

**MEETING OF THE CITY COUNCIL**  
CITY OF UNIVERSITY CITY  
CITY HALL, Fifth Floor  
6801 Delmar Blvd., University City, Missouri 63130  
**Monday, May 12, 2025**  
**6:30 p.m.**

**AGENDA**

**A. MEETING CALLED TO ORDER**

At the Regular Session of the City Council of University City held on Monday, May 12, 2025, 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 the Council were present:

Councilmember Stacy Clay  
Councilmember John Tieman  
Councilmember Steven McMahon  
Councilmember Lisa Brenner  
Councilmember Dennis Fuller  
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; City Attorney, John Mulligan, Jr.; Director of Finance, Keith Cole; and Director of Planning & Zoning, John Wagner.

**C. APPROVAL OF AGENDA**

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

**D. PROCLAMATIONS (Acknowledgement)**

None

**E. APPROVAL OF MINUTES**

1. April 28, 2025, Joint Study Session w/Green Practices Commission Minutes was moved by Councilmember Tieman, it was seconded by Councilmember McMahon, and the motion carried unanimously.
2. April 28, 2025, Regular Session Minutes were moved by Councilmember Smotherson, it was seconded by Councilmember McMahon, and the motion carried unanimously.

**F. APPOINTMENTS TO BOARDS AND COMMISSIONS**

1. Theodore Smith was nominated to the Urban Forestry Commission by Councilmember Dennis Fuller, it was seconded by Councilmember Brenner, and the motion carried unanimously.
2. Zachary Finkelstein was nominated to the Traffic Commission by Councilmember Dennis Fuller, it was seconded by Councilmember McMahon, and the motion carried unanimously.
3. Kevin Taylor was nominated for reappointment to the Traffic Commission by Councilmember Bwayne Smotherson, it was seconded by Councilmember McMahon, and the motion carried unanimously.
4. Olivia Steely and Charlene Temple are nominated for reappointment to the Arts and Letters Commission by Councilmember Bwayne Smotherson, it was seconded by Councilmember Tieman, and the motion carried unanimously.
5. Paul Timothy Brady was nominated to the Traffic Commission by Councilmember Lisa Brenner, it was seconded by Councilmember McMahon, and the motion carried unanimously.

**G. SWEARING IN TO BOARDS AND COMMISSIONS**

None

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

***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 the 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.

### **Citizen Comments**

Tom Sullivan, 751 Syracuse, U City, MO

Mr. Sullivan stated a few months ago he mentioned that there were several ongoing problems throughout the City, and as of today, they have still not been addressed:

- One streetlight is out on Olive and Kingsland
- Three or four streetlights are out on a small patch of land across the street from Kingsland
- One streetlight is out at Chamberlain
- One streetlight is out at Ackert Walkway near Enright
- Light poles in the alley between Heman and Wieland are without covers for the electrical wires; this once led to a youngster getting executed
- Light poles without covers can also be found at 729 Westgate, 739 Westgate, and the southeast corner of Westgate and Vernon
- Numerous utility wires are hanging down throughout the City
- Dumpsters with missing lids can be found at the east end of the City, between Heman and Leland; Heman at Metcalf Park; in the alley behind Bartmer and Kingsland, and east to Kingsland
- The fountain at Lewis Park and several sections of the lip are crumbling into the pond
- The Rain Man sculpture needs attention; the brickwork needs tuckpointing, nothing has been planted in the planter, and weeds are everywhere

Mr. Sullivan stated the City has approximately ten inspectors who make \$70 to \$85,000 a year, so what are they inspecting? Next month, the old Cicero's location will be vacant for eight years. This space and many others have been vacant every day that Gregory Rose has been the City Manager and Terry Crow has been the Mayor. What a failure it is that the most visible locations in The Loop have remained empty this long. And with the most recent closing of Joe Edward's Peacock Diner, it's tough to get breakfast anymore in The Loop. Thank you for listening to my comments.

## I. COUNCIL COMMENTS

None

## J. PUBLIC HEARINGS

1. REZ 25-01 - Dierbergs University City, LLC for a Zoning Map Amendment to rezone the 0.91 acres that comprises Plat 7 of Market at Olive, Lots 2 and 3, from Industrial Commercial District (IC) to Planned Development Commercial District (PD-C)

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

## K. CONSENT AGENDA - (1 voice vote required)

1. CDBG Supplemental Agreement
2. Ratification – Splash pad Fencing
3. Ratification – Splash pad Sod

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

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

1. City Manager Updates  
None
2. Uniform (Police & Fire) Pension Fund Analysis  
Mr. Rose stated staff is recommending that Council consider having a Fund Analysis performed for the Uniform Pension Fund.

Mr. Cole stated that the proposal to engage Baker Tilly to perform a Fund Analysis of the Police & Fire Uniform Pension Fund was presented to the Pension Board at their April 22, 2025, meeting, and based on their recommendation, it is being presented to the Council for consideration.

Councilmember Brenner asked if the note that states "*There can be no change to the plan unless the plan is at least at the 80% funding mark*" means that even after obtaining the analysis, no changes could be made until the fund reaches 80 percent? Mr. Cole stated that is correct. The note refers to a State requirement that prohibits any changes from being made to the benefits unless the plan is at least 80 percent funded.

Mr. Rose stated that the trajectory of the Uniform Pension Plan has continued to decline. Staff does not have the expertise needed to perform this type of analysis, so the rationale behind this request is to hire an accounting firm that specializes in this area to determine what, if any, changes can be made to reverse this trajectory.

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

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

1. **AMENDED BILL 9567** - 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 ADJUSTED LOTS 2 AND 3 OF MARKET AT OLIVE PLAT 7, FROM INDUSTRIAL COMMERCIAL DISTRICT ("ic") TO PLANNED DEVELOPMENT COMMERCIAL DISTRICT ("PD-C"). Bill Number 9567 was read for the second and third time.

Mr. Mulligan stated that while the Agenda indicates that this is an Amended Bill, there have been no substantive changes. This Bill was assigned the number 9566 when it was introduced on April 28th, however, it was later determined that 9566 had previously been assigned to another Bill. Therefore, only the number is being changed. Mr. Mulligan stated that the same explanation applies to Agenda Item M (2): Amended Bill 9568, which was previously assigned Bill Number 9567.

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

Roll Call Vote Was:

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

**Nays:** None

**To Be Considered after Resolution 2025-05**

2. **AMENDED BILL 9568** - AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR ADJUSTED LOTS 2 AND 3 OF MARKET AT OLIVE PLAT 7. Bill Number 9568 was read for the second and third time.

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

Roll Call Vote Was:

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

**Nays:** None

## **N. NEW BUSINESS**

### ***Resolutions - (Voice vote required)***

- 1. Resolution 2025-05–** Preliminary Development Plan for Market at Olive Plat 7, Adjusted Lots 3 and 4.

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

Councilmember Clay asked if the tan building depicted in the renderings was an accurate representation of what this building will look like?

Dr. Wagner stated Brent Beumer of Dierbergs could provide Councilmember Clay with an answer to his question.

**Brent Beumer, Vice President of Real Estate for Dierbergs Markets, Inc., 16690 Swingley Ridge Road, Chesterfield, MO 63017**

Mr. Beumer stated the short answer to that question is that Dierbergs' intent is for the outbuildings to be architecturally and aesthetically harmonious with Dierbergs. So, to be consistent with what was approved for the main building on Lot 1, the color will probably be more in the brown family rather than tan.

Voice vote on Councilmember Smotherson's motion carried unanimously.

- 2. Resolution 2025-06 -** Adoption of St. Louis Regional Hazard Mitigation Plan

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

Councilmember Smotherson asked if staff really expects to receive federal funding for this plan? Mr. Rose stated that until they hear otherwise, about potential grants from the government staff will continue to proceed as they have in the past.

Voice vote on Councilmember McMahon's motion carried unanimously.

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

*Introduced by Councilmember Smotherson*

- 1. BILL 9569 -** AN ORDINANCE APPROVING A FINAL PLAT FOR A MINOR SUBDIVISION OF LAND AT 749 AND 801 SWARTHMORE LANE TO BE KNOWN AS "801 SWARTHMORE LANE." Bill Number 9569 was read for the first time.

*Introduced by Councilmember Fuller*

- 2. BILL 9570 -** AN ORDINANCE AMENDING CERTAIN DOCUMENTS APPROVED BY ORDINANCE NO. 7351 RELATING TO AN INDUSTRIAL DEVELOPMENT PROJECT FOR 711 KINGSLAND AVENUE. Bill Number 9570 was read for the first time.

## **O. COUNCIL REPORTS/BUSINESS**

1. Board and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions, and Task Force minutes

#### 4. Other Discussions/Business

- a) Fiscal Impact Review** - (Requested by Councilmembers Smotherson and Fuller);  
Discuss new procedure for requiring developers to fund fiscal impact review.

Councilmember Smotherson stated while he appreciates the explanation that was provided regarding the fiscal impact review, he thinks that a distinction should be made between the fee assessed for multi-million dollar developments like Parkview Gardens and smaller developments like the Mack Brothers' project.

Mayor Crow stated while he doesn't necessarily disagree with Councilmember Smotherson's comments and understands that it can be a bit challenging for all concerned to work through these developments, he's not sure it's healthy to compare the City's smaller projects with multi-million dollar projects since that would be an apple to oranges comparison. You simply have to have all of the numbers in front of you before anything can move forward. So, it's going to be important for the applicant to make sure Council has the information it needs to make an informed decision.

Councilmember Fuller stated his only concern was how the decision is being made to charge each developer a fee because in the future, it could have an impact on smaller businesses, especially those looking to develop properties along the Olive Corridor.

Mr. Rose stated that the implementation of a fee related to fiscal impact reviews only applies to individuals or businesses that are requesting a subsidy. When that occurs, an analysis, i.e., fiscal impact review, must be conducted to determine whether that request is reasonable. However, since staff does not have the expertise to conduct this analysis in-house, it must be contracted out, which means that taxpayers will be forced to pay the cost. Council may decide that the subsidy is not needed; that it should be subsidized at a higher rate, etc.; the developer could elect not to move forward with the project or in some cases, they've decided that they no longer need a subsidy after the project has already been developed. So, there are a lot of variables associated with requesting a subsidy, but once that analysis has been conducted, the City is on the hook for those costs.

Councilmember Smotherson stated there is no indication that the Mack Brothers' contract was ever presented to Council. So, is this a new process because it does not seem to have been utilized with any of the City's other developments? Mr. Rose stated when Council began negotiations with the developer for the Market at Olive, he believes there was a fund created that the developer placed money into that was based on the idea that growth should pay for growth. So, it's the same concept.

Mr. Mulligan stated that is correct. With the Market at Olive, a Preliminary Funding Agreement was entered into between the City and the developer, which was approved by Council. The agreement provided for the developer to deposit funds with the City, so that when legal expenses and consultant fees were incurred, the money to pay those expenses would be taken from that special account. In fact, additional contributions have been made to that account along the way. He stated the City has also entered into these types of funding agreements for smaller projects that did not necessarily rise to the level of requiring Council's approval since there is a \$25,000 threshold in the Code. So, this type of funding agreement is typical here, as well as in other cities.

Mayor Crow stated he thinks the specific project that Councilmember Smotherson is referencing is on a completely different scale. So perhaps, the City Manager and his staff can look into that. However, his thoughts about this particular applicant are that Council has not received enough information about the project to even make a decision.

Mr. Rose stated it's important to note that in these instances, the City is not charging a developer for the entire cost of the review. The remainder of the costs owed to the contractor performing the analysis will be covered by the City. The concept of utilizing funding agreements is to ensure that the City can recoup a portion of its cost, regardless of the outcome.

Councilmember Smotherson stated that he understands Mr. Rose's perspective and the Mayor's comments about needing all of the information. However, since it is evident that this particular developer has already invested money in the business and the event center is up and operating, he hopes that the City can find a way to help them complete this project.

Mayor Crow stated he would also like to see this project completed and for Olive to get the well-deserved attention that it needs. However, when someone is requesting funds from the City, you can't blindly approve their request. Even the utilization of EDRST funds requires an applicant to show receipts for the work that has been done. So, it's not sufficient to just tell someone what you've done, it has to be proven. That said, Mayor Crow stated that he appreciated Councilmembers Smotherson and Fuller for bringing this issue up because the City has a great deal of economic activity going on, and this situation; where a process may have to be recalibrated was bound to come up at some point.

**P. CITIZEN PARTICIPATION (continued if needed)**

None

**Q. COUNCIL COMMENTS**

None

Councilmember Tieman moved to adjourn the Regular Council Meeting, it was seconded by Councilmember McMahon, and the motion carried unanimously.

**R. ADJOURNMENT**

Mayor Crow thanked everyone for their participation and adjourned the meeting at 7:04 p.m.

LaRette Reese  
City Clerk, MRCC