

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
Monday, February 28, 2022
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on Monday, February 28, 2022, Mayor Terry Crow called the meeting to order at 6:30 p.m.

B. ROLL CALL

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

Councilmember Stacy Clay
Councilmember Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr., and Director of Public Works, Sinan Alpaslan.

C. APPROVAL OF AGENDA

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

D. PROCLAMATION

None.

E. APPROVAL OF MINUTES

1. February 14, 2022, Regular Session Minutes was moved by Councilmember Hales, it was seconded by Councilmember McMahon, and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Crow stated Council received an updated list of appointments to the City's Boards and Commissions which he would greatly appreciate his colleagues utilizing to fill future assignments.

G. SWEARING IN TO BOARDS AND COMMISSIONS

None.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Request Forms to Address Council are located on the ledge just inside the entrance. Please complete and place the form in the basket at the front of the room.

*Citizens may also provide written comments ahead of the meeting, which must be received **no later than 12:00 p.m. on the day of the meeting**. Comments may be sent via email to: councilcomments@ucitymo.org, or mailed to City Hall at 6801 Delmar Blvd.; Attention City Clerk. **Please note that to be recorded in the official record, a name and address must be provided**, as well as whether your comment is related to an agenda or non-agenda item.*

Comments adhering to the aforementioned guidelines will be provided to City Council prior to the meeting and made a part of the official record. Public access will be made available online following the meeting.

Mayor Crow thanked everyone who took the time to provide their written comments.

I. PUBLIC HEARINGS

None.

J. CONSENT AGENDA

1. Collective Bargaining Agreement - Eastern Missouri Coalition of Police Fraternal Order of Police Lodge 15
2. EDRST Grant - UCFD/U City High School - EMT Academy - Rollover Funds
3. Relocation Assistance Agreement – O’Hara (8640 Olive Blvd., Apt. C)
4. Relocation Assistance – Perry (1184 Briscoe Place, Apt. A)
5. 8008-8020 Olive Easement – Vacate, Release and Terminate (Six Fortune, LLC)

Councilmember McMahon moved to approve Items 1 through 5 of the Consent Agenda, it was seconded by Councilmember Hales, and the motion carried unanimously.

Mr. Rose made the following introductions related to organizational changes taking effect today:

Amy Williams	H.R. Director
Dawn Beasley	Assistant City Manager
John Wagner	Acting Director of Planning & Zoning
Brooke Smith	Deputy City Manager & Director of Economic Development

K. CITY MANAGER’S REPORT

1. Determination of a Member’s Eligibility on the Park Commission

Mr. Rose stated staff is recommending that Council consider the removal of James Crowe, a member of the Park Commission, resulting from his verbal and physical abuse of a City employee which occurred on November 19, 2021.

Councilmember McMahon moved to approve, it was seconded by Councilmember Cusick, and the motion carried unanimously.

2. Emergency Approval of alley cave-in repair between 6500 blocks of Crest Ave and Etzel Ave.

Mr. Rose stated staff is recommending that Council consider the emergency approval of an alley cave-in repair.

Mr. Alpaslan stated staff is requesting authorization to complete this emergency repair in the 6500 blocks of Crest and Etzel Avenues to eliminate a public safety hazard and reopen the alley for local traffic and services.

Residents notified staff about the deterioration in early fall which ultimately led to a portion of the alley collapsing into an MSD main that is connected to two sewer laterals on Etzel and Crest. The City's Sewer Lateral Program provides property owners with up to \$2,500 in assistance for repairs. However, the cost of this is astronomically higher because of the depth and complexities associated with the failed pavement, and the fact that nobody is willing to get into a trench that requires such a substantial amount of shoring for debris removal. Furthermore, although it was not found during the inspection, staff suspects that there may be damage to the sewer main. As a result, staff is recommending that J. H. Berra, an approved MSD contractor be utilized to expedite these repairs. And if the sewer main is found to be impacted in the process of completing this work, they will be able to gain immediate approval from MSD to continue the work at MSD's expense.

Councilmember Clay asked how soon the contractor would be able to start working on this repair? Mr. Alpaslan stated they are scheduled to begin work tomorrow and hope to have it concluded by the end of the week.

Councilmember Cusick posed the following questions to Mr. Alpaslan:

Q. If this was created by a collapsed MSD sewer main why isn't MSD paying for the entire project?

A. While MSD is working with the City, they do not take any responsibility for the connections to the mains that are leaking. And at this point, there have been no findings to support that this is an MSD sewer main failure.

Q. Could these leaks have a residual effect on other properties in the area?

A. Staff did not conduct an examination on Kingsland, which is where the main continues to the west. However, they could certainly ask MSD to conduct an inspection of the area to make sure everything is working properly.

Councilmember Cusick asked Mr. Rose if he could be provided with the information regarding the cause of the collapse once it becomes available? Mr. Rose stated should the information disclose that MSD is responsible the City will seek reimbursement and Council will be made aware of any determinations.

Mr. Rose asked Mr. Alpaslan if his understanding that the funding for this repair would be taken out of monies allocated for street improvements was correct?

Mr. Alpaslan stated that is correct. Since complaints were lodged at the beginning of the fiscal year staff had already planned to conduct repairs to several alleys. But unfortunately, this repair will utilize the vast majority of those funds.

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

3. Conditional Use Permit –8351 Olive Boulevard. The proposed use is for a warehouse that would exceed 50% of the total gross floor area of the premises.

Mr. Rose stated staff is recommending that Council consider a Conditional Use Permit (CUP) for a warehouse at 8351 Olive Boulevard which exceeds 50% of the total gross floor area, with the following condition:

- That the warehouse be subject to annual and random inspections by the Department of Community Development.

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

Councilmember Smotherson stated although he is a little disappointed that a building in this commercial block of Olive is being used for a warehouse, it does illustrate the mindset about this area; especially the 8200 through 8500 blocks of Olive, and the need to act by establishing a development plan.

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

L. UNFINISHED BUSINESS

1. **Bill 9452** – AN ORDINANCE AMENDING SCHEDULE VII OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN. (*Golf Course Dr. at Alanson Dr.*). Bill Number 9452 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

- 2. Bill 9453** – AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS “7579 OLIVE BOULEVARD”. (*Quick Trip Store*) Bill Number 9453 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

M. NEW BUSINESS

Resolutions

Bills

Introduced by Councilmember McMahon

- 1. Bill 9454** – AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO ZONING DISTRICTS ESTABLISHED PURSUANT TO SECTION 34-22 THEREOF, AND ENACTING IN LIEU THEREOF A NEW OFFICIAL ZONING MAP, THEREBY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY AT 1004 PENNSYLVANIA BOULEVARD TO “HR” HIGH-DENSITY RESIDENTIAL DISTRICT. Bill Number 9454 was read for the first time.

Mr. Mulligan asked Ms. Reese if the title of Bill 9454 had been amended? Mr. Rose asked if the adjustments could be made at the next meeting? Mr. Mulligan stated the Bill in Council's packet contains different language than what is listed on the Agenda. Mr. Rose stated his recollection is that it does state 400.070. However, if it is acceptable to Council staff will make sure the necessary corrections by the next meeting.

Mayor Crow asked if the first reading could still stand? Mr. Mulligan stated that it could.

N. COUNCIL REPORTS/BUSINESS

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

Councilmember Hales stated he would like to recognize members of the Plan Commission, as well as the new Acting Director, Mr. Wagner, for all of their efforts. This is a Commission that diligently scours through the materials they receive and rarely has a meeting that lasts less than three hours. He stated this is a great group of individuals who have volunteered their time to guide the City through some of its planning and zoning issues.

Councilmember Cusick stated the latest issue of ROARS published two articles on the Commission on Stormwater Issues. The first article is on the Early Warning Flood System which is now nearing completion. A website has been listed for anyone interested in learning more up-to-date information.

The second article talks about the Stormwater Master Plan and the survey that will be mailed out to some residents very shortly. He stated it is extremely important for the Commission to receive this feedback, so he would encourage anyone to complete the form either by mail, online, email, or telephone.

Councilmember Clay reported that the Library is now opened to receive patrons in its new location across the street.

3. Boards, Commissions, and Task Force minutes

4. Other Discussions/Business

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

Carl Walker, 2411 Brown Road, St. Louis, MO 63114

Mr. Walker stated he owned and operated a business in Jeffrey Plaza and when NOVUS took over this location tenants were placed on a month-to-month lease, informed that they would probably have to move, but would be compensated for their relocation expenses. Thereafter, he received a letter from Doug Marshall informing him of the amount of compensation he would receive once he completed all of the requirements. Mr. Walker stated he complied with the guidelines, found a new location, and moved in March of 2020. However, last week Mr. Marshall informed him that he was not eligible to receive any compensation.

Mr. Walker stated that he spent a lot of money relocating his business and his understanding was that if the TIF moved forward he would be compensated for his expenses. So, before taking any legal action he decided to come before Council and simply ask that the City do the right thing. Mr. Walker stated he grew up in U City, graduated from U City High, established his business here, and was forced to move. And with the millions of dollars being spent on this project, all he is asking for is his fair share based on the promises that were made.

P. **COUNCIL COMMENTS**

Councilmember Cusick reminded everyone that the Annual State of the City will be held on Wednesday at 7 p.m. This will be a virtual meeting and the link can be found by visiting the City's website.

Councilmember Clay announced that Ms. Mattie Pruitt, a resident of the 3rd Ward, will be turning 100 years old in April. Ms. Pruitt served as an auxiliary police officer, volunteered with U City in Bloom, started the Sutter Heights Block Unit, and is a long-time member of All Saints Catholic Church. Her son-in-law is Sergeant Reginald Hope, a U City Police Officer. So, on behalf of the 3rd Ward and his colleagues, he would like to wish Ms. Pruitt a very happy 100th birthday.

Mayor Crow welcomed the City's new employees and congratulated Ms. Smith on her promotion. Through your efforts, you can make U City a better place for those who live and work here.

Q. **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 close the Regular Session and go into a Closed Session, it was seconded by Councilmember Cusick.

Roll Call Vote Was:

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

Nays: None.

R. **ADJOURNMENT**

Mayor Crow thanked everyone for their attendance and closed the regular City Council meeting at 7:00 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 8:07 p.m.

LaRette Reese,
City Clerk

From: [Tom Sullivan](#)
To: [Council Comments Shared](#)
Subject: Council Comments, 02.28.22
Date: Monday, February 28, 2022 11:48:02 AM

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



February 28, 2022

COMMENTS FROM TOM SULLIVAN
751 SYRACUSE AVENUE
UNIVERSITY CITY, MO 63130

City Council Members,

This is to inform you the City of University City is again violating state laws by unlawfully spending public money on a ballot issue and also failing to report the expenditures as required by law. Of course, I am referring to your campaign to support Proposition F.

As you know, a challenge was made to the law prohibiting public funds being expended on ballot issues. But the Missouri Supreme Court unanimously upheld the law.

I have gone through this before with the University City School District and the University City Public Library. The library was found to be in violation of the law by the Missouri Ethics Commission and fined. It's unfortunate that University City has such dishonest public officials.

This time I will be filings complaints with the ethics commission again but

will also get federal authorities involved. When you violate state laws a federal case can usually be made that you also violate federal laws. There is now an Assistant U.S. Attorney who is focusing on public corruption. He is the one who handled the Steve Stenger matter.

You might recall a St. Louis official was once prosecuted by the U.S. Attorney's office after violating state election laws. As the result of a plea bargain, he resigned from office and then served some time in a federal prison.

Former state Attorney General William Webster had to resign from office and was sentenced to two years in a federal prison. Among other things, he used his office and office resources to support his political campaign. The federal judge that sentenced him said he was guilty of a misappropriation of state funds. I think the same can be said of all of you and also City Manager Gregory Rose.

A former Speaker of the Wisconsin Assembly was sentenced to 15 months in federal prison after he was found guilty of using state resources to further his campaign. The sentencing judge said his actions amounted to "common thievery."

I will be seeking the following:

1.) Every cent spent on the campaign must be paid back to the City by Mayor Terry Crow, every Council Member and City Manager Gregory Rose. With a complaint I once had against the Chief of the St. Louis Fire Department, the St. Louis Circuit Attorney made the Chief pay back what was spent to promote a bond issue out of his own pocket. The same thing needs to happen with all of you.

2.) Mayor Terry Crow, all Council Members and City Manager Gregory Rose should be prosecuted for theft of public funds to unlawfully support Proposition F. You will be subject to fines and prison terms. You should be treated like other corrupt public officials.

3.) Complaints will be filed against Mayor Terry Crow, Councilman Steve McMahon and City Attorney John Mulligan with the Chief Disciplinary Counsel. When you willfully violate laws you swore an oath to follow, then your law licenses should be taken away.

Several years back, the General Counsel at the Metropolitan St. Louis

Sewer District thought he was pretty slick and would never get caught. It took over a year but my tracking of him resulted in a 23-count federal indictment. He eventually was sentenced to 46 months in federal prison and had to give up his law license.

When you corrupt an election -- the most fundamental aspect of our democracy -- then you need to suffer the consequences.

Thank you for considering my comments. They do not relate to any agenda item.