

MEETING OF THE CITY COUNCIL
CITY OF UNIVERSITY CITY
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Tuesday, June 13, 2023
6:30 p.m.

AGENDA

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on Tuesday, June 13, 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; (*excused*)
Councilmember Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Bwayne Smotherson
Councilmember Dennis Fuller

Also in attendance were City Manager, Gregory Rose; and City Attorney, John F. Mulligan, Jr.

C. APPROVAL OF AGENDA

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

D. PROCLAMATIONS - (Acknowledgement)

None

E. APPROVAL OF MINUTES

1. May 8, 2023, Study Session Minutes – MSD, was moved by Councilmember McMahon, it was seconded by Councilmember Fuller, and the motion carried unanimously.
2. May 8, 2023, Regular Meeting Minutes was moved by Councilmember Smotherson, it was seconded by Councilmember McMahon, and the motion carried unanimously.
3. May 22, 2023, Regular Meeting Minutes was moved by Councilmember Smotherson, it was seconded by Councilmember Hales, and the motion carried unanimously, with the exception of Mayor Crow who was absent.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

None

G. SWEARING IN TO BOARDS AND COMMISSIONS

None

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, 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 streetlights are still out in the alley between Kingsland and Syracuse; the same area where a student was sexually assaulted; and numerous shots were fired a year ago. It's surprising how indifferent City Hall is to resolve issues with these dark allies and streets that can put citizens and police officers at risk.

Things continue to get worse in The Loop while the City remains obsessed with Costco. Blick Art Materials, one of its largest tenants, has finally closed. Across the street, Sneaker Perfection is having a moving sale, and Lucy's Bar & Grill and T-Mobile are now closed. Cicero's will be closed for six years this month and that space is still vacant.

Mr. Sullivan stated that there's a saying that Councilmember McMahan does not believe in following; *"When you find yourself in a hole, stop digging"*. At the April 24th Council meeting, he made several false statements and since that time he has been trying to twist and turn what he said, which has resulted in him only digging a deeper hole. Councilmember McMahan claims;

- That I was a supporter of Jerrold Tiers when all I said was that he should have been allowed to make his presentation for the position of Ward 2 Alderman without Councilmember McMahan trying to imitate Perry Mason;
- That I said the Bar Association was investigating members of Council;
- That I said the Attorney General was investigating members of Council;
- That I said members of Council were being investigated by the FBI; and
- That all of these statements resulted in someone driving through his neighborhood telling folks that the FBI was out to get him and putting his family and neighbors in danger.

But the truth of the matter is that Councilmember McMahan has been unable to validate any of his bizarre claims. Therefore, Mr. Sullivan stated he would contend that Councilmember McMahan's accusations have no credibility, and neither does he. Thank you for listening to my comments.

Michael Rippe, 526 Kingdel, U City, MO

Mr. Rippe stated he lives directly across from the large apartment building being built at 170 and Delmar. And while he is a fan of the impact this development can have on the area, residents are suffering during the construction phase of this project. Five days a week work commences shortly after 6 a.m., rather than the agreed-upon time of 7 a.m. There is only a 6-foot easement; however, some of the subcontractors have dug 15 feet from the street in the middle of every house on the block without authorization. And today, they dug directly on top of a 200-foot oak tree. An arborist is coming tomorrow to assess the damage to this beautiful historic tree, but at this point, he feels as though his calls to the police about how their street is being damaged have simply become annoying.

Jerrold Tiers, 7345 Chamberlain, U City, MO

Mr. Tiers stated during the recent interviews to replace a member of Council several Councilmembers strongly emphasized their desire to provide the public with accurate information and transparency. And while he certainly agrees that the City has an obligation to provide the facts to its citizens, and to be transparent, in his opinion, this governing body is not doing a very good job.

The City sent out a large and expensive flyer on Prop F, and instead of providing facts that would allow citizens to make an informed decision, it contained sensory language and imagery designed to evoke an emotional appeal. Remarkably, it was fact-free, and the only useful number it provided pertained to the 85-million-dollar pension deficit. It merely directed citizens who craved more information to attend meetings or read online resources. Yet, the meeting he attended provided very little information and the online resources were useless. He stated these actions replicate the same procedures utilized for votes taken on the Costco project and street repairs, several years ago. Even the Bills being introduced and voted on during Council's meetings only contain the required legal description; which oftentimes is minimal and confusing. Citizens must search online to first find Council's packet; since no link is provided, and then read each Bill to learn what it relates to.

Mr. Tiers stated this pattern of failing to disclose pertinent information about upcoming proposals and projects is unacceptable. Why should citizens have to search for facts that rightfully should be disclosed to them? Real transparency should include a simple statement of facts and/or figures' explaining how much money is involved; where the money is coming from; how the expenditure will accomplish the desired results; and how it can be traced in the budget.

He stated although he understands that providing the least possible information has become the norm in most cities, it does not forgo their duty to provide the plain facts to citizens when their votes are being requested or large expenditures are being proposed. Such information does not overwhelm a concerned citizen and those folks that are not interested in the details don't have to read them. So, if it truly is Council's desire to provide the facts and be transparent, then he would suggest that a good first step would be to include a simple explanation with each Bill stating its intended purpose.

Mayor Crow welcomed Kena Dean, Secretary to the City Manager, to tonight's meeting.

I. COUNCIL COMMENTS

J. PUBLIC HEARINGS

1. Liquor License for 7-Eleven Sales Corporation, d/b/a 7-Eleven Store #20118Q - 8159 Olive Boulevard. 63130.

Mayor Crow opened the Public Hearing at 6:44 p.m., and after acknowledging that there were no written or verbal comments, the hearing was closed at 6:44 p.m.

2. FY24 Proposed Annual Operating Budget and Capital Improvement Projects

Mayor Crow opened the Public Hearing at 6:45 p.m., and after acknowledging that there were no written or verbal comments, the hearing was closed at 6:45 p.m.

K. CONSENT AGENDA - (1 voice vote required)

1. Greens Mower Agreement

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

L. CITY MANAGER'S REPORT - (voice vote on each item as needed)

1. Liquor License for 7-Eleven Sales Corporation, d/b/a 7-Eleven Store #20118Q - 8159 Olive Boulevard, 63130.

Mr. Rose stated staff is recommending that Council consider the approval of a Liquor License for the 7-Eleven Store located at 8159 Olive Boulevard.

Councilmember Smotherson stated since this represents a significant change for this popular neighborhood store, he would ask that the application be tabled until the next meeting so that he can make sure his colleague and the residents on 82nd Street are aware of this action and have no major objections.

He stated personally, he has never known there to be any problems at this store, and it has always been well-maintained.

Mayor Crow asked if there had been a change in ownership or if the current owner had simply made this decision to remain competitive?

Mr. Rose stated he was not aware of a change in ownership. However, since the Applicant is not present to answer the Mayor's question, he had no problem honoring Councilmember Smotherson's request to table.

Mayor Crow stated while he may be making an incorrect assumption about the reason for this request, he would note for the sake of protocol, that there is no motion on the floor.

Mr. Rose stated he intends to place this on the agenda for the next Council meeting.

Mayor Crow suggested that the Applicant be informed of the need to be in attendance. Mr. Rose stated that staff would so advise the Applicant.

Mayor Crow then asked Mr. Rose if it would be appropriate for the Library Director, Patrick Wall, to provide an update on the Library's upcoming events? Mr. Rose stated that it would be.

Mr. Wall stated he has been involved in an ongoing series of events and would like to apologize for his delay in providing Council with this report. The Library will be closed on the following dates:

- June 18th for Father's Day;
- June 19th for Juneteenth, and
- From June 20th through the 25th to accommodate their move from 6900 to 6701

He stated the hope is that everything will go as planned, and they will be able to hold a soft opening on June 26th. Unfortunately, the elevator and some of the shelving were impacted by the recent floods, so the grand opening has been delayed until late October or early November. But he would like to invite Council, Mr. Rose, and his staff, to tour the building next week. Mr. Wall thanked the entire community for their patience during the Library's transition.

Mayor Crow thanked Mr. Wall for the courtesy of providing this impromptu update.

M. UNFINISHED BUSINESS - (Roll call vote required for 2nd and 3rd readings)
None

N. NEW BUSINESS
Resolutions - (voice vote required)
None
Bills - (No vote required for introduction and 1st reading)
None

O. COUNCIL REPORTS/BUSINESS

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

Councilmember Smotherson reported that while the Arts & Letters Commission's first two Starlight Concerts were a huge success, they highlighted some specific issues associated with hosting these kinds of events in the park.

- The importance of keeping the field lights on throughout the event and until all of the concert-goers have exited the park;
- The antiquated stage, which is not ADA accessible, and
- The need for a paved parking lot to prevent people from parking everywhere and blocking other vehicles

That said, Councilmember Smotherson stated the next concert is scheduled for this coming

Monday and he would encourage everyone to come out and participate.

Mayor Crow stated social media posts and videos of the concerts were absolutely incredible. And equally as exciting was the publicity and photos promoting Mannequins in The Loop, which was the best he can ever remember seeing. Audrey does an amazing job with this project, so he hopes everyone got a chance to see it.

He stated on a personal note, he genuinely appreciates staff's effort to display rainbow lights at City Hall during the month of June.

Councilmember Fuller stated he is excited to report that following the Study Session with MSD, the Stormwater Commission was successful in arranging a trip with MSD employees to look at some of the issues identified during that session.

3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business

P. CITIZEN PARTICIPATION - (continued if needed)

Q. COUNCIL COMMENTS

R. EXECUTIVE SESSION - (Roll call vote required)

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,(13) Individually identifiable personnel records, performance ratings or records pertaining to employees.

Councilmember Hales moved to close the Regular Session and go into a Closed Session, it was seconded by Councilmember Klein.

Roll Call Vote Was:

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

Nays: None.

S. ADJOURNMENT

Mayor Crow thanked everyone for their attendance and closed the Regular City Council meeting at 6:57 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 7:59 p.m.

LaRette Reese,
City Clerk, MRCC

LaRette Reese

From: Mike Rippe <mikerippe1609@gmail.com>
Sent: Monday, June 12, 2023 6:54 AM
To: Council Comments Shared
Subject: Public Comments for meeting tue

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

Hello, my name is Mike Rippe and I live at 526 kingdel dr. 63124, directly across from the apartment building going in a 170- and Delmar. I have a small child who is 4 years old and they start construction as early as 6am. I have called to get some answers from the police, they told me this morning they may have permits allowing them to start construction before the law allows at 7am. I have a problem with that, my family can not get a good sleep with construction sounds at 6am waking the entire house.

Secondly, there is a terrible eyesore, and they have only put up barriers on half the job site, I'm curious how they decided where to do that.

Third, the construction has spilled onto my street, I understand getting the infrastructure for the building is quite the task, but my understanding by the survey I have seen there's a 6 foot utility easement. The 3 houses next to me have access holes drilled in the middle of their yards well over the 6 feet allowed.

Condition of our street after construction. Our street on kingdel has been torn up every way, is there a plan to fix it to how it was before this construction?

Thank you! I will be present at the meeting.

Thanks
Mike Rippe

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Jerrold Tiers

7345 Chamberlain

In the recent interviews for appointment of a replacement councilmember, several councilmembers strongly emphasized "having correct information", "facts", and "transparency". I certainly agree. The City has an obligation to provide the facts needed for citizens to evaluate large projects, bond issues, tax changes, bills, etc.

So, how is University City government doing with "transparency", with providing the "facts"? Unfortunately, not very well, so far. Let's look first at "Prop F", since that is both recent, and also targeted to be brought to the voters again next year, per Mr. Rose's list of goals which was presented a few months ago.

For Prop F, a tax increase, the City sent out a large and expensive flyer to voters. That was the obvious place to provide the plain facts and allow citizens to make an informed decision. However, that was not done.

The flyer contained hardly any information. It was remarkably "fact-free". The only useful number given was the 8.5 million dollar pension deficit amount. There was not even a figure for how much money the tax was expected to raise, which is the most basic number needed. The flyer had general statements, fancy graphic design, and what I would term an "emotional appeal" style instead of actual plain facts. That is not transparency.

Instead, the flyer directed citizens to come to meetings and ask questions, or to read unhelpful on-line resources. The meeting I went to provided very little information, mostly just restating what was in the flyer.

That is becoming a pattern, where the City will not make any statements about proposals or projects, but rather steers people to consultant reports, or complex legal documents and contracts. Bills being voted on are described only by the required minimum legal description. Citizens must search on-line, find, and read the full Council packet to learn what the bills really relate to. There is not even a link provided to the full packet.

It is not acceptable to make citizens find and search dense legal documents to get facts which should be plainly and publicly disclosed. Those documents "technically" provide the legal minimum disclosure, but in reality can confuse more than they explain. The legal minimum description of a bill does not even give its purpose.

This minimum disclosure is not transparency. It is just the least possible information that can be given out.

Real transparency in these matters should include a simple statement of facts and figures, clearly explaining how much money is involved, where the money comes from, how it is spent, how the spending accomplishes the desired results, and how the money can be traced in the budget. Bills before Council need simple descriptions.

I am not bashing the current council. This lack of facts is a tradition in cities, and not just in University City. The street repair vote of several years ago wasn't better, nor was the "Costco project", which apparently confused even the Council members at the time, let alone the citizens, despite many public meetings.

The City, I believe, has both the ability, and the duty, to provide the plain facts and numbers to citizens when their votes are requested on money matters, and when large projects or expenditures are involved. Such information will not overwhelm or confuse citizens, citizens are generally smart, and people who don't want to read the details do not have to. Likewise, a short statement of what a bill is about can and should be given at each reading. That would improve transparency and accountability in government, and seem to violate no laws.

This council has recently emphasized "facts", "correct information" and "transparency". Presumably that means this Council intends to take transparency seriously by, among other things, clearly explaining the supporting facts, reasons, numbers, plans, etc. for all large projects and ballot proposals, and briefly stating what each bill before Council is actually about in addition to reading the legally required minimum description. That will be a good first step toward true "transparency". The sooner it comes, the better.

