

MEETING OF THE CITY COUNCIL
CITY OF UNIVERSITY CITY
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Monday, July 10, 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, July 10, 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 Dennis Fuller
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr., and Director of Parks Recreation and Forestry, Darren Dunkle.

C. APPROVAL OF AGENDA

Mayor Crow stated during the Study Session Mr. Rose asked that Item K (2); U. City in Bloom Agreement, be moved from the Consent Agenda to the City Manager's Report.

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

D. PROCLAMATIONS - (Acknowledgement)

None

E. APPROVAL OF MINUTES

None

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.

Grace Collins, 8841 Washington Avenue, U City, MO

Ms. Collins stated she is a neighbor of the Avenir Project, and the construction crews are not following Ordinance Number 9461, which states that *"construction traffic, parking, and access points shall be restricted on Kingdell, Washington, Barby, Teasdale, and West Kingsbury"*. She stated after working with the Project Manager on several sign issues, she has a strong belief that the dangerous conditions linked to the total lack of visibility while turning right on Delmar from Kingdell and the steady flow of cement trucks running back and forth can be eliminated.

William Ash, 8690 West Kingsbury Avenue, U City, MO

Mr. Ash stated while he would like to thank Councilmember Hales for being responsive to his concerns, visiting the site on several occasions, and vowing to look into the construction traffic from the Avenir Development at Delmar and Kingdell, he is here to put his concerns on the record.

- Dump and cement trucks are accessing the site via Kingdell and have been throughout the construction phase
- Traffic disruption by residents exiting the neighborhood is clearly visible
- When the Avenir promotional sign was moved they added a blackout tarp up the entire side of Kingdell, creating a danger because vehicles on Kingdell cannot see what is exiting the site
- Vehicular visibility is restricted due to the fence, stacks of building materials, and parking on the south side of Delmar
- There is no longer an eastside parking lane to jump into if someone misjudges the speed of downhill traffic on Delmar; this hazard is increased at night because there is no longer a functioning streetlight
- Removal of the sidewalk on the south side of Delmar makes it unsafe for pedestrians
- As a result of the fencing the width of Kingdell has been narrowed
- Construction traffic oftentimes blocks public access on weekdays between 8 a.m. and 4 p.m.
- Kingdell is now rife with steel plates and fill-in depressions due to MSD's drain pipe replacement, causing damage to cars; this project will probably not be completed until after the Avenir has opened in 2024.

Mr. Ash stated on July 7th he took a video documenting at least five cement trucks on Kingdell. Given these existing safety issues, Mr. Ash stated it is imperative that construction traffic not be allowed on Kingdell. And at a minimum, he would ask that paragraph 1, Section 3, of Ordinance Nos. 9461 and 71787 be enforced. However, any additional mitigation to enhance safety in this area would also be in the public interest. Thank you.

Robert Kuhlman, 8670 West Kingsbury, U. City, MO

Mr. Kuhlman stated that he would like to bring Council's attention to the Avenir Project and three specific violations of Ordinance No. 7178.

1. Traffic and access to the project site are occurring on Kingdell. This morning an extremely large truck delivering a floor truss had to drive up onto the front yard of a house to access the site, and they drug all of the limbs and debris from the storm out into the middle of the street.
2. All existing trees on the east curb line of Kingdell shall be protected. Those trees have been removed.
3. All of the existing trees along Delmar are to be protected. Those trees have been removed.

As a result of these violations, he would request that Council direct the City Manager to investigate these incidents and provide the appropriate relief. Residents would also like to have the Kingdell entrance to the project shut down because today, someone dumped a load of lumber at the site. Mr. Kuhlman stated the drain pipe replacement, removal of trees, and excessive traffic on Kingdell have created a significant disruption and inconvenience to the taxpayers who live in this neighborhood.

I. COUNCIL COMMENTS

Councilmember Hales thanked residents for their comments and informed them that the email

he received on Saturday had been forwarded to the City Manager and that he had discussed the issues with Councilmember McMahon. On Sunday, the City Manager responded that he had asked the Director of Planning and Development to investigate the matter. So, you are being heard and action is being taken to rectify some of these issues.

J. PUBLIC HEARINGS

1. Easement Vacation for public alley at or near 6322 Bartmer Industrial Court

Mayor Crow opened the Public Hearing at 6:43 p.m., and after acknowledging that there were no verbal or written comments, the hearing was closed at 6:43 p.m.

K. CONSENT AGENDA - (1 voice vote required)

1. Annual Renewal with the City of Chesterfield on behalf of the St. Louis APWA Salt Cooperative (Co-op) for Road Salt Purchase and Delivery
2. U. City in Bloom Agreement; (*moved to City Manager's Report*)

Councilmember Smotherson moved to approve Item Number 1 of the Consent Agenda, it was seconded by Councilmember Hales, and the motion carried unanimously.

Mr. Rose provided a brief update on the severe thunderstorms that caused significant damage throughout the City on July 1, 2023. According to Ameren, the countless downed trees, limbs, and power lines left more than 100,000 of their customers without power. The City's initial recovery operations focused on ensuring that streets were cleared of all debris and the opening of facilities as cooling centers. Today, staff began collecting limbs, trees, and other debris, and will continue to do so until they have covered the entire city. Therefore, he would encourage all residents to place all debris, as well as yard waste bags; even those without stickers, at their curb as soon as possible.

Mr. Rose stated he would like to commend Deputy City Manager, Brooke Smith, Public Works Director, Darin Girdler, and every member of staff, who took immediate action to start these recovery efforts.

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

1. U City in Bloom Agreement

Mr. Rose stated staff is recommending that Council consider an agreement with U City in Bloom for landscape maintenance.

Mr. Dunkle stated for several years the City has had a contract with U City in Bloom to provide landscaping services for its facilities. This year they've asked for a 5% increase or roughly \$4,700, based on several factors. The completion of a project started last year; the addition of a new project, and the increased costs for supplies and labor. The total cost of this Agreement for FY 24 is \$100,000, which staff believes is manageable.

Councilmember McMahon stated Ruth Park Woods is an area where U City in Bloom has done a lot of work and his understanding is that it took a big hit in the storm. Did this add another bump in the contract? Mr. Dunkle stated U City in Bloom has done some volunteer work to help restore the park, and he and his staff are conducting an evaluation to see what work can be done in-house or needs to be contracted out.

With the countless number of trees and limbs that were toppled, Councilmember Hales asked Mr. Dunkle if he had a sense of how productive their efforts have been? Mr. Dunkle stated their first goal was to take care of all the emergency issues. With that completed, the objective was to start in the area that received the greatest damage, the 3rd Ward. And they seem to have made some good progress today with one crew working from east to west and the other from west to east. Utilizing the same process, crews will then move to the west end of the 2nd Ward, working their way east, and then to the west end of the 1st Ward, heading east. Over the last several days he and his staff have also been responding to phone calls and have compiled a list of about 20 issues

that need to be addressed. Mr. Dunkle stated there is a process that needs to be followed, but they are going to get to everyone as quickly as possible.

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

M. UNFINISHED BUSINESS - (Roll call vote required on 2nd and 3^d readings)

1. **Bill 9516** - AN ORDINANCE VACATING AND SURRENDERING A PUBLIC ALLEY LOCATED AT OR NEAR 6322 BARTMER INDUSTRIAL DRIVE. Bill Number 9516 was read for the second and third time.

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

Citizen's Comments

Marc Jacob 873 Greenshire Court, U City, MO

Mr. Jacob thanked the City for all of their hard work and stated the email sent out letting everyone know how long the cleanup would take was tremendously helpful. So, he looks forward to more updates. That said, he would be happy to answer any questions Council might have.

Roll Call Vote:

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

Nays: None.

2. **Bill 9517** - AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER JULY 10, 2023, AND REPEALING ORDINANCE NO. 7228. Bill Number 9517 was read for the second and third time.

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

Roll Call Vote:

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

Nays: None.

N. NEW BUSINESS

Resolutions - (Voice vote required)

None

Bills - (No vote required on Introduction and 1st reading)

None

O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
Councilmember Clay reported that the Library is back in its permanent location and encouraged everyone to check it out.

Councilmember Smotherson reported that the Starlight Concert being held right now in Heman Park will end the summer session. The fall session will be held on Sundays at 3 p.m. starting in September.

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

P. CITIZEN PARTICIPATION - (continued if needed)

Steve Glickert, 7750 Blackberry, U City, MO

Mr. Glickert stated it's been five years since he started this process of trying to rectify zoning issues in the northeast part of this community and the response has been atrocious. The picture he sent Council today of 6700 Plymouth, which is north of Olive, is a truck that has been sitting there for a month, yet, this is just the tip of the iceberg. He stated every time he visits this area he sees cars parked in yards with no license plates, derelict vehicles, illegal dumping, and much more. So, perhaps Mr. Rose and his staff who continue to send him rosy responses about how the survey results demonstrate that residents are satisfied with the enforcement of codes, should take a trip up there to see how residents in this area are really being treated. Mr. Glickert stated what's interesting about the truck in that photo is there is no debris around it anywhere, so the accident did not happen there, it was towed into the neighborhood. Mr. Rose, what are you going to do because this reflects poorly on the entire community? It's time for this administration to stop with the excuses, step up, and do something different in this area.

Q. COUNCIL COMMENTS

Mayor Crow made the following announcement about the celebrations honoring 100 years of parks in U City:

- July 18th - 65 young people that participated in the Scavenger Hunt will be presented awards at the Heman Park Bank Concert
- July 25th - all City Parks & Recreation employees will be recognized at the Heman Park Summer Concert
- September 10th - Bike the Parks
- November 11th - a Veteran's Day Celebration honoring veterans who live in U City

A copy of the brochure and additional information can be found at Ucityparks100.org.

Councilmember Fuller moved to adjourn the Regular Session, it was seconded by Councilmember McMahon, and the motion carried unanimously

R. ADJOURNMENT

Mayor Crow thanked everyone for their attendance and closed the Regular City Council meeting at 7:00 p.m.

LaRette Reese,
City Clerk, MRCC

LaRette Reese

From: mlaz279293@aol.com
Sent: Monday, July 10, 2023 12:01 PM
To: Council Comments Shared
Subject: Avenir project Kingdel exit

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

Hello. My name is Margie Kranzberg Lazarus and I am not able to speak with you this evening, so sending an email.

I have a strong concern that the special conditions that were passed by the Council and agreed to by the Developer are not going to be adhered to.

Here is the reason for my concerns-

I met with the Project Manager, Steve Bauer a few weeks ago in the trailer regarding the Avenir signage on the corner of the fence blocking the view of the ongoing traffic coming out of Kingdel onto Delmar. You could not see around the corner and had to be out into the middle of Delmar to make the turns. He realized the issue/danger and moved the sign the next day. He was very kind about it.

However, he was not aware that the exit from the property onto Kingdel is to be an emergency exit only from both directions- in and out. In fact, he asked me what other special conditions there were. Obviously, the Developer had not let the PM know about them, so that is very concerning. This was just a few weeks ago, well into the construction of the project.

From the drawings in his office and the pictures on the fence on Kingdel, it looks like it is an open and clear path out from the winding pathway of the property to Kingdel. Maybe that has changed, but because this is so important to the neighborhood, I wanted to have it addressed now, before the project goes any further and make sure it is taken care of properly.

I also feel that in addition to the restrictions of the Kingdel exit and the parking on Kingdel, it should be in the Council records and not just left to it being put into the lease of residents of the Avenir, as we won't have any way to know that is the case for all 260 apartments and a way that a violation would be addressed and corrected and want to make sure there is recourse for violations.

The other reason I am sending this now, is that we were also assured that the construction trucks and parking would not be on Kingdel. This is also not the case. There are videos and pictures taken by some residents that can be shared.

In fact, one of our residents was almost hit by a truck coming out of the site onto Kingdel recently. It is very dangerous and the way the fence is, we cannot see trucks coming out. Sometimes, they are actually lined up on Kingdel to get in or out.

Because of these issues that were in the conditions, I would ask that you make sure that the Developer holds up his end of the agreement to the neighborhood. He originally said the Avenir would not be coming into the Kingdel neighborhood. It already is and causing problems for the residents with traffic and safety. Many residents don't call and voice complaints to our Councilmen, but they talk to each other and are not at all happy.

Thank you for your help with these matters.

We are just trying to make sure that the Kingdel neighborhood can stay the quiet, safe and secure neighborhood we all have enjoyed.

Margie Kranzberg Lazarus
8808 Washington Ave.

LaRette Reese

From: valmik thakore <valmikt@hotmail.com>
Sent: Monday, July 10, 2023 11:18 AM
To: Council Comments Shared; Jeff Hales; Steve McMahon
Cc: Terry Crow; Gregory Rose; Tim Cusick; Bwayne Smotherson; Aleta Klein; Stacy Clay; John Wagner
Subject: Re: Public Comment on City Council Agenda Item for July 10 2022 Meeting with attachment
Attachments: 3=22-2023-9-37 am concrete truck on Kingdel.jpg; 4-3-2023-12-39 pm Crew parking and equipment access from Kingdel.png; Concrete Trucks traffic on Kingdel 7-7-2023 Photo A.jpg; Concrete Trucks traffic on Kingdel 7-7-2023 Photo B.jpg; Concrete Trucks traffic on Teasdel 7-7-2023 Photo C.jpg; Construction equipment on Kingdel May 11 2023 at 2-18 pm.png; Ordinance No 7178 April 11 2022.pdf

Importance: High

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

July 10, 2023, Council Meeting Comments Email:

This is a public comment on City Council Meeting on July 10, 2022;

Non Agenda Item: Request to Enforce Ordinance No 7178 dated 4/11/2022 (Bill No 9461)

My wife and I own the property at 8727 W Kingsbury Ave, University City, MO, 63124. Our house is in the neighborhood impacted by the proposed "Facility for An Industrial Development Project" also known as "Avenir Development" project.

Ordinance Enforcement Related IMPORTANT COMMENTS

Dear City Council Member,
University City, MO

We are requesting you to enforce the **Ordinance No 7178 Dated April 11, 2022** (Bill No 9461). More specifically its Section 3- Condition 1-"That all construction traffic, parking and access points shall be restricted on Kingdel, Washington, Barby, Teasdale and Kingsbury".

We have observed and documented continuous violations of this condition. We are attaching selected photos from various dated including 3/22/23, 4/3/23, 5/11/23 and 7/3/23 as examples. There are additional videos and photos that cannot be shared with this email comments due to the file sizes.

Please enforce this ordinance immediately and let us know the timeline to do so.

Thank you.

Valmik Thakore

8727 West Kingsbury Avenue, St. Louis, MO 63124

Attachments: 1- As noted above photos.

2- PDF of the signed first two pages of the Ordinance No 7178 dated April 11, 2022.



Teasdale Ave

703

BOMARDI
CONSTRUCTION



Teasdale Ave

STOP

2014







DELMAR

NATIONAL



LaRette Reese

From: Liese Rugen <liese.rugen@gmail.com>
Sent: Monday, July 10, 2023 10:15 AM
To: Council Comments Shared
Subject: Construction parking/activity on Kingdel

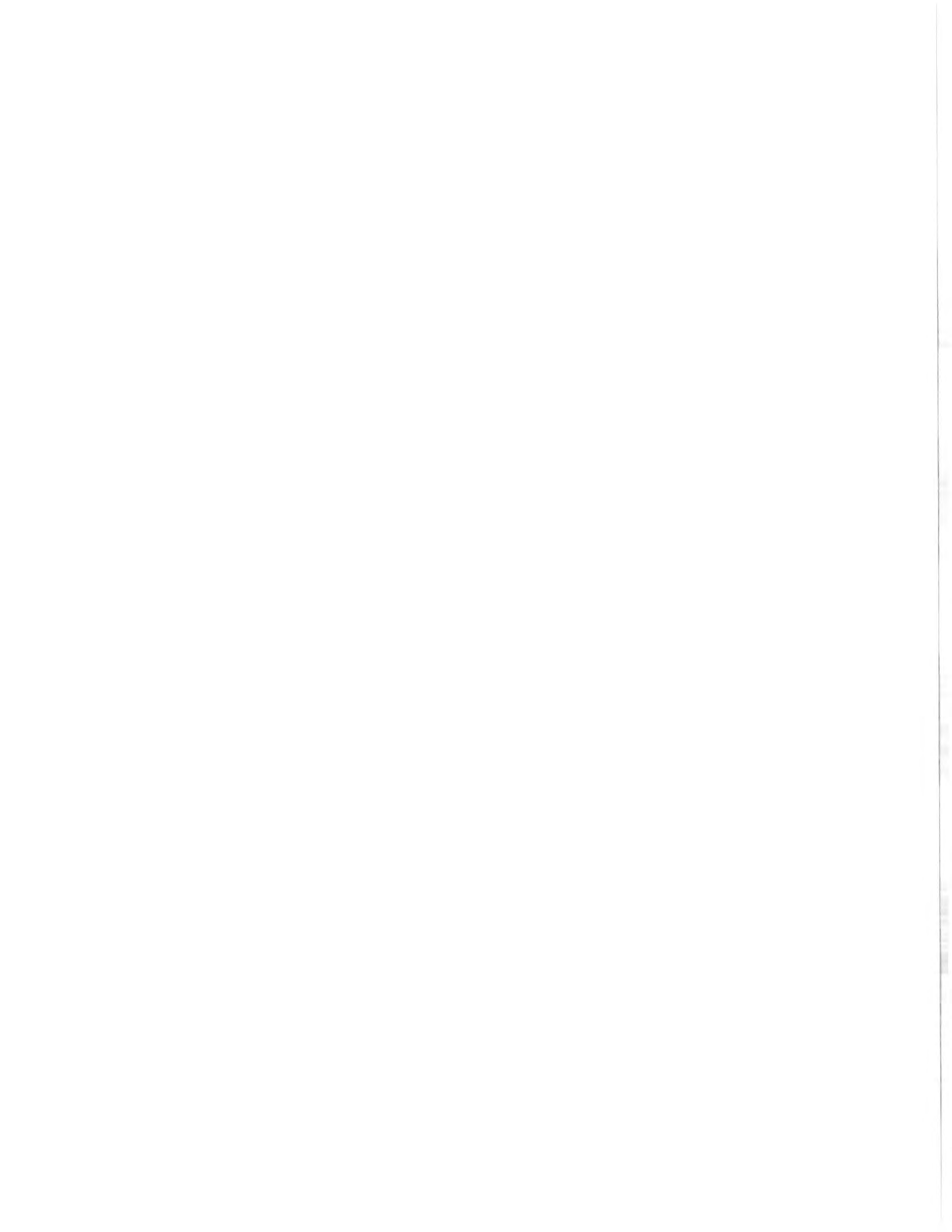
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,

I live at 8812 Washington Ave near the Kingdel/Delmar Avenir construction site. There is constant parking and congestion at that intersection which is in direct violation of the ordinance which states: That all construction traffic, parking and access points shall be restricted on Kingdel, Washington, Barby, Teasdale and West Kingsbury.

Please uphold the ordinance.

Thank you
Elizabeth Rugen



LaRette Reese

From: Nick Rugen <mrrugen@gmail.com>
Sent: Monday, July 10, 2023 9:57 AM
To: Council Comments Shared
Subject: Kingdel construction
Attachments: Image.jpeg

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

Dear Honorable Council Members,

I pray this email does not fall on deaf ears. I am a resident of the Kingdel neighborhood in University City, Missouri. I am concerned with the construction traffic on Kingel since the project has started. I have had my normal route (kingdel to delmar) to my daughters school, and my work blocked on multiple occasions by construction workers, semi trucks, heavy equipment and the like. From my understanding that is in violation of the ordinance 7178.

Please consider the voices of your residents and constituents. Think about this happening two blocks from your residence and how you might feel.

The attached picture is what I encountered just this morning when leaving to take my daughter to summer camp.

Sincerely

Nick P. Rugen
8812 Washington Ave, St. Louis, MO 63124



From: Rebecca Hrustic <rlmunsen@hotmail.com>
Sent: Monday, July 10, 2023 9:21 AM
To: Council Comments Shared
Cc: Rebecca Hrustic
Subject: Construction traffic Kingdel Ave and Delmar Blvd

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

In regards to the construction traffic for the Avenir development at Delmar Blvd and Kingdel Ave. Construction traffic on Kingdel Ave. is a concern. Per the University City ordinance B I L L NO. 9461 ORDINANCE NO. 7178 it was agreed upon that construction traffic on Kingdel Ave should be restricted. However, construction vehicles (dump trucks, cement trucks etc) are accessing the site via Kingdel Ave. This is creating a hazard for pedestrians and vehicle traffic. Not only does this bottle neck access to the neighborhood, it also creates a danger to vehicles driving on Kingdel Ave as they cannot see what is exiting the site due to tarp fencing.

In addition to the vehicular traffic concerns, there is no longer safe pedestrian access to Delmar. The Avenir construction site has taken away the sidewalk on the south side of Delmar. Residents now have to dodge across Delmar to reach the sidewalk on the north side. With typical Delmar traffic and the additional construction traffic this makes it very dangerous.

B I L L NO. 9461 ORDINANCE NO. 7178

WHEREAS, the Final Development Plan, including all required documents and information submitted therewith, is before the City Council for its consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

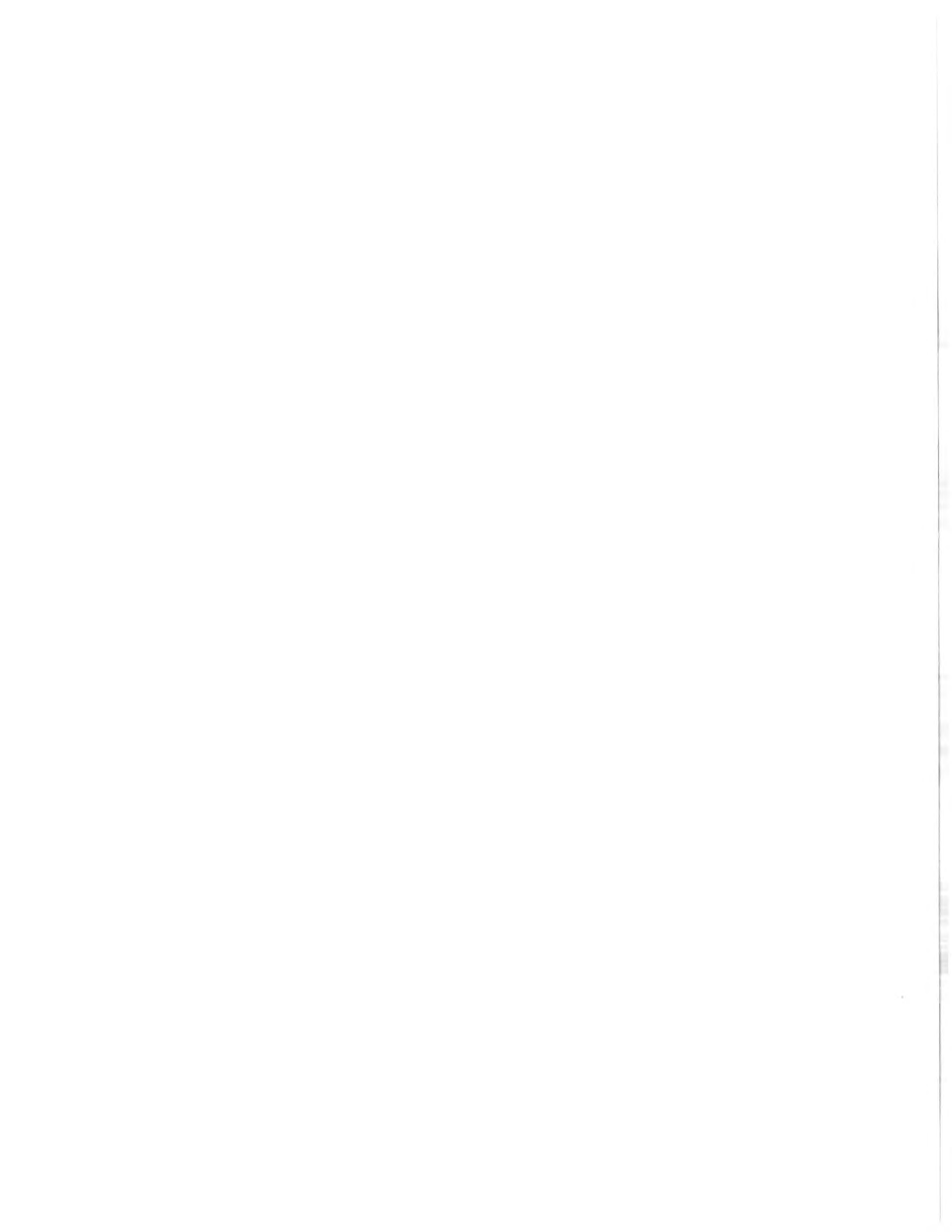
Section .1 Attached, marked "Exhibit A" and made a part hereof is a Final Development Plan submitted for the "Avenir" development.

Section 2. It is hereby found and determined that the Final Development Plan is in full compliance with said Section 400.870 of the University City Municipal Code.

Section 3. The Final Development Plan shall include the following additional conditions:

1. That all construction traffic, parking, and access points shall be restricted on Kingdel, Washington, Barby, Teasdale, and West Kingsbury.

Rebecca and Haris Hrustic
8685 W. Kingsbury Ave
University City, MO 63124



INTRODUCED BY: Councilmember Bwayne Smotherson

DATE: April 11, 2022

BILL NO. 9461

ORDINANCE NO. 7178

AMENDED

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR THE PROPOSED AVENIR DEVELOPMENT LOCATED AT 8630 DELMAR BOULEVARD.

WHEREAS, the Preliminary Development Plan was approved by the City Council of University City on April 11, 2022 for the proposed mixed use development project known as “Avenir” in a Planned Development – Mixed Use (PD-M) District in the City of University City, and the City Council authorized the submittal of a Final Development Plan; and

WHEREAS, a Final Development Plan dated February 15, 2022, has been submitted for review and approval; and

WHEREAS, the review and approval of a Final Development Plan shall be in accordance with Section 400.870 “Final Development Plan Procedure” and Section 405.380 “Final Plat Submittal Requirements” of the University City Municipal Code with the adoption of an ordinance by City Council; and

WHEREAS, at its meeting on February 23, 2022, the University City Plan Commission considered and recommended to the City Council of University City approval of the Final Development Plan subject to a lot consolidation being completed prior to building construction; and

WHEREAS, the Final Development Plan, including all required documents and information submitted therewith, is before the City Council for its consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Attached, marked “Exhibit A” and made a part hereof is a Final Development Plan submitted for the “Avenir” development.

Section 2. It is hereby found and determined that the Final Development Plan is in full compliance with said Section 400.870 of the University City Municipal Code.

Section 3. The Final Development Plan shall include the following additional conditions:

1. That all construction traffic, parking, and access points shall be restricted on Kingdel, Washington, Barby, Teasdale, and West Kingsbury.
2. Per the Developer, the hours of construction shall be reduced to 7 p.m., unless the City grants permission to extend this time limit as required due to construction conditions.

3. Per the Developer, dog waste stations and signage will be located at the-exits.
4. Per the Developer, the rules and regulations contained in the Standard Residential Apartment Lease shall include (1) no parking will be allowed on the east side of Kingdel Drive, and (2) the access from Kingdel Drive to the courtyard or building shall be for emergency purposes only.
5. That no commercial hoods shall be allowed in the building common areas, with the exception of low-volume hoods in residential party rooms to accommodate limited cooking for social gatherings.
6. That any light produced by exterior lighting shall remain within the property lines.
7. That all existing trees currently on the east curb line of Kingdel Drive shall be protected during construction.
8. That the setback along Kingdel Drive shall be landscaped as depicted in the Landscape Plan approved by the City Forester.
9. That the street trees along Delmar shall be protected during construction unless permission is granted to remove them by the St. Louis County Department of Transportation. Should removal be required, all impacted trees will be replaced with 2" caliper trees in the amount and species approved by the City Forester.

Section 4. The City Clerk is hereby directed to endorse, upon the Final Development Plan, the Final Plan approval of the City Council under the hand of the City Clerk and the seal of University City.

Section 5. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED and ADOPTED this 25th day of April, 2022.



MAYOR

ATTEST:



CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:



CITY ATTORNEY

