SUBMITTED BY: Clifford Cross, Director of Planning and Development

BACKGROUND REVIEW: Attached are the relevant documents for the above-referenced C.U.P. application. The applicant is requesting a Conditional Use Permit to establish and operate a “Convenience Store”. The proposed use requires a Conditional Use permit, within the General Commercial (GC) zoning district, as identified within the provisions set forth in section 400.510, Subsection A(14): “Convenience Stores”.

Staff and the Plan Commission evaluated the request and considered the review criteria set forth in Section 400.2710 of the zoning code. The review criteria considered and evaluated during the meeting consisted of the following;

1. The proposed use complies with the standards of this Chapter, including performance standards, and the standards for motor vehicle-oriented businesses, if applicable, as contained in Section **400.2730** of this Article;
2. The impact of projected vehicular traffic volumes and site access is not detrimental with regard to the surrounding traffic flow, pedestrian safety, and accessibility of emergency vehicles and equipment;
3. The proposed use will not cause undue impacts on the provision of public services such as police and fire protection, schools, and parks;
4. Adequate utility, drainage and other such necessary facilities have been or will be provided;
5. The proposed use is compatible with the surrounding area;
6. The proposed use will not adversely impact designated historic landmarks or districts

The Plan Commission held the required public hearing and considered the application on March 24, 2021. The C.U.P. was subsequently considered and approved by Plan Commission subject to the following condition;

1. Required on-site parking be verified.

A C.U.P. does not require a public hearing at the City Council level. For its approval, this agenda item would require a motion by the City Council.

Attachments:

- 1: Transmittal Letter from Plan Commission
- 2: Staff Report

RECOMMENDATION:

The City Manager concurs with the approval and recommendation of the Planning Commission.



Department of Planning and Development

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

March 24, 2021

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

RE: Application for Conditional Use Permit PC 21-05 – Establishment and operation
of a Convenience Store at 8326-8328 Olive Boulevard

Dear Ms. Reese,

At a regularly scheduled meeting, on March 24, 2021 at 6:30 pm via video conference, the Plan Commission considered the above-referenced application by Mount of Olives Ministry for a Conditional Use Permit to establish and operate a Convenience Store in the "GC" – General Commercial District.

By a vote of 7 for and 0 against, the Plan Commission recommended approval of the application subject to the following condition;

1. Verification of the required dedicated parking.

Sincerely,

Margaret Holly, Chairperson
University City Plan Commission



Department of Planning and Development

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

STAFF REPORT

(City Council)

MEETING DATE: April 26, 2021

FILE NUMBER: PC 21-05

COUNCIL DISTRICT: 3

Location: 8326-8328 Olive Boulevard

Applicant: Mount Of Olives Ministry

Property Owner: 8322 Olive Holdings LLC

Request: Conditional Use Permit (C.U.P.) for a proposed Convenience / Grocery Store

COMPREHENSIVE PLAN CONFORMANCE

☐ Yes ☐ No ☒ No reference

PLAN COMMISSION RECOMMENDATION

☐ Approval ☒ Approval with Conditions ☐ Denial

ATTACHMENTS:

A. Application Packet

Existing Zoning: GC – General Commercial
Existing Land Use: Commercial
Proposed Zoning: No change – “GC” District
Proposed Land Use: Commercial

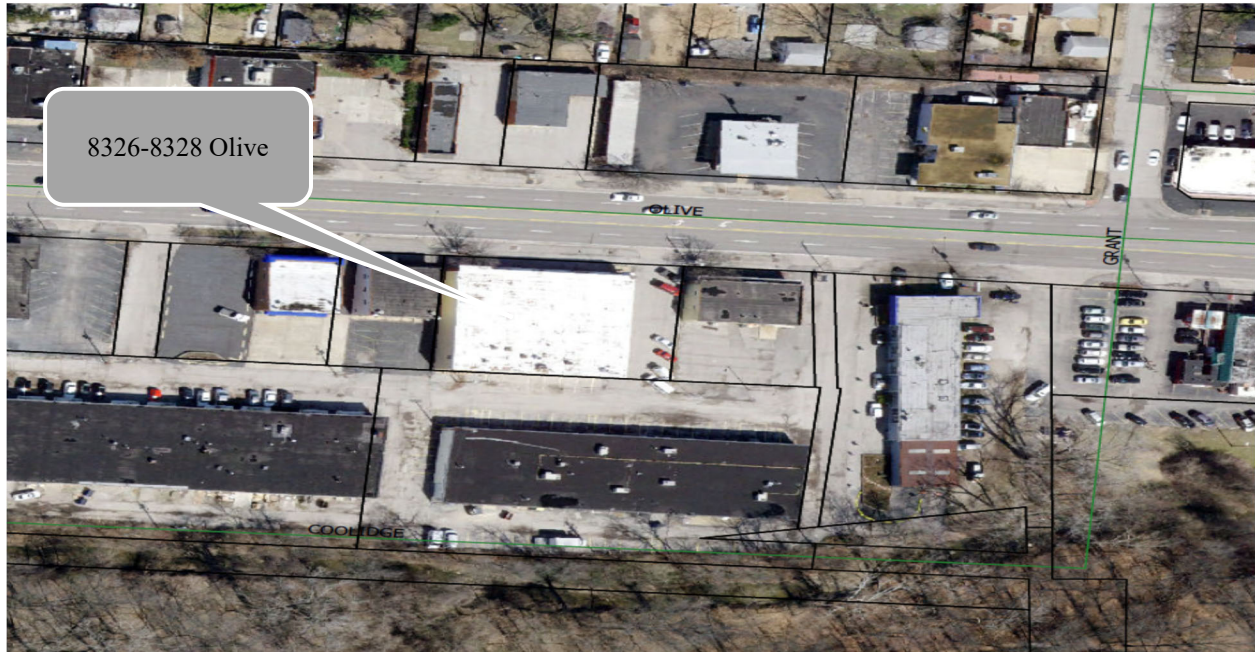
Surrounding Zoning and Current Land Use:

North:	GC:	Commercial, (Commercial - FLU)
East:	GC:	Commercial, (Commercial- FLU)
South:	GC	Commercial (Commercial - FLU)
West:	GC:	Commercial (Commercial - FLU)

Existing Property

The existing site consists of a 10,000 square foot one story building. The parcel is approximately 15,820 square feet and is zoned General Commercial. Surrounding zoning is commercial. The lot includes approximately 20 dedicated parking spaces throughout the site.

Parcel Location



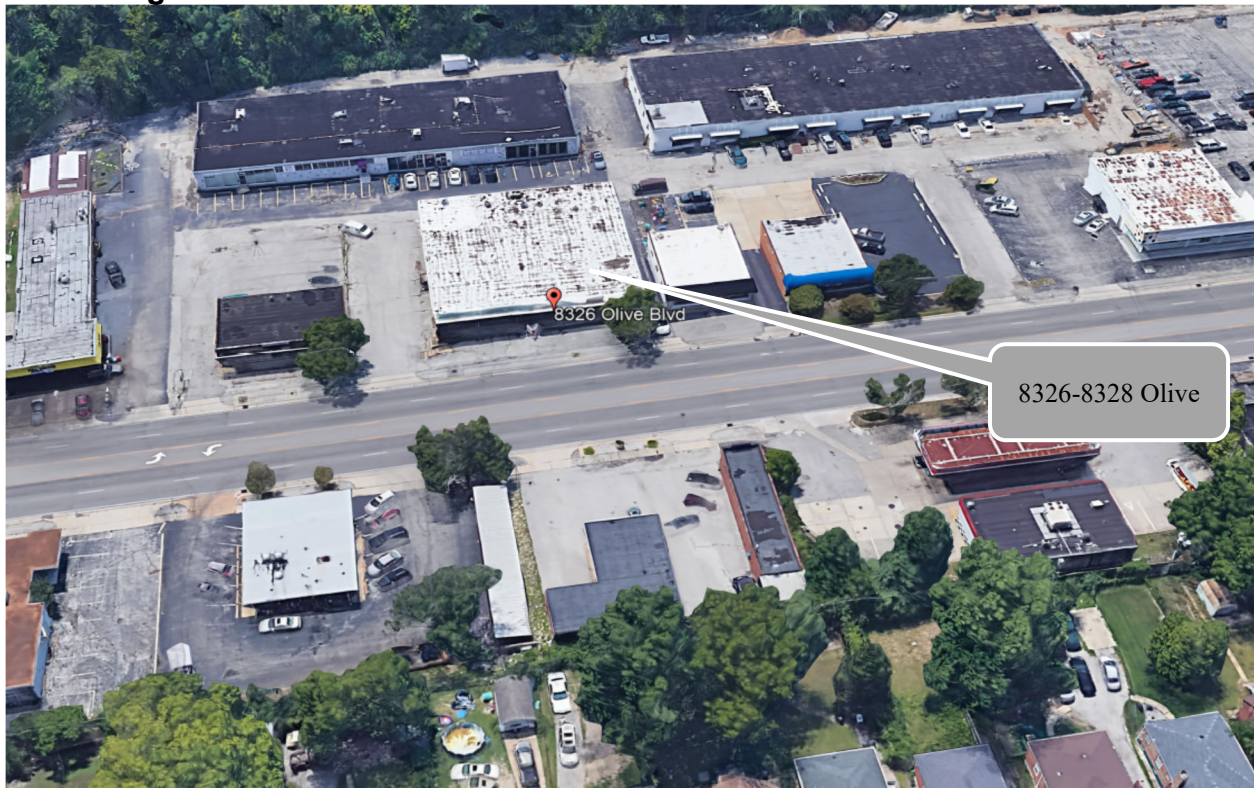
Surrounding Zoning



Aerial Overhead



Aerial Angle



Front View



Applicant's Request

The applicant is requesting a Conditional Use Permit for a "Convenience Store". The proposed use requires a CUP per Section 400.510 of the zoning ordinance. The applicant is proposing to consolidate the two suites resulting in total square footage of approximately 3,500 square feet for the proposed use.

Process – Required City Approvals

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.

Other Processes

Traffic Commission - The review criteria for a C.U.P. includes the impact of projected vehicular traffic volumes and site access with regard to the surrounding traffic flow, pedestrian safety, and accessibility of emergency vehicles and equipment. In its capacity as an advisory commission on traffic related matters as per Section 120.420 of the Municipal Code, the Traffic Commission may be concerned with the parking and traffic impact of the project.

Analysis

The potential "Convenience Store" use would appear to have minimal impact on the surrounding neighborhood and uses based upon the surrounding commercial uses and prior use of the property. As a result, the use impact of the operation is consistent with the trend of development because of the existing uses surrounding the site.

In evaluating the parking requirements, the schedule of parking requirements for this identified use is 1 per 200 square feet. The commercial uses, associated with the buildings within this area, utilize a combination of on site and shared parking. For this specific use the applicant would have to demonstrate the availability of 18 dedicated parking spaces.

Public Works & Parks: NA

Fire Department: NA

Police Department: NA

Public Involvement

A public hearing at a regular Planning Commission meeting is required by the Zoning Code. The public hearing notice for the current proposal was published in the newspaper 15 days prior to the meeting date and was mailed to property owners within 185 feet of the subject property. Signage was also posted, at the subject property, with information about the public hearing. Any member of the public will have an opportunity to express any concerns by writing in or attending the Planning Commission meeting.

Review Criteria

When evaluating a Conditional Use Permit the applicant is required to ensure that the following criteria is being met in accordance to the provisions set forth in Section 400.2710 of the Zoning Code. The Criteria is as follows;

1. The proposed use complies with the standards of this Chapter, including performance standards, and the standards for motor vehicle-oriented businesses, if applicable, as contained in Section **400.2730** of this Article;
2. The impact of projected vehicular traffic volumes and site access is not detrimental with regard to the surrounding traffic flow, pedestrian safety, and accessibility of emergency vehicles and equipment;
3. The proposed use will not cause undue impacts on the provision of public services such as police and fire protection, schools, and parks;
4. Adequate utility, drainage and other such necessary facilities have been or will be provided;
5. The proposed use is compatible with the surrounding area;
6. The proposed use will not adversely impact designated historic landmarks or districts; and
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, such potentially adverse impacts. Such measures may include, but not necessarily be limited to:

- a. Improvements to public streets, such as provision of turning lanes, traffic control islands, traffic control devices, etc.;
- b. Limiting vehicular access so as to avoid conflicting turning movements to/from the site and access points of adjacent properties, and to avoid an increase in vehicular traffic in nearby residential areas;
- c. Provision of cross-access agreement(s) and paved connections between the applicant's property and adjacent property(ies) which would help mitigate traffic on adjacent streets;
- d. Provision of additional screening and landscape buffers, above and beyond the minimum requirements of this Chapter;
- e. Strategically locating accessory facilities, such as trash storage, loading areas, and drive-through facilities, so as to limit potentially adverse impacts on adjacent properties while maintaining appropriate access to such facilities and without impeding internal traffic circulation;
- f. Limiting hours of operation of the use or certain operational activities of the use (e.g., deliveries); and
- g. Any other site or building design techniques which would further enhance neighborhood compatibility.

Findings of Fact (Section 400.2720)

The Plan Commission shall not recommend approval of a conditional use permit unless it shall, in each specific case, make specific written findings of fact based directly upon the particular evidence presented to it supporting the conclusion that the proposed conditional use:

- 1. Complies with all applicable provisions of this Chapter;
- 2. At the specific location 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, neighborhood development plan (if applicable), the Olive Boulevard Design Guidelines (if applicable), and any 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

Plan Commission Recommendation

Based on the preceding considerations, the Plan Commission recommended approval of the application contingent upon the applicant verifying the dedication of the required parking spaces.



Council Agenda Item Cover

MEETING DATE: April 26, 2021

AGENDA ITEM TITLE: An Ordinance Calling a Bond Election

AGENDA SECTION: Unfinished Business - Bills

CAN THIS ITEM BE RESCHEDULED? Yes

PREPARED/SUBMITTED BY: City Manager Rose

BACKGROUND REVIEW:

This Bill calls a bond election on August 3, 2021 on the following proposition:

PROPOSITION P

Shall the City of University City, Missouri, issue its general obligation bonds in an amount up to Twenty Million Dollars (\$20,000,000) for the purpose of renovating, improving, furnishing and equipping its municipal complex, including but not limited to improvements to the City Hall to improve building accessibility and ensure water tightness, improvements to the City Hall Annex to provide a permanent location for police operations, and improvements to the Trinity Building to provide a safe and secure location for municipal court activities and Council meetings?

The authorization of the bonds will authorize the levy and collection of an annual tax in addition to the other taxes provided for by law on all taxable tangible property in the City sufficient to pay the interest and principal of the bonds as they fall due and to retire the same within twenty years from the date thereof.

RECOMMENDATION:

City Manager recommends approval.

Attachments:

1. Bill No. 9430

**AN ORDINANCE CALLING A BOND ELECTION IN THE CITY
OF UNIVERSITY CITY, MISSOURI.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY,
MISSOURI, AS FOLLOWS:**

Section 1. The City Council of the City of University City, Missouri (the “City”) finds it necessary and hereby declares its intent to borrow up to \$20,000,000 through the issuance of general obligation bonds for the purpose of renovating, improving, furnishing and equipping its municipal complex, including but not limited to improvements to the City Hall to improve building accessibility and ensure water tightness, improvements to the City Hall Annex to provide a permanent location for police operations, and improvements to the Trinity Building to provide a safe and secure location for municipal court activities and Council meetings (collectively, the “Project”).

Section 2. An election is hereby ordered to be held in the City on Tuesday, August 3, 2021, on the following proposition:

PROPOSITION P

Shall the City of University City, Missouri, issue its general obligation bonds in an amount up to Twenty Million Dollars (\$20,000,000) for the purpose of renovating, improving, furnishing and equipping its municipal complex, including but not limited to improvements to the City Hall to improve building accessibility and ensure water tightness, improvements to the City Hall Annex to provide a permanent location for police operations, and improvements to the Trinity Building to provide a safe and secure location for municipal court activities and Council meetings?

The authorization of the bonds will authorize the levy and collection of an annual tax in addition to the other taxes provided for by law on all taxable tangible property in the City sufficient to pay the interest and principal of the bonds as they fall due and to retire the same within twenty years from the date thereof.

Section 3. The form of the Notice of Bond Election for the election, a copy of which is attached hereto as **Exhibit A** and made a part hereof, is hereby approved.

Section 4. A Debt Statement, a copy of which is attached hereto as **Exhibit B** and made a part hereof, setting forth the information required by Section 43 of the City’s Charter, is hereby approved.

Section 5. The City Clerk is hereby authorized and directed to notify the Board of Election Commissioners of St. Louis County, Missouri of the adoption of this Ordinance no later than 5:00 p.m. on May 25, 2021, and to include in the notification all of the terms and provisions required by Chapter 115 of the Revised Statutes of Missouri, as amended, and the City’s Charter.

Section 6. The City expects to make expenditures on and after the date of adoption of this Ordinance in connection with the Project, and the City intends to reimburse itself for such expenditures with the proceeds of the bonds. The maximum principal amount of bonds expected to be issued for the Project is \$20,000,000.

Section 7. The Mayor, the City Manager, the City Clerk and other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to carry out the purpose and intent of this Ordinance.

Section 8. If any clause, word, paragraph, section or other part or portion of this Ordinance is held to be invalid, illegal or unconstitutional for any reason, the City Council hereby declares it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

Section 9. This Ordinance shall be in full force and effect from and after its passage as provided by law.

PASSED by the City Council of the City of University City, Missouri, this ____ day of _____, 2021.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFIED TO BE CORRECT AS TO FORM:

City Attorney

First reading:

Second reading:

**EXHIBIT A
TO ORDINANCE**

NOTICE OF BOND ELECTION

CITY OF UNIVERSITY CITY, MISSOURI

Notice is hereby given to the qualified voters of the City of University City, Missouri, that the City Council of the City has called a special election to be held in the City on Tuesday, August 3, 2021, commencing at 6:00 a.m. and closing at 7:00 p.m., on the proposition contained in the following sample ballot:

**OFFICIAL BALLOT
SPECIAL BOND ELECTION
CITY OF UNIVERSITY CITY, MISSOURI**

TUESDAY, AUGUST 3, 2021

PROPOSITION P

Shall the City of University City, Missouri, issue its general obligation bonds in an amount up to Twenty Million Dollars (\$20,000,000) for the purpose of renovating, improving, furnishing and equipping its municipal complex, including but not limited to improvements to the City Hall to improve building accessibility and ensure water tightness, improvements to the City Hall Annex to provide a permanent location for police operations, and improvements to the Trinity Building to provide a safe and secure location for municipal court activities and Council meetings?

The authorization of the bonds will authorize the levy and collection of an annual tax in addition to the other taxes provided for by law on all taxable tangible property in the City sufficient to pay the interest and principal of the bonds as they fall due and to retire the same within twenty years from the date thereof.

YES []
NO []

INSTRUCTIONS TO VOTERS: If you are in favor of the proposition, place an X in the box opposite "YES." If you are opposed to the proposition, place an X in the box opposite "NO."

The election will be held at the following polling places in the City:

PRECINCT

POLLING PLACE

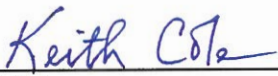
DATED: _____.

Board of Election Commissioners
of St. Louis County, Missouri

**EXHIBIT B
TO ORDINANCE
DEBT STATEMENT**

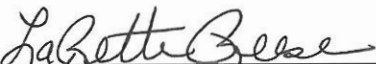
(1) The aggregate principal amount of all outstanding General Obligation bonds and notes of the City:			
	Notes Outstanding	\$0	
	Bonds Outstanding	<u>0</u>	\$0
(2) Deduction, if any, permitted by the Constitution and general laws			
			0
(3) The amount of existing net indebtedness			
			0
(4) The amount of net indebtedness after the issuance of the bonds authorized by such bond ordinance			
			20,000,000
(5) The assessed valuation of taxable tangible property within the City as shown by the last completed assessment for state and county purposes; and			
			749,549,739
(6) The aggregate principal amount of bonds and notes which the City may issue pursuant to law:			
	Assessed Valuation - 2020 tax year		<u>\$ 749,549,739</u>
	Debt Limit - 10% of assessed valuation		<u>74,954,973</u>
	Legal Debt Margin		<u><u>\$ 74,954,973</u></u>

The foregoing is sworn to be a true and complete statement this 6th day of April, 2021.



Keith Cole
Director of Finance

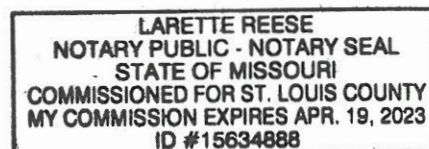
Subscribed and sworn to before me, a Notary Public, this 6th day of April, 2021.



Notary Public

My commission expires

April 19, 2023





Council Agenda Item Cover

MEETING DATE: April 26, 2021

AGENDA ITEM TITLE: A Resolution Approving a First Amendment to the Rights-of-Way Use Agreement

With Level 3 Communications, L.L.C.

AGENDA SECTION: New Business - Resolutions

CAN THIS ITEM BE RESCHEDULED? Yes

PREPARED/SUBMITTED BY: City Manager Rose

BACKGROUND REVIEW:

This Resolution approves a First Amendment to the Rights-of-Way Use Agreement and Settlement with Level 3 Communications, L.L.C.

The City Council approved the original Agreement and Settlement on May 13, 2019, by Resolution 2019-6. Level 3 paid \$500,000 for its use of the rights-of-way through May 31, 2019, has paid \$1,035.87 monthly thereafter for its continued use of the rights-of-way by installing, maintaining and operating facilities for communications or related capabilities. The term of the original Agreement was two years, through April 1, 2021. The First Amendment extends the term for 10 years and provides for annual rights-of-way use fee increases in accordance with Ordinance No. 7136 (12/14/2020).

RECOMMENDATION:

City Manager recommends approval.

Attachments:

Resolution 2021-6, including Exhibit A (First Amendment)

RESOLUTION 2021-6

**A RESOLUTION APPROVING A FIRST AMENDMENT TO THE
RIGHTS-OF-WAY USE AGREEMENT AND SETTLEMENT WITH
LEVEL 3 COMMUNICATIONS, L.L.C.**

WHEREAS, on May 14, 2019, the City of University City (the “City”) entered into an agreement with Level 3 Communications, L.L.C. for use of the City’s rights-of-way for communications facilities (the “ROW Use Agreement”); and

WHEREAS, the ROW Use Agreement’s term has expired and needs to be renewed; and

WHEREAS, additional terms of the ROW Use Agreement also needed amendment to clarify certain actions the City Council has taken with respect to annual increases of linear foot fee rates for all users in the ROW; and

WHEREAS, Level 3 Communications, L.L.C. also needed an amendment to the notice provision in the ROW Use Agreement; and

WHEREAS, the City Council now desires to authorize the City Manager to enter into the First Amendment to ROW Use Agreement with Level 3 Communications, L.L.C. on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to execute the First Amendment to the ROW Use Agreement between the City and Level 3 Communications, L.L.C. in substantially the form of Exhibit A, attached hereto and incorporated herein by reference. The City Manager and designees are further authorized to take such additional action as may be necessary or contemplated pursuant to this First Amendment to the ROW Use Agreement or to carry out the intent of this Resolution.

ADOPTED THIS 26TH DAY OF APRIL, 2021.

By: _____
Terry Crow, Mayor

ATTEST:

LaRette Reese, City Clerk

Exhibit A

First Amendment to Level 3 Communications, L.L.C. ROW Use Agreement

FIRST AMENDMENT TO THE RIGHTS-OF-WAY USE AGREEMENT FOR COMMUNICATIONS FACILITIES BETWEEN THE CITY OF UNIVERSITY CITY, MISSOURI AND LEVEL 3 COMMUNICATIONS, L.L.C

WHEREAS, on May 14, 2019, the City of University City (the "City") entered into an agreement with Level 3 Communications, L.L.C. for use of the City's rights-of-way for communications facilities (the "ROW Use Agreement"); and

WHEREAS, both parties desire to amend the ROW Use Agreement to extend the term and clarify certain increases in the User Fees that have occurred since execution of the ROW Use Agreement; and

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements herein set forth and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Section 3, Subsection 3.1, **Term**, is hereby amended by repealing the existing text and replacing such Subsection to read as follows:

Term. This Agreement shall be effective for a term commencing April 1, 2021 for ten (10) years, and subject to earlier termination or forfeiture as provided for elsewhere in this Agreement.

2. Section 3, Subsection 3.2, **Compensation**, is hereby amended by repealing the existing text and replacing such Subsection to read as follows:

Compensation. The Licensee agrees to pay the User Fees and such other compensation in the amount and under such additional regulations and provisions as are set forth in the City's policies and Code. Unless otherwise established by the Governing Body, Licensee shall pay to the City as monthly compensation for the use of the Rights-of-Way pursuant to this executed Agreement:

- a. **Linear Foot Fee:** a monthly payment of \$.1683 per linear foot of Facilities located in the Right-of-Way, for an annual amount of two dollars and two cents (\$2.02) per linear foot of Facilities in the Right-of-Way; and

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. User Fee adjustments during the term of this Agreement shall not increase by more than two percent (2%) per year aggregate over the term (or annually thereafter if the term is extended without a change in this provision) upon designation by the Governing Body with at least 30 days' written notice and adjusted no more than once annually. Licensee acknowledges that by the City Council's passage of Ordinance No. 7136 that the User Fees shall increase by 2%

each January 1, beginning on January 1, 2021, and no further notice shall be due to Licensee.

Licensee states that it currently has 6,278 linear feet of Facilities and 0 antennas installed in City Rights-of-Way ("Existing Facilities"). Licensee intends pursuant to this Agreement to add an additional approximately 0 linear feet of underground Facilities and 0 antennas within the City ROW for the purposes authorized herein, as depicted on Exhibit B attached hereto and incorporated herein. The actual authorized installation shall be limited to that which has received approved permits from the City and the User Fee shall be paid based on the sum of the actual linear foot of Facilities installed and any additional linear foot approved by permit for installation. All User Fees shall be due and payable every month of each calendar year within thirty (30) days of each such month. Each User Fee payment shall be accompanied by a statement, signed as true, which may be sent electronically in advance of payment, stating the greatest total linear feet of facilities located in the Rights-of-Way the preceding month, the total amount of antennas located in the Rights-of-Way, any credit taken for gross receipt taxes or business license fees paid to the City, and the payment of the User Fee made. If any fee statement is determined to understate the User Fee owed, then such additional amount owed shall be made with a corrected statement, including interest on said amount as provided herein. Any payments due to the City hereunder and not paid at the due date shall bear interest at the rate of one and one-half percent (1.5%) per month, unless such other maximum rate is established by law. On an annual basis by January 31, Licensee shall submit an affidavit certifying as true each statement submitted for the previous twelve (12) months, including the statement for the immediately preceding December. If any statement for the previous twelve (12) months was incorrect, a corrected statement shall be submitted with the affidavit. If an incorrect fee statement understated the User Fee owed, then such additional amount owed, including with interest on said amount as provided herein, shall be submitted with the affidavit. Licensee's credit to the User Fee as authorized above shall be calculated based upon gross receipt taxes paid and attributable to gross receipts received for the same months in which the User Fee is attributable. The User Fee required in this Section shall be paid by Licensee as required herein without offset, credit, refund, or deduction except for such credit as is expressly provided for above for gross receipts taxes paid. Licensee may make the User Fee and eligible tax payment that is subject to credit above all as a single combined payment or in separate payments and may also send a combined statement or separate monthly statements meeting the applicable requirements.

3. Section 9, Subsection 9.1, Notice is hereby amended by repealing the existing text for the Notice to Licensee and replacing such address for Notice to Licensee to read as follows:

If Notice to Licensee:
NIS/ROW
Level 3 Communications, L.L.C.
1025 Eldorado Blvd
Broomfield, CO 80021

4. The parties hereby reaffirm that all other provisions of the Agreement, not specifically amended herein shall remain in full force and effect through the term and any authorized extension and shall be deemed incorporated herein and binding on the parties. This Amendment shall be effective on April 1, 2021.

5. The Agreement together with this Amendment represents the entire agreement among the parties, and Level 3 Communications, L.L.C. agrees that it has not relied on any representations or warranties of the City, oral or written, other than expressly identified in this Amendment.

IN WITNESS WHEREOF, the parties hereto execute this Amendment the day and year written below.

CITY OF UNIVERSITY CITY

By: GREGORY ROSE, CITY MANAGER

Date: April __, 2021

ATTEST:

LaRette Reese, City Clerk

LEVEL 3 COMMUNICATIONS, L.L.C.

By: STEVEN C. GORDON
Steven C. Gordon [Apr 20, 2021 17:32 MDT]

Print name: Steve Gordon

Title: Sr. Director

Date: Apr 20, 2021