

**MEETING OF THE CITY COUNCIL**  
**CITY OF UNIVERSITY CITY**  
**VIA VIDEOCONFERENCE**  
**Monday, August 8, 2022**  
**6:30 p.m.**

**A. MEETING CALLED TO ORDER**

At the Regular Session of the City Council of University City held on Monday, August 8, 2022, via videoconference, 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., and Director of Finance, Keith Cole.

**C. APPROVAL OF THE AGENDA**

Mayor Crow noted that Mr. Rose had requested that Item K (1) be moved from the Consent Agenda to the City Manager's Report and that they both be allowed to address the floods which recently impacted the City.

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

Mayor Crow stated this City as well as other communities suffered tragic events on July 26th and 28th, when the River Des Peres flooded, impacting over 300 homes. Two hundred of those homes have now been condemned leaving citizens displaced. Floods of this magnitude have occurred in 2008, 2011, 2013, 2014, 2019, and 2020, so something has to change. And even though U City has been working with the Army Corps of Engineers to build a basin in Overland; that's only the beginning because this is a regional issue that no one city can remedy on its own. So, he hopes that all of the areas impacted by this flood will start to work together in an effort to come up with a resolution.

Mayor Crow stated the City's ability to purchase some of the condemned properties, as it did on Wilson Avenue, can only occur after an Emergency Declaration has been declared since the City will be reliant upon additional federal and state funds to do so. And while his understanding is that President Biden has signed the Emergency Declaration, unfortunately, it is a rather slow-moving process.

Mayor Crow stated he would like to thank the City's employees for their service, as they have had to work long hours in very distressed situations and extends his sympathies to everyone impacted. He stated he would also like to thank those who have already provided their time and talents and encourage everyone who has the opportunity to please get involved by housing a displaced family or contributing to a supporting charity.

Mr. Rose stated he received his first CODE RED notification around 12:30 a.m. on July 26th and began taking action at 3:00 a.m. He then read the following comments into the record regarding the event:

*"On Tuesday, July 26, 2022, many areas of U City were flooded due to the 9 inches of rain that fell within approximately three hours. This historic amount of rain caused severe stormwater runoff into the River Des Peres which was unable to accommodate the flow and resulted in flooding in areas that have never flooded before to anyone's knowledge.*

*Initially, this flooding impacted approximately 300 homes and forced roughly 45 residents to be rescued from their homes. These residents were taken to a shelter operated by the Red Cross. Subsequently, approximately 207 dwelling units have been condemned; displacing all of those families. In addition to the flooding of residential areas, the City's facilities sustained approximately **18 million dollars** in damage to Fire Station Number 1, Centennial Commons, the Heman Park pool, community center, the Public Works yard, six police vehicles, and six Public Works vehicles. This list will continue to grow as other faulty equipment is discovered, and the full impact may not be known for weeks. The City is still assessing its public infrastructure, as some areas were too covered with debris to make a complete assessment.*

*Staff has been in close contact with the St. Louis County Emergency Center, the State Emergency Management Agency (SEMA), and the Federal Emergency Management Agency (FEMA), which has been helpful with the recovery phase of this disaster. On Friday, July 29, 2022, staff met with representatives of the County Emergency Center to discuss the documentation needed to meet the Disaster Declaration requirements and provide needed assistance to its residents. Residents were prompted to call 211 and/or visit the website, 211health.org.*

*The City's first multi-agency meeting with SEMA and FEMA occurred at Centennial Commons on August 1st, where an initial assessment of the damage was reviewed and additional resources for residents were discussed.*

*An extra bulky item pickup was approved on July 28th and began on August 1st in the east area of the City, which sustained the greatest damage. The criteria outlining items that qualify for bulky item pickup will remain in effect, but the number of items that can be placed at the curb has been waived. Under normal conditions, it takes staff approximately one month to complete bulky item pickups; however, based on the extensive amount of damage and the extraordinary volume of items that have been set out, this process will take an extended period of time. Therefore, staff would appreciate everyone's patience as they try to navigate through these very difficult conditions.*

*Community cleanup efforts include streets, public right-of-ways, and extra police patrols. In addition, all permit fees for single-family, owner-occupied homes have been waived for 90 days.*

*I would like to thank the first responders and street crews who have provided outstanding service during this emergency. As many of the City's resources were exhausted early on, a great deal of gratitude is also owed to the Red Cross, U City School District, City of Olivette, and the City of Clayton for all of their assistance. As the Mayor mentioned, the President has signed the Emergency Declaration declaring this a Disaster Area. That means federal funding will now be available for citizens to receive more assistance and the reimbursement of City expenses related to its recovery. Therefore, he would like to thank the City's federal and state delegation members, Senator Josh Hawley, Governor Parson, Representative Cory Bush, Senator Brian Williams, and Representative Joe Adams for their help in getting the Declaration to the President's desk."*

Mayor Crow stated while he is sure many of his colleagues have questions, he would like to defer any Q & A session to the Council Reports/Business section of the agenda.

#### **D. PROCLAMATIONS**

1. National Stepfamily Day – A Proclamation declaring September 16, 2022, as a day to support the stepfamilies of this nation in their mission to rear happy, healthy, and socially well-adjusted children, create strong family structures, and instill in them a sense of responsibility to all extended family members.

**E. APPROVAL OF MINUTES**

1. June 20, 2022, Study Session Minutes (FY23 Budget) were moved by Councilmember Smotherson, it was seconded by Councilmember Klein, and the motion carried unanimously.
2. July 11, 2022, Regular Meeting Minutes were moved by Councilmember Clay, it was seconded by Councilmember Hales, and the motion carried unanimously, with the exception of Councilmember Cusick who was not in attendance at this meeting.
3. July 25, 2022, Special Meeting Minutes were moved by Councilmember Smotherson, it was seconded by Councilmember Clay, and the motion carried unanimously.

**F. APPOINTMENTS TO BOARDS AND COMMISSIONS**

1. Helen Fuller is nominated for appointment to the Historic Preservation Commission as a fill-in by Councilmember Tim Cusick, it was seconded by Councilmember Klein and the motion carried unanimously.

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

2. Amy Gascon was sworn into the Park Commission on July 27<sup>th</sup> via Zoom.

**H. CITIZEN PARTICIPATION**

*Citizens may 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](mailto: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 for taking the time to share their comments and concerns with Council.

**I. PUBLIC HEARINGS**

1. Liquor License – 6700 Olive (Gas Mart #38)

Mayor Crow opened the Public Hearing at 6:48 p.m., and after acknowledging that no comments were received, closed the hearing at 6:48 p.m.

2. Community Development Block Grant (CDBG) Application (Programs)

Mayor Crow opened the Public Hearing at 6:48 p.m., and after acknowledging that no comments were received, closed the hearing at 6:48 p.m.

**J. CONSENT AGENDA**

1. Liquor License – 6700 Olive; (*moved to City Manager's Report*)
2. Community Development Block Grant (CDBG) Application (Programs)
3. Canton Ave. Phase I – Construction Engineering Services Contract
4. Golf Course Driving Range Repair and Rehabilitation Contract
5. Ratification of Emergency Purchases due to Flooding
6. Federal Lobbying Services Contract

Councilmember Smotherson moved to approve Items 2 through 6 of the Consent Agenda, it was seconded by Councilmember Hales, and the motion carried unanimously.

## **K. CITY MANAGER'S REPORT - (vote required)**

### **1. Carryover for LSBD Funds**

Mr. Rose stated staff is recommending that Council consider carrying over the LSBD Funds from the previous fiscal year to cover the events held in FY22 by the Loop Special Business District.

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

### **2. University City's Community Vision 2040 Road Map Report**

Mr. Rose stated staff is recommending that Council consider approving the Community Vision Road Map Report. Some of the key issues highlighted in this report include:

- A strong desire to incorporate intentional equity into community planning
- Support for a creative approach to economic and urban development
- Strengthening partnerships with the School District and other municipalities
- Using Olive Blvd. redevelopment as an opportunity to effect social change
- A desire for bold items in urban design
- A willingness to recognize and address environmental issues

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

Councilmember Smotherson stated he does not understand why this report needs Council's approval because, in his opinion, its consideration and acceptance occurred on July 11<sup>th</sup>. And based on that acceptance he sees this as a roadmap rather than a guide to be used by the Plan Commission in their involvement with the Comprehensive Plan.

Mr. Rose stated since the Plan Commission will certainly use this information as it begins to update the Comprehensive Plan, he believes it is important to obtain Council's approval rather than acceptance. He stated in his opinion, an acceptance simply indicates that the report is adequate, while approval means that Council is in agreement with its contents and represents the direction they would like to follow. So, in his mind, it carries a lot more weight and is an important step because of the significance of the Comprehensive Plan.

Councilmember Smotherson stated he thinks the statement on page K2 (33) which states, "*You have to develop the residential facing side of Olive Blvd businesses as part of the neighborhood,*" is incomplete because it does not indicate which streets should be developed; that "*Retain unique stores and international character,*" needs further explanation, and that he absolutely disagrees with the statement that "*Residents are concerned about the loss of small businesses and the potential for 3rd Ward gentrification,*" because this report is only talking about commercial developments. So, he would like to learn more about what the community means by "gentrification," to make sure everyone is on the same page.

Mr. Rose stated the significance of this report is that it was completely resident driven with no input from staff. So, Council might want to address any questions by having staff review the report, develop a list of questions for your review, and then invite the Chair back to directly respond to those questions.

Mayor Crow stated reading between the lines he does not think anyone actually believes that gentrification has occurred and that this statement is more of an acknowledgment that some members of this community were concerned that it might happen. He stated he views the details in this report as a vision that the Plan Commission will drill down on before its incorporation into the Comprehensive Plan, and thereafter, staff will advise Council on the next steps to be taken regarding that Plan.

Councilmember Clay asked if it was fair to say that the vision is where we want to go; the Comprehensive Plan is the roadmap for how we get there, and the strategies developed by staff will be the vehicles used to accomplish those goals? Mr. Rose stated that is a good way to describe it.

Councilmember Clay stated he would agree with his colleague regarding gentrification because he thinks they have taken great pains to mitigate that from happening in the 3rd Ward. So, while he is okay with the report as it is, there will be a need and an opportunity; as the Mayor has articulated, to weigh in on some of the details to ensure it accurately represents the direction Council believes it should be going in and how citizens think it should be manifested.

Councilmember Hales stated this report was derived from multiple surveys/meetings, as well as discussions with the Plan Commission in regular updates conducted by the Task Force. So, he also does not have an issue with accepting the report as presented, which in a broad sense, merely represents a big picture of what the community would like to see the City accomplish by 2040.

Councilmember Smotherson stated as Councilmember Hales just alluded to, accepting this document is fine since it does sort of represent a broad sense of direction. But he would hate to see Council get trapped into some of the more specific statements with respect to the Olive Development, which the Task Force has identified as "A Guide to Redevelopment".

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

### 3. Liquor License for 6700 Olive

Mr. Rose stated staff is recommending that Council consider the issuance of a Liquor License for 6700 Olive Blvd.

Councilmember Cusick posed the following questions to staff:

**Q. Do you know what type of liquor will be sold at this location?**

A. (Mr. Rose): *The applicant is requesting intoxicating liquor of not more than 22%, although there was an error in Staff's Report that states, "not more than 5%".*

A. (Mr. Cole): *Although the applicant's original request listed malt liquor in excess of 3.2%, his understanding after speaking with the managing officer is that they will be selling some specialized beers consisting of not more than 9% alcohol, and wine.*

**Q. So, what does the statement of intoxicating liquor of not more than 22% refer to?**

A. (Mr. Cole): *I am not really familiar with the percentages.*

**Q: Does the City require businesses of this nature to maintain a certain percentage of other sales?**

A. (Mr. Mulligan): *That requirement pertains to businesses wanting to sell only liquor.*

Councilmember Hales posed the following questions to Mr. Cole:

**Q. Items J1(2) and J1(6) of this application have either a checkmark or a circle for intoxicating liquor not more than 22% by the package retail, and also refer to a restaurant and bar; which this is not. So, is the 22% listed on line 12 referring to the percentage of alcohol?**

A. *My understanding is that the types of liquor they intend to sell will not contain more than 22% alcohol.*

**Q. Does the City have any gas stations that sell up to 22% alcohol?**

A. *I would have to conduct a review before I would be able to provide a correct answer to that question.*

Councilmember Hales stated while he is not necessarily opposed to a convenience store selling beer and wine, he does have questions about the meaning of "by the package," and whether it is defined in the City's Ordinances.

Councilmember Smotherson stated he has visited the applicant's store at Goodfellow and Delmar on several occasions and they don't sell alcohol there. So, he would like more information about why there is a difference in what is being sold at the two locations. And to his 2nd Ward colleagues, he would like to express concern about the location of this business, which represents the doorway to the 3rd Ward. He stated he would like to see this area remain fresh and clean to pave the way for future developments and make sure that residents who live in this area continue to feel safe and secure.

Councilmember McMahon posed the following questions to Mr. Cole:

**Q. Under the definition of Sunday Liquor License, it states that a business must have at least \$275,000 in sales from prepared meals or food. However, the applicant states they will have \$240,000 in sales. So, does that mean they should be prohibited from being issued a Sunday Liquor License?**

*A. (No answer provided.)*

**Q. Do you know if they are talking about selling large bottles or cans, as opposed to a six-pack because 22% alcohol content is pretty high for single-serve? And for reference, a Bud Light has 4 <sup>1</sup>/<sub>2</sub> % of alcohol.**

*A. My understanding is that this specialty beer will have roughly 8 or 9% alcohol, but no specifics were provided concerning the brand name.*

Mr. Rose stated many of the questions being asked could probably be answered by the Applicant, who was not invited to tonight's meeting. So, if Council is amenable, he would recommend tabling this item and inviting the Applicant to attend the next meeting.

Councilmember Clay stated wines that fall in the same category as MD-2020 could constitute a beverage that goes above 5% and below 22%.

Councilmember Hales moved to postpone this item until the next meeting, it was seconded by Councilmember Smotherson, and the motion carried unanimously.

## **L. UNFINISHED BUSINESS**

- 1. Bill 9473 – AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS “6801 DELMAR BOULEVARD. Bill Number 9473 was read for the second and third time.**

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

Roll Call Vote Was:

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

**Nays:** None.

- 2. Bill 9474 – AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR THE PROPOSED TRU HOTEL DEVELOPMENT LOCATED AT 711 KINGSLAND AVENUE. Bill Number 9474 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 McMahon, Councilmember Hales, Councilmember Cusick, Councilmember Clay, Councilmember Smotherson, Councilmember Klein, and Mayor Crow.

**Nays:** None.

## M. NEW BUSINESS

### *Resolutions - (vote required)*

1. **Resolution 2022-9** - Municipal Parks Grant; (Heman Park Splash Spray-ground)

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

### *New Bills - (Introduction and 1<sup>st</sup> reading - no vote required)*

#### *Introduced by Councilmember Hales*

1. **Bill 9475** - AN ORDINANCE APPROVING THREE FINAL RIGHT-OF-WAY DEDICATION PLATS FOR LAND ALONG MCKNIGHT PLACE, SOUTH OF DELMAR BOULEVARD. Bill Number 9475 was read for the first time.

#### *Introduced by Councilmember Smotherson*

2. **Bill 9476** - AN ORDINANCE VACATING AND SURRENDERING THE RIGHT-OF-WAY OF BRISCOE PLACE. Bill Number 9476 was read for the first time.

#### *Introduced by Councilmember Klein*

3. **Bill 9477** – AN ORDINANCE VACATING AND SURRENDERING A PORTION OF THE BARBY LANE RIGHT-OF-WAY. Bill Number 9477 was read for the first time.

#### *Introduced by Councilmember McMahon*

4. **Bill 9478** – AN ORDINANCE VACATING AND SURRENDERING A PORTION OF MCKNIGHT PLACE RIGHT-OF-WAY. Bill Number 9478 was read for the first time.

## N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions  
Councilmember Klein stated last week the Historic Preservation Commission met where the discussion focused on the Historic District guidelines and the restoration plans submitted by Trivers. The Commission determined that the plan complied with those standards and voted to approve it.
3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business  
**(Flooding)**

Councilmember Smotherson stated since people are concerned about the length of time it is taking for the removal of their bulky items can you tell us about the progress that is being made?

Mr. Rose stated while he has not received a report for the work completed today, staff has completed the following blocks:

- 6700 through 7200 block of Vernon
- 7000 through 7200 block of Dartmouth
- 7000 through 7200 block of Amherst
- 7000 through 7200 block of Tulane
- 6200 through 6300 block of Cabanne, and
- 6200 through 6300 block of North Drive

Typically, residents are allowed to set a limited number of bulky items out the weekend before a scheduled collection. But this is not a typical collection and based on the circumstances residents were encouraged to set all of their damaged items out at the curb even though they knew, based on the volume, that it was going to take an additional amount of time to complete. The bottom line is that staff is moving as quickly as they can to get everything collected and at this time he does not have an estimate for when that will occur.

Councilmember Smotherson stated on Thursday the flood caused everyone's trashcans on Purdue and Waldron to be washed away, dumping trash everywhere, but by Friday all of that trash had been removed. So, he has personally seen the exceptional work being performed by staff and would like to thank them for all of their efforts.

Councilmember Cusick posed the following questions to Mr. Rose:

**Q. How many dwellings have been condemned?**

*A. Approximately 207 single-family and multi-family units.*

**Q. My home is among those that were condemned and the letter advising me of that condemnation states that I have until October 5th to make all of the necessary repairs. However, eight weeks may not be enough time, especially since it has been extremely difficult to secure a contractor. So, what are the options available for homeowners who find themselves in this situation?**

*A. Our inspectors understand that residents were severely impacted and recognize the various socio-economic factors associated with their ability to make timely repairs. And hopefully, residents understand that it is not their desire to condemn anyone's home because they do understand the impact it will have on families. So, each condemnation will be dealt with on a case-by-case basis with the intent of working with residents in whatever way they can to help them bring their homes back into compliance.*

**Q. Once the repairs are made should homeowners contact the inspector to schedule an inspection?**

*A. Yes.*

**Q. Are the inspections currently being conducted on a timely basis?**

*A. As of Friday, I was informed that there were no significant backlogs.*

**Q. Did you say that the City would be waiving inspection and permit fees for 90 days?**

*A. That is correct. The initial thought was that most dwellings would be back in compliance within that timeframe, but if not, he may have to ask Council to approve extending that 90-day period.*

**Q. The Commission on Stormwater issues has obtained the necessary GPS equipment to measure the flood levels and determine exactly how much flooding occurred. So, will the City be working with this Commission to prepare a final report on this event?**

*A. I was aware that the Commission was taking measurements and if there is a desire for staff to work with them and create a final report they would be happy to do so.*

**Q. What does the President's action mean for people that do not have flood insurance or are underinsured?**

*A. The Flooding Declaration is the first step towards accessing the flow of federal funding for both underinsured and noninsured residents, as well as the City. However, in addition to working with the designated federal agencies, it might be wise to ask for assistance from the City's federal delegation to help expedite the availability of those funds.*

Councilmember Hales stated as recently as today, he noticed that some folks on Vernon had just started to set their bulky items out on the curb. So, there may be a need for staff to circle back through some of those blocks that have already been completed.

Mr. Rose stated once staff has finished their initial run an examination will be conducted to determine if and when another collection should be scheduled to pick up any remaining items.

Councilmember Klein stated a lot of residents are concerned about putting money back into their homes when they might be eligible for a buy-out. It took three years to accomplish buy-outs after the last flood, so she was wondering if there was any way these homes could at least be identified sooner? Mr. Rose stated currently the City does not have a buy-out program. But if Council would like to establish such a program staff could work with MSD, FEMA, SEMA, and the Army Corps of Engineers to determine the potential for creating one.



Councilmember Clay stated he attended the multi-agency meeting conducted at Centennial Commons and could plainly see the amount of preparation that was necessary to accommodate this extremely large throng of people. So, while this is only one instance, he would like to echo his colleague's appreciation for the work being performed by staff. He stated there has also been some clamoring from folks interested in donating or volunteering to help in these cleanup efforts, and while he understands that the City certainly does not have the capacity to lead in the coordination of these efforts, he does think there is a role that it can play.

Councilmember McMahan asked whether staff was able to capture a percentage of the 300 homes that were damaged by either the flood or a sewer backup? Because having a clear picture might help to impress the need for MSD's continued efforts on Project Clear, which does not appear to have updated some of the overflows projected to be completed in this area since 2020. Mr. Rose stated none of the 300 homes includes backups. What that number reflects are the homes that needed to be inspected to determine if they were still habitable because of the severe damage they sustained. Councilmember McMahan stated moving forward it might be important to make sure that the City is clear when communicating about what actually took place with respect to flooding vs. a sewer backup since the correct terminology will be vital when folks are dealing with these federal agencies. Mr. Rose stated staff is encouraging everyone who sustained damage to file a claim with the United Way to ensure they gain access to any funding available for repairs and reimbursement. And from a financial perspective, this process will also give the City a better picture of the total devastation.

Councilmember McMahan stated his home was condemned after a fire and his family was displaced for over a year. So, to offer a little hope to Councilmember Cusick, in his case, there were no hard and fast deadlines. In fact, the City inspectors were great when it came to working with their contractors and extending the deadlines until they were able to move back in.

Mr. Rose stated these comments validate his decision to recommend changing the division's name from Code Enforcement to Code Compliance because he believes it represents the City's approach to establishing a partnership with its residents to achieve compliance rather than enforcement of the Code.

## **O. COUNCIL COMMENTS**

Councilmember Cusick stated what he would like everyone impacted by these floods to know is that the homes of several members of this Council were also flooded. So, they are not only with its residents in thoughts but are personally experiencing these same frustrations. He stated his frustrations are targeted more at the Army Corps of Engineers and MSD; the two agencies that could have something to do with the continual problems associated with the River Des Peres yet have done nothing to correct them. Because as the Mayor stated, this unrelenting flooding is a regional issue that must be addressed at a regional level.

Underneath portions of the river are numerous stormwater tunnels and manhole covers where wastewater mixes with rainwater runoff. MSD has failed to repair or replace these covers which exacerbates these problems when the comingling of this water occurs during flooding events. There is also bank erosion, which MSD has done nothing to address. On its own, U City does not have the funds to make the necessary repairs, but even if it did, they are restricted by MSD's control of these areas because any projects designed to repair this erosion must first be approved by MSD.

Once again, the City asked the Army Corps of Engineers to conduct a study of the River to see what could be done; this is roughly the ninth study since 1966. They proposed to build a detention basin in Olivette to prevent some of the flooding, even though they had no idea exactly how much water the basin would hold. Next, they proposed floodproofing or elevating homes. However, if the City elected this option every resident in these designated areas would be mandated to participate; meaning that they would have to permanently relinquish their basements. And they weren't even sure if every home could be elevated high enough to have an impact. They said buy-outs wouldn't work because the return on investment would be too high to make it worth their while.

And today, a resident sent me a picture of a huge tree in the river that has been reported on numerous occasions that no one has bothered to remove.

Councilmember Cusick stated although none of the things he mentioned could have prevented the flooding, they would have mitigated some of the damage. Therefore, this lack of leadership from both organizations and their unwillingness to assist the residents of U City has prompted him to make the following recommendations:

- That Council take immediate action to discuss and hopefully develop a Buy-Out Program, and
- That Council initiates discussions to determine who has control of the River Des Peres and what can be done to pressure the responsible party/parties to come up with a regional solution that would help to alleviate some of this massive flooding.

Councilmember Cusick thanked everyone who volunteered their time, energy, and money to support those affected by this event and the individuals responsible for implementing the CODE-RED System, which provided an early warning to residents about the potential for floods. Please make sure that you are signed up to receive this very important notification.

Mayor Crow stated he agrees that going forward, U City must find a new course of action to address this regional problem.

Councilmember Smotherson stated he supports Councilmember Cusick's recommendation related to buy-outs because, in his opinion, there are specific issues associated with an apartment complex in his Ward that could hold the answers to some of these issues with flooding.

And just so this does not come as a surprise, he wanted to inform Mr. Rose that there may be an upcoming request from some of his neighbors to convene a forum with MSD to explain why all of the work they performed on certain streets had little or no impact during the floods.

#### **P. 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 to go into a Closed Session, it was seconded by Councilmember Smotherson.

Roll Call Vote Was:

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

**Nays:** None.

#### **Q. ADJOURNMENT**

Mayor Crow closed the Regular City Council meeting at 8:01 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an Open Session at 8:37 p.m.

LaRette Reese,  
City Clerk, MRCC

**From:** Mary Waters <marywaters314@gmail.com>  
**Sent:** Saturday, August 6, 2022 9:44 AM  
**To:** Council Comments Shared  
**Subject:** Comment for August 8th Meeting

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

Mary Waters

753 W Canterbury Rd, Apt C

U City, MO 63132-4536

In light of the recent STL Public Radio report (link: <https://news.stlpublicradio.org/show/st-louis-on-the-air/2022-08-05/eminant-domain-looms-over-university-city-residents-as-costco-nears-completion>) concerning the use of eminent domain in the Costco development, I wanted to write the council to insist that we allow the homeowners to negotiate whatever price seems fair to them, and *not* use eminent domain. If you think that *CostCo* can't afford to pay what our neighbors want, that sets up our local government for getting walked all over by every single future land developer who comes in and starts balking about the price when it's too late to feasibly back out. I don't care *how* much the owners want for their houses: we destroyed that neighborhood and community, and we lied and told ourselves it was all about giving tax revenue to the 3rd ward (that's never how these things work out); these homeowners deserve more than just the cost of the house. It was a mistake, but we're already here, no turning back now. But let's not make things even worse by stealing the houses from our own residents.

Thank you.

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Mary Waters

Jerrold Tiers

7345 Chamberlain

I would urge the Council to authorize another round of buyouts for often-flooded properties. I believe that some on the Council certainly agree with me on this, as they, or their near neighbors, have also been affected directly, some multiple times in recent years.

The buyout properties should be identified as quickly as possible, to relieve the owners of uncertainty. Many of the flooded properties have been condemned, some may be unrepairable. These folks need to know whether they will be bought out, in order to know what to do. The properties have poor sale prospects otherwise, and any private sale would simply bring others in to suffer future flooding.

It is only right that the City should buy out those properties as was done before. It is unreasonable that these residents should only have the option of abandoning their unsaleable homes or rebuilding where they will be flooded again. They need to have certainty of what they can expect. They need it now.

This is now our second flood of the "100 year flood" areas within the past 15 years or so. And some properties have flooded more often than that. Some have apparently now been flooded twice in two weeks. It is clear that we can expect these floods more often.

I understand that the City is working with the Corps of Engineers on ways to mitigate these floods. It does not seem that any practical retention ponds, or intentional overflow areas, can help with the sort of flood which just happened, or even the lesser flooding due to Hurricane Ike.

And flow improvements are not the answer. If you need proof of the Corps of Engineers assertion that improving the channel will make it worse for those downstream, I refer you to the picture on the front page of the Post-Dispatch from July 31. You will see that despite all the flooding and flow restrictions upstream in U City, the River des Peres flooded where it comes out of the tunnels south of Manchester Road. If "our" water had all flowed down freely, that area could have had even worse flooding.

Buyouts appear to be really the only answer for at least the worst areas. Our "100 year flood zones" have become "20 year flood zones", and the 500 year flood zones are looking more like 50 year flood zones. We should not expect these conditions to improve anytime soon.

Buyouts may not be what we want to do now. They may not be convenient to do now. They may not be easy to do now. But they are what we should do now.

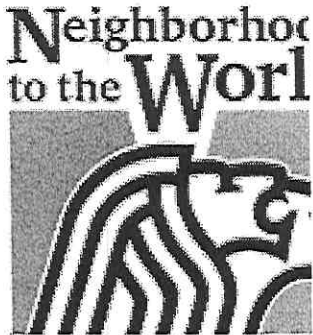
At least the condemned owner-occupied properties, and those in the most often flooded portions of the 100 year flood zones, should be bought out as soon as possible to relieve the owners of unsaleable and unusable properties.

Residents, your constituents, your neighbors, are awaiting your action.

Thank you.

**From:** Tom Sullivan <tsullivan@sullivanadvco.com>  
**Sent:** Monday, August 8, 2022 11:45 AM  
**To:** Council Comments Shared  
**Subject:** Council Comments, Aug. 8, 2022

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August 8, 2022

COMMENTS FROM TOM SULLIVAN  
751 SYRACUSE AVENUE  
UNIVERSITY CITY, MO 63130  
(Comments not on any agenda item.)

The many flood victims who feel they have been neglected by their University City government will be even more upset to learn the city wants to give away millions of dollars to a developer who is good buddies with city government. University City with Terry Crow as Mayor is more resembling St. Louis County government when Steve Stenger was County Executive.

The multi-million giveaway comes after \$70 million was given for the Costco project, which destroyed a large part of the western end of the city. In addition, University City's historic City Hall is being dismantled with a \$22 million project that makes no sense.

The Loop and the eastern end of the city continues to be neglected. It was recently the 5th anniversary of the closing of Cicero's. The space has been vacant ever since. The old Bread Company space has been vacant just as long. Both left big holes in the Loop.

The Leland to Kingsland part of the Loop used to be pretty busy at lunch time, especially on Fridays. No more. There continues to be numerous vacant spaces in the Loop.

University City will continue its decline faster due to the flooding. It will cause a loss of more residents and fewer people will want to move to the city due to all the bad publicity. Parts of the city look like a war zone.

Of course, it also doesn't help that University City Public Schools are the among the worst in the area and crime continues to rise. Not long ago, a woman was carjacked on Heman by two guys with guns -- at 2:30 in the afternoon!

Thank you for considering my comments.