

**MEETING OF THE CITY COUNCIL**  
CITY OF UNIVERSITY CITY  
CITY HALL, Fifth Floor  
6801 Delmar Blvd., University City, Missouri 63130  
Monday, December 12, 2022  
6:30 p.m.

**AGENDA**

**A. MEETING CALLED TO ORDER**

At the Regular Session of the City Council of University City held on Monday, December 12, 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 Parks, Recreation and Forestry/Interim Director of Public Works, Darren Dunkle.

**C. APPROVAL OF AGENDA**

Hearing no revisions, Councilmember Hales moved to approve the Agenda as presented, it was seconded by Councilmember McMahon, and the motion carried unanimously.

**D. PROCLAMATIONS**

1. None

**E. APPROVAL OF MINUTES**

1. November 14, 2022 – Study Session (Comprehensive Plan Update), was moved by Councilmember McMahon, it was seconded by Councilmember Cusick, and the motion carried unanimously with the exception of Councilmember Clay, who abstained due to an excused absence.
2. November 14, 2022 – Regular Meeting Minutes, was moved by Councilmember Klein, it was seconded by Councilmember Smotherson, and the motion carried unanimously with the exception of Councilmember Clay, who abstained due to an excused absence.
3. November 28, 2022 – Study Session (Proposed changes to Pension Plans), was moved by Councilmember Cusick, it was seconded by Councilmember McMahon, and the motion carried unanimously.
4. November 28, 2022 – Regular Meeting Minutes, was moved by Councilmember Smotherson, it was seconded by Councilmember Hales, and the motion carried unanimously.

**F. APPOINTMENTS TO BOARDS AND COMMISSIONS**

1. Ellen Hartz is nominated for reappointment (special third term) to the Plan Commission by Councilmember Jeff Hales, it was seconded by Councilmember McMahon, and the motion carried unanimously.

2. Mark Harvey is nominated for reappointment to Plan Commission by Councilmember Jeff Hales, it was seconded by Councilmember McMahon, and the motion carried unanimously.
3. Patricia McQueen is nominated for reappointment to the Plan Commission by Councilmember Jeff Hales, it was seconded by Councilmember Cusick, and the motion carried unanimously.

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

1. Connie Mueller was sworn into the Green Practices Commission at tonight's meeting.

**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.

**Diane Bonds, 8665 Spoon Drive, U City, MO**

Ms. Bonds stated as there seems to be a problem with one of her neighbor's family members using their street to park two motorcycles, two large trucks, and two, 8 x 12 trailers, she would like information about whether there is a difference between public and residential parking? She stated although the police ticketed one of the trailers because it was not registered, and the motorcycles have been moved off the sidewalk, her main concern is the lack of visibility for traffic turning onto the street whose visibility is blocked by these vehicles. They also prohibit emergency vehicles from accessing the street. Ms. Bonds stated while she does not wish to cause any problems for her neighbor, this individual does not live on their street, so she would just like to talk to someone who could hopefully help her resolve this issue before it escalates into something more serious.

Mayor Crow informed Ms. Bonds that since this is not a question-and-answer format; the City Manager would have a member of his staff to contact her.

**Chris Chesley, 1519 Tower Grove Avenue, St. Louis, MO**

Mr. Chesley stated as one of the owners of Starbud's Marijuana Dispensary on Olive, and a member of the Trade Association, he would like to make Council aware of a few things he learned at the last Trade Association meeting. Members were informed by private counsel and the State Attorney representing their Medical Marijuana Department that;

- Municipalities will likely need to amend their ordinances to allow for the operation of dispensaries offering recreational sales of marijuana, and that
- The tax ordinance on tonight's agenda would have to be amended to include the sale of recreational and medical marijuana sales

He stated the new legislation also allows for cannabis lounges, which have been built into his facility. So, an ordinance and licensing process for the temporary and long-term use of these lounges may be needed. Mr. Chesley stated their goal is to open around February of 2023, and while the vast majority of municipalities plan to initiate a 3% sales tax he believes that a 2% tax would generate more business for U City.

**Tom Sullivan, 751 Syracuse, U City, MO**

Mr. Sullivan stated he recently provided a list of community issues to the City Manager, some of which have been resolved and others that have not.

Today, he would like the City to focus on the ongoing issue of vacancies for which he is providing a to-do list for the upcoming year.

**The Loop:**

- Cicero's Restaurant; vacant for over five years; the hair salon, and U City Grill
- The Melting Pot Restaurant; vacant for years, as well as the adjoining unit
- The St. Louis Bread Company; vacant for over five years,
- Commerce Bank; now located in a smaller space across the street with limited services
- The Craft Alliance building owned by Washington University

**Further East:**

- Retail spaces at Midland and Delmar
- A vacant corner at Midland and Olive
- The historic Hamburger Heaven Building that was torn down at Pennsylvania and Olive
- The old gas station at Olive and Ferguson
- Even further east are several vacant and dilapidated buildings located amid automobile parts and junkyard facilities

Mr. Sullivan stated green space is continually being eliminated and it's hard to understand why these buildings have remained vacant for so long. But perhaps, these areas have been neglected because the City has been so obsessed with Costco.

**I. PUBLIC HEARINGS**

1. None

**J. CONSENT AGENDA**

1. Ratification – Phone Services Renewal Contract
2. Pershing Avenue Supplement Agreement
3. Kempland Bridge Supplement Agreement
4. Westgate Change Order
5. Cochran Engineering Supplement Agreement #7A - 2023 Asphalt Overlay

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

**K. CITY MANAGER'S REPORT**

1. Centennial Commons

Mr. Rose read the following information pertaining to Centennial Commons into the record: *"The historic flooding that occurred on July 26, 2022, resulted in more than 14 million dollars in damages to City property, which includes numerous public safety and non-safety vehicles and equipment, a fire station, the Public Works yard, the community center, Centennial Commons, and the pool. Today, the City has spent approximately 3.3 million dollars in recovery efforts, while only receiving \$739,000 in reimbursements from insurance. This has resulted in a net of approximately 2.6 million dollars in out-of-pocket expenses.*

*Because President Biden declared portions of U City as disaster areas, staff is applying for federal funding from the Federal Emergency Management Agency (FEMA), with the hope of recovering a significant portion of these expenses; although it is unlikely that the City will be made whole.*

*The damage caused by this historic flood resulted in the closure of many areas within Centennial Commons, which will remain closed until further notice, and has been posted on the City's website. However, the business office is being used and staff is exploring options to reopen the cardio area. Interim Public Works Director, Darren Dunkle, is working with building officials to determine if the Condemned Order can be lifted for the cardio, track, and remaining business areas.*

The estimated cost of fully restoring Centennial Commons and the pool is approximately 1 million dollars. I was also told by FEMA representatives that if the City restores facilities without their approval, those expenses will not be reimbursed.

As you give some thought to restoring non-emergency City facilities, I would ask that you keep in mind that the City has other major costs on the horizon.

- The match for the Federal Buy-Out Program is estimated at 1.6 million dollars;
- The match for the detention basin is estimated at 3.5 million dollars;
- The deficit for the Public Safety Pension Fund remains at 7.6 million dollars, and
- 24 million dollars in debt service is needed for the Police Annex and Trinity Building renovations

Because Centennial Commons is a non-emergency facility; there are other major costs on the horizon, and the City will be reimbursed for some of these restoration costs if it receives approval from FEMA, he would recommend that Centennial Commons not be restored at this time."

Mr. Rose then asked Mr. Dunkle if he would provide Council with the information he had obtained regarding restoration costs for several City facilities.

Mr. Dunkle stated the scope of work for these restorations have already been submitted to FEMA, and it will probably take several months before the City receives approval and reimbursement.

### **Building Restoration Costs**

Centennial Commons	\$656,000	for electricity, walls, and flooring
Swimming Pool	\$350,000	for electricity, walls, concession, lobby, storage, locker room, fencing, water heater, etc.
Jack Buck Baseball Field	\$136,000	for field, fencing, and warning track
Dog Park	\$70,000	for fencing

Councilmember Smotherson posed the following questions to Mr. Rose:

**Q. Is there a breakdown of the \$739,000 received from insurance?**

A. While I can provide Council with the breakdown, I do not have the information with me tonight.

**Q. Was the payment for the facilities mentioned by Mr. Dunkle?**

A. It also covered police/fire equipment, and the fire station.

**Q. Do you have an understanding of why their payment was a lesser amount than the actual replacement costs?**

A. We were fully aware that the City would not be made whole by this reimbursement and can provide Council with a list of items that were covered and the percentages that were paid.

Mr. Rose stated Mr. Dunkle is also working with Cardinals Care which supports the Redbird Rookies Program and has provided funding in the past for maintaining the Jack Buck Field. They are looking at the cost estimates and the hope is that they will help with some of the restorations.

Councilmember Clay posed the following questions to Mr. Rose:

**Q. When does the City anticipate receiving a response from FEMA?**

A. FEMA has not provided the City with a timeframe.

Q. Centennial Commons is a meaningful asset that I have received numerous calls about. So, if this process extends into months, my thinking is that there may come a point when Council will have to make a decision about the next steps that should be taken.

A. I intend to work with the City's federal delegation to hopefully expedite the process. But absorbing these costs on our own is not something I would recommend since the goal is to come out of this in a strong financial position. Disasters can occur at any moment, and if there is a next time, the City needs to be prepared to handle it in the event the government does not step in.

**L. UNFINISHED BUSINESS**

- 1. BILL 9421 – (to be withdrawn)** 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 MULTIPLE PROPERTIES IN REDEVELOPMENT PROJECT AREA 1 FROM PUBLIC ACTIVITY (“PA”), INDUSTRIAL COMMERCIAL (“IC”), GENERAL COMMERCIAL (“GC”), HIGH-DENSITY RESIDENTIAL (“HR”) AND SINGLE-FAMILY RESIDENTIAL (“SR”) DISTRICTS TO PLANNED DEVELOPMENT – MIXED USE (“PD-M”) DISTRICT AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

Councilmember Clay withdrew his previous motion to introduce Bill Number 9421, it was seconded by Councilmember Klein, and the motion to withdraw carried unanimously.

- 2. Bill 9440 – (to be withdrawn)** 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 AT 1309 PARTRIDGE AVENUE FROM PUBLIC ACTIVITY (“PA”) TO PLANNED DEVELOPMENT—RESIDENTIAL USE DISTRICT (“PD-R”), AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

Councilmember Smotherson withdrew his previous motion to introduce Bill 9494, it was seconded by Councilmember Hales, and the motion carried unanimously.

- 3. Bill 9494 –** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF UNIVERSITY CITY AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR THE KEMPLAND PLACE ROAD BRIDGE RECONSTRUCTION OVER BRANCH OF RIVER DES PERES. Bill Number 9494 was read for the second and third time.

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

Roll Call Vote Was:

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

**Nays:** None.

**M. NEW BUSINESS**

***Resolutions (vote required)–***

- 1. Resolution 2022-17:** Encouraging Great Rivers Greenway (Bike Path)

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

Councilmember Klein stated in her opinion, this will be a tremendous asset to the City. Therefore, she would like to thank Mr. Mark Weiner, who worked with Great Rivers Greenway and brought this issue before Council.

Voice vote on Councilmember Klein's motion carried unanimously.

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

*Introduced by Councilmember Cusick*

1. **Bill 9495** – AN ORDINANCE IMPOSING AN ADDITIONAL SALES TAX IN THE AMOUNT OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD IN THE CITY OF UNIVERSITY CITY, MISSOURI, AND PROVIDING FOR THE SUBMISSION OF A PROPOSITION AUTHORIZING SUCH TAX TO THE QUALIFIED VOTERS AT THE GENERAL MUNICIPAL ELECTION ON APRIL 4, 2023. Bill Number 9495 was read for the first time.

*Introduced by Councilmember Smotherson*

2. **Bill 9496** – AN ORDINANCE AMENDING SECTION 100.180 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO WARD BOUNDARIES, BY REPEALING SECTION 100.180 AND ENACTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS “SECTION 100.180 WARDS”, THEREBY AMENDING SAID SECTION SO AS TO CHANGE THE BOUNDARIES OF THE CITY’S THREE WARDS. Bill Number 9496 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)**

**Aren Ginsberg, 430 West Point Court, U City, MO**

Ms. Ginsberg reported that his past weekend the U City TNR volunteers vetted three community cats and placed one kitten up for adoption. In total, since 2018 these volunteers have vetted 350 cats and placed more than 70 into rescue facilities at no cost to taxpayers. Unfortunately, since the use of cat food, water, and shelter, is not explicitly listed as permitted acts, it continues to spark misunderstandings between the volunteers and code enforcement, which could potentially result in the assessment of a \$500 fine. Therefore, on behalf of these volunteers, she would respectfully request that Section 210.13 of the Municipal Code be amended to add, *“Providing food, water, and shelter”* to the list of permitted acts. Thank you for your service to our community.

**P. COUNCIL COMMENTS**

**Q. ADJOURNMENT**

Councilmember Hales moved to adjourn the meeting, it was seconded by Councilmember Cusick, and the motion carried unanimously

Mayor Crow thanked everyone for their attendance and adjourned the Regular Council Session at 7:05 p.m.

LaRette Reese  
City Clerk, MRCC