

**MEETING OF THE CITY COUNCIL**  
CITY OF UNIVERSITY CITY  
CITY HALL, Fifth Floor  
6801 Delmar Blvd., University City, Missouri 63130  
**Monday, October 9, 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, October 9, 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; (excused)  
Councilmember Dennis Fuller  
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose and City Attorney, John F. Mulligan, Jr.; Police Chief, Larry Hampton; Director of Planning & Zoning, Dr. John Wagner, and Malikah Johnson, Owner of Morning Star Academy-West.

**C. APPROVAL OF AGENDA**

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

Mayor Crow stated that based on what has occurred in Israel, he thinks it would be appropriate to make a few comments; which are not necessarily on behalf of his colleagues, since many may have different beliefs. But the murder of innocence is never acceptable. The desecration of a corpse is never acceptable. The taking of children as hostages is never acceptable. And the celebration of murder; especially of civilians, is never acceptable. To excuse or justify war crimes strips both victims and perpetrators of their humanity, so please stop this violence. Prayers go out to the millions of Israelis and Palestinians who are in harm's way as a result of yesterday's violent attack.

**D. PROCLAMATIONS - (Acknowledgement)**

None

**E. APPROVAL OF MINUTES**

1. September 11, 2023, Meeting Minutes were moved by Councilmember McMahon, it was seconded by Councilmember Clay, and the motion carried unanimously.
2. September 26, 2023, Study Session Minutes (Expanding Outdoor Dining), was moved by Councilmember Klein, it was seconded by Councilmember McMahon, and the motion carried unanimously, with the exception of Mayor Crow.
3. September 26, 2023, Meeting Minutes were moved by Councilmember Fuller, it was seconded by Councilmember McMahon, and the motion carried unanimously.

## F. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. Charlene Temple is nominated to the Arts and Letter Commission as a fill-in by Councilmember Steve McMahon, it was seconded by Councilmember Klein and the motion carried unanimously.
2. Nicole Baumgarten is nominated to the Green Practices Commission as a fill-in by Councilmember Steve McMahon, it was seconded by Councilmember Fuller and the motion carried unanimously.
3. Linda Fried is nominated to the Urban Forestry Commission as a fill-in by Councilmember Bwayne Smotherson, it was seconded by Councilmember Fuller and the motion carried unanimously.

## G. SWEARING IN TO BOARDS AND COMMISSIONS

1. Susan Armstrong was sworn into the Stormwater Commission on September 22<sup>nd</sup>, in the Clerk's office.
2. Roger McFarland was sworn into the Urban Forestry on September 29<sup>th</sup>, in the Clerk's office.
3. Roger McFarland was sworn into the Board of Appeals on September 29<sup>th</sup>, in the Clerk's office.
4. Jane Zeni was sworn into the Urban Forestry Commission on October 4<sup>th</sup>, in the Clerk's office.

## 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 that 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.

### **Diana Mastin, 1318 Mount Olive, U City, MO**

Ms. Mastin stated when the storm caused a tree to fall on a neighbor's house; they cut it down, leaving the stump and dead roots, which is unsightly. And she hopes that the pictures she brought tonight will illustrate the problem this has caused for residents forced to look at this on a daily basis.

She stated that she is also still frustrated about the vacant house at 1315 Carleton where several wires are hanging down in the easement that she and her neighbors are responsible for maintaining. It's just unfair how the owner of this home is allowed to let these wires, vines, and weeds accumulate along their fence and into the easement that they have to clean up.

### **Frank Ollendorff, 8128 Cornell Court, U City, MO**

Mr. Ollendorff stated he thinks the idea of putting a baseball field in Millar Park is out of order. There are nineteen neighborhood parks that over the years have been specifically designed for that neighborhood. So, no changes should be made without first, meeting with those residents to determine what they want. He stated the next park in line for review is Rabe; therefore, the immediate action should be to withdraw any plans to put this field in Millar Park.

Mr. Ollendorff stated he thinks the City needs to concentrate on the PIANO; Police in Annex Now. In 1980 the City promised that the Annex would become the new police station. But here we are in 2023, and it's still being delayed because of side issues that need to be separated out.

He believes the City should devote all of its attention to putting the police in the Annex; which could be completed in 30 days, and then focus on the consultant's recommended changes. And perhaps, additional proposals could be obtained for the Trinity Building, One-Stop-Shop, City Hall, and parking; which are all important. However, the Trivers' contract should be limited to designing the Annex for the Police Department.

**I. COUNCIL COMMENTS**

**J. PUBLIC HEARINGS**

1. Liquor License – Colleen's Cookies, LLC. - 7337 Forsyth Blvd. 63105

Mayor Crow opened the Public Hearing at 6:47 p.m., and after acknowledging that there were no written or oral comments the hearing was closed at 6:47 p.m.

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

1. Vehicle Purchase (Police) – (2) 2023 Dodge Chargers
2. Liquor License – Colleen's Cookies, LLC. - 7337 Forsyth Blvd. 63105
3. Trivers Agreement Amendment
4. NAVIGATE Contract Amendment

Councilmember Klein moved to approve Items 1 through 4 of the Consent Agenda, it was seconded by Councilmember McMahon.

Councilmember Clay posed the following questions to Mr. Rose:

**Q. It's my understanding that the Dodge Charger is not a vehicle typically purchased by the Police. Can you talk a little bit about that since I've received several emails on this topic?**

**A.** *My understanding is that there was an issue regarding availability, but I'll ask Chief Hampton to provide you with their rationale.*

**A.** *(Chief Hampton): The Department has utilized Dodge Chargers in the past because the focus has been on purchasing American-made SUVs that fall within our budget. These two vehicles are currently available, police-rated, and are within the price range we have allotted.*

**Q. Do the Trivers and NAVIGATE Contracts contain the appropriate language that would allow the City to terminate each contract in the event it wishes to pursue any new information?**

**A.** *Normally these contracts have an exit clause, but since the objective is to have them complete the redesign of the Annex and One-Stop-Shop, as soon as possible, any work conducted before the suspension of their contracts would require them to be compensated.*

**Q. Does the City Manager's Report reference a commitment to have the Director of Finance provide Council with cost estimates comparing new construction to the cost of renovating?**

**A.** *In September of 2019, Council received a report from Trivers that identified the cost comparisons for renovating the Annex versus the construction of a new facility. What was not included in that comparison were the costs associated with purchasing the land needed for a new facility, since the initial belief was that the City could utilize the Savers Thrift property that is now being developed. So, staff will provide Council with a sense of what the costs are in today's market by supplying you with a straight-line CPI adjustment of 3% for restoration of the Annex and the cost for new construction.*

Councilmember Smotherson stated while he did not ask for Items 1 and 2 to be moved to the City Manager's Report, and will be voting in the affirmative on the motion to approve the Consent Agenda, he would like the record to note that his vote should not be reflected as a confirmation of these two items.

Councilmember Klein asked if there was any flexibility in the timeline for the Trivers' contract? Mr. Rose stated that based on the City's appreciation for what is occurring with interest rates, this project is being accelerated; even if that means advancing it faster than their proposed timeframe of March.

And he believes staff has provided Council with that estimated timeline based on the amount of work being required.

Councilmember Klein stated while she understands that there have been several discussions about costs associated with a new building versus renovation, she does not believe these costs can be accurately compared without first, considering the cost of not renovating the Annex and Trinity buildings that were viewed to be historic and protected from being utilized for anything other than public use by a strong vote of the residents in 2016. So, from the community's perspective, as well as her own, what you really have on the table is the cost of renovating; the cost of a new building, and the cost of not renovating these buildings. Therefore, she would like Council to think about the public's mandate regarding the importance of these buildings and their desire for how they should be utilized.

Voice vote on Councilmember Klein's motion to approve carried unanimously.

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

1. CUP-23-05 - A Conditional Use Permit (CUP) application to allow a Day Care Center in the "IC" Industrial Commercial District at 6523 Olive Boulevard.

Mr. Rose stated staff is recommending that Council consider a CUP to allow a Day Care Center located at 6523 Olive Boulevard, within the Industrial Commercial District.

Dr. Wagner stated although this location was previously utilized as a Day Care Center, a new owner is now applying to open her center in this District.

Councilmember Smotherson asked why a CUP is even necessary if this location was previously used for the same purpose? Dr. Wagner stated the CUP was discontinued when the previous Day Care ceased to operate.

Councilmember Fuller stated he was curious to know if the City performs background checks on personnel involved in the operation of a daycare center?

Ms. Johnson stated that an owner's background must be checked and approved by the State prior to being granted permission to operate a daycare.

Mr. Rose and Chief Hampton both concurred that the City is not involved in any capacity because the State takes precedence over conducting these types of background checks.

Councilmember Fuller asked if any of the background information obtained by the State is provided to the City? Chief Hampton stated nothing is provided to police departments since everything is governed and regulated by the State.

Dr. Wagner noted that in order to receive an Occupancy Permit all of the applicant's authorizations and certifications must be in order.

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

**M. UNFINISHED BUSINESS - (Roll call vote required on 2<sup>nd</sup> and 3<sup>rd</sup> readings)**

None

**N. NEW BUSINESS**

**Resolutions - (Voice vote required)**

**Resolution**

None

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

*Introduced by Councilmember McMahon*

1. **BILL 9528** – AN ORDINANCE AUTHORIZING THE CITY OF UNIVERSITY CITY, MISSOURI TO PARTICIPATE IN THE MISSOURI FIRE FIGHTERS’ CRITICAL ILLNESS TRUST AND POOL. Bill Number 9528 was read for the first time.

*Introduced by Councilmember Klein*

2. **BILL 9529** - AN ORDINANCE AMENDING SECTION 205.020 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO ADDITIONS, INSERTIONS, DELETIONS AND AMENDMENTS TO THE INTERNATIONAL FIRE CODE, 2018 EDITION, BY ADDING PROVISIONS ON PREMISES IDENTIFICATION FOR EDUCATIONAL GROUP BUILDINGS. Bill Number 9529 was read for the first time.

*Introduced by Councilmember McMahon*

3. **BILL 9530** – AN ORDINANCE AMENDING SECTIONS 400.2130 AND 400.1140 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO THE MINIMUM OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS AND MINIMUM LOT AREA REQUIREMENTS FOR EXISTING ELEVATOR APARTMENT BUILDINGS IN THE “CC” CORE COMMERCIAL DISTRICT. Bill Number 9530 was read for the first time.

**O. COUNCIL REPORTS/BUSINESS**

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions  
Councilmember Fuller reported that in September, the City lost an original member of the Stormwater Commission to cancer, Eric Stein. Mr. Stein was the technical brains behind the early warning flood system and the Commission has been scrambling to find a replacement with his caliber of scientific expertise. So, in his memory, the Commission has asked that I send out an enormous amount of gratitude and heartfelt condolences to his family.
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.

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

Roll Call Vote Was:

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

**Nays:** None.

**S. ADJOURNMENT**

Mayor Crow thanked Ms. Dean for filling in for the City Clerk on such short notice. He then thanked everyone for their participation and closed the Regular Session at 7:06 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 7:25 p.m.

Kena Dean/Ir  
Acting City Clerk