

MEETING OF THE CITY COUNCIL
CITY OF UNIVERSITY CITY
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Monday, October 23, 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 23, 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 (*arrived 6:32 p.m.*)
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.; Deputy City Manager, Brooke Smith, Senior Planner, Mary Kennedy, and Director of Planning & Zoning, Dr. John Wagner.

C. APPROVAL OF THE AGENDA

Mr. Rose requested that Item L5 of the City Manager's Report; Conditional Use Permit for 608 Kingsland, be renamed LB, and discussed at the conclusion of Section M.

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

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

D. PROCLAMATIONS - (Acknowledgements)

1. Recognizing Extra Mile Day – A Proclamation declaring November 1, 2023, to be Extra Mile Day and encouraging each individual in the community to go the extra mile in their efforts to make the world a better place.
2. Honoring Gatesworth Senior Living - A Proclamation declaring October 29, 2023, as "The Gatesworth Day," and congratulating this senior facility on its 35th anniversary.
3. Honoring Arts and Letters Tradition of Literary Excellence Award – A Proclamation congratulating Carl Phillips on being the recipient of the 2023 Tradition of Literary Excellence Award for his outstanding poetry contributions to University City.
4. Honoring Arts and Letters Returning Artists – A Proclamation recognizing Mama Lisa Gage for her many professional accomplishments, and for being this year's guest at the Returning Artists Series.

E. APPROVAL OF MINUTES

1. October 9, 2023, Meeting Minutes were moved by Councilmember McMahon, seconded by Councilmember Fuller, and the motion carried unanimously with the exception of Councilmember Hales.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

None

G. SWEARING IN TO BOARDS AND COMMISSIONS

1. Renau Bozarth was sworn into the LSBD Board on October 17, 2023, in the Clerk's office.
2. Chris Cholley was sworn into the Park Commission on October 19, 2023, in the Clerk's office.
3. Olivia Steely was sworn into the Arts and Letter Commission on October 20, 2023, in the Clerk's office.
4. Linda Fried was sworn into the Urban Forestry Commission on October 20, 2023, in the Clerk's office.
5. Robert Levy was sworn into the CALOP Commission on October 20, 2023, 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, 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.

Frank Ollendorff, 8128 Cornell Court, U City, MO

Mr. Ollendorff presented the City Manager with the official U City Lion's Mask to be worn on special occasions when representing the City.

He stated U City has one of the finest police departments in the metropolitan area and they deserve a state-of-the-art police station. So, he would urge Council to put them in the Annex now. This design has been reviewed by five nationally-recognized architectural firms that all agreed on the basics. Only one recommended removal of the Courts. And since one of the main findings in the Ferguson Report was the need to keep the police and courts separate, that must be done here as well.

Council just completed a review of this plan by a sixth firm which also agreed on the basic plan to build a state-of-the-art police station in the Annex, with several recommended changes. And since this plan is similar to what every police chief over the last 40 years has asked for, he sees no reason to hold this part of the project up.

Mr. Ollendorff stated the recommended changes should be put out to bid as soon as possible, but the rest of the project needs a lot more study. The current proposed plans for the Tivoli Building do not meet the City's needs, but a concept like the One-Stop-Shop does. There are a lot of different ways this can be accomplished; for instance, on the first floor of City Hall or a kiosk at the community center.

With respect to the parking, he thinks the City should think bigger than the parking lot currently being proposed. Wash U's project located across the street is being held up because of a shortage of parking. So, he thinks all of the parking issues throughout Civic Plaza should be taken into consideration. And he would encourage the City to work together with Wash U to come up with a plan that would serve the needs of every building within Civic Plaza.

I. COUNCIL COMMENTS

None

J. PUBLIC HEARINGS

1. Text Amendment – 608 Kingsland

Mayor Crow opened the Public Hearing at 6:39 p.m., and after acknowledging that there were no written or oral comments, the hearing was closed at 6:40 p.m.

K. CONSENT AGENDA - (1 voice vote required)

None

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

1. Receipt of Comprehensive Plan; (Adopted by the Plan Commission on 10/6/2023)

Mr. Rose stated staff is recommending that Council receive the Comprehensive Plan adopted by the Planning Commission and provide guidance on how to implement a briefing of this plan which has tentatively been scheduled for January during a Saturday Work Session.

Mayor Crow stated his preference would be to commence briefing prior to the Work Session, in smaller increments, like Council's one-hour Study Sessions.

Councilmember Hales stated six of the seven Commissioners are here tonight and his thoughts focus on less input and more recognition. This has been a long and arduous process undertaken by an incredible group of people who have poured themselves into every step of this process, so, thank you.

Mr. Rose stated that based on those comments he will coordinate the next step of scheduling a series of Study Sessions to start the briefing process with Dr. Wagner and the Planning Commission.

2. Initiation of Eminent Domain

Mr. Rose stated staff is recommending that Council provide authorization to proceed with eminent domain; if necessary, on two vacant single-family homes in the 3rd Ward.

Ms. Smith stated the specific properties associated with this action are 1456 Laughlin and 7345 Carleton. Both properties are located within RPA-2 and have accumulated years of violations and code enforcement issues with little remediation. Both owners are out-of-state and have made nominal efforts to resolve these derelict conditions. And because of the way the Code is written there are no substantial options available that would compel owners to resolve issues related to code violations. Therefore, eminent domain, while novel, is the last resort approach the City has to acquire these properties.

The eminent domain process consists of sending a letter to the owners advising them of a specific timeframe for bringing their properties into compliance, and that if they fail to do so eminent domain will be utilized. Next, a Blight Study is conducted to determine long-term objectives for the property. Staff is proposing to use 3rd Ward revitalization funds to purchase the properties, remediate the issues, and sell them for redevelopment. However, the Housing and 3rd Ward Revitalization Task Force voted against using these funds, even though they were not necessarily in opposition to the process. Currently, the Task Force is engaged in their planning process for the utilization of these funds and believes that the designation of funds for this purpose would be premature before the completion of that phase.

Councilmember Clay asked if the steps outlined for this process would necessitate any action by Council? Ms. Smith stated they would, and she believes that the City Manager intends to provide Council with more details on the legal process.

Mr. Rose stated the ultimate goal is to achieve compliance by the owners and forego the condemnation process. And as long as the owners are moving in that direction at a reasonable pace, staff will work with them to ensure they are meeting all of the City's standards.

Councilmember Smotherson stated while he understands the Task Force concerns, as well as the fact that the 3rd Ward is not a redevelopment area, he thinks it would be appropriate to use these funds because it will allow the 3rd Ward to be more responsive to many of the issues plaguing their community.

He stated that he, Councilmember Clay, and the City's inspectors have been dealing with delinquent and vacant properties for years. And as the process evolved, what they've learned is that the City has nothing in its Code to mandate that a homeowner remediate these problems. And that is unmistakably illustrated by staff's 2019 List of Vacant Properties where there are 87 vacant homes in the 1st Ward; 190 in the 2nd Ward, and over 300 in the 3rd Ward. So, it's time to start addressing these problems.

Councilmember Klein stated while this sounds like a reasonable process, she would like clarification on whether the proceeds from the sale of this property would go back into the revitalization funds? Ms. Smith stated all of the revitalization funds would be recouped once the properties are sold.

Councilmember McMahon posed the following questions to staff:

Q. Is the reason why Council and the Task Force are being asked to approve this process even though the properties are located in RPA-2 because the use of eminent domain was not included in the scope of that project?

A. (Ms. Smith): *That is correct; the use of eminent domain was never anticipated in the initial project.*

Q. And this recommendation is being made because staff believes that it dovetails into the intended purpose for the funds being generated by the TIF?

A. (Ms. Smith): *That is correct.*

Q. Would staff's recommendation be the same if the TIF funds did not exist?

A. (Mr. Rose): *While staff would need to identify a revenue source for funding, the process is needed, so the recommendation would be the same. The City has simply not been successful in addressing these types of persistent violations by using the existing Code, and the hope is that this process will produce the desired outcome.*

Councilmember Clay stated this Council has been proactive in trying to address some of the issues in the 3rd Ward by spurring redevelopment like the Market at Olive, which was a macro-level approach. The implementation of this process is a tactical approach that he thinks will complement what has already been done. He stated the City has a number of vacant properties that need to be addressed because they are a stigma to neighborhoods. These two properties represent those egregious outliers that have racked up numerous violations going back to 2011. And in his opinion, that places them in a unique category from properties with minor offenses.

That said, he would like his colleagues to be clear about what this is and what it is not. Tonight, staff is only talking about obtaining Council's authorization to send a letter; not the deployment of eminent domain. Because based on the existing framework associated with eminent domain, Council and the Task Force must be consulted at each subsequent step of the process and provided with an opportunity to offer input or even refine some of the procedures.

Councilmember Clay stated in 2019 Council authorized staff to develop and execute a Demolition Program to hold negligent landlords accountable for their failure to resolve egregious infractions. However, that program encountered several issues that made it difficult to activate. First, there were no means for recouping the significant costs associated with demolition. Second, it was an invasive process that not all neighbors or neighborhoods were supportive of. And third, except in cases where a house was literally falling down, it posed unanticipated legal challenges. So, the program stalled and frankly, has been ineffective.

Councilmember Clay stated once again, that he would encourage his colleagues not to let the perfect be the enemy of the good, and to move forward with this step of the process.

Councilmember Hales posed the following questions to Mr. Rose:

Q. I am encouraged by the fact that there seems to be a lot of activity going on at the Carleton property, and curious to know whether there were any discussions with this property owner that led up to this work being performed?

A. *Staff has had conversations with this property owner for several years. And before this item was placed on the agenda Dr. Wagner was advised to contact the owner and inform him of the City's intent to recommend that the process of eminent domain be initiated.*

Q. Do you know if that direct contact transpired?

A. *Yes, it did. And the current activity commenced shortly thereafter.*

Q. If this is what happened because of one contact, then this tool obviously has some potential. So, with that in mind, has a policy or the framework for such a policy been established to determine when a house would be considered for eminent domain?

A. *At this point, staff is simply looking at the most egregious infractions on a case-by-case basis. For example, both of these houses were on the demolition list, which indicates that for over five years staff has executed multiple processes in an attempt to not only bring them into compliance but maintain that compliance. The next phase entails working with Ms. Smith and the City Attorney to draft some language for Council to consider that provides staff with guidance on when a house should be presented for a recommendation to proceed with eminent domain. And the significance of going through this process is that it will provide a better understanding of what should be included in that policy.*

Q. Will the funding source be determined at a later time?

A. *If the use of eminent domain is approved, the first step is to send a letter to the property owner disclosing the City's intent and providing them with an opportunity to work out an agreement that includes a timeframe for when the home will be brought into compliance. If that is unsuccessful, the next step will be to present Council with a recommendation to move forward with the Blight Study, along with a proposed funding source to cover the cost of that study.*

Q. Prior to the Task Force making a formal recommendation, how much funding is being considered?

A. *At this point, I am unable to provide Council with an exact amount. However, I believe that it will cost roughly \$10,000 to cover the Blight Study. As it relates to the funding source, my understanding is that the 3rd Ward Revitalization Fund was established for the purpose of revitalizing the 3rd Ward. So, it is very likely that I will recommend the use of those funds since he believes this process is a component of that plan.*

Q. How much of that funding could potentially be utilized before the Task Force completes their work?

A. *While it's difficult to surmise how long it is going to take them to complete their mission, my assumption is that the most it will cost is \$400,000 for the study, cost of the home, and legal fees. But keep in mind that that these homes will not be land-banked, they will be renovated and placed back on the market for sale. So effectively, what will happen is that the 3rd Ward funds will be reimbursed.*

Councilmember Hales stated while he understands the Task Force concerns, at this point, he is comfortable with the first step of this process because it could be a tool that motivates absentee landlords to take some action.

Councilmember McMahon stated if what Council is being asked to do is authorize a notice of noncompliance and not an official statutory letter for eminent domain, then he's comfortable with moving forward. But has any consideration been given to whether an owner still has the option to comply after the Blight Study has been commenced? Because if that process does not come to fruition it could result in a loss of those 3rd Ward funds. Mr. Rose stated that is certainly something staff will need to consider. However, because these properties have received previous violation notices that are already a part of the judicial process, once the official eminent domain process is

commenced, that information, along with all costs that have been incurred will be provided to the Prosecutor and Judge; unless the City Attorney advises me otherwise.

Citizen's Comment

Gladys Creer, 8043 Appleton Drive, U City, MO

Ms. Creer stated she moved to U City 50 years ago because of its beauty. She loves living here and intends to stand firm on her commitment to make sure it remains beautiful.

Ms. Creer stated even though the houses in her neighborhood are small, they are well-built, paid for, valued, and except for her neighbor on Laughlin, well-maintained. Can you imagine how it feels to live next to a derelict house for ten years? This homeowner; who now lives in California, has either forgotten or simply doesn't care that his house is located in a community, not on an island. And one reason why she and the other senior citizens on her street work so hard to maintain their homes is because of the kids walking past on their way to school. What they see can have a lasting impression. Even though they can't afford to live in some of the mansions located in other wards it's important to make sure that the 3rd Ward does not become rundown like other areas have. Ms. Creer thanked her members of Council for their support and for working so hard to maintain the same beauty in the 3rd Ward as you see in other parts of the City.

Councilmember Clay moved to approve the initiation of an eminent domain process for 1456 Laughlin and 7345 Carleton, it was seconded by Councilmember Smotherson.

Councilmember Smotherson thanked Ms. Creer and noted that years ago she installed a privacy fence just to separate her property from the house on Laughlin. And he would encourage his colleagues to drive by and look at the blemish this property puts on her neighborhood. Councilmember Smotherson stated that he appreciates the consideration given to this issue because it is important for them to get this process started.

Councilmember Hales asked if the intent of this motion is to have Council authorize the distribution of a letter notifying the homeowners of their need to comply within a given timeframe? Councilmember Clay stated that is correct, just the notice of noncompliance.

Voice vote on Councilmember Clay's motion carried unanimously.

3. Funding request for emergency remediation and clean-up of the Seafood City store; (8020 Olive)

Mr. Rose stated staff is recommending that Council authorize a payment to Bio-One St. Louis for the emergency cleanup of Seafood City. Seafood left by the owners when the store closed started rotting creating a significant odor that began emanating from the store. Staff determined this to be a health hazard, and as a result, this vendor was hired to clean up the facility.

Dr. Wagner stated this remediation took four weeks to complete. And while the owner has paid for one week, they informed him that they were not in a position to pay the entire cost. Therefore, a lien in the amount of \$127,000 for the cost of remediation, as well as the additional fees associated with dumpsters and man-hours will be placed on the property.

Councilmember Hales asked if Council could be updated when the lien process has been completed? Mr. Rose stated he believes that Dr. Wagner is waiting to get all of the costs associated with the cleanup together before it is filed.

Dr. Wagner stated the goal is to get it filed within the next two or three weeks.

Mr. Rose stated staff should be able to provide Council with an update within the next 30 days.

Councilmember Fuller stated that he is not optimistic about the City's ability to recover these costs since this property has been up for sale, off and on, for the last ten years.

So, perhaps, the process of eminent domain should be considered in this case as well. He then asked if the lien would accumulate interest until it is paid in full? Mr. Mulligan stated the Code spells out the process for abating nuisance liens and his recollection is that it will accrue interest at the rate of 8% until it is paid in full.

Mayor Crow stated he thinks everyone is aware that there was a crisis at this site that had to be addressed, but at some point, it might be more appropriate to discuss whether there are any other legal options that can be explored during an Executive Session.

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

4. OMCI Participation

Mr. Rose stated staff is recommending that Council approve the City's participation in (OMCI), the Operations, Maintenance, and Construction Improvement reimbursement program.

Dr. Wagner stated the City participated in this program last year at Deer Creek and River des Peres. And as indicated in Council's packet, this year's allocation is a little more than last year's by about \$40,000 on both funds.

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

5. Conditional Use Permit (CUP-23-04) – 608 Kingsland; (moved to Section M)

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

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 second and third time.

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

Roll Call Vote Was:

Ayes: Councilmember Klein, Councilmember McMahon, Councilmember Hales, Councilmember Fuller, Councilmember Smotherson, Councilmember Clay, and Mayor Crow.
Nays: None.

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 and second time.

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

Roll Call Vote Was:

Ayes: Councilmember McMahon, Councilmember Hales, Councilmember Fuller, Councilmember Smotherson, Councilmember Clay, Councilmember Klein, and Mayor Crow.
Nays: None.

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 second and third time.

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

Roll Call Vote Was:

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

Nays: None.

- L (5). Conditional Use Permit (CUP-23-04); 608 Kingsland
Mr. Rose stated staff is recommending that Council consider a CUP for 608 Kingsland, which Senior Planner, Mary Kennedy will provide details on.

Ms. Kennedy stated this application is for a four-story, mixed-use building with retail and restaurant spaces on the ground floor, and apartments on the remaining floors. It is located at the corner of Kingsland and Delmar which used to house Cicero's that closed in 2017. She stated the Applicant would like to increase the number of efficiency units from 36 to 48. The current 36 units were in existence before the new Zoning Code which requires a CUP for new dwellings located above the ground floor in the core Commercial District. Ms. Kennedy noted that the Planning Commission recommended approval at their August 16th meeting, along with the text amendment that was just approved.

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

N. NEW BUSINESS

Resolutions - (Voice vote required)

Resolution

1. **Res 2023-16** FY23 Budget Amendment #5

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

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

Introduced by Councilmember Smotherson

1. **BILL 9531** - AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER NOVEMBER 13, 2023, AND REPEALING ORDINANCE NO. 7337. Bill Number 9531 was read for the first time.

O. 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
Councilmember Smotherson stated he noticed that Robert Levy was sworn into the CALOP Commission.

But his understanding is that this Commission was going to be dissolved because the funds they had oversight for have now been exhausted.

Mayor Crow stated he thinks there is still money in that account, but the City Manager can provide him with more information.

P. CITIZEN PARTICIPATION - (Continued if needed)

Q. COUNCIL COMMENTS

Councilmember Clay thanked his colleagues for moving the eminent domain provision forward. He stated that he is committed to working with everyone to make sure any questions are answered, and the process is refined. He then thanked Ms. Creer for her comments and support in this effort.

Mayor Crow acknowledged the presence of Representative Joe Adams and thanked him for his service. He then congratulated Councilmember Smotherson for achieving the designation of Certified Municipal Official for the Municipal Governance Institute. Mayor Crow stated the dedication members apply to this work is always appreciated.

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

Roll Call Vote Was:

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

Nays: None.

S. ADJOURNMENT

Mayor Crow thanked everyone for their participation at tonight's meeting and closed the Regular Session at 7:33 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 8:28 p.m.

LaRette Reese
City Clerk, MRCC

