

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
FEBRUARY 2, 2022**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 7:32 p.m. on Wednesday, February 2, 2022 in the Council Chambers of Hazelwood City Hall, 415 Elm Grove Lane.

In response to the coronavirus (COVID-19) public health emergency, some members of the City Council attended in-person in the Council Chambers at Hazelwood City Hall and others attended and participated by video conference in accord with Section 610.015, RSMo ("All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected... shall be cast by members... who are physically present... or who are participating via videoconferencing.") It was impossible and impractical to hold the meeting in a manner physically accessible by the public. Section 610.020.2, RSMo ("Each meeting shall be held at a place reasonably accessible to the public... unless for good cause such a place... is impossible or impractical.") Public access to the meeting was accommodated in person and via access to video conference pursuant to notice provided in accord with Section 610.020, RSMo.;

Mayor Robinson asked those present to join in a moment of silent meditation followed by the Pledge of Allegiance.

On roll call the following members of the Council were present:

Robert C. Smith
Mary G. Singleton
Carol A. Stroker*
Robert M. Aubuchon
Daniel T. Herin
Matthew G. Robinson
Lisa M. Matlock
Warren H. Taylor*

Council Member Don W. Ryan was not present. City Clerk Julie Lowery declared a quorum was present.

Also present were City Manager Matt Zimmerman and City Attorney Kevin O'Keefe.

*Council Members Carol A. Stroker and Warren H. Taylor arrived at 7:37 p.m.

AGENDA

There being no amendments proposed, Mr. Aubuchon moved, seconded by Ms. Matlock, the adoption of the agenda as printed. The motion passed unanimously.

CONSENT AGENDA

Mrs. Singleton moved, seconded by Ms. Matlock, the adoption of the consent agenda as printed. The following vote was recorded on the motion:

AYE - 6

NAY - 0

Mr. Smith
Mrs. Singleton
Mr. Aubuchon
Mr. Herin
Mayor Robinson
Ms. Matlock

The motion passed unanimously and the consent agenda, including a closed meeting immediately following the regular meeting to discuss negotiations with employee groups in accordance with RSMo 610.021(9), was adopted.

APPROVAL OF MINUTES

Mrs. Singleton moved, seconded by Ms. Matlock, to approve the minutes of the January 19 regular Council meeting as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

EMPLOYEE INTRODUCTIONS

Assistant City Manager-Economic Development Becky Ahlvin introduced newly hired City Intern Jordan Ing.

Fire Chief Dave Herman introduced newly hired firefighter/paramedics Greg Kraft, Steve Kurth and Adam Bias. He also introduced the new firefighter/paramedics that were hired through the Staffing for Adequate Fire and Emergency Response grant: Matthew Florek, Patrick Lane, Brendan Lofland, Paul Luley, Griffen Masucci, Joseph Stewart, Maxwell Worth, Zachary Kalevik, Sean Rempe, and Courtney Zeisset.

PROCLAMATIONS AND RESOLUTIONS

TESON ROAD GRANT RESOLUTION

Mayor Robinson called for the reading of a resolution in support of an application for grant funds to improve Teson Road.

There were no objections and Resolution 2203 was read by title only:

A RESOLUTION ENDORSING APPROVAL OF THE APPLICATION OF THE CITY OF HAZELWOOD, MISSOURI, FOR FUNDING FOR THE IMPROVEMENT OF TESON ROAD THROUGH THE TRANSPORTATION IMPROVEMENT PROGRAM SURFACE TRANSPORTATION PROGRAM – SUBALLOCATED FUNDS (STP-S) PROGRAM OF THE MISSOURI DEPARTMENT OF TRANSPORTATION.

Mr. Smith moved, seconded by Mr. Aubuchon, the adoption of Resolution 2203. The following vote was recorded on the motion:

AYE - 7

NAY - 0

Mr. Smith
Mrs. Singleton
Mr. Aubuchon
Mr. Herin
Mayor Robinson
Ms. Matlock
Mr. Taylor

Resolution 2203 was adopted.

CITIZENS HEARINGS AND PRESENTATION OF PETITIONS

Mayor Robinson explained the procedures to be followed during a hearing. He invited anyone desiring to make a comment to come forward at this time.

GOLF CART
REGULATIONS

Alan Orban of 1112 Woodcrest Lane stated he was opposed to the golf cart legislation.

Mr. Orban asked why the city is duplicating the state and federal regulations. He also asked how insurance verification would be handled.

Mayor Robinson replied that the answer to these questions would be discussed under item 12.c.

In response to Mr. Orban's comment, Mike Feldman of 919 Zohner Court stated the way the legislation is written, a copy of insurance would need to be kept with the golf cart, similar to vehicle insurance. He stated he is in favor of the golf cart legislation.

PUBLIC HEARINGS - None

COMMUNICATIONS

REZONING PETITION
316 & 318 ELMGROVE
AVENUE

A petition for change of zoning at 316 and 318 Elmgrove Avenue from C-2 General Commercial District to R-5 Single-Family Dwelling District was received from Ozark Association Management, LLC.

SUBDIVISION PETITION
6122 FEE FEE ROAD

A petition for subdivision to divide one lot into three lots at 6122 Fee Fee Road was received from Sean Cox.

SLUP PETITION 7541 N. LINDBERGH BOULEVARD	A petition for a Special Land Use Permit for a fast food restaurant at 7541 North Lindbergh was received from TRM RE Holdings, LLC.
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EWGCG BRIEFINGS	The January 20 issue of Briefings was received from the East-West Gateway Council of Governments.
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EWGCG BRIEFINGS	The January 27 issue of Briefings was received from the East-West Gateway Council of Governments.
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Mrs. Singleton moved, seconded by Ms. Matlock, to refer the petitions to the City Plan Commission and to receive and file all communications. The motion passed unanimously.

UNFINISHED BUSINESS - None

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS	No items were added to the March 9 Council work session agenda.
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CITIZENS TO SAVE HAZELWOOD & FIRE SERVICES PRESENTATION	Jennifer Guyton of 1205 Woodcrest Lane, chairperson for the Citizens to Save Hazelwood & Fire Services gave a presentation on the Hazelwood and Robertson Fire Protection District (RFPD) service dispute.
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Ms. Guyton stated Citizens to Save Hazelwood & Fire Services is a nonprofit group consisting of Hazelwood residents mostly from the RFPD service area. All residents are welcome and the group may be expanding into Bridgeton. She stated the group's mission is to find a reasonable solution to the City's budget crisis, while minimizing the tax burden on Hazelwood residents and businesses. Citizens to Save Hazelwood & Fire Services formed June 1, 2021, following the City of Hazelwood and RFPD attempted tax increases.

Over the past six months, the Citizen's group has spoken to residents, business owners, City officials, and RFPD officials. The group has researched Tax Increment Financing (TIFs), tax abatements, tax rates, and the fire business. Ms. Guyton stated she has made dozens of open record requests to gather and analyze the data. She stated many residents are under the impression that the City is currently not paying RFPD for services, which is incorrect and the City has paid RFPD for all services to date.

Ms. Guyton explained residents feel there are two main arguments surrounding the City's budget crisis. First, Hazelwood gave TIF's resulting in budget shortfalls, and second, RFPD sold tax increases to taxpayers as no cost. It has been difficult for residents to see millions of dollars in tax abatements and be told the City is going bankrupt and cannot give their employees raises. There have been no new TIFs since 2008, and the TIF for the Mills Mall area ended in December of 2021. Tax abatements create jobs and generate revenue through permits and licensing. Due to Senate Bill 870, Robertson is no longer

included in new tax abatements. Since 1995, when the contract between RFPD and the City was signed, there have been five tax rate increases which residents were told would be at no cost to them. RFPD's current tax rate is \$2.41 for residential property, the fifth highest in St. Louis County, and \$2.47 for commercial property, the fourth highest in St. Louis County. Ms. Guyton stated that a single-family home worth \$100,000 pays \$175 in real estate taxes to Hazelwood, and the City then pays RFPD \$458 in contract fees for that single-family home. A business valued at \$1 million dollars pays \$3,018 in real estate taxes and Hazelwood pays RFPD \$7,918 in contract fees for that business. Another example is the Mills Mall TIF ending this year. The City will receive \$314,000 for 2022 and will pay RFPD \$823,000 for contract fees, resulting in a loss of \$509,000 for Hazelwood.

Ms. Guyton spoke about RFPD's spending including cost per call, utility spending, and equipment turnover. Of the 25 area fire districts analyzed, the average cost per call is \$2,146 and RFPD's cost per call is \$3,633, \$1,487 more than other fire districts. Based on the cost to respond to an emergency, RFPD is the most expensive fire district in St. Louis County. RFPD services only 19% of the Hazelwood residents and businesses, yet receive 39% of the City's total funding for fire and EMS services. Hazelwood Fire Department services 57.6% of the population, and Florissant Valley Fire Protection District services 23.2% of the population.

Ms. Guyton stated there are several options that exist to fix this situation: recalling the Board of Directors; discuss a merger with RFPD; dissolve the District, and call upon lawmakers to modify Section 74.418, which is keeping the City from properly negotiating the contract with RFPD.

Missouri House Representative Gretchen Bangert stated she appreciates the amount of time, research and effort it took to this presentation together.

APPOINTMENTS TO BOARD OF REVIEW	Mrs. Lowery had provided the Council with notice of the need to appoint four Council members to the 2022 Board of Review.
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Traditionally, the Council has alternated between members of the even and odd numbers wards. In 2021, the members of the even numbered wards served.

Mr. Smith moved, seconded by Ms. Matlock, to appoint the Council members of Wards 1, 3, 5 and 7 to serve as the 2022 Board of Review, with one Council member to serve as the alternate. The motion passed unanimously.

GREEN SALES TAX HOLIDAY	Mrs. Lowery had provided the Council with notice that the ordinance authorizing ongoing participation in the annual Green Sales Tax Holiday was adopted with the condition the subject is placed on the agenda every year to assure the Council's continued support.
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The sales tax holiday is from April 19 through April 25. No action by the Council is needed to continue participation.

There were no objections from the Council and the City will participate.

CID APPOINTMENTS Mayor Robinson nominated the following for appointment to the 370/Missouri Bottom Road/Taussig Road Community Improvement District Board of Directors: David Reed and Matthew G. Robinson, to terms expiring October 15, 2023; and Janet Reed, Jack Reidelberger and Frank Albert, to terms expiring October 15, 2025.

Mr. Aubuchon moved, seconded by Mrs. Singleton, to approve the preceding appointments. The motion passed unanimously.

CITY MANAGER'S REPORT

CONTRACT Police Chief Gregg Hall reported staff recommends
FIBER OPTIC authorization of a contract with ADB Companies, LLC for
NETWORK maintenance and monitoring of the fiber optic network at a
cost not to exceed \$110,000.

Chief Hall stated the City of Hazelwood entered into a five-year contract with ADB on February 16, 2016, to install and maintain the fiber optic network. This contract expired in February 2021, but through negotiations, an agreement has been reached to pay the amount of \$31,167 for February 2021 through June 2022 and \$19,709 for the remaining four years.

Mrs. Singleton moved, seconded by Mr. Aubuchon, to concur with staff recommendation to authorize a five-year contract with ADB Companies, LLC for maintenance and monitoring of the fiber optic network at a cost not to exceed \$110,000 and to place the draft bill on this agenda for introduction. The motion passed unanimously and the bill was added to the agenda as item 17.a.

CONTRACT Chief Hall reported staff recommends authorization of a
P.D. TRAINING ROOM contract with TSI Global Companies, LLC for the remodeling
REMODEL of the Police Training room at a cost not to exceed \$35,635.

Chief Hall stated the renovation includes updated, state-of-the-art electronics that would be a valuable resource for collaborative investigations, such as Major Case Squad investigations, virtual training or virtual meetings, and emergency response command center needs. Funding for this project would come from asset forfeiture funds from the Department of Justice. Three bids were received and TSI Global was least expensive.

Mrs. Singleton stated that this is a great use of asset forfeiture funds.

Mr. Aubuchon moved, seconded by Mr. Herin, to concur with the staff recommendation to authorize a contract with TSI Global Companies, LLC for the remodeling of the Police Department Training Room at a cost not to exceed \$35,635 and to place the draft bill on this agenda for introduction. The motion passed and the bill was added to the agenda as item 17.b.

AMEND TITLE III TRAFFIC CODE RE: GOLF CARTS	Mr. Zimmerman reported staff recommends amending Title III. Traffic Code, Chapter 340: Miscellaneous Driving Rules, Article I. General Provisions regarding the regulation of golf carts and low speed vehicles on City roadways.
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Mr. Zimmerman stated staff considered comments made by the public at the last regular Council meeting. The Council directed staff to revise the draft bill and have been provided a redline version.

In response to Mr. Orban's comments regarding insurance, Mr. O'Keefe stated in order for violations to be handled at the municipal level, the city must have ordinances in place or the cases would be addressed by the state.

Mr. Aubuchon moved, seconded by Mr. Taylor, to concur with the staff recommendation to amend Title III. Traffic Code, Chapter 340: Miscellaneous Driving Rules, Article I. General Provisions regarding the regulation of golf carts and low speed vehicles on City roadways and to place the draft bill on this agenda for introduction. The motion passed and the bill was added to the agenda as item 17.c.

CHAPTER 100 BONDS 8930-8940 PERSHALL	Mr. Zimmerman reported staff recommends the issuance of Chapter 100 taxable industrial bonds for 8930 and 8940 Pershall Road.
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Mark Spykerman of Gilmore and Bell, the City's bond counsel, stated this is a two-phase industrial development project. In July 2020, the City adopted Ordinance No. 4770-20 authorizing the issuance of Chapter 100 bonds for 8930 and 8940 Pershall Road. Phase 1 was delayed due to the Army Corps of Engineers completing environmental remediation along Coldwater Creek, adjacent to the Phase 1 site. The documents approved by Ordinance No. 4770-20 need to be restructured because of the environmental remediation work. Additionally, Green Street is also ready to proceed with an 83,100 square foot industrial building at 8920 Pershall Road (Phase 2). The proposed legislation repeals Ordinance No. 4770-20, authorizes the issuance of Chapter 100 bonds for Phase 1 and Phase 2, and approves new bond documents for each series of bonds. The Chapter 100 bonds will facilitate 10 years of tax abatement.

Green Street Senior Vice President Jerry Crylen stated this project represents their third and fourth development in the City of Hazelwood. He stated since the work on Coldwater Creek and improvements to the highway overpasses have been completed, this is the perfect time for this development.

Mr. Aubuchon moved, seconded by Ms. Matlock, to concur with the staff recommendation for issuance of Chapter 100 taxable industrial bonds for 8930 and 8940 Pershall Road and to place the draft bill on this agenda for introduction. The motion passed and the bill was added to the agenda as item 17.d.

FIRE HYDRANT Chief Herman reported staff recommends approval of the
3746 DUNN ROAD installation of one fire hydrant at 3746 Dunn Road.

Chief Herman explained Missouri American Water requires authorization by ordinance to install fire hydrants. This hydrant would be located in the middle of the property.

Mr. Aubuchon moved, seconded by Mr. Smith, to concur with the staff recommendation to install one fire hydrant at 3746 Dunn Road and to place the draft bill on this agenda for introduction. The motion passed and the bill was added to the agenda as item 17.e.

PERMITTING STABLES Mr. Zimmerman reported on a request by Mike Willen to
amend the City Code to allow stables received at the January
19 regular Council meeting.

City Intern Jordan Ing researched regulations in other communities in Missouri as well as from agencies that protect and rescue horses and staff is forwarding the following to the City Plan Commission: minimum lot size of 2.5 acres, minimum lot size of 1 acre per horse in a stable, stables must be a minimum of 50 feet from any lot line, horses shall be kept a minimum of 150 feet from any residence, lot shall be kept free of debris, lot must be fenced and kept in good repair so as to prevent horses from running at large, if a foal is birthed it may remain with the mother for up to 1 year, warning and non-liability signs shall be posted near areas containing horses, all state statutes, rules, and regulations regarding the keeping of horses must be followed, and a Special Land Use Permit shall be required to keep horses on the property.

Mr. Smith moved, seconded by Mrs. Singleton, to refer this code amendment to the City Plan Commission. The motion passed.

CITY ATTORNEY'S REPORT

LITIGATION Mr. O'Keefe stated there are new developments regarding the
UPDATE litigation with RFPD.

Mr. O'Keefe stated motions have been filed by RFPD seeking to end litigation and is stating their pleadings entitle them to relief. In addition, the city has not interposed any defenses that would defeat their right to relief. RFPD filed a motion for judgment and the motion was heard on January 27, 2022 in open court. After hearing arguments from RFPD and the City, Judge Wallach ruled to deny their motion for relief. RFPD stated they wished to go back to square one file a new petition. The court granted 30 days to RFPD to refile an amended petition. The City was granted 30 days in which to answer this new petition and file any counter claims.

CITY CLERK'S REPORT

DESTRUCTION OF RECORDS

Mrs. Lowery had provided the Council with a record destruction report consisting of Record Destruction Forms from the Police Department, Finance Department, and Legal Department for records destroyed January 18, 2022.

The Missouri Secretary of State's Office provides schedules with minimum retention periods for certain local government records. Upon expiration of the period, the records may be destroyed. Per state statute, the report must be made part of the Council's minutes or attached to the minutes.

Mr. Aubuchon moved, seconded by Mrs. Singleton, to accept the record destruction report and attach it to the minutes. The motion passed unanimously.

COMMISSION AND BOARD REPORTS

Mrs. Singleton moved, seconded by Ms. Matlock, to receive and file the minutes of the November 4, 2021 City Plan Commission meeting. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

CONTRACT FIBER OPTIC NETWORK

Mayor Robinson called for the first reading of a bill authorizing a contract for the maintenance and monitoring of the City's fiber optic network.

There were no objections and Bill 4994 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH ADB COMPANIES, LLC FOR MAINTENANCE AND MONITORING OF THE FIBER OPTIC NETWORK FOR FIVE YEARS AT A COST NOT TO EXCEED \$110,000.

Bill 4994 will be on the agenda for second reading on February 16.

CONTRACT REMODEL

Mayor Robinson called for the first reading of a bill authorizing a contract for remodeling of the Police Station Training Room.

There were no objections and Bill 4995 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH TSI GLOBAL COMPANIES FOR REMODELING OF POLICE STATION TRAINING ROOM AT A COST NOT TO EXCEED \$35,635.

Bill 4995 will be on the agenda for second reading on February 16.

AMEND TITLE III.
TRAFFIC CODE
RE: GOLF CARTS

Mayor Robinson called for the first reading of a bill to amend Title III. Traffic Code Chapter 340: Miscellaneous Driving Rules, Article I. General Provisions regarding the regulation of golf carts and low speed vehicles on City roadways.

There were no objections and Bill 4996 was read by title only:

AN ORDINANCE ALLOWING THE OPERATION OF GOLF CARTS AND LOW SPEED VEHICLES ON CERTAIN CITY STREETS AND REGULATING SUCH USAGE.

Bill 4996 will be on the agenda for second reading on February 16.

CHAPTER 100 BONDS Mayor Robinson called for the first reading of a bill to authorize
8930-40 PERSHALL RD. the issuance of Chapter 100 bonds for 8930 and 8940
 Pershall Road.

There were no objections and Bill 4997 was read by title only:

AN ORDINANCE REPEALING ORDINANCE NO. 4770-20 AND AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (PHASE 1 PERSHALL ROAD INDUSTRIAL PROJECT), SERIES 2022, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$7,500,000 AND ITS TAXABLE INDUSTRIAL REVENUE BONDS (PHASE 2 PERSHALL ROAD INDUSTRIAL PROJECT), SERIES 2022, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$8,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING AND IMPROVING AN INDUSTRIAL DEVELOPMENT PROJECT IN THE CITY; AND AUTHORIZING THE CITY TO ENTER INTO CERTAIN AGREEMENTS AND TAKE CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

Bill 4997 will be on the agenda for second reading on February 16.

FIRE HYDRANT Mayor Robinson called for the first reading of a bill to authorize
3746 DUNN ROAD installation of one fire hydrant at 3746 Dunn Road.

There were no objections and Bill 4998 was read by title only:

AN ORDINANCE ORDERING THE INSTALLATION OF ONE FIRE HYDRANT AT 3746 DUNN ROAD.

Bill 4998 will be on the agenda for second reading on February 16.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4993
DEMOLITION
192 ANISTASIA

Mayor Robinson called for the second reading of Bill 4993 to authorize a contract with Skyscraper Marine, LLC d/b/a Tubbs and Sons Construction for demolition of the property at 192 Anistasia.

There were no objections and Bill 4993 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH SKYSCRAPER MARINE, LLC D/B/A TUBBS & SONS CONSTRUCTION FOR DEMOLITION OF THE STRUCTURE LOCATED AT 192 ANISTASIA DRIVE AT A COST NOT TO EXCEED \$13,500.

Mr. Taylor moved, seconded by Ms. Matlock, the adoption of Bill 4993 as an ordinance. The following vote was recorded on the motion:

AYE - 8

NAY - 0

Mr. Smith
Mrs. Singleton
Mr. Aubuchon
Mr. Ryan
Mr. Herin
Mayor Robinson
Ms. Matlock
Mr. Taylor

Bill 4993 was unanimously adopted as Ordinance 4877-22.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING

Mayor Robinson announced the next regular Council meeting will be held Wednesday, February 16 at 7:30 p.m. in the Council Chambers.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:53 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Julie Lowery - City Clerk
City of Hazelwood, Missouri