

**MEETING OF THE CITY COUNCIL**  
CITY OF UNIVERSITY CITY  
CITY HALL, Fifth Floor  
6801 Delmar Blvd., University City, Missouri 63130  
**Monday, November 14, 2022**  
**6:30 p.m.**

**AGENDA**

**A. MEETING CALLED TO ORDER**

**B. ROLL CALL**

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

Councilmember Stacy Clay (*excused*)  
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.; Police Chief Larry Hampton, Fire Chief William Hinson, Fire Captain Theresa Colp, Matthew Jones, US Army Corps of Engineers

Mayor Crow acknowledged and welcomed the Boy Scouts that were in attendance working to earn their merit badges.

**C. APPROVAL OF AGENDA**

Hearing no amendments, Councilmember Smotherson moved to approve the Agenda as presented. It was seconded by Councilmember Hales.

**D. PROCLAMATIONS**

1. A proclamation recognizing and supporting Small Business Saturday on November 26, 2022.

**E. APPROVAL OF MINUTES**

1. October 24, 2022 – Study Session (National Flood Insurance Program & Basketball Courts Proposal); were moved by Councilmember McMahon, it was seconded by Councilmember Smotherson, and the motion carried unanimously.
2. October 24, 2022 – Regular Meeting Minutes; were moved Councilmember Cusick, it was seconded by Councilmember Hales, and the motion carried unanimously.

**F. APPOINTMENTS TO BOARDS AND COMMISSIONS**

1. None

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

1. Suzanne Greenwald was sworn into the Senior Commission.

**H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)**

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

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

**Linda Wigger Kraft, 7275 Creveling Drive, U City, MO**

Ms. Kraft stated she has been a garden designer for thirty years, and her garden, as well as those she has designed for others, has been on the Missouri Botanical Garden and U City in Bloom Garden Tours on numerous occasions. That's why she was confused when she received a Notice of Violation for weeds in and around her flower beds consisting of native plants specifically selected to grow in this area. She stated when the inspector came to her house to identify the weeds she contacted her supervisor in an attempt to gain a better clarification of what was being cited. But instead of clarification, the supervisor issued three new citations for tree branches on her property.

Ms. Kraft stated Mr. Rose made several comments about this incident at the last meeting, one of which characterized these notices as *"friendly reminders"*. However, she certainly would not portray the threats of fines, warrants, and court courts, contained in these notices as being friendly.

The first photo shown to Council was identified as weeds and grass when they were common botanical species that had been intentionally planted. And the violations identified in the other two photos were totally unclear. The grass on the left was shorter than the 4.5-inch lawn sprinkler and according to the Code, grass must be over 7 inches to be in violation. The plants on the right in the flower bed consist of native plants, garlic, prairie dock, black-eyed-Susan, and New England Asters. And although Mr. Rose informed Council that the violation had been abated, Ms. Kraft stated that she had never made any modifications to the flower beds. So, she has no idea what the true status of this violation is; even after sending two letters asking for clarification.

Another comment made by Mr. Rose was that his inspectors had worked with U City in Bloom to learn more about these native plant species to make sure no one was cited for planting them. However, a 2020 Notice of Violation was sent to one of the twenty-three U City gardens certified by the Audubon Society as a "Bring Nature Home Wildlife Habitat" instructing the homeowner to cut the entire garden down. So, did the City forget its 2013 and 2025 Community Partnership Commitment with the St. Louis Audubon Society for these gardens wherein an Ordinance was drafted stating *"Weeds shall not include cultivated flowers, gardens, and plants native to this region"*?

Ms. Kraft stated while she is willing to answer questions about her plants, she does not feel it should be the homeowner's responsibility to educate the City's code enforcement officers about these native plant species. Therefore, she hopes that the City will abide by its commitments by starting to hire and train professionals who know plants and will work with, not against, dedicated U City gardeners.

**Gerald B. French Sr., 1216 Talbridge Way, St. Louis MO**

Mr. French shared the accomplishments and highlights of the University City Lions (Hit-squad) football team. The team under the guidance of Coach Jeff Jones recently won their 6<sup>th</sup> straight Super Bowl Championship. He asked the Mayor and Council to join him congratulating the team on doing a great job. Mr. French stated any acts of encouragement and/or financial support to assist the team would be greatly appreciated.

**Tom Sullivan, 751 Syracuse, St. Louis, MO**

Mr. Sullivan expressed his concerns with several street and decorative streetscape lights being out throughout the City, especially along Olive, Kingsland and Vernon. There are also issues with down wires, tree branches and leaves that need to be picked up.

**I. PUBLIC HEARINGS**

1. Zoning Map Amendment – Market at Olive Phase IV, Lot A and Common Ground (REZ 22-07)

Mayor Crow opened the Public Hearing at 6:53 p.m., and after acknowledging that there were no written comments or requests to speak, the hearing was closed at 6:54 p.m.

**J. CONSENT AGENDA**

1. Ratification of Emergency Purchases due to Flooding
2. MOGS 20 oxygen generator purchase
3. Canton Avenue Phase I Construction Agreement
4. Municipal Parks Grant Agreement (Heman Park)
5. EDRST Funding Request – U City in Bloom and Farmers Market
6. Snow Equipment Purchase

Councilmember McMahon moved to approve items 1 through 6 on the Consent Agenda, it was seconded by Councilmember Cusick, and the motion was carried unanimously.

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

1. Public Safety Citizen Recognition (John Trotter)

Fire Chief Hinson, Police Chief Hampton and the Police Association recognized and honored resident John Trotter for his heroic actions during the historic floods in July of this year.

Mr. Trotter risked his life to wade across the flowing flood waters to reach the house across the street where a child was trapped in the basement by flood waters and a wall that had broken loose and blocked the door. John started chopping at the floor with a frying pan to punch a hole in the floor before the fire department arrived. Due to his efforts, the crews arriving had an accurate starting point to find the child and rescue him before the flood waters filled the final air gaps in the basement.

2. US Army Corps of Engineers RE: Detention Basin Project

Matthew Jones with US Army Corp of Engineers provided a brief update on the proposed Detention Basin Project. Mr. Rose stated he intends to work closely with the Mayor, as well as the City's lobbyists and Federal delegation to first identify and acquire funding for the design work, and ultimately, the project as a whole.

3. Update – Flood Buyout Program

Dr. Wagner stated the City submitted a list of properties to SEMA consisting of 16 homes on Wilson Avenue, 19 homes on Burch Lane, and numerous units at Hafner and Westover Court. He stated last Wednesday SEMA notified the City that the funding needed to satisfy the proposed buyouts on its list did not fit into their budget. As a result, the list has been revised as follows:

- A total of 4 homes were removed from Wilson Avenue; three at the end of the street and one on the corner of Shaftsbury; (*the red dots on the map provided to Council illustrate the homes that have been approved*)
- A total of 10 homes on Burch Lane were placed on SEMA's stacked or waitlist, to be funded if and when other cities drop out of the program
- The two most eastern buildings on Hefner Court and the one on Westover Court are eligible for funding with a zero local match; the most western building will require a 25% local match.

Dr. Wagner stated he intends to submit additional applications by April 1st.

Councilmember Smotherson asked Dr. Wagner if he had any reassurance that all of the parties associated with Hefner Court were on the same page with respect to the funding being proposed for this buyout? Dr. Wagner stated while it's always possible, everything he's received from FEMA leads him to believe that their offer to fund this buyout is reliable.

Mr. Rose stated the last project approved by FEMA to purchase the Hafner Court Apartments fell through because the owners changed their minds, not FEMA. They wanted a higher price than what FEMA could allocate. But as you know, this is a voluntary program, so this time he hopes that the new owner will be agreeable to the funding being offered.

Dr. Wagner stated he had also heard from the owner on several occasions, and he is anxious to sell this property.

Councilmember Smotherson stated his question was based on his recollection of the owner changing his mind, so he simply wanted to make sure that this time, the owner was on board.

Councilmember Cusick posed the following questions to Dr. Wagner:

**Q. Has the City contacted the homeowners of the properties that have been approved by SEMA to make sure they are aware of these decisions?**

A. Yes. Initially, an email was sent to everyone, and that will be followed up with a letter.

**Q. Have homeowners on the wait list also been advised of their status?**

A. Yes, they were included in the same email correspondence.

**Q. Were they informed about the next step, which is to submit a second application by April 1st?**

A. The April 1st application is actually a copy of the City's original request for Wilson, Burch, and Hafner Court, in the event additional funding becomes available. But if those 14 homes are still not funded, they will receive an additional 2 points to enhance their chances for approval further down the road.

**Q. So, what is the City advising these homeowners?**

A. Since SEMA has not been willing to provide any information about the chances of these homes being approved for funding, homeowners have simply been told that the City will inform them about any new developments as soon as possible.

**Q. At the outset of this process, additional resources were being offered by FEMA and the SBA. So now that SEMA has eliminated some homeowners from the buyout program are you aware of whether they still have time to submit an application to these organizations?**

A. I'm not sure what the status of those applications is, but I will find out.

Councilmember Klein asked if it was correct that the four homes removed from the list on Wilson are not on SEMA's waitlist? Dr. Wagner stated that is correct. And while he has not given up on exploring other solutions, these four homes; and maybe even a few more, will be addressed in subsequent applications.

#### 4. First Quarter Financial Report

Mr. Rose stated this report will be presented by the Finance Director, Keith Cole.

Mr. Cole stated tonight's report will cover the top four funds in the City's accounts.

### **General Fund Revenues**

Adjusted Budget	\$23,458,250
YTD Actual	\$3,144,648
Actual as % of Adjusted Budget	13.4%
<b>Increase/</b> (Decrease) compared to same quarter of FY2022	\$244,509

#### **Key Points:**

- The increase is due to receiving the last portion of the Safer Grant totaling roughly \$358,000 or 148.1%. This payment closes out the grant.
- The increase of roughly \$206,000 or 1.7% is mainly from service charges from Ambulance Services.
- There was a decrease of roughly \$81,000 or 49.8% due to receiving fewer parking fines, court fines, and court costs as compared to the previous year.
- There was a decrease in Miscellaneous Revenue of roughly \$233,000 or 94.0% due to not receiving a health plan surplus distribution from the St. Louis Area Ins. Trust as in previous years. (*Mr. Cole stated he anticipates receiving this distribution by the end of December.*)
- Note: The bulk of property tax revenue received by the City will come in during December 2022 and January 2023.

**Overall**, revenues as a percent of the budget show a slight increase of 1.7% when compared to the same quarter of FY22.

### **General Fund Expenditures**

Adjusted Budget	\$28,112,695
YTD Actual	\$7,378,083
Actual as % of Adjusted Budget	26.2%
<b>Increase/</b> (Decrease) compared to same quarter of FY2022	\$1,996,181

#### **Key Points:**

- There was an increase of expenditures in Public Works, Parks & Recreation of roughly \$1,368,000 mainly due to the emergency purchases of vehicles and equipment related to the flood.
- There was an increase in expenditures in the Police Department of roughly \$186,000 or 9.1% as compared to the same quarter in FY22. This is mainly due to the emergency purchases of three (3) Dodge Durangos as a result of the flood.
- There was an increase in expenditures in the Fire Department of roughly \$389,000 or 32.2% as compared to the same quarter in FY22. This is mainly due to the flood mitigation of Firehouse 1 and the hiring of three firefighters.

**Overall**, expenditures as a percent of the budget show an increase of 6.3% when compared to the same quarter in FY2022.

### **Capital Improvement Sales Tax Revenues**

Adjusted Budget	\$2,501,200
YTD Actual	\$246,590
Actual as % of Adjusted Budget	9.9%
Increase/ <b>(Decrease)</b> compared to same quarter of FY2022	(\$38,110)

**Key Points:**

- Sales Tax revenue decreased by roughly 0.8% during the 1<sup>st</sup> Quarter of FY2023 when compared to the same quarter in FY22.

**Capital Improvement Sales Tax Expenditures**

Adjusted Budget	\$2,191,010
YTD Actual	\$62,244
Actual as % of Adjusted Budget	2.8%
Increase/ (Decrease) compared to same quarter of FY2022	(\$21,222)

**Key Points:**

- The main reason for this decrease in expenditures is the purchase of a sixth Nissan Leaf Electric Vehicle purchased in the 1<sup>st</sup> quarter of FY2022.

**Park & Stormwater Sales Tax Revenues**

Adjusted Budget	\$1,321,000
YTD Actual	\$126,541
Actual as % of Adjusted Budget	9.6%
Increase/ (Decrease) compared to same quarter of FY2022	\$46,405

**Key Points:**

- Sales Tax revenue for the first quarter of FY2023 shows an increase of roughly 57.9% when compared to the same quarter in FY2022.

**Park & Stormwater Sales Tax Expenditures**

Adjusted Budget	\$1,270,920
YTD Actual	\$44,847
Actual as % of Adjusted Budget	3.5%
Increase/ (Decrease) compared to same quarter of FY2022	\$6,395

**Key Points:**

- This increase in expenditures is due to three (3) pay periods in September 2022. The third pay period occurred in October 2021, during the 2<sup>nd</sup> Quarter.

**Public Safety Sales Tax Revenues**

Adjusted Budget	\$2,001,000
YTD Actual	\$204,227
Actual as % of Adjusted Budget	10.2%
Increase/ (Decrease) compared to same quarter of FY2022	(\$6,745)

**Key Points:**

- Even with a slight decrease, the 1<sup>st</sup> quarter revenues for FY23 appear to be within reason when compared to the 1<sup>st</sup> quarter of FY2022.

**Public Safety Sales Tax Expenditures**

Adjusted Budget	\$440,195
YTD Actual	\$158,518
Actual as % of Adjusted Budget	36.0%
Increase/ (Decrease) compared to same quarter of FY2022	\$10,792

**Key Points:**

- The increase in expenditures, when compared to FY2022, was largely due to allocating a portion of the HR Director's salary to Public Safety to handle the Police and Fire's HR benefits. The HR position was open for most of the 1<sup>st</sup> Quarter in FY22.

Mayor Crow thanked Mr. Cole for his presentation.

**5. OMCI Application (8346 & 8488 Old Bonhomme Rd.)**

Mr. Rose stated Council is being asked to consider a request for the use of OMCI Funding from MSD for a stormwater project on private property. However, he stated he is recommending that this application be denied for two reasons.

One, MSD has acknowledged that there is a problem with the size of this pipe, which is too small to accommodate the amount of stormwater runoff it receives. And while they have expressed their intent to fix the problem, they have not identified a specific timeframe for when this work would commence. Secondly, while this may be a viable project, the City does not have a program that would allow any resident to apply for OMCI funds for improvements on private property.

Mayor Crow asked Mr. Rose what action Council was being asked to take regarding this matter? Mr. Rose stated the action being requested is to accept or reject his recommendation.

Councilmember Hales stated it seems as though the fundamental problem clearly rests with MSD. However, without knowing the cost of this improvement, could Council recommend that MSD utilize these funds to fix the problem? Mr. Rose stated if Council accepts his recommendation then his objective would be to work with MSD to identify a timeframe for the project, and to offer the OMCI funding as a subsidy; because he believes that the project in its entirety will be more than 1 million dollars.

Councilmember Smotherson questioned whether this application had been recommended for approval by the Stormwater Commission? Mr. Rose stated that it had. Councilmember Smotherson stated his understanding is that this problem affects more than the two households identified in the application because the water also flows around the corner and impacts neighbors on the other side of the street.

Mr. Rose agreed that the stormwater runoff from this pipe had created a broader problem, which is why MSD has recognized the need to install a larger pipe.

Councilmember McMahon stated his understanding is that the charge of the Stormwater Commission was to focus on community-wide initiatives, so he is not certain how this application would have even fallen under their purview.

Mr. Rose stated when this issue was first presented to staff the applicant was asked to work with MSD since they had already acknowledged that stormwater management was their responsibility. But prior to receiving MSD's response, staff decided to place the application on the Commission's agenda to garner their opinion because at the time they were conducting a broad evaluation of stormwater runoff.

Mr. Rose stated when staff finally received MSD's response they simply did not see the value in resubmitting it to the Commission, because Councilmember McMahon is correct, their primary focus is on public property. So, in all fairness, the Commission did not have all of the facts in front of them when they made this recommendation.

Councilmember Cusick moved to accept the City Manager's recommendation, it was seconded by Councilmember Klein.

Councilmember Cusick stated even though the members of the Stormwater Commission discussed this application, as well as stormwater runoff issues being compounded as a result of MSD's lack of due diligence, at length, they all understood that their role was merely to discuss the application and determine its feasibility. So, they did recognize that deciding what to do on private property was out of their purview.

Voice vote on Councilmember Cusick's motion carried unanimously.

**6. Conditional Use Permit (CUP 22-11) Market at Olive Phase IV – Lot A**

Mr. Rose stated staff is recommending that Council consider a CUP submitted by Chick-Fil-A, located at the Market at Olive.

Dr. Wagner stated this CUP is to reduce the parking in Lot A by 8.5%; from 59 spaces to 54 spaces.

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

Councilmember Smotherson asked how someone who got stuck in the middle would get out since there is no escape lane? Dr. Wagner stated he would have to refer that question to one of Chick-Fil-A's representatives.

**Justin Lurk, Principal Development Lead for Chick-Fil-A,  
5200 Buffington Road, Atlanta Georgia**

Mr. Lurk stated this isolated design is a little different, in that the building sits in the center of the lot, the drive-through runs around the building, and parking is on the outside. So, team members will be trained to assist in emergencies that occur in the dual drive-through lanes by directing vehicles to safely exit by using one of the two lanes to bypass another car.

Voice vote on Councilmember Smotherson's motion carried unanimously.

**7. Conditional Use Permit (CUP 22- 12) Market at Olive Phase IV – Lot B**

Mr. Rose stated staff is recommending that Council consider a CUP for Lot B located at the Market at Olive.

Dr. Wagner stated Lot B is a multi-tenant building located at the corner of Woodson and Olive, where the Applicant is requesting a reduction in the parking of 16.2%; from 74 to 62 spaces.

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

**8. Conditional Use Permit (CUP 22- 8) 7360 Forsyth**

Mr. Rose stated staff is recommending that Council consider a CUP for a gasoline station and convenience store located at 7364 Forsyth Blvd in the General Commercial District.

Dr. Wagner stated this application went before the Plan Commission on September 28, 2022, which included five conditions with their recommendation for approval. The owner of the business on this site; who has decided to retire, operates a full-service auto repair facility.

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

Councilmember Smotherson stated while he thinks the transitioning of this site is a great idea, he is concerned about it being a 24-hour operation largely because of its location, which is in an isolated area. So, he would be curious to know Chief Hampton's thoughts about this being a 24/7 business.



**Kevin Camp of Civil and Environmental Consultants  
3000 Little Hills Expressway, St. Charles, MO**

Mr. Camp informed Councilmember Smotherson that the Wallis Company had reached out to Chief Hampton with a proposal to utilize this site as a substation, which if approved, should address any isolation concerns.

Mayor Crow stated he's been trying to figure out the necessity for this business to be a 24/7 operation since it is located on a two-lane street in a residential neighborhood. So, while he certainly welcomes the opportunity to open this business, his preference would be to get the business started and then address the need for a 24-hour operation once the Applicant has determined that from a profitability standpoint these extended hours are actually needed.

Mayor Crow stated he would also note that there is no mention of a substation in the CUP.

Mr. Camp stated although their offer is not in the application, it still stands, and they would be willing to make a public request if necessary because they would love to have a substation at this site. He stated there are some busier streets in this vicinity, Forest Park Parkway, and Clayton. So, he is glad that Council is at least open to this being a 24-hour operation since all of the other On-The-Run locations operate on a 24-hour basis.

Councilmember Hales asked Mr. Camp if he was aware of Woodard's hours of operation because he can recall going there late at night and being able to purchase items through a window, even when access to the inside of the store was locked? Mr. Camp stated that he was not aware of their hours of operation but believes that it was not 24 hours when Wallis purchased the property in 2006.

Councilmember Hales stated although he believes Council only received two comments from residents, the feedback he's received from roughly six residents was a mixed bag, but most folks seemed pleased about the idea of having a 24-hour facility with an attendant. However, if this is to be a 24-hour operation then he would insist that a police substation be included because he believes it would be a tremendous benefit, especially during the overnight hours.

Mr. Camp informed Councilmember Hales that this location would also have over thirty security cameras.

Councilmember McMahon stated he would concur with Councilmember Hales since the residents who reached out to him also did not express a desire to restrict the hours. And unfortunately, there may not be any pushback until after this facility is up and running and residents realize that it's going to be a 24-hour operation. But, to the Mayor's point, if the substation is not in the CUP and one day it just disappears, then the City is left without any recourse to limit the hours of operation.

Mr. Camp stated that they would have no objection to including the substation in the CUP.

Councilmember McMahon amended Councilmember Smotherson's motion to add that a police substation be included in the CUP in conjunction with the Applicant's request for a 24-hour operation, it was seconded by Councilmember Smotherson.

Mr. Mulligan stated as a matter of clarification, his question is what would the hours of operation be if the substation did not come to fruition?

Councilmember McMahon stated his amendment was based on the understanding that the CUP had already established the Applicant's request for a 24-hour operation. So, does that mean his amendment would render the CUP invalid if there was no substation? Mr. Mulligan stated that it would since there are no restrictions on the hours in the original CUP.

Mr. Rose asked Mr. Camp for the hours of operation at his client's other facilities? Mr. Camp stated Wallis operates two retail chains; Dirt Cheap, whose hours are from 8 a.m. to 11 p.m., and On The Run, which are all 24-hour operations.

Mr. Rose stated if this facility did not have a substation then he thinks the hours of concern for the Police Department would most likely be from 1 a.m. to 5 a.m., where there is the greatest potential for crimes to occur.

Mr. Camp stated while they would certainly be willing to evaluate this alternative if that is the only way to get the CUP approved, the decision of whether or not to operate this substation rests with the City, not the Applicant.

Mr. Rose stated he has it on good authority that the City, as well as other municipalities, would be willing to participate in the substation. So, the only thing the City is asking the Applicant to do at this time is to construct the substation.

Mr. Camp stated they have no problem with adding a room and the necessary accommodations for a police substation, but what he would like some clarity on is whether the construction of this station alone, would permit his client to operate his business on a 24-hour basis regardless of the language contained in the amendment?

Mayor Crow stated that was his understanding. However, to be on the safe side he would like to ask Mr. Mulligan if the amendment could remain as it now stands?

Mr. Mulligan stated constructing a police station is one thing, but the owner has to be willing to allow the police to operate the station; which also needs to be included in the CUP. But, is Council now saying that if the Police Department elects not to use the substation, for whatever reason, the owner would still be allowed to operate his business 24/7?

Mayor Crow stated he thinks members of Council have reached a consensus that if a substation is constructed then they would be amenable to the Applicant's request for a 24-hour operation. And if that means that the amendment needs to enumerate that point, then he is sure Councilmember McMahon would be willing to withdraw his amendment and enter a new one with the correct wording.

Mr. Rose stated if Councilmember McMahon is agreeable to changing his amendment, then going forward the CUP would allow for a 24-hour operation if there is a substation or a 5 a.m. to 1 a.m. operation if no substation is constructed. Because the only thing the City is asking the Applicant to do at this point is to construct the substation.

Councilmember Hales stated he thinks this area should always remain designated for this specific use, and that the words "*Police Substation*" be posted on the exterior of the building.

Councilmember McMahon withdrew his previous motion and amended the original motion by adding that the daily hours of operation shall be from 5 a.m. to 1 a.m. if no police substation is constructed or 24 hours if the Applicant constructs and permits the City to operate a substation; even if the City elects not to participate. The motion was seconded by Councilmember Hales.

Councilmember Smotherson stated he wanted to make sure everyone understood that all of Council's considerations have been about one thing, making sure this is a safe environment for the employees, customers, and residents that live near this facility.

Voice vote on Councilmember McMahon's amendment carried unanimously.

Voice vote on the CUP as amended, carried unanimously.

Mayor Crow thanked everyone for their participation.

**L. UNFINISHED BUSINESS**

1. **Bill 9489** – AN ORDINANCE AMENDING SCHEDULE VII OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN. Bill Number 9489 was read for the second and third time.

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

Roll Call Vote Was:

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

**Nays:** None.

2. **Bill 9490** – AN ORDINANCE AMENDING SECTION 400.070 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO THE OFFICIAL ZONING MAP, BY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY KNOWN AS LOT A AND COMMON GROUND 2 OF PLAT 4 OF THE MARKET AT OLIVE DEVELOPMENT, FROM “PD” PLANNED DEVELOPMENT COMMERCIAL DISTRICT, “GC” GENERAL COMMERCIAL AND “SR” SINGLE-FAMILY RESIDENTIAL DISTRICT TO “PD” PLANNED DEVELOPMENT COMMERCIAL DISTRICT (“PD-C”). Bill Number 9490 was read for the second and third time.

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

Roll Call Vote Was:

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

**Nays:** None.

**M. NEW BUSINESS**

***Resolutions (vote required) - none***

1. **Resolution 2022-13** Resolution for Fiscal Year 2022-2023 Budget Amendment #2

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

2. **Resolution 2022-14** Preliminary Plan Approval – Adoption of a Resolution to approve the Preliminary Development Plan for Market at Olive Phase IV development, Lot A and Common Ground 2.

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

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

*Introduced by Councilmember Smotherson*

1. **Bill 9491** – AN ORDINANCE APPROVING A PETITION TO ADD REAL PROPERTY TO THE MARKETS AT OLIVE COMMUNITY IMPROVEMENT DISTRICT. Bill Number 9491 was read for the first time.

*Introduced by Councilmember Smotherson*

2. **Bill 9492** – AN ORDINANCE AMENDING SECTION 400.070 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO THE OFFICIAL ZONING MAP, BY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY KNOWN AS LOT B OF PLAT 4 OF THE MARKET AT OLIVE DEVELOPMENT, FROM “GC” GENERAL COMMERCIAL DISTRICT AND “SR” SINGLE-FAMILY RESIDENTIAL DISTRICT TO “PD” PLANNED DEVELOPMENT COMMERCIAL DISTRICT (“PD-C”). Bill Number 9492 was read for the first time.

*Introduced by Councilmember Hales*

3. **Bill 9493** – AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR LOT A AND COMMON GROUND 2 OF THE PROPOSED MARKET AT OLIVE DEVELOPMENT, PLAT 4. Bill Number 9493 was read for the first time.

**N. 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

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

**P. COUNCIL COMMENTS**

**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 McMahon.

Roll Call Vote Was:

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

**Nays:** None.

Note: Due to technical issues there is no audio recording of the beginning of the meeting.

**R. ADJOURNMENT**

Mayor Crow thanked everyone for their attendance and closed the Regular City Council meeting at 8:10 p.m. to go into a Closed Session on the Second floor. The Closed Session reconvened in an open session at 8:52 p.m.

LaRette Reese  
City Clerk, MRCC

My name is Linda Wigger Kraft, I live at 7275 Creveling Dr. I have been a garden designer for 30 years. My own garden, and gardens I have designed for others, have been on the Missouri Botanical Garden and U City in Bloom Garden Tours multiple times. All of these gardens are intentional gardens where every plant, many of them native, is chosen to grow there.

I was confused, when I received a notice from University City that stated “weeds... in/around flower beds”, because I know every plant that grows in my garden. They are not weeds. The inspector came to our house a few days after we received the notice to identify the supposed “weeds”, she refused and called her supervisor. The supervisor did not clarify what were weeds, instead he wrote up 3 NEW violations about tree branches on our property. (Had the previous inspection 5 days earlier missed these violations?)

While Mr. Rose characterized the violation notice in the last Council Mtg. as “a friendly reminder”. These “violation notices” are actually quite threatening when they state “failure to resolve violations...may result in the matter being referred to the court.” Threats of fines, warrants and court costs are not exactly friendly.

At the last meeting photos taken by the inspector were shown. (FIRST PHOTO SHOWN) Mr. Rose identified this photo as “and that is the weeds and grass”. I would like to clarify what is growing in that photo. ALL of these plants, including several native plants, are identified with common and botanical names at the bottom. ALL of the plants in this photo were intentionally planted. None are weeds.

Two other photos showed alleged violations. (SECOND PHOTO SHOWN) What those violations are is totally unclear to me. On the left of the photo in the grass, is a 4.5-inch-tall lawn sprinkler, the grass is shorter than the sprinkler. City code says grass is in violation if over 7 inches. On the right are plants in the flower bed, some are garlic along with native plants – prairie dock, black eyed-Susan and new England aster.

I have done nothing to these flower beds since the violation notice for “weeds...in/around flower bed” was first sent on Sept 23rd . Nothing was done before the inspectors came on Sept 28th and nothing has been done since .

Mr. Rose stated in the last council meeting “the violation has been abated”. If that means there is no longer a violation, thank you. If that means there was never a violation, that’s good too. I have no idea what the status of my violations is. I have received nothing from City Hall, even after 2 letters were sent

by my husband in early Oct. asking for clarification. If U City sends out a letter of violation, it would be friendly and useful if it could send a follow-up letter that the violation is no longer is a problem, and people could know the threat of court is gone.

Mr. Rose stated in the last City Council meeting that “we worked with U City in Bloom to learn more about the native plant species. In fact, we don’t cite those and we don’t send notices for those.”. Yet in 2020 a violation notice was sent to one of the 23 U City gardens certified by the Audubon Society as a “Bring Nature Home Wildlife Habitat”. The inspector sent a notice and told the homeowner to cut the entire garden down. Did City Hall forget its 2013 “community partnership commitment” with St. Louis Audubon Society for these gardens? Another native plant gardener was sent violation notices in 2020 against her plants. This very person helped draft the 2015 weed ordinance section B that states “*Weeds shall not include cultivated flowers, gardens and plants native to this region*” . And these are not the only U City gardeners who have received violation notices to cut down native shrubs, flowers and grasses.

U City should follow its commitment with The Audubon Society and its own section B of the “weed violations” by training code enforcement officers to recognize “cultivated flowers, gardens and plants native to this region”.

I am certainly willing to answer questions about plants, however, as homeowners it is not our responsibility to educate inspectors as to what specific plants are, any more than it is our responsibility to educate plumbing inspectors about how plumbing works. My hope is U City will hire and train professionals who know plants, and will work with, not against, the many dedicated U City gardeners.

(INCLUDE STATEMENT, PHOTOS, ST. LOUIS AUDUBON LETTER IN COUNCIL RECORDS)





**Plants Shown in Mixed Border Photo Above  
(Intentionally Planted)**

**Photo from U City Inspector**

**Ladybells - Adenaphora (ground cover)**

**Spiderwort - Tradenscancia - NATIVE**

**Peony-Peonia & Hosta**

**Japanese Painted Fern -Athyrium niponicum**

**PJM Rhododendron**

**River Oats Grass - Chasmanthium - NATIVE**

**Lily of the Valley - Convallaria majalis**

**Asiatic Lily - Lilium Asiatic**





**Turf Grass & “Weed” Grass  
(photo from U City inspector)**

**Sprinkler - 4.5 inches tall**

**(turf grass less than 4.5 inches tall)**

**Garlic intentionally planted in flower bed  
(planted for food)**

**Also Blooming in this Flower Bed Photo (on right)**

**New England Aster - NATIVE**

**Rudbeckia Herbstonne - NATIVE**

**Prairie Dock - NATIVE**





St. Louis Audubon Society  
P.O. Box 220227  
St. Louis, MO 63122  
www.stlouisaudubon.org

January 12<sup>th</sup>, 2021

To Whom It May Concern:

My name is Dan Pearson. I am the Coordinator of St. Louis Audubon's Bring Conservation Home (BCH). BCH provides consultations and detailed written advice to improve landscapes with native plants, stormwater management techniques, and wildlife stewardship practices for the benefit of ecosystems and human communities across the St. Louis region. Using criteria developed in BCH awards one of three levels of certification – silver, gold, or platinum wildlife habitat.

I recently learned of the citation issued for Kathy Freese's gold certified BCH garden and am writing to provide information in support of her current maintenance practices.

St. Louis Audubon Society envisions an ever-growing mosaic of native plant landscapes across the St. Louis region, including even the smallest urban yard. To this end, BCH has conducted more than 1,500 site visits across the region since 2011. In University City, BCH has consulted with private landowners on 103 site visits and certified 23 urban landscapes. **University City has the 2<sup>nd</sup> highest BCH program participation** exceeded only by the City of Webster Groves.

In December 2013, the University City Council endorsed BCH through a resolution and a community partnership commitment. As a result, residents receive a 50% discounted rate to participate in BCH and University City promotes the program to its residents. In addition, the Centennial Commons Bird Garden was partially funded by St. Louis Audubon.

To ensure that BCH landscapes are attractive to humans and provide food, cover and nesting sites to birds, butterflies, and other pollinators, BCH Habitat Advisors emphasize the need for science-informed, ongoing maintenance. Rather than cutting back all vegetation and raking leaves before winter, BCH recommends "leaving the leaves" and dormant plant material until spring to maximize wildlife benefits. The seed heads of perennial wildflowers are a particularly important food source for wintering and migratory songbird populations.

University City has a weed ordinance stipulating the height of weeds and [turf] grass in Section A. Then Section B allows for the unlimited height of garden vegetation for aesthetic, wildlife, and/or soil loss benefits, with no seasonal conditions. I believe that this should relieve Kathy Freese from cutting down dormant garden plants during winter or removing a few dead tree branches that help collect leaves and provide wildlife cover.

The rewards of BCH wildlife habitats are supported by research conducted on by St. Louis University's Billiken Bee Lab include Monarch butterfly and songbird migration, pollination, predation, and even courtship behavior — all courtesy of native plants in home landscapes. BCH landscapes help reverse the population decline of many species and inspire families with nature encounters at home.

*Our mission is to create a community connection to nature through education and conservation.*



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While supporting positive action for the environment at home and work, BCH supports a network of small nature sanctuaries intended to inspire community-wide engagement for conservation practices. BCH values University City as one of those conservation-minded communities.

Therefore, I encourage reconsidering enforcement of Kathy Freese's citation warnings.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Pearson", with a long horizontal line extending to the right.

Dan Pearson  
BCH Coordinator  
[dan@stlouisaudubon.org](mailto:dan@stlouisaudubon.org)  
(314) 718-3967

*Our mission is to create a community connection to nature through education and conservation.*