

MEETING MINUTES OF THE CITY COUNCIL  
VIA VIDEOCONFERENCE – ZOOM  
**Monday, September 13, 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, September 13, 2021, Mayor Terry Crow called the meeting to order at 6:34 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., and Director of Planning & Development, Clifford Cross.

**C. APPROVAL OF AGENDA**

Councilmember Klein moved to approve the Agenda as presented, it was seconded by Councilmember Hales, and the motion carried unanimously.

**D. APPROVAL OF MINUTES**

1. August 9, 2021, Study Session Minutes – Policing Strategy was moved by Councilmember Hales, seconded by Councilmember McMahon, and the motion carried unanimously.
2. August 9, 2021, Regular Session Minutes was moved by Councilmember Clay, it was seconded by Councilmember Klein, and the motion carried unanimously.

**E. APPOINTMENTS TO BOARDS & COMMISSIONS**

1. Mark Barnes is nominated to the Library Board as a fill in replacing Dorothy Davis's vacated seat by Councilmember Stacy Clay, it was seconded by Councilmember Klein, and the motion carried unanimously.
2. Kathleen Simpson is nominated to the Library Board as a fill-in replacing Michael Hart's vacated seat by Councilmember Stacy Clay, it was seconded by Councilmember Hales, and the motion carried unanimously.
3. Dianne Benjamin is nominated for re-appointment to the Urban Forestry Commission by Councilmember Aleta Klein, it was seconded by Councilmember Hales, and the motion carried unanimously.
4. Ed Nickels is nominated for re-appointment to the Historic Preservation Commission by Councilmember Aleta Klein, it was seconded by Councilmember McMahon, and the motion carried unanimously.
5. Robert Klahr is nominated for re-appointment to the Historic Preservation Commission by Councilmember Aleta Klein, it was seconded by Councilmember Hales, and the motion carried unanimously.
6. Rick Ruderer is nominated for re-appointment to the CALOP Commission by Councilmember Bwayne Smotherson, it was seconded by Councilmember McMahon, and the motion carried unanimously.

7. Jean Russell is nominated for re-appointment to the CALOP Commission by Councilmember Bwayne Smotherson, it was seconded by Councilmember McMahon, and the motion carried unanimously.
8. Aaron Bitzer is nominated to the Urban Forestry Commission as a fill-in replacing Mary Harvey's vacated seat by Councilmember Tim Cusick, it was seconded by Councilmember Smotherson, and the motion carried unanimously.
9. Bethany Gasparovic is nominated to the Civil Service Board as fill in replacing Joan Suarez's vacated seat by Councilmember Tim Cusick, it was seconded by Councilmember Smotherson, and the motion carried unanimously.
10. Mathew Emden is nominated to Green Practices Commission as fill in replacing Tim Dugan's unexpired term by Councilmember Jeff Hales, it was seconded by Councilmember McMahon, and the motion carried unanimously.
11. Meg Zelenovich is nominated to the Arts and Letters Commission as fill in replacing Barbara Santoro's expired term by Councilmember Jeff Hales, it was seconded by Councilmember Smotherson, and the motion carried unanimously.
12. Christopher Trahan is nominated to the Historic Preservation Commission replacing Sandy Jacobson's expired term by Councilmember Jeff Hales, it was seconded by Councilmember Klein, and the motion carried unanimously.
13. Larry Zelenovich is nominated to the Traffic Commission as a fill-in replacing Jeffrey Mishkin's unexpired term by Mayor Terry Crow, it was seconded by Councilmember Hales, and the motion carried unanimously.
14. Todd Jacobs is nominated to the Board of Appeals replacing Greg Pace's expired term by Mayor Terry Crow, it was seconded by Councilmember Hales, and the motion carried unanimously.

#### F. SWEARING IN TO BOARDS & COMMISSION

#### 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](mailto: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.** 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. All comments meeting the aforementioned guidelines have been made a part of this record.

#### H. PUBLIC HEARINGS

1. 3 Diamond Development Senior Apartments – 1301-1309 Partridge Ave.

Mayor Crow opened the Public Hearing at 6:42 p.m. After acknowledging Council's receipt of all written comments, the Mayor closed the hearing at 6:42 p.m.

#### I. CONSENT AGENDA

1. EDRST Funding Request – Parking Meter Revenues
2. EDRST Funding Request – CoStar Subscription
3. EDRST Funding Request – Office Market Analysis
4. Ackert Park Site Furnishings Contract
5. Centennial Commons Security Cameras Contract
6. Cushman Truckster Agreement

7. Emerald Ash Borer Tree Removal and Replacement Contract
8. Heman Park Asphalt Trail Repairs Contract
9. T.R.I.M Grant Agreement
10. Tree Inventory Contract
11. Tub Grinding Contract
12. Road Salt Purchase
13. Storm Water Master Plan (Consultant)
14. Loop in Motion Special Use Permit – Approval-Ratification
15. Parking Space Agreement – U-City Family Church

Councilmember Cusick moved to approve Items 1 through 15 of the Consent Agenda, it was seconded by Councilmember Clay, and the motion carried unanimously.

**J. CITY MANAGER'S REPORT**

1. Conditional Use Permit (CUP) – Convenience Store/Gas Station (QuikTrip) – 7579 Olive Blvd.

Mr. Rose stated staff is recommending that Council approve the CUP for the QuikTrip located at 7579 Olive Blvd.

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

Mr. Cross stated per Section 400.510 of the Zoning Ordinance both a convenience store and gas station require a CUP. Upon reaching that determination staff referred the application to the Plan Commission who concurred with staff's decision and thereafter, conducted a Public Hearing at their August 26, 2021, meeting. The Commission voted 5 to 0 to recommend approval of the CUP, with the following conditions:

- Staff must approve a Lighting Plan to ensure that all light fixtures are shielded and aimed in a downward direction, so they do not impact neighboring properties; and
- The Permit must be reviewed by the Traffic Commission to determine if there are any detrimental impacts to traffic patterns; and
- That a lot of consolidation be completed prior to final approval.

Councilmember Smotherson stated the Commission's recommendation includes the installation of a 6-foot fence. However, since he is aware that some residents jump over the existing 6-foot fence as a shortcut, he would like to request that they install an 8-foot fence.

Mr. Cross stated anything that comes to Council from the Commission is a recommendation that ultimately can be amended by Council. He stated while QuikTrip was not opposed to an 8-foot fence, they did express concern about the impact it might have on their desire to plant trees on the north side of the property.

Councilmember Smotherson amended his motion to include the erection of an 8-foot fence. The amendment was seconded by Councilmember Clay, who noted that Council had received a comment regarding the fence in the Chat Room.

Mayor Crow stated while he appreciates the information, he is hesitant to publicize the comment since it does not comply with the previously established rules for making public comments.

Councilmember Hales asked Mr. Cross if he could talk about the retention basin and whether it addressed residents' concerns regarding stormwater runoff? Mr. Cross stated the basin is designed to meet the requirements of reducing any potential stormwater runoff, as well as any floodplain or runoff issues that currently exist on the property.

Voice vote on Councilmember Smotherson's amended motion carried unanimously.

2. Conditional Use Permit (CUP) – Establish and Operate a proposed “Place of Worship” – 6350 Delmar Blvd.

Mr. Rose stated staff is recommending that Council approve the CUP for a proposed Place of Worship located at 6350 Delmar Blvd.

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

Mr. Cross stated even though Places of Worship are identified as a permitted use in the Core Commercial Zoning District, there is a supplemental regulation that requires any non-retail businesses established along this portion of Delmar to go through the CUP process. The Applicant appeared before the Plan Commission on May 26, 2021, and the Commission recommended approval of the CUP at 6350 Delmar Blvd., by a 6 to 0 vote, with the following conditions:

- That the Applicant obtains Site Plan approval before the issuance of an Occupancy Permit. *(Approval of the Site Plan is built into the CUP process and the Final Plat has been placed on tonight's Agenda for Council's consideration)*
- That the Applicant be allowed to reduce the required number of parking spaces to (55), contingent upon an agreement with the City. *(This agreement was approved in tonight's Consent Agenda); and*
- That the existing uses on the property continue as a part of the CUP. *(This ensures that existing retail uses without the required parking are identified as legal non-conforming uses.)*

Councilmember Cusick questioned whether the correct address was 6350 Delmar or 8350 Delmar as listed on the Agenda? Mr. Cross stated the correct address should be 6350 Delmar Blvd.

Councilmember Cusick asked if the entire building was being utilized for the Place of Worship? Mr. Cross stated the breakdown is contained in the Site Plan, and the Final Plat illustrates that the suites have been subdivided vertically as opposed to horizontally. Councilmember Cusick asked Mr. Cross if he would specifically identify which portion of the building was being designated as the Place of Worship? Mr. Cross stated their primary location will be in the theater, along with a separate designated area for an office.

Mr. Cross stated he would also like to note that the Public Hearing did take place at the Plan Commission level. All property owners within 185 feet of this location were notified of this action, and courtesy mailings were sent out to owners within 500 feet of the facility. He stated there was a significant amount of support for this proposal.

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

## **K. UNFINISHED BUSINESS**

### *Bills*

1. **Bill 9441** – AN ORDINANCE AMENDING SECTION 115.270 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO PARKS AND RECREATIONAL FACILITIES DESIGNATED, SO AS TO CHANGE THE NAME OF KINGSLAND PARK TO WELSCH PARK. Bill Number 9441 was read for the second and third time.

Councilmember Clay moved to approve, it was 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.

- BILL 9442** – AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS “TIVOLI BUILDING CONDOMINIUM”. Bill Number 9442 was read for the second and third time.

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

Roll Call Vote Was:

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

**Nays:** None.

- BILL 9443** – AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS “#801 SWARTHMORE LANE CONSOLIDATION PLAT”. Bill Number 9443 was read for the second and third time.

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

Roll Call Vote Was:

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

**Nays:** None.

## L. NEW BUSINESS

### *Resolutions*

- Resolution 2021-13 FY21 Budget Amendment #4** Resolution Amending The Fiscal Year 2020-2021.

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

### *Bills*

*Introduced by Councilmember Smotherson*

- BILL 9444** - AN ORDINANCE AMENDING SECTION 210.040 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO KEEPING MORE THAN TWO ANIMALS UNDER CERTAIN CONDITIONS UNLAWFUL, BY REPEALING SECTION 210.040 AND ENACTING IN LIEU THEREFORE A NEW SECTION TO BE KNOWN AS "SECTION 210.040. KEEPING MORE THAN THREE ANIMALS UNDER CERTAIN CONDITIONS UNLAWFUL;" CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY. Bill Number 9444 was read for the first time.

## M. COUNCIL REPORTS/BUSINESS

- Boards and Commission appointments needed
- Council liaison reports on Boards and Commissions

Councilmember Clay reported that on September 20th, the Library will be moving to its temporary facility located at 6900 Delmar while the building is being renovated.

The temporary facility will be open to the public on September 24th.

Mr. Rose stated he will ask staff to make sure these dates are listed on the City's website by tomorrow.

Mayor Crow stated he believes the Library has posted a notification on Facebook and NextDoor.

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

**N. CITIZEN PARTICIPATION (continue if needed)**

**O. COUNCIL COMMENTS**

Councilmember Klein stated she would like to commend the School District's faculty for bringing students back to their in-person classrooms on a full-time basis. She stated they have done a fantastic job of following the guidelines and keeping students safe.

Councilmember Smotherson stated there has been a lot of chatter on NextDoor about the 3rd Ward, and he would like to specifically address the comments related to 7449 Wayne. He stated he and Councilmember Cusick personally visited this property and reported the conditions prior to any of these postings. And the fact that owners elect to ignore these deplorable conditions absolutely makes him furious. In fact, one of the properties he identified to Mr. Rose when he first started is still an issue. Councilmember Smotherson stated vacant properties are something he would like this Administration and Council to address in the near future because, in his opinion, owners should be fearful of allowing their properties to fester into such poor conditions. However, NextDoor is not the way to solve these issues and he would encourage anyone with concerns to contact Council or City staff.

Councilmember Cusick stated he believes Councilmember Smotherson meant to say he and Tim Scott personally visited the house on Wayne. Councilmember Smotherson agreed and apologized for the mix-up.

Councilmember Hales stated proactive enforcement related to property maintenance issues is really important, so if you see something; say something. Searching through social media to find out if there are any issues is not always easy, so he too would encourage residents to reach out to Council. Councilmember Hales stated based on his experience, once an issue is reported to Mr. Rose and staff, even if it can't be immediately resolved, it will be addressed fairly quickly.

Nuisance properties also exist in the 1st Ward and getting owners to be responsive is a challenge. But over the last three years what he can say is that there have been at least three properties where the City's actions have resulted in the owners taking action. So, he would like to see both Council and staff stay on the trajectory that Mr. Cross has established because it is starting to make a difference. Councilmember Hales stated he appreciates all of the work conducted by Mr. Cross and his staff, and he is optimistic that over time these issues will start to diminish.

Mayor Crow stated he would like to extend his appreciation to the Fire and Police Departments for inviting the Color Guard to perform the hanging of colors and moment of silence at last week's Loop in Motion event. He stated he is certain all of his colleagues will join him in recognizing the 20th Anniversary of 911 and hopes that everyone had the opportunity to see the 7,852 flags displayed at Art Hill commemorating those who lost their lives on that day, and the soldiers who sacrificed their lives following the attack. Mayor Crow stated every citizen owes these folks a great deal of gratitude, and he hopes that they continue to keep their families in prayer.

Councilmember Hales moved to adjourn the Regular Session, it was seconded by Councilmember Clay, and the motion carried unanimously.

**P. ADJOURNMENT**

Mayor Crow adjourned the Regular Session at 7:17 p.m.

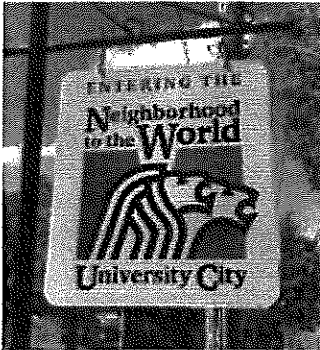
LaRette Reese,  
City Clerk

**LaRette Reese**

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**From:** Tom Sullivan <tsullivan@sullivanadv.net>  
**Sent:** Monday, September 13, 2021 11:41 AM  
**To:** Council Comments Shared  
**Subject:** Comments: 09/13/21 U.City Council Meet

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



**Comments to the University City Council**  
**Tom Sullivan, 751 Syracuse, U.City, MO 63130**  
**September 13, 2021**

To the Council:

This is to express my support for the C.U.P. for the proposed Quick Trip at North & South and Olive. It is on tonight's agenda under the City Manager's Report. I think it fits right in with the "Muck-Up U.City 2040" initiative.

Is a gas station needed on that corner? Of course not. Another gas station/ convenience store is just a block east and another not far west of North & South. There is also a gas station/ convenience store under construction at Olive & Kingsland. It was originally approved in February, 2018 and is mostly done but has not been finished. City Manager Gregory Rose cannot explain why it has been delayed.

Will the Quick Trip increase the quality of life for U.City residents? Nope. It would be nice to have something unique on the corner -- such as the originally proposed mini-brewery -- but this is beyond the City's capabilities. It should be remembered that Cicero's has now been vacant for almost four years, there are many more vacancies in the Loop and the east end of Olive St. Road is still a mess. The City is very weak with neighborhood developments and improvements.

The Quick Trip should provide some additional tax revenue for the reimagining University City School District to hire some more inept administrators. Though it remains one of the worst school districts in the area, it does a pretty good job of providing high-dollar jobs for administrators. With the school district enrollment declining 100 students a year, there may not be much of a school district left by the time 2040 gets here.

You might also consider thinking big. The Q-T would be just the beginning. Tear down everything north of the proposed gas station up to Miller Park and expand the development. Take in Miller Park too as the park isn't really used all that much. You can just tell property owners you won't condemn their properties but then do so. Mayor Terry Crow and Paulette Carr shamelessly and continually lied on the Costco project so they could be used again.

Yep, I urge you to approve the Quick Trip. It will do nothing for University City residents but one more thing for the Muck-Up U.City 2040 initiative. \*\*\*



## LaRette Reese

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**From:** David Harris <djharris11@sbcglobal.net>  
**Sent:** Monday, September 13, 2021 10:13 AM  
**To:** Council Comments Shared  
**Subject:** Agenda Item J-1, Conditional Use Permit for QuikTrip at 7579 Olive, September 13, 2021 Council Meeting

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

I encourage the Council to not sell the northeast corner of Olive Boulevard and North and South Road for use as a QuikTrip (QT) gas station and "convenience store."

If the City is not selling and does not sell the property to QT, then the Council does not have to decide about the Conditional Use Permit (CUP) for QT that is Agenda Item J-1.

Despite City Manager Rose's opinion in the August 6, 2021 press release about the CUP that "The new store and fuel facility would enhance this underutilized intersection," gas pumps and a convenience store are not an enhancement and are not economic development. If sold to QT, the City's property would be wasted on something that is not economic development.

I am certain another gas station and a convenience store were not the type of development on Olive envisioned and expressed by Council members when the Council (a) approved the Olive-170 Development, (b) added the Olive Business Corridor as a Redevelopment Project Area in connection with the Olive-170 Development, or (c) rejected other proposed developments on Olive, such as the restaurant and dog park or the mixed-use facility at Olive and Midland.

Moreover, there are already several gas stations and "convenience stores" within about a mile of Olive and North and South, including the Circle K Shell a block east on Olive, the Phillips 66 about a mile south at Delmar and Hanley, the 7-11 about half-mile west on Olive, another Phillips 66 about 8/10 of a mile west on Olive, and of course the Costco station that is planned about 1.2 miles west on Olive.

There are also several other stores close by, including Aldi across the street, Pete's Shur Save one block east, and Dollar General three blocks west.

Another set of gas pumps and a store may be good for QT but they are not good for UC.

The property is owned by the City. The City is under no obligation to sell the property to QT, unless the Council has already made a decision about the property that has not been the subject of any public discussion or disclosure. I reviewed all the Council minutes from 2021 and did not see anything about a contract with QT. I note, however, that QT's Application for CUP on page J-1-9 of the Agenda Packet identifies QT as "Owner Under Contract."

The CUP that is Agenda Item J-1 is not like the CUP for QT that the Creve Coeur City Council rejected last summer and that is being litigated. The property in Creve Coeur at the southwest corner of Olive and Graeser is owned by a private party that has a contract with QT who sued Creve Coeur about the CUP rejection. The property in Creve Coeur is not owned by the city. See St. Louis Post-Dispatch, August 23, 2021 ("Creve Coeur said no to a new QuikTrip, citing traffic concerns. But a judge overruled the city.").

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

**LaRette Reese**

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**From:** Jane & Frank <jane.franko@charter.net>  
**Sent:** Monday, September 13, 2021 11:01 AM  
**To:** Council Comments Shared  
**Subject:** Quick Trip CUP Deletion from Agenda

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

This item must be deleted or at least tabled since both the application and staff report are untruthful, substantially incomplete, and inaccurate. See Zoning Ordinance for major legal requirements not met for this project.

I will provide details upon your request. All the issues can be resolved and must be prior to City Council action.

Frank Ollendorff  
8128 Cornell Ct  
63130