

MEETING OF THE CITY COUNCIL  
CITY HALL  
6801 Delmar Blvd.  
City of University City, Missouri 63130  
**December 12, 2011**  
**6:30 p.m.**

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, December 12, 2011, Mayor Shelley Welsch called the meeting to order at 6:30 p.m. In addition to the Mayor, the following members of the Council were present:

Mr. Byron Price  
Ms. Lynn Ricci  
Mr. Stephen Kraft  
Mr. Terry Crow  
Mr. Michael Glickert  
Mr. Arthur Sharpe

Also in attendance was City Manager Lehman Walker

**C. APPROVAL OF AGENDA**

Approved as submitted

**D. PROCLAMATIONS**

**E. APPROVAL OF MINUTES**

1. The minutes of the November 28, 2011, Regular City Council session was moved for approval by Mr. Sharpe, who was seconded by Mr. Crow and the motion carried unanimously.

**F. APPOINTMENTS**

1. Teddy Presberg was nominated to the CALOP Commission by Mayor Welsch, was seconded by Ms. Ricci and the motion carried unanimously.

**G. SWEARING IN**

1. Nancy Baglan was sworn in to the Urban Forestry Commission; Larry Lanius was sworn in to the CALOP Commission; and Ann Cortinovic was sworn in to the Arts & Letters in the City Clerk's office

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

Eric Friedman, 7010 Washington

Mr. Friedman is the Chair of the CALOP Commission. He was present to share information on CALOP's project on recycling. This project is designed to increase the recycling in U City, which would, hopefully, decrease the City's trash dumping fees. He also said they hope the project would create a culture of sustainability in the community. He said CALOP formed a committee and they were ready to send out a RFP to the community and press. This will be a two-year project for CALOP and is being funded at the level of \$50,000. Mr. Friedman said the critical part of this project would be to involve the youth of the community. He also noted that CALOP won the OLGA award

from East West Gateway Good Government Award for their work within the community. Mr. Friedman said that CALOP has also entered into an agreement with Washington University to house the archives for the CALOP collection.

Ed Mass, 8360 Cornell Ave.

Mr. Mass addressed two issues dealing with the driving range lights. First he stated that U City's reputation has been damaged with the Park's Grant Commission and therefore with St. Louis County and he heard that Clayton is disappointed with their agreement with U City in that the driving range lights are not being used. Mr. Mass said secondly that the City Manager and Mayor are in direct violation with City Council's Resolution 2007 – 10, which states the lights shall be turned off by 9:30 p.m. He said it was his understanding that U City has lost at least \$22,000 of net income due to the lights not being turned on. Mr. Mass' comments are attached at the end of these minutes.

Stanford Carp, 911 Barnard College Lane

Mr. Carp asked what the purpose of a resolution is, if it is not followed.

Carol Portman, 155 N. Hanley #101

Ms. Portman asked why U City residents need to be subjected to the tacky looking decorations in the Loop. She asked that the Arts & Letters Commission develop something else that would be in good taste.

Lisa Cohnes, 1507 Lyndale

Ms. Cohnes questioned the unfair employment practices in the City of University City concerning her position being eliminated and reclassified. She asked that her statement be attached to the end of these minutes. The statement is so attached.

## **PUBLIC HEARINGS**

Zoning Map Amendment to rezone four parcels located at 844, 852, and 858 Kingsland Ave. and 6668 Vernon.

The Public Hearing was opened at 6:47p.m.

## **CITIZEN COMMENTS**

Richard Dockett, 6844 Crest Ave.

Mr. Dockett expressed his full support for the zoning map amendment.

The Public Hearing was closed at 6:52 p.m.

## **I. CONSENT AGENDA**

## **J. CITY MANAGER'S REPORT**

1. Conditional Use Permit (C.U.P.) application for 8342 Delcrest Dr. for a proposed multi-family development in High Density Residential/Office (HRO) District.

Mr. Kraft moved to approve the application and was seconded by Mr. Crow.

## **CITIZEN COMMENTS**

Sandy Diamond, 1 Delcrest Ct. #204

Ms. Diamond expressed her concerns with this development with the project's original location for trash collection; the additional traffic it will generate; and the

potential damage to her apartment unit. She stated she was pleased when she saw the developers revised site plan for the trash location. Ms. Diamond stated that she hoped the City had an ordinance as to definite hours in which the trash compactor could be operated and that this would be enforced. She asked that an updated traffic study be commissioned, as she is still concerned about getting in and out onto Delcrest and Delmar.

Mr. Kraft said he was the Council liaison at the Plan Commission and noted that the trash compactor had been moved to the center of the project and asked if the developer could explain it further.

The Developer David Braswell, 17632 Orville Rd., Chesterfield

Mr. Braswell agreed that the trash compactor was relocated to the center of the project. He noted that they recently submitted a subsequent traffic study to Public Works. Mayor Welsch asked the City Manager if he could see that the Council receives a copy of this study.

The approval of the C.U.P carried unanimously.

## 2. The refunding of outstanding Certificates of Participation

Joy Howard from WM Financial Strategies, 11710 Administration Dr., Maryland Heights spoke on the 2003-2004 Certificates of Participation. She said she was presenting another alternative from her previous discussion with Council which provided savings every year in approximately equal amounts, which would be from \$53,000 - \$58,000 a year. She said there would be more savings if they were deferred but this option would provide a savings every year.

Mr. Price asked the City Manager if the staff was recommending the second alternative. Mr. Walker said that was correct. The staff could not predict when the economy would turn around and recommended capturing the savings immediately instead of relying on something that could happen years from now.

Mr. Kraft asked if the savings given in both options were net present values. Ms. Howard said they were actual dollars.

Ms. Ricci stated that if the City waited until 2020 they could get another \$60,000 and asked if it could be more or less than this. Ms. Howard said it was based on her best guess of interest rates and said once rates are set during this process the savings are definitive. She reiterated that saving t can deviate based on what the final interest rates are and those will be determined when this process is finalized.

Mr. Crow said he was comfortable with getting the savings sooner rather than later.

Mr. Price moved to approve the refunding of outstanding certificates of participation with staff's recommendation of the second alternative, in order to benefit from the savings sooner. Mr. Sharpe seconded the motion and the motion carried unanimously.

## 3. Liquor License for Sir B Que Restaurant & Bar, 6714 Olive for all kinds of liquor by

the drink, excluding Sunday sales.

Mr. Price moved to approve, was seconded by Mr. Sharpe and the motion carried by a majority with one Nay vote from Mr. Glickert.

4. Liquor License for Meramec Elementary School, Glenridge Elementary School and Captain Elementary School for picnic liquor license.

Mr. Crow moved to approve the liquor license, was seconded by Mr. Sharpe and the motion carried unanimously.

## L. COUNCIL REPORTS AND DISCUSSION

1. Council Liaison reports on Boards and Commissions  
Mayor Welsch asked that Council move forward with their assigned reappointments and appointments as quickly as possible.
4. Mayor Welsch noted that Council asked Mr. Glickert and her to meet and put previously discussed revisions into place. She noted that Council had received the revised Rules or Order and Procedures in their packet last week with the revised items bolded.

Mr. Kraft said he misunderstood and asked that this be postponed since there were a lot of changes, and felt it should be voted on one rule at a time.

Mr. Glickert agreed to giving Council more time to review.

Mr. Kraft moved that this item be removed from the agenda and schedule a Council Study Session in January and was seconded by Mr. Sharpe.

Mr. Crow agreed but said it was not on the agenda for action and it would not need a vote.

Mayor Welsch stated that except for the change concerning Boards and Commissions absences, the changes bolded in the document were the changes that were discussed at the last Council Study Session, that Council had asked Mr. Glickert and her to finalize their discussion.

## M. UNFINISHED BUSINESS

### *BILLS*

1. **BILL 9144** – An ordinance dissolving the Olive Boulevard Central Tax Increment Financing District's Special Allocation Fund and terminating the District's designation as a Tax Increment Financing Redevelopment area; containing an EMERGENCY CLAUSE.

*Mr. Price introduced Bill 9144.*

Mr. Sharpe moved for approval and was seconded by Mr. Price.

Roll Call vote was:

Ayes: Mr. Price, Ms. Ricci, Mr. Kraft, Mr. Crow, Mr. Glickert, Mr. Sharpe and Mayor Welsch.

Nays: none

Bill 9144 carried unanimously and became Ordinance 6877.

**N. NEW BUSINESS to be introduced**

*RESOLUTIONS*

1. Resolution 2011 – 18 Preliminary development plan for proposed Planned Development-Mixed Use District – 6668 Vernon Ave, 844, 852 and 858 Kingsland Ave.

Mr. Price moved to approve the resolution, was seconded by Ms. Ricci and the motion carried unanimously.

*BILLS TO BE INTRODUCED*

*Introduced by Mr. Kraft*

2. **BILL 9143** - An ordinance amending Chapter 34 of the Municipal Code of the City of University City, Missouri, relating to zoning districts established pursuant to Section 34-22 thereof, and enacting in lieu thereof a new official zoning map, thereby amending said map so as to change the classification of property at 6668 Vernon Avenue from “PD-R” Planned Development-Residential District to “PD-M” Planned Development-Mixed use district; and 844, 852, and 858 Kingsland Avenue from “IC” – Industrial Commercial district to “PD-M” Planned Development-Mixed use district; and establishing permitted land uses and developments therein; containing a savings clause and providing a penalty.

*Introduced by Ms. Ricci*

3. **BILL 9145** – An ordinance fixing the compensation to be paid to City officials and employees as enumerated herein from and after its passage and repealing ordinance No 6876.

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

Janice Yates, 7494 Drexel Dr

Ms. Yates asked what the Mayor and City Manager’s true agenda was for University City, as she did not see it as one of growth or cohesiveness in the community. She said the next cut on the City’s agenda would be the Police Department and turn it over to St. Louis County.

**P. COUNCIL COMMENTS**

Mr. Glickert said clarification was needed from the City Manager and the Director of Community Development as it pertained to Wilson Ave. He said the Council has received emails and he wanted on public record what was expected of the Wilson Ave. demolition service and the hours and days in which they can work.

Mr. Walker noted the City has had an ordinance in place for many years with respect to hours of construction. He noted that construction is not permitted after 10 p.m. or before 7 a.m. Monday through Saturday. In order to maintain the Wilson Ave funding from the Federal Government, demolition needed to be completed within ninety (90) days and the

City is proceeding with that on schedule.

Mr. Crow stated he would agree with the citizens who brought up the issues regarding the driving range. He said it was his understanding that as long as the Council passed a resolution that unless a different resolution was passed later, it stood. Mr. Crow wanted to know how the City was going to proceed going forward. He said if the Council wanted it to change, they needed to take a vote to change it.

Mr. Kraft said the maybe a legal interpretation on resolutions was needed. He said what the resolution states is that the lights have to be turned off by 9:30 p.m. Mr. Kraft compared it to passing the speed limit at 35, no one is arrested driving 30; one just cannot drive over 35. Mr. Kraft asked if anyone has seen the lights on after 9:30 p.m. He did not see any violation of the resolution. He said the driving range project cost the tax payers \$469,000 taxpayer dollars. Mr. Kraft also was not sure if the City should be running a driving range that competes with the private sector. He would not have voted to build the driving range in 2009, if he were on the Council. But since the City has it, Mr. Kraft noted that it must be responsibly managed. He said Resolution 2007-10 gave the City Manager wide latitude to manage the driving range as long as the lights are off by 9:30 p.m. Mr. Kraft noted the driving range and golf course are not losing money and turning off the lights has removed a major source of irritation to the surrounding neighborhood. He said the Council has the right to introduce a new resolution to change it but no resolution has been introduced. Mr. Kraft said until the agenda has a resolution requiring his vote, he would wait for recommendations from the City Manager and expect the range will operate in a responsible manner that balances the financial interests of the City and the wishes of golfers, while being respectful to the surrounding neighborhood.

Mr. Price stated to the Chair that the City cannot pick and choose what resolutions they want to abide by. He said if the resolution was passed, voted on, then that resolution has to be dealt with. Mr. Price asked the Mayor if the Council can pick and choose what resolutions they follow or not follow.

Mayor Welsch referred to the City Clerk as to the legal power of a resolution.

Ms. Pumm stated that it was a legal question and she could not answer it.

Mr. Price said if this body is unclear, for Council to get a legal interpretation on it but he thought it would be a waste of money.

Mayor Welsch asked Mr. Price if he was asking Mr. Walker to get a legal interpretation on the force of a resolution. Mr. Price said that does not go through the City Manager but should go through the Council. Mayor Welsch stated she had no problem with getting a legal opinion.

Ms. Ricci said she was one of the Council that voted no to that resolution but did not see how it was being violated because it states that the lights will be turned off no later than 9:30 p.m. So if they are turned off earlier than 9:30 p.m., it is not a violation. Ms. Ricci noted that according to Municipal League's definition on the difference between a resolution and ordinance is "an ordinance is a prescribed permanent rule of conduct; one that has the effect of law. A resolution is an act that is less formal than an

ordinance and is simply an expression of an opinion of mind by an official body.” Ms. Ricci said a resolution does not have the teeth of an ordinance and she failed to understand how it has been violated, if the lights are turned off prior to 9:30 p.m.

Mr. Price compared the difference between a person turning the lights off by flicking a switch or an electrician turning the lights off by disconnecting the power to the switch, so the lights can never be turned off. He said right now no one is turning anything off because the lights are not activated.

Ms. Ricci said she is more caught on that fact that the driving range which existed today is not the driving range that this body voted on. She thought that this body should be more upset with that than the issue of when the lights are on. Ms. Ricci said from what Council considered and voted on is different from what was installed.

Mr. Kraft said he had no problems asking the City Attorney if we were violating Resolution 2007-10.

Mayor Welsch spoke of the good turn-out at the Senior Task Force’s Town Hall meeting on November 30. The reports of all three Mayoral Task Forces will be presented to the Council in four to six weeks. She asked for any volunteers who would like to help choose the movies for the Movies in the Parks series to contact her. Mayor Welsch noted that Fair U City is getting underway and will be in full force after the first of the year. Volunteers are needed in all areas for this and to please contact [info@fairucity.com](mailto:info@fairucity.com).

Mayor Shelley Welsch adjourned the meeting at 7:26 PM.

Joyce Pumm, MRCC  
City Clerk

I'd like to address two issues having to do with the driving range lights.

**First, I'll address UCity's Reputation with Other Municipalities**

We already know how the action of the City Manager has damaged the reputation of UCity with the Park Grant Commission and therefore with St Louis County. I want to add another note to how the City Manager and Mayor are damaging the fine reputation of UCity.

I had heard that Clayton was considering some sort of action in regard to the driving range lights not being used. So I contacted the City of Clayton.

I spoke to, and emailed with, Patty DeForrest, Clayton Director of Parks and Recreation, who approved the following for me to relay to you based on those communications: "The Clayton Parks and Recreation department is *very* disappointed that UCity made a decision not to turn on the driving range lights in 2011. Clayton had entered into an agreement in good faith with UCity that the full project, with the lights, would be utilized and available to Clayton residents. The City of Clayton has had numerous complaints from Clayton residents about the lights not being used. Going against the good faith of the agreement has damaged the reputation of UCity with Clayton."

Do the City Manager and Mayor really want to drastically damage the reputation of UCity with Clayton and other municipalities that will surely hear about the unreliability of promises and obligations made by UCity?

**The second issue is that the City Manager and Mayor did not do their homework. They have been in direct violation of a UCity Council resolution for all of 2011.**

Resolution 2007-10, Resolution on Operation of Proposed Ruth Park Golf Course Learning Center

"THEREFORE the operation of the Learning Center shall comply with the desire of the Council that the last supply of balls shall be sold no later than 9:00 PM and the range lights shall be turned off by 9:30 PM."

This resolution establishes two very important points. First, it obviously establishes that the driving range lights are to be used.

Now, some may argue that the language says "... turned off *by* 9:30 pm" and therefore it allows turning the lights off earlier than that. It's extremely obvious that this language means that the lights *should be used*. I think we all know that it's also obvious that the language is intended to mean that the lights should be used *until* 9:30 pm but should not be kept on past that time.

Second, this resolution sets a precedent that the Council believes it should establish the hours of operation of the driving range lights and not the City Manager. Maybe the Council that passed this resolution had some foresight that they specifically did not want a single person to be able to undo the use of the lights from the specified hours of operation.



12/12/11

Lisa Cohnes - 1507 Lyndale

I am a 32-year resident and a graduate of the University City school system. I worked for the City of University City for eight years. During my employment I was a dedicated and conscientious employee and I always had great performance reviews. I never imagined I would be subjected to such unfair employment practices by City Administrators in the City that I've known and loved all my life.

On October 26, 2011, I was informed by City Manager Lehman Walker and Human Resources Manager Rick Brown that my position as a Senior Accounts Clerk was being eliminated; however, I could apply for a lower level position (an Advanced Clerk Typist) which I formerly held prior to being promoted to Senior Accounts Clerk. I was told that the Advanced Clerk Typist position would include the same duties and responsibilities as the Senior Accounts Clerk position, and that the change was being made because the Senior Accounts Clerk position was inflated and the work was really that of an Advanced Clerk Typist. I was further informed that this was purely an economic decision and it was not performance based. While I did not agree with the assessment as compared to other Advanced Clerk Typist positions in the City, and because no one in Administration was aware of all of the tasks I performed and never inquired, I went ahead and applied for the Advanced Clerk Typist position. During the October 26 meeting, I was told by City Manager Lehman Walker and Human Resources Manager Rick Brown that if I did not get the Advanced Clerk Typist job, my last day of employment would be November 30, 2011.

After the October 26 meeting, I learned that another employee's position had been eliminated; however, this employee was immediately appointed to the resulting lower level position, and although the salary of the position the employee was appointed to was lower, the employee did not lose pay, but rather the pay was frozen. While I could not understand why I was not appointed to the lower level position, for which I know I was clearly qualified, having worked in the position before prior to being promoted, I applied and subsequently interviewed for the position.

On November 30, 2011, I was summonsed to meet with City Manager Lehman Walker and Human Resources Manager Rick Brown at City Hall at 3:30 pm. At that time, I was told I did not get the Advanced Clerk Typist position and my employment was ending that day. I want to note that external candidates were hired for jobs that myself and my co-worker should have been appointed to.

I would also like to note that On August 8, 2011, at a regular council meeting, your City Manager and my City Manager Lehman Walker when asked by Council Member Byron Price if there would be further Reductions In Force, said "No". This is documented in the August 8, 2011, meeting minutes.

City Administration must be held accountable for blatantly imposing unfair employment practices, which are in violation of the City's Civil Service Rules.

I am requesting that this statement be attached to and made a part of the official meeting minutes of today.