

**MEETING OF THE CITY COUNCIL**  
 CITY OF UNIVERSITY CITY  
 CITY HALL, Fifth Floor  
 6801 Delmar Blvd., University City, Missouri 63130  
**Monday, February 27, 2023**  
**6:30 p.m.**

**AGENDA**

**A. MEETING CALLED TO ORDER**

At the Regular Session of the City Council of University City held on Monday, February 27, 2023, 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 Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr.; Director of Parks Recreation and Forestry, Darren Dunkle; Director of Public Works, Darin Girdler; HR Director, Amy Williams; Finance Director, Keith Cole; Police Chief, Larry Hampton, Lauren Mosser of Gallup, and Planning and Development Director Dr. John Wagner

**C. APPROVAL OF AGENDA**

Mr. Rose made the following requests:

- That a Public Hearing on Bill Number 9501, be added to the Agenda as Item J (2);
- That a Public Hearing on Bill Number 9502, be added to the Agenda as Item J (3);
- That Item M (3); Bill Number 9503, be tabled, and
- That Item M (4); Bill Number 9504, be tabled.

Councilmember Smotherson questioned whether Mr. Patrick Fox could be sworn in today if his nomination is approved by Council? Mayor Crow stated anyone appointed to a commission could be sworn in at any time.

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

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

**D. PROCLAMATIONS - (Acknowledgement)**

None

**E. APPROVAL OF MINUTES**

1. February 13, 2023 – Study Meeting Minutes (UCPD Substation) were moved by Councilmember Klein, it was seconded by Councilmember Smotherson, and the motion was carried unanimously.
2. February 13, 2023 – Regular Meeting Minutes were moved by Councilmember McMahon, it was seconded by Councilmember Hales, and the motion carried unanimously.

## F. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. Patrick Fox is nominated to the Park Commission as a fill-in by Councilmember Bwayne Smotherson, it was seconded by Councilmember Clay, and the motion carried unanimously.

## G. SWEARING IN TO BOARDS AND COMMISSIONS

1. Susan Armstrong, Dorothy Davis, Cirri Moran, Jim Nowogrocki, Jeff Dobslaw, and Christopher Blumenhorst were all sworn into the Industrial Development Authority board via Zoom on February 24, 2023.

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

### ***Procedures for submitting comments for Citizen Participation and Public Hearings:***

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.

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

Mr. Sullivan stated he found it interesting how the Industrial Development Authority was formulated and a new Board was appointed at the February 13th Council meeting, with very little public notice. And since the seventh member, Chris Blumenherst was added during the meeting; a violation of the Sunshine Law, he would like to remind Council of a similar incident that occurred in the City of Chesterfield. When a prosecuting attorney, whose name had been omitted from the agenda was approved, their citizens sued. The Court ruled in their favor and imposed a fine on the City, along with the reimbursement of attorney's fees.

Mr. Sullivan stated on Saturday, February 25th, a Special Session of the Council was held where the City Manager presented his goals and priorities; which to his surprise, failed to include any goals addressing the City's failing School District. An editorial in the *Post Dispatch* suggested that the District merge with Clayton. And since U City schools have been listed as the worst in the area, he believes a merger would represent the best solution for U City students and is something that needs this administration's immediate attention.

Also, during that meeting, Mayor Crow commented that the City should not be faulted for the vacancies in The Loop. However, it might be worth noting, that the downtown business districts of Kirkwood and Webster Groves are thriving. Perhaps, that's because they are more diverse and have better City governance.

Mr. Sullivan then identified what he believed to be aesthetic and safety issues within the City:

- Inoperable streetlights at the No. 4 parking lot; Vernon west of Kingsland; Eastgate; Ferguson north of Olive; Olive east of Hanley; Midland; Wellington, and Chamberlain
- Hanging utility wires in the alley behind 758 Kingsland
- A broken fence at Kingsland Park, and
- A bench with broken slats and peeling paint at several City parks, and
- The chronic deterioration of Lewis Park

Recently Mr. Sullivan read that the City is soliciting comments for proposed changes to Metcalf Park. But after observing the "*improvements*" made to Ackert Park, he believes that any changes would only make things worse.

**I. COUNCIL COMMENTS**

**J. PUBLIC HEARINGS**

**1. Liquor License**

Mayor Crow opened the Public Hearing at 6:37 p.m., and after acknowledging that there were no written or verbal comments the hearing was closed at 6:37 p.m.

**2. Bill Number 9501**

Mayor Crow opened the Public Hearing at 6:38 p.m., and after acknowledging that there were no written or verbal comments the hearing was closed at 6:38 p.m.

**3. Bill Number 9502**

Mayor Crow opened the Public Hearing at 6:38 p.m., and after acknowledging that there were no written or verbal comments the hearing was closed at 6:38 p.m.

**K. CONSENT AGENDA - (one voice vote required)**

**1. Liquor License**

**2. Ratification – LSBD Reimbursement**

**3. EDRST Funding Request – Mannequins in the Loop, LSBD**

Councilmember Clay moved to approve Items 1 through 3 of the Consent Agenda, it was seconded by Councilmember Hales, and the motion carried unanimously.

**L. CITY MANAGER’S REPORT: PART 1 - (voice vote on each item as needed)**

**1. Employee Years of Service Awards – No Vote Required**

Mr. Rose, Amy Williams, Mayor Crow, and the various department heads presented the following Service Awards:

**Police Department - Chief Hampton**

**Five Years of Service**

Joshua Mosley  
Charlotte Mitchell  
Caleb Johnson

**Twenty Years of Service**

Christopher Stark  
Walter Wilkins  
Fredrick Lemons

**Twenty-Five Years of Service**

Timothy Lay  
Jennifer Polsky-McClain

**Thirty Years of Service**

Deanna Burress

**Public Works - Darin Girdler**

**Five Years of Service**

Michael Green

**Fifteen Years of Service**

Ricky Chambers

**Twenty Years of Service**

Walter Wilkins

**Finance Department - Mr. Rose**

**Ten Years of Service**

Keith Cole

**2. Gallup Partnership RE: Employee Engagement**

Mr. Rose stated staff is recommending that Council consider an agreement with Gallup Partnership to assist with the City's employee engagement efforts.

Ms. Williams stated a known fact is that exit interviews offer a wealth of knowledge about an employee's satisfaction, knowledge, and dissatisfaction with the entity they work for. So one of the City's objectives in trying to build a culture of engagement is to begin surveying its employees before they reach the point of needing an exit interview.

### **Why Engagement?**

An engagement-focused strategy *builds a culture of high development and produces sustainable high performance, even amid disruption.*

Employees have *fundamental psychological needs* that must be met to achieve and sustain high performance. This is as true for independent, remote workers as it is for those who work collaboratively in the office.

### **Byproducts of Engagement**

- Gallup defines engaged employees as more than simply satisfied; they are highly involved and enthusiastic about their work and workplace. They drive performance and innovation and move the organization forward.
- Gallup's research proves that when employees are engaged, they exert more effort on the job, going above and beyond what their role typically requires.
- Engaged employees are more productive, more profitable, have fewer safety incidents, are customer-focused, and are more likely to withstand the temptations to leave their organization.

#### **Retention – Leadership – Loyalty - Performance**

- ✦ *It's expensive to lose employees; especially during the transition of employees off-boarding and on-boarding.*
- ✦ *Losing employees can be contagious and creates knowledge gaps.*
- ✦ *Numerous turnovers can bring about a negative reputation.*

### **The Manager's Role in Engagement**

Employees have high expectations of their managers, which makes them one of the biggest drivers in a business's culture. Gallup has surveyed over 37 million employees and understands how to quantify those responses to give managers recommendations and tools they can use daily to lead their teams.

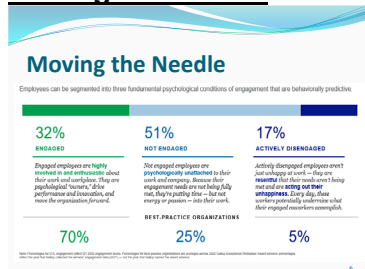
- After years of research, Gallup concludes that managers are responsible for 70% of the variance in employee engagement. Most organizations measure and promote engagement without providing managers with the tools they need to lead their teams well.
- To help measure engagement rather than just satisfaction, Gallup assesses the most important items related to your organization's performance and business outcomes. Then they provide the best-practice advice and learning that you and your managers need to act on those items.

## Four Levels of Engagement

	ENGAGEMENT ELEMENT	EMPLOYEE NEED
GROWTH How do I grow?	Q12. This last year, I have had opportunities at work to learn and grow.	Challenge me
	Q11. In the last six months, someone at work has talked to me about my progress.	Help me review my contributions
	Q10. I have a best friend at work.	Help me build mutual trust
TEAMWORK Do I belong?	Q09. My associates or fellow employees are committed to doing quality work.	Help me feel proud
	Q08. The mission or purpose of my company makes me feel my job is important.	Help me see my importance
	Q07. At work, my opinions seem to count.	Hear me
INDIVIDUAL CONTRIBUTION What do I give?	Q06. There is someone at work who encourages my development.	Help me grow
	Q05. My supervisor, or someone at work, seems to care about me as a person.	Care about me
	Q04. In the last seven days, I have received recognition or praise for doing good work.	Help me see my value
BASIC NEEDS What do I get?	Q03. At work, I have the opportunity to do what I do best every day.	Know me
	Q02. I have the materials and equipment I need to do my work right.	Free me from unnecessary stress
	Q01. I know what is expected of me at work.	Focus me

These are the 12 questions HR/Gallup has suggested be asked to the City's employees over the next three years. The right column helps desensitize what the employee's needs are.

## Moving the Needle



The first sets of numbers represent common results that might also reflect where the City is today. The Senior Executive Team is now in position and thinks this is a good time to start accessing where the City's employees are. The ultimate goal is to move to the second set of numbers which reflects only 5% of employees being actively disengaged.

## Next Steps

- Partner with Gallup to assess University City employees
- Gallup will host a meeting to provide detailed results to the Executive Team
- Access to the Gallup Mobile App where leaders can review multiple resources articles, videos, podcasts, engagement plans, and monitor action plans
- Gallup assists in messaging by developing a communication strategy
- Over this three-year partnership, recommendations, and not just results, will be provided
- Annual reflection calls will be provided to assess wins and opportunities

## Simple - Sustainable – Speedy - Accurate

Councilmember Smotherson asked how Council would be apprised of the program's results? Mr. Rose stated this program is based on the need to make certain the City is doing all that it can to retain and educate its employees; especially those who will be taking on supervisory roles. That said, the vast majority of information derived from this program will be made available to Council, as well as the public.

Councilmember Clay stated as an employee whose organization utilizes Gallup's tools; he would like to offer a couple of tips. Since most of the information will be sent to employees in the form of an email; which can come across as simply something else to do, the communication about why engagement is important and what it can lead to is very critical. So, clearly articulating what the data will be used for, connecting the activities being recommended, and the actions that are being taken, will help employees buy into this program; especially when they begin to see that the result is things are being done differently.

Councilmember McMahon asked if his assumption that the results of the data being captured would

be provided to Mr. Rose, who in turn, would begin working with his directors to implement the recommended strategies, correct? Ms. Williams stated that it was. Councilmember McMahon stated he believes that Council would be interested in looking at some of the data that would help them evaluate employees as it relates to the retention of the City's directors. So will directors be asked to answer the same twelve questions, and will that information be provided to Council?

Ms. Mosser stated every employee within the City will be asked to take the survey and the results can be sliced and diced by the variables that make the most sense to the City. So yes, it can be customized into different reporting groups.

Councilmember Hales questioned whether Gallup will offer any guidance on what needs to happen to make sure that the City is making improvements? Ms. Mosser stated the survey being utilized is called "*Gallup Access*," which has an advice and analytics platform. As a result, every manager will have the option of viewing the lowest and highest-ranked items, and receiving advice, analytics, and action items tailored to their direct team. Gallup's contract with the City also provides guidance and interaction between the parties to ensure that the platform's recommendations are really moving the needle forward.

Mayor Crow thanked Ms. Williams for her presentation.

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

### **3. Centennial Commons and Pool Electrical Work**

Mr. Rose stated staff is recommending that Council consider advancing the repair of the electrical system for Centennial Commons and the Pool.

Mr. Dunkle stated Council has been provided with two proposals from Reinhold Electric for electrical upgrades. No breakdown has been provided for the work on these two systems since they have a shared electrical panel. However, there is a difference in the price of the two proposals based on existing problems with the supply chain and the amount of time it will take to receive certain components. Proposal No. 1 is an expedited order that will allow the City to receive the main panel in a couple of weeks. Proposal No. 2 lowers the costs if the City decides to wait for up to twenty-four months to receive the parts. Mr. Dunkle stated although this is not the only work that will be needed to get the pool up and running, it is the main component. So, to get the pool open for summer, staff is recommending that Council give consideration to approving Proposal No. 1

Councilmember Smotherson asked if this repair would allow patrons to utilize the lobby area associated with the pool? Mr. Dunkle stated the other repairs associated with the pool being fully operational are drywall, flooring, the front desk in the lobby, computer equipment, and the fencing surrounding the pool.

Mr. Rose stated he had received some questions regarding the City's submittals to FEMA. And if it is acceptable, he would ask the Director of Finance and provide a brief update.

Mr. Cole stated seven projects have been submitted to FEMA for reimbursement; Fire Department overtime; Fire House No. 1; city-wide debris removal, building damage, park damage; Centennial Commons, and the public library. The only submittal still outstanding is for damaged vehicles. FEMA requires that the adjuster's assessment be completed and included with the application and a follow-up meeting with the adjusters is scheduled to take place in two weeks.

The completed applications are currently being reviewed for compliance by the Consolidated Resource Center (CRC), a division of FEMA. The next step is validation by SEMA, which issues the reimbursement check.

Mr. Rose stated there has also been some discussion about the City's ability to receive

reimbursement if it decided to proceed with some of these repairs on its own. So, is there any guarantee that the City will get reimbursed if it decides to proceed before receiving approval from FEMA? Mr. Cole stated there is no guarantee that any project will be reimbursed.

Councilmember Klein moved to approve staff's recommendation, it was seconded by Councilmember Clay, and the motion carried unanimously.

**M. UNFINISHED BUSINESS - (2<sup>nd</sup> and 3<sup>rd</sup> readings require a roll call vote)**

- 1. Bill 9501** – AN ORDINANCE AMENDING SECTION 400.2700 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO THE ZONING REVIEW PROCEDURE FOR CONDITIONAL USES, BY AMENDING SUBSECTION D.1 THEREOF, RELATING TO CITY COUNCIL ACTION. Bill Number 9501 was read for the second and third time.

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

Roll Call Vote Was:

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

**Nays:** None.

Mr. Mulligan stated there are two medical marijuana facilities operating in U City which under Ordinance 7102 met the 500-foot buffer requirements. However, Missouri voters approved Constitutional Amendment 3 which established a different method for determining the 500-foot buffer. As a result, the facility located at 6662 Delmar is no longer in compliance with Bill 9502 since it has now been determined to be located within 490 feet of the church located at 6800 Washington. Therefore, staff has recommended that a new Section 2 be included in the Bill which reads: *"The buffer requirement in Section 400.1495. (a). 1 shall not apply to any medical marijuana dispensary lawfully operating under a Conditional Use Permit as of the effective date of this Ordinance. And any such facility may convert to a comprehensive marijuana dispensary facility at the same location if the facility meets all other requirements of this Ordinance."* The existing Section 2 has been renumbered Section 3.

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

- 2. Bill 9502 AMENDED** - AN ORDINANCE AMENDING SECTIONS 400.030, 400.510, 400.570, 400.620, 400.630, AND 400.1495 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO ZONING, SO AS TO CONFORM TO MISSOURI CONSTITUTION ARTICLE XIV PROVISIONS RELATING TO MARIJUANA FACILITIES, AS APPROVED BY VOTERS ON NOVEMBER 8, 2022. Bill Number 9502 was read for the second and third time.

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

Roll Call Vote Was:

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

**Nays:** None.

As it relates to Bills Number 9503 and 9504, Mr. Rose stated his intent is to schedule a special meeting with the Mayor and Council on March 6th.

3. **Bill 9503** –AN ORDINANCE APPROVING THE ISSUANCE OF TAX INCREMENT AND SPECIAL DISTRICT REVENUE BONDS IN CONNECTION with the OLIVE BOULEVARD COMMERCIAL CORRIDOR AND RESIDENTIAL CONSERVATION REDEVELOPMENT PLAN; PLEDGING AND ASSIGNING CERTAIN REVENUES FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS; AND AUTHORIZING CERTAIN OTHER ACTIONS AND DOCUMENTS IN CONNECTION THEREWITH. (TABLED)
4. **Bill 9504 AMENDED** - AN ORDINANCE APPROVING A SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT AND AN AMENDED AND RESTATED DISTRICT PROJECT AGREEMENT IN CONNECTION WITH THE OLIVE BOULEVARD COMMERCIAL CORRIDOR AND RESIDENTIAL CONSERVATION REDEVELOPMENT PLAN. (TABLED)
5. **Bill 9505** – AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR LOT C AND COMMON GROUND 1 OF THE PROPOSED MARKET AT OLIVE DEVELOPMENT, PLAT 4. Bill Number 9505 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 Hales, Councilmember Smotherson, Councilmember Clay, Councilmember Klein, Councilmember McMahon, and Mayor Crow.

**Nays:** None.

6. **Bill 9506** – 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 5 OF MARKET AT OLIVE PLAT 3, FROM “IC” INDUSTRIAL COMMERCIAL DISTRICT TO “PD” PLANNED DEVELOPMENT COMMERCIAL DISTRICT (“PD-C”). Bill Number 9506 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 Smotherson, Councilmember Clay, Councilmember Klein, Councilmember McMahon, Councilmember Hales, and Mayor Crow.

**Nays:** None.

7. **Bill 9507** – AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS “MARKET AT OLIVE PLAT 3.” Bill Number 9507 was read for the second and third time.

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

Roll Call Vote Was:

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

**Nays:** None.

8. **Bill 9508** – 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 PROPERTIES AT 8637, 8638 AND 8641 MAYFLOWER COURT FROM “SR” SINGLE-FAMILY RESIDENTIAL DISTRICT TO “PA” PUBLIC ACTIVITY DISTRICT. Bill Number 9508 was read for the second and third time.



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

Councilmember Smotherson asked Mr. Rose why these specific addresses were being changed? Mr. Rose stated a representative from the development is in attendance and can answer that question.

**David Hutkin of Hutkin Properties Group, 10829 Olive Blvd., St. Louis, MO**

Mr. Hutkin stated the reason for rezoning these three homes is to accommodate the need to comply with the City's Code to provide a 50-foot buffer between their commercial property and the multi-family project.

Roll Call Vote Was:

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

**Nays:** None.

**N. CITY MANAGER'S REPORT: PART 2**

4. CUP 23-01 Application for a Conditional Use Permit (CUP) for a Comprehensive Marijuana Dispensary Facility at 6662 Delmar Boulevard, Suite A.

Mr. Rose stated staff is recommending that Council consider a CUP for a Comprehensive Marijuana Dispensary located at 6662 Delmar Boulevard, Suite A.

Dr. Wagner stated the CUP for Jane Dispensary; along with the text amendment, was reviewed and recommended for approval by the Planning Commission.

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

5. CUP 23-02 Application for a Conditional Use Permit (CUP) for a Comprehensive Marijuana Dispensary Facility at 7555 Olive Boulevard.

Mr. Rose stated staff is recommending that Council consider a CUP for a Comprehensive Marijuana Dispensary located at 7555 Olive Boulevard. The owners of the dispensary are in attendance and have asked if they could be allowed to address Council.

**Jaimie Mansfield, Armstrong Teasdale, 7700 Forsyth Blvd., Suite 1800**

Ms. Mansfield stated she represents Chris Chesley of Starbuds and assisted him with filing the Application to Amend the CUP to authorize the sale of recreational marijuana pursuant to the text amendment passed this evening.

She stated at the time she made her presentation to the Planning Commission on February 22nd, she had no specific knowledge of any business decision to commence recreational sales. So, when Commissioner Holly informed her prior to the Commission's vote that her client could not dispense recreational marijuana until after tonight's hearing, she spoke with her client and learned that sales had already commenced based on the belief that it was legal to do so since he had successfully converted his license with the State. She stated in her opinion, what transpired is an unfortunate misunderstanding that was caused neither by the licensee nor any local government in the State of Missouri. However, upon her recommendation, Mr. Chesley agreed to cease the sale of recreational marijuana immediately. The State literally gave every local municipality 60 days to get their affairs in order. And what happened after this passage of the vote is almost a mire image of what happened in 2019; cities scrambled and issued zoning verification letters without text amendments in place because of the constitutional mandate.

Ms. Mansfield stated she has been in communication with countless governments across the State, from Kansas City, Joplin, Independence, MO, and the St. Louis area, and like U City, many of these governments passed an Ordinance stating that it wanted to place a vote on the ballot to tax the use for additional funds to come into their coffers.

They initiated text amendments to their Code striking the word "*medical*" and replacing it with "*comprehensive*"; they outlined a vehicle for obtaining written approval, such as an expanded

Occupancy Permit or a new Business License that could be filed with the State, that was separate and apart from the local medical license, to the tune of if it's retail sales and you're compliant with the State's rules and regulations, you pay an additional \$2,000, you get this license. So, [96 they almost operated as if these were two separate independent vehicles in which to get written approval from the local government.

There was also a case of amending the CUP. And even though in many jurisdictions, the text and CUP amendments would not be issued in time for the conversion of the license, the cities recusing whether formally or informally on the record not to require any of these licensees to cease sales because the cities already knew that they wanted the use. They had already decided that they wanted to tax the use and that they had been mandated to have the use by the Constitution. So, they took the position that requiring the cessation of sales; even in an interim period, would put the licensee and those tax sales in a very precarious situation because customers would no longer be frequenting any of these establishments and they might lose the base. In many other jurisdictions across the state, those licensees, working with their local governments; almost in the mire image of what U City is doing, decided that as long as applicants followed the process and could prove that they had been a good citizen since 2019; they would be approved as the process moved forward.

Ms. Mansfield stated the licensees take this position very seriously. Therefore, she appreciates the City getting this amendment in the books and allowing her client to have a vehicle in which to proceed simultaneously with the text amendment. So, on behalf of herself and her client, she would state that for any part of this misunderstanding that existed, there was no ill intent.

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

Mr. Chesley stated he is one of the owners of the dispensary at 7555 Olive Blvd., known as Starbuds, who appeared before Council back in December. And while he knew that some of the language would have to be updated, he did not understand that the January 25th Planning Commission meeting did not represent the end of this process. Mr. Chesley stated that was a grave misunderstanding on his part that he would like to apologize for not fully understanding the process.

Councilmember Hales stated he appreciates this clarification because what he thought would be a relatively simple process has now put a lot of folks in a very uncomfortable position.

He stated that he had listened to the December 12th meeting where Mr. Chesley informed Council that, "At the last trade association meeting we were told by the State's attorney representing the Medical Marijuana Department, and private counsel, that this Council would most likely need to amend their Ordinance before we would be allowed to start selling recreational. So, I just wanted to make you guys aware of that. We were told that it's going to have to say recreational and medical marijuana sales before we would be able to start."

Councilmember Hales stated as liaison to the Planning Commission he is always thrilled when they show up to Council's meetings; we have two here tonight. The amount of work they put in is extraordinary. So, it was very upsetting to receive phone calls from some of these members expressing their frustration about this unfortunate situation. It has caused consternation within the community, not only because you began the sale of recreational marijuana but also about the sign on the door of the facility stating "*Council failed to act*". However, if Council learned about the need to change the Ordinance on December 12th; the Ordinance was drafted by staff and presented to the Planning Commission on January 25th; the Bill was presented to Council for introduction in February and passed at tonight's meeting that would seem to indicate that this process occurred in warped speed.

Councilmember Hales stated communicating with staff typically helps to resolve misunderstandings. And since the City had no idea whether it would receive any applications, perhaps, this could have all been avoided if the Applicant had simply contacted the City and informed them of their intent to be ready to go on February 3rd.

Mr. Chesley stated the sign on the door was written by one of his shift leaders after they found out that they would have to stop selling recreationally.

It was something that he had not been made aware of until today, and while it has been removed, he is truly apologetic for any harm it created.

Councilmember Clay posed the following questions:

**Q. When did you alert your client that he should stop selling recreational marijuana?**

**A. (Ms. Mansfield):** *I informed him immediately after the meeting on the twenty-second.*

**Q. Did his sales cease at that point?**

**A. (Ms. Mansfield):** *He's indicating that they did.*

**A. (Mr. Chesley):** *I was confused, so after the meeting, I started calling other municipalities, and another attorney, who agreed that I should cease. Immediately thereafter; at about 9 p.m. that night, I called my facility and told them that they needed to put up a sign regarding the need to cease recreational sales.*

**Q. You stopped selling recreational marijuana around 9 p.m. on Wednesday, and nothing was sold the next day?**

**A. (Mr. Chesley):** *I was out of town on Thursday, so unless I'm confused about the day, they should have stopped that Wednesday.*

Councilmember Clay made a motion to table the CUP 23-01 Application for a Comprehensive Marijuana Dispensary Facility at 6662 Delmar Boulevard, Suite A, it was seconded by Councilmember Smotherson.

Mayor Crow stated he's trying to discern all of the comments he's heard involving this application for a CUP. First, there's a phone call from the Applicant lecturing him about the need to conduct a special meeting with the City's volunteers because the process being used is not as good as the City of Fenton's. And now we have the Applicant's attorney telling us that she appreciates how U City has moved mountains to rectify this problem. Nevertheless, the bottom line with respect to employees is that Mr. Chesley is responsible for every action they take.

Ms. Mansfield stated she thinks much of the confusion surrounding this process is because everybody was put behind the eight ball. Between the State saying something from on high, and how that determination filtered its way through communities created a lot of stress for the applicants and municipalities who were both trying to come together and implement this process in a manner that works well for everybody.

She stated she has been on the ground level with applicants who applied for their medical marijuana licenses in 2019, and what she is sure about is that they are compassionate about the communities they serve, and the work being performed. They had to work hard to get their license, and it was awarded to them not because they met the bare minimum, but because they went above and beyond what was required.

Ms. Mansfield stated she has had several discussions with Chris over the past few days, and to combat the comments he made to the Mayor, what she would like to convey is that while his words may be coming from the stress associated with the goals for his business, his walk; adopting the bus stop and cleaning up the area, demonstrates that he cares immensely about this community. From his perspective, the timing of these amendments prevents him from developing his brand, customer base, and loyalty, which in his mind, could bury him financially.

Mr. Chesley stated he completely agrees with the Mayor's comments and takes total responsibility for what happened. So, with all sincerity, he would like to apologize to both the Commission and Council.

Councilmember McMahon stated parts of this industry are highly regulated, and it has taken a long time for it to get to where it is today. Yet, there are still questions about the folks that are going to be in our neighborhoods dispensing a product that has different connotations and beliefs associated with it.

So, what the Applicant needs to understand and appreciate is that being the representative for this new way of thinking carries a lot of weight.

That said, there are two issues I find to be somewhat troubling. One is the issue of capturing the base early, and the other is that Ms. Mansfield also represents the Jane Dispensary which was

presented and reviewed on tonight's agenda, with no problems. That's a phone call he wouldn't want to make to the Jane Dispensary if he were in Ms. Mansfield's position. But it is a phone call he would suggest Mr. Chesley might want to make to another member of this community in the same industry. *"I made a big mistake that may have resulted in capturing your base while you sat there and followed the rules"*. So, for me, this issue rises to a higher level. It's about a process where we're all just trying to follow the rules; not to our advantage, but to simply get the job done.

Mr. Chesley stated initially, he did try to reach out to his contact at Jane but was unsuccessful and later heard they were transferring the ownership. Unfortunately, once he received the email from the State on Thursday, announcing that the sale of recreational marijuana could commence on Friday, all of his efforts to communicate with them fell by the wayside.

Councilmember Hales posed the following questions:

**Q. Based on the comments I read into the record earlier, you were aware that Council would need to amend this Ordinance before anyone would be allowed to start selling recreational marijuana. So, did anyone from the City tell you that you could start selling and they would work out the details later?**

**A. (Mr. Chesley):** *I was under the impression that the process we were waiting for occurred when the Planning Commission approved the text amendment on January 25th.*

**Q. Were you on the call when the Planning Commission conducted their meeting?**

**A. (Mr. Chesley):** *Yes.*

**Q. When Commissioner Holly reads the motion, it always says that the Commission is making a recommendation to Council for approval. Ms. Mansfield, did you ever notify your client that the process had changed?**

**A. (Ms. Mansfield):** *No, not that the process had changed. But at that point, I was not aware of my client's business decision to commence sales. However, what she will say is that her client's misunderstanding may have been based on conversations within the industry where several municipalities who found themselves in the same position as U City, formally stated that as long as the licensee was compliant with, or had received their CUP within 120 days of them passing the text amendment, then they would be allowed to commence sales. And one of those municipalities was Ellisville. So, the current January 9th Ordinance to tax the use of these sales, coupled with the Planning Commission's findings, is indicative of what many municipalities who want this use and want to make sure that their licensees survive this interim period are doing.*

Councilmember Hales stated even though he's listened to the explanations associated with this misunderstanding, after reviewing the comments made by Ms. Mansfield at the Planning Commission meeting he is having difficulty understanding how her client's perspective of the process changed. Ms. Mansfield stated, *"Our advice to our client has been to follow the law and get local approvals. We have been in contact trying to work with U City to move forward with the text amendment. We are very much appreciative of the expedience in which you guys have done so in the process, and in letting us run the CUP concurrently"*.

Councilmember Klein stated given that there can be an automatic reaction of resentment towards the City as a result of the misunderstandings that occurred, she would like to see Starbuds not only retract the misinformation provided to its customers but issue a correction regarding the City's role in this process.

Mr. Chesley stated he would post a sign indicating that any misunderstandings were on the part of his company and not the City, which has done everything they were supposed to do.

Councilmember Klein stated even though she thinks there is a consensus among Council that the Applicant's noncompliance should have a consequence, she does not think the CUP should be delayed. She stated she is aware that Mr. Chesley has added additional employees that played no role in these decisions and should not be penalized because of his actions.

Mr. Chesley stated that he had hired 15 extra employees, and any delay would have an impact on their employment.

Councilmember Klein stated she believes there is a huge customer base for this type of business and that the Applicant's decision to be proactive has resulted in a lack of trust. So, at this point, there is a need for all of these relationships to be restored and she would like to allow Mr. Chesley the opportunity to do that.

Ms. Mansfield acknowledged her stance of taking Councilmember Klein's comments very seriously.

Councilmember Clay stated this dispensary is in the 3rd Ward, which is the ward that he and Councilmember Smotherson represent and where their concerns related to this case are focused. He stated the City's process for those purveying intoxicants is exhaustive because this type of product falls within a unique category. Every business is thoroughly scrutinized and expected to act responsibly. So, to the point of trust, I would agree, that it has to be restored, particularly for the residents that live in the 3rd Ward. To the point regarding what other municipalities are doing or have done, I can recall saying, "*Well, my friend Tommy who lives down the street can do X, Y, and Z,*" and being quickly disabused of the notion that the rules down the street at Tommy's house were not the rules in Lois Clay's house. Therefore, while he certainly has respect for Fenton or Ellisville, Mr. Chesley's business is in U City, and these are the rules he needs to follow.

Councilmember McMahon asked if the motion to table was for a date certain? Mayor Crow stated the item could be placed back on the agenda at the request of staff or a member of Council.

Voice vote on Councilmember Clay's motion to table carried unanimously, with the exception of Councilmember Klein.

## **O. NEW BUSINESS**

### ***Resolutions (voice vote required)***

*None*

### ***Bills - (No vote required for introduction and 1<sup>st</sup> reading)***

*Introduced by Councilmember Smotherson*

- 1. Bill 9509 – AN ORDINANCE APPROVING A PARCEL DEVELOPMENT AGREEMENT IN CONNECTION WITH THE OLIVE BOULEVARD COMMERCIAL CORRIDOR AND RESIDENTIAL CONSERVATION REDEVELOPMENT PLAN.** Bill Number 9509 was read for the first time.

## **P. 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

## **Q. CITIZEN PARTICIPATION (continued if needed)**

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

Ms. Ginsberg reported that last weekend U City TNR volunteers trapped and vetted three cats from the 3rd Ward at no cost to U City taxpayers; returned one cat to its home colony, and were able to successfully network the two other cats into rescue.

She stated TNR volunteers look forward to City staff training the code compliance team on best practices for feeding community cats and sincerely hopes this will prevent future misunderstandings between volunteers and officers. Thanks for your service to our community.

### **Sam Washington, 8665 Spoon Drive, U City, MO**

**Mr. Washington** stated after receiving a copy of the amended map indicating that the

development on Olive will sit within 500 feet of the residential property located on the south side of Spoon Drive, he was curious to know whether the developer had any plans to expand his business beyond that 500-foot parameter?

Mayor Crow informed Mr. Washington that his question would be answered by a member of City staff; perhaps as early as tonight.

**R. COUNCIL COMMENTS**

Councilmember Hales thanked the City Manager and Director of Public Works for getting MSD to clean out their drainage ditch.

Mr. Rose stated all of the credit goes to Mr. Girdler.

Councilmember Clay stated that he first met Officer Stark when they were camp counselors at one of U City's day camps. So, it was great to see him honored here tonight for an additional 20 years of service to the community.

Mayor Crow stated that he would like to wish Councilmember Smotherson and his wife a happy anniversary.

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

**S. ADJOURNMENT**

Mayor Crow thanked everyone for their attendance and closed the Regular Council Session at 8:01 p.m.

LaRette Reese  
City Clerk, MRCC