

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
JULY 21, 2021**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 7:30 p.m. on Wednesday, July 21, 2021 in the Council Chambers of Hazelwood City Hall, 415 Elm Grove Lane.

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:

Carol A. Stroker
Robert M. Aubuchon
Don W. Ryan
Daniel T. Herin*
Matthew G. Robinson
Lisa M. Matlock
Warren H. Taylor
Rosalie Hendon
Mary G. Singleton

City Clerk Julie Lowery declared a quorum was present. Also present were City Manager Matt Zimmerman and City Attorney Kevin O'Keefe.

Council Member Daniel T. Herin arrived at 7:40 p.m.

AGENDA

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

CONSENT AGENDA

Mr. Taylor moved, seconded by Mrs. Hendon, to remove Communication item 9.9. The motion passed unanimously.

Mr. Taylor moved, seconded by Mrs. Hendon, the adoption of the consent agenda as amended. The following vote was recorded on the motion:

<u>AYE - 8</u>	<u>NAY - 0</u>
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mayor Robinson	
Ms. Matlock	

Mr. Taylor
Mrs. Hendon
Mrs. Singleton

The motion passed unanimously and the consent agenda was adopted, as amended, including a closed meeting immediately following the regular meeting to discuss litigation and to consult with the City Attorney in accordance with the provisions of RSMo 610.021(1).

APPROVAL OF MINUTES Mr. Taylor moved, seconded by Mrs. Hendon, to approve the minutes of the July 7, 2021 regular and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

EMPLOYEE INTRODUCTION Chief of Police Gregg Hall introduced newly hired Police Officer Austin Buzick.

EMPLOYEE SERVICE AWARDS The following were presented with service awards as their biographies were read: Firefighter/Paramedic Randy George, 15 years, and Fire Captain Eric Kiehl, 40 years.

PROCLAMATIONS AND RESOLUTIONS

HAZELNUTS PROCLAMATION Mayor Robinson called for the reading of a proclamation in honor of the Hazelnuts' 45th anniversary.

There were no objections and Proclamation 2114 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 2114 congratulating the Hazelnuts on their 45th anniversary and calling upon all citizens of the City to support the works of this organization, whose members provide meaningful service to our families and community. The motion passed unanimously.

The proclamation was presented to Hazelnuts Chairperson Clara Faatz.

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.

PAYMENTS TO RFPD Robertson Fire Protection District (RFPD) Chief Maynard Howell stated RFPD has not received their July payment from the City.

Chief Howell stated the payments are to be received by the 15th of every month, and as of today no payment has been received. Chief Howell stated he also received paperwork regarding the 4801 TradePort project. This project is being built in Hazelwood and RFPD will be losing approximately \$295,000 due to tax increment financing (TIF).

RFPD CONCERNS John Zamudio of 4821 Orange Blossom Lane had several questions and comments for the Council pertaining to RFPD.

Mr. Zamudio asked if the Council is there to represent the citizens' best interest.

On behalf of all Council members, Mayor Robinson responded affirmatively.

Mr. Zamudio asked about the payments to RFPD, and stated regardless of any dispute, employees deserve to be paid.

Mr. Zamudio asked who was the custodian of records.

Mrs. Lowery responded she was the custodian of records for the City.

Mr. Zamudio asked what staff attends the RFPD board meetings.

Mr. Zimmerman replied Hazelwood Fire Chief Dave Herman attends on behalf of the City.

Mr. Zamudio stated the citizen's committee will be requesting many documents in the near future.

Mr. Zamudio asked for an explanation of the proposed TIF at 4801 Trade Access Boulevard.

Mr. Zamudio suggested charging the employees of Hazelwood an earnings tax if they do not reside within the City of Hazelwood.

Mr. Zimmerman replied the City has no statutory authority to impose an earnings tax.

AUDIT/HEALTHCARE QUESTIONS Jennifer Guyton of 1205 Woodcrest Lane asked the Council when the 2021 financial report would be ready.

Mr. Zimmerman replied the report would be available in December 2021.

Ms. Guyton asked if Council members received healthcare benefits.

Council members replied they do not receive health benefits.

RFPD PAYMENTS Alan Orban of 1112 Woodcrest Lane expressed concerns about how payments are received by RFPD.

In response to previously asked questions, Mr. O'Keefe stated at the end of 2018 into 2019, the City entered into an agreement with RFPD that would pay \$4 million a year to them in monthly installments. These payments were made through 2019. At the end of this term, more than 90% of the original standard fee arrangement had been paid to RFPD. RFPD claimed the funds were inadequate. A mediator engaged an independent accountant to review the financials of the City and RFPD. The independent accountant identified that the City could not continue making the payments to RFPD, at the amount demanded by RFPD, or the City would quickly become insolvent. After much discussion, RFPD agreed to extend the terms from 2019, into 2020. No progress was made between the parties to readjust the long-term circumstances. The City and RFPD admitted the need for an adjustment. The District agreed to no alternative arraignments going forward. The City, in need of restructuring, was going to resubmit a proposal to the voters in the RFPD service area to create a Neighborhood Improvement District (NID) and use that to fund part of the payments required to pay RFPD. RFPD was asked to support this, as it would substantially reduce payments for residents, and they refused. In May or June 2020 RFPD wanted to pursue annexation to levy taxes directly on the properties in their service area. RFPD did not ask the City to support this endeavor or consult with the City before initiating this proposal. RFPD collected 700 signatures of registered voters in the area to place the annexation proposition on an upcoming ballot. The proposition needed to be placed on the November election, as not to move into 2021 with an obligation the City could not sustain. RFPD declined to place the proposition on the November ballot, thinking it was imprudent. RFPD was prepared to place the proposition on the April 2021 ballot but would not do so unless the City paid them more money. RFPD's proposal was to ask the voters to annex unless the City increased the payment from \$4 million, to approximately \$4.5 million. RFPD's statement was that they were running out of money. Eventually, the City and RFPD came to an agreement, which the City would pay the \$4.5 million in twelve equal monthly installments beginning in January 2021. A letter honoring this agreement was read. The letter stated if the annexation proposition was approved the City would pay, in one lump sum, the remaining balance owed for year 2020. RFPD stated they would refile for annexation in August, under the same terms, if the proposition did not pass in April. Immediately after the election, the District informed the City they would not keep the promise to file for annexation, nor would they ever do so in the future. The contract was breached, due to the District not filing the proposal and in turn the monthly payments stopped. Information received from the auditors in June 2021 regarding RFPD's general revenue reserves shows an increase of \$1.5 million. Due to the temporary agreement with the City in 2019, RFPD was able to pay for items that had been deferred from 2018. All expenses that were deferred could now be funded. This is at the rate of \$4 million the City was paying at the time. RFPD's statement that they exhausted their reserves and required the increased revenue contradicts what the auditor's statement has provided.

Regarding questions and comments about economic development in Hazelwood, which currently provides 89% of non-residential revenue to RFPD, Mr. O'Keefe stated residential property constitutes 11% revenue.

Mr. O'Keefe stated, regarding RFPD not receiving their check in a timely manner and that RFPD employees are not being paid due to this issue has nothing to do with the City. The City has no authority to state which fund RFPD uses to pay their employees.

Mr. O'Keefe stated that for 25 years the area served in Hazelwood by RFPD is not within the taxing jurisdiction of the RFPD. RFPD is not a taxing entity in that area, if they were the residents would be paying taxes to RFPD.

LIQUOR LICENSE APPLICATION An application for a Package Liquor License, with Sunday, had been received from Nirav Patel for Hazelwood Discount 406 ELM GROVE LANE Liquor at 406 Elm Grove Lane.

The requisite record check had been performed and Chief Hall has recommended approval of the application.

Mrs. Lowery stated the application is due to change in ownership.

Nirav Patel, managing officer for Hazelwood Discount Liquor, stated he purchased the existing business and there will be no change in operation.

Mrs. Stroker moved, seconded by Mrs. Hendon, to approve the application by Nirav Patel for a Package Liquor License, with Sunday, for Hazelwood Discount Liquor at 406 Elm Grove Lane. The motion passed unanimously.

PUBLIC HEARINGS - None

COMMUNICATIONS

RESIGNATION MUNICIPAL JUDGE A letter of resignation as the Municipal Judge was received from Judge Kevin Kelly.

Mayor Robinson stated the Council is in receipt of Judge Kelly's resignation. On behalf of the Council, Mayor Robinson wished Judge Kelly luck and recognized him for the great job he has done for the City and the constituents. Mayor Robinson stated discussions will take place regarding interviewing new prospective judges in the near future.

EWGCG BRIEFINGS The July 8 issue of Briefings was received from the East-West Gateway Council of Governments.

Mr. Taylor moved, seconded by Mrs. Hendon, to receive and file all communications.

UNFINISHED BUSINESS - None

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS	No items were added to the September 8 Council work session.
BOARD/COMMISSION APPOINTMENTS	No appointments or reappointments were made to the City's boards and commissions.
RFPD FIRE SERVICES UPDATE	Mayor Robinson stated an update was previously shared by Mr. O'Keefe.

CITY MANAGER'S REPORT

CHAPTER 100 BONDS 4150 TRADE ACCESS BOULEVARD	Mr. Zimmerman reported staff recommends the issuance of Chapter 100 taxable industrial bonds for 4150 Trade Access Boulevard.
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Mark Spykerman of Gilmore & Bell, the City's bond counsel, explained the purpose of the bond issuance is to facilitate real and personal property tax abatement. During the personal property abatement period, years one through five would be at 100% abatement and years six through ten would be at 50% abatement. As a condition of this abatement, the company is required to maintain 314 jobs, and if they come in under that the amount of abatement will be reduced by 2% for each job under 314.

Mrs. Singleton asked for clarification of the fire service indenture agreement.

Mr. Spykerman responded the fire service indenture requires the company to reimburse the City for any payments made by the City to the RFPD.

Doug Rasmussen of Steadfast City, an economic development consulting firm, was available for questions.

Mrs. Hendon asked when the plant would open.

Mr. Rasmussen replied the plant would open in January 2022.

Mrs. Hendon moved, seconded by Mrs. Singleton, to concur with the staff recommendation to authorize the issuance of taxable industrial revenue bonds for 4150 Trade Access Boulevard 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.

PURCHASE OF DEFIBRILATORS	Fire Chief Dave Herman reported staff recommends the purchase of two LifePak 15s cardiac monitor/defibrillators from Stryker Medical, Inc., at the total cost of \$72,296.
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Chief Herman stated the current fiscal year Capital Improvement Fund budget includes \$73,000 to purchase two LifePak Cardiac devices. Chief Herman explained the devices are multi-functional. He stated that Stryker is a single source provider and switching to another brand would be costly and inefficient.

Mr. Aubuchon moved, seconded by Mrs. Stroker, to concur with the staff recommendation to authorize the purchase of two LifePak 15s cardiac monitor/defibrillators from Stryker Medical, Inc., at the total cost of \$72,296. The motion passed unanimously.

PURCHASE OF DEFIBRILATORS Chief Herman reported staff recommends the purchase of two Lucas Chest Compression Systems from Stryker Medical, Inc., at the total cost of \$35,591.

Chief Herman stated the current fiscal year Capital Improvement Fund budget includes \$36,000 to purchase two Lucas Chest Compression devices. Chief Herman explained the devices strictly adhere to the American Heart Association recommendations. He explained Stryker is a single source provider and switching to another brand would be costly and inefficient.

Mr. Aubuchon moved, seconded by Mrs. Stroker, to concur with the staff recommendation to authorize the purchase of two Lucas Chest Compression Systems from Stryker Medical, Inc., at the total cost of \$35,591. The motion passed unanimously.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS - None

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

**BOND ISSUANCE
4150 TRADE ACCESS
BOULEVARD** Mayor Robinson called for the first reading of a bill to authorize the issuance of taxable industrial bonds for 4150 Trade Access Boulevard.

There were no objections and Bill 4952 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (8TH AVENUE FOOD & PROVISIONS, INC. PROJECT), SERIES 2021, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$35,100,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING AND IMPROVING A FACILITY FOR 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 4952 will be on the agenda for second reading on August 4.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4948 Mayor Robinson called for the second reading of Bill 4948 to grant a Special Land Use Permit for a medical marijuana cultivation facility and a medical marijuana infused products manufacturing facility at 6850 Hazelwood Avenue.

There were no objections and Bill 4948 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO JG MISSOURI, LLC FOR A MEDICAL MARIJUANA CULTIVATION FACILITY AND A MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURING FACILITY AT 6850 HAZELWOOD AVENUE AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4948 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 9</u>	<u>NAY - 0</u>
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Mayor Robinson	
Ms. Matlock	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	

Bill 4948 was unanimously adopted as Ordinance 4832-21.

BILL 4949 Mayor Robinson called for the second reading of Bill 4949 to grant a Special Land Use Permit for a vehicle service and repair facility and vehicle painting at 4782 Park 370 Boulevard.

There were no objections and Bill 4949 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO CROSS DEVELOPMENT CC HAZELWOOD, LLC D/B/A CALIBER COLLISION FOR A VEHICLE SERVICE AND REPAIR FACILITY AND VEHICLE PAINTING AT 4782 PARK 370 BOULEVARD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4949 as an ordinance. The following vote was recorded on the motion:

AYE - 9 NAY - 0

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

Bill 4949 was unanimously adopted as Ordinance 4833-21.

BILL 4950 Mayor Robinson called for the second reading of Bill 4950 to
AMEND PAY PLAN amend the employee pay plan.

Mr. O'Keefe noted the Council has been provided with a revised bill in redline format, identified as Bill 4950.1. Mr. O'Keefe stated the revised bill includes the City Clerk and City Manager, whose positions are not included in the City's pay plan, to be included in the 2% Cost of Living Adjustment along with the rest of the City employees.

Mrs. Stroker moved, seconded by Mrs. Hendon, to amend Bill 4950 by the text of Bill 4950.1. The motion passed unanimously.

There were no objections and Bill 4950, as amended, was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4765-20, AND ADOPTING A NEW PAY PLAN FOR THE 2021-2022 FISCAL YEAR FOR EMPLOYEES OF THE CITY OF HAZELWOOD, MISSOURI.

Mrs. Singleton moved, seconded by Mr. Ryan, the adoption of Bill 4950 as an ordinance. The following vote was recorded on the motion:

AYE - 9 NAY - 0

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

Bill 4950, as amended, was unanimously adopted as Ordinance 4834-21.

BILL 4951 Mayor Robinson called for the second reading of Bill 4951 to CIVIC REC AGREEMENT authorize an agreement for a recreation management system.

There were no objections and Bill 4951 was read by title only:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH CIVIC PLUS, LLC FOR CIVIC RECREATION MANAGEMENT SYSTEM AT A ONE-TIME COST OF \$20,995 AND MAINTENANCE FOR THREE YEARS AT AN ANNUAL COST OF \$9,933 IN YEAR TWO AND BEYOND WITH A 5% TECHNOLOGY FEE INCREASE EACH YEAR STARTING IN YEAR THREE.

Mrs. Hendon moved, seconded by Mr. Aubuchon, the adoption of Bill 4951 as an ordinance. The following vote was recorded on the motion:

AYE - 9 NAY - 0

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

Bill 4951 was unanimously adopted as Ordinance 4835-21.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, August 4, 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 8:43 p.m.

ATTEST:

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

Julie Lowery - City Clerk
City of Hazelwood, Missouri