

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
FEBRUARY 19, 2014**

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, February 19, 2014 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:

Mary G. Singleton
Carol A. Stroker
Robert M. Aubuchon
Don W. Ryan
Michael J. Conley
Matthew G. Robinson
Russell Todd
Warren H. Taylor
Rosalie Hendon

Mrs. Wolf declared a quorum was present.

Also present were City Manager Matt Zimmerman, City Attorney Kevin O'Keefe, and City Clerk Colleen Wolf.

AGENDA

Mr. Conley moved, seconded by Mrs. Hendon, to amend the agenda by the addition of a resolution requesting the transfer of jurisdiction of the West Lake Landfill radioactive waste to the United States Army Corps of Engineers' Formerly Utilized Sites Remedial Action Program. The motion passed unanimously.

Mr. Taylor moved, seconded by Mr. Ryan, the adoption of the agenda as amended. The motion passed unanimously.

CONSENT AGENDA

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

AYE - 9

Mrs. Singleton

NAY - 0

Mrs. Stroker
Mr. Aubuchon
Mr. Ryan
Mr. Conley
Mayor Robinson
Mr. Todd
Mr. Taylor
Mrs. Hendon

The motion passed unanimously and the consent agenda was adopted.

**APPROVAL OF
MINUTES**

Mrs. Singleton moved, seconded by Mrs. Stroker, to approve the minutes of the February 5 regular and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

WHAT'S NEW

Communications Coordinator Tim Davidson reported on City news, events, and programs.

Hazelwood employees assembled for a photo on February 7 to send the message “Go Red, Hazelwood!” in support of the American Heart Association’s program to encourage women to take better care of their cardiovascular health.

The North County Citizen Police Academy is in full swing with 13 North County residents attending. The goal of the program is to break down barriers between police officers and local citizens.

Miss Hazelwood Paige Frye will take the Polar Plunge at Creve Coeur Lake on February 22 to help raise money for Special Olympics Missouri. A link to Ms. Paige’s fundraising web page is available on the City’s website.

Residents are being urged to enroll in CodeRED by visiting the City’s website and clicking on the banner at the bottom of the home page. The high-speed alert notification system will serve as the backbone of the City’s emergency planning and communications outreach during emergency situations.

Upcoming community and City events include the Mayors’ Shamrock Ball on March 8, the Kids’ Flea Market on March 15, and judging for the Blue Ribbon Home Awards in May. Additional information on City programs and upcoming events is available on the City’s website at www.hazelwoodmo.org.

CITY ATTORNEY

As his biography was read, Mr. O’Keefe was recognized for SERVICE ANNIVERSARY 20 years of service to the City.

FIRE CHIEF'S AWARD Fire Chief Radel and Mayor Robinson presented the Fire Chief's Award to Paramedics Amanda Boyer and Kevin Marshall.

Chief Radel stated at 12:20 a.m., on February 4, 2014, Hazelwood Fire Department Fire Truck 4115 and Ambulance 4117 were dispatched to westbound I-270 at Lindbergh Boulevard for a pregnant woman in need of assistance. En route, they were notified that this was an imminent delivery. Fire Department personnel were met by the patient's husband who stated, "She's coming!" Under the direction of Captain Eisenbeis, Paramedics Amanda Boyer, Kevin Marshall, and Rory Abberton along with Firefighters Mark Wellman and Mark Niehaus were given assignments and went into action. Paramedic Boyer calmed the mother and assessed her medical needs. The mother was found to be in good health and good spirits considering she was about to give birth on the side of the highway. Paramedic Boyer delivered the baby girl with minimal complications. Paramedic Marshall assisted and, after notifying the hospital, took over care of mom while Paramedic Boyer cared for the infant. The rest of the crew played important support roles, working to set-up and deploy equipment and getting the ambulance prepared for transport of the two patients. Captain Eisenbeis monitored overall scene safety for the field operation with the assistance of police officers on the scene and recorded the time of birth. A healthy mom and baby girl were transported to the hospital. Upon evaluation, both mom and baby were found to be doing well.

PROCLAMATIONS AND RESOLUTIONS

WEST LAKE LANDFILL RADIOACTIVE WASTE RESOLUTION Mayor Robinson called for the reading of a resolution requesting the transfer of jurisdiction of the West Lake Landfill radioactive waste to the United States Army Corps of Engineers' Formerly Utilized Sites Remedial Action Program.

There were no objections and Resolution 1402 was read in its entirety:

"A RESOLUTION REQUESTING THE TRANSFER OF JURISDICTION OF THE WEST LAKE LANDFILL TO THE UNITED STATES ARMY CORPS OF ENGINEERS' FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM (FUSRAP).

WHEREAS, the Mallinckrodt Chemical Works (MCW), near downtown St. Louis, was contracted by the Manhattan District of the U.S. Army Corps of Engineers in April 1942 to determine how to purify tons of uranium and achieved success in only 50 days; and

WHEREAS, MCW then processed all the uranium used for the world's first self-sustaining nuclear chain reaction in Chicago on December 2, 1942, marking the beginning of the Atomic Age; and

WHEREAS, MCW continued processing uranium for nuclear weapons for 15 years at the St. Louis downtown site and another 10 years at Weldon Spring in St. Charles County and generated tons of highly dangerous, long-lived radioactive waste; and

WHEREAS, the resulting radioactive wastes were stockpiled, transported, and spilled, and have blown and eroded onto dozens of St. Louis locations over the subsequent 70 years; and

WHEREAS, the U. S. Army Corps of Engineers (Corps) took charge in 1998 of the remediation of the St. Louis sites as part of the Formerly Utilized Sites Remedial Action Program (FUSRAP); and

WHEREAS, under Corps leadership more than one million cubic yards of the MCW radioactive wastes have been excavated and transported to licensed radioactive waste disposal sites; and

WHEREAS, Transferring the jurisdiction oversight to FUSRAP will allow the true experts in this area to assess the site, provide action plans for the containment or remediation, and long-term management of the site; and

WHEREAS, FUSRAP would be able to determine the safest and most appropriate containment measures for the radioactive materials found within the West Lake landfill and then subsequently manage such containment;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The City of Hazelwood requests the United States Congress to transfer jurisdiction of the West Lake Landfill radioactive wastes from the U.S. Environmental Protection Agency to the U.S. Army Corps of Engineers' FUSRAP project.

SECTION 2. This Resolution shall be in full force and effect from and after the date of its passage.”

Mr. Conley moved, seconded by Mrs. Singleton, the adoption of Resolution 1402. The following vote was recorded on the motion:

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

Resolution 1402 was unanimously adopted.

CITIZEN 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.

No one came forward to address the Council.

SLUP EXTENSION A request for an extension of the Special Land Use Permit
7000 NORTH HANLEY deadline to commence operation of Hazelwood BP at 7000
North Hanley Road was received from Type A Properties,
LLC.

City Planner Earl Bradfield stated Harinder Singh of Type A Properties, LLC, d/b/a Hazelwood BP, is requesting an extension of the Special Land Use Permit granted by Ordinance 4297-13, adopted September 18, 2013. He stated the permit deadline to commence operation is March 18, 2014 and Mr. Singh is requesting a six month extension.

Mrs. Singleton noted the written request is for an extension to April 30, 2014.

Mr. Bradfield replied the petitioner feels a six month extension would be more appropriate.

Mr. Singh stated, due to the extreme cold weather of the last couple months, some of the digging and underground piping has not been completed as anticipated. Work was supposed to begin March 3. He stated he received an e-mail today stating permits should be obtained by the middle to end of March. He explained although it's just a couple days of work it's dependent upon the weather. He stated once the work is complete it will take an additional few weeks to open. He requested a six month extension, rather than a six week extension, in the event the business is not ready to open by April 30.

Mr. Taylor moved, seconded by Mr. Todd, to grant a six month extension of the Special Land Use Permit deadline to commence operation of Hazelwood BP at 7000 North Hanley Road 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.

SLUP EXTENSION A request for an extension of the Special Land Use Permit
323 TAYLOR ROAD deadline to commence operation of Holiday Inn Express at
323 Taylor Road was received from Danesh Patel of SPA
Hotels, LLC, d/b/a Holiday Inn Express.

Mr. Bradfield stated the first Special Land Use Permit for Holiday Inn Express, granted January 19, 2011, lapsed because application for a building permit was not made within the required six months. The existing permit was granted on October 10, 2011. Two

extensions to the current permit have been granted, the first was to October 19, 2013 and the second was to March 19, 2014. Mr. Bradfield stated the petitioner submitted a request for an additional two to three week extension, but is now requesting an eight week extension. Mr. Bradfield stated work on the hotel is progressing. The petitioner is requesting additional time in the event complications arise.

Mr. Aubuchon expressed concerns with granting an additional extension.

Mr. Patel stated work is approximately 95 percent complete with all indoor work complete. The extension to May 14 is being requested in the event the weather interferes with completion of the outdoor work. He stated all work will be completed within the eight weeks and the hotel will be open.

Mr. Aubuchon moved, seconded by Mr. Taylor, to grant an eight week extension of the Special Land Use Permit deadline to commence operation of Holiday Inn Express at 323 Taylor Road with the condition the Council will consider assessing fines if the hotel doesn't open by the deadline and to place the draft bill on this agenda for introduction. The motion passed by a vote of eight in favor and one opposed, with Mr. Conley casting the dissenting vote, and the bill was added to the agenda as item 17.b.

PUBLIC HEARINGS - None

COMMUNICATIONS

LOCAL GOVERNMENT BRIEFINGS The January 30 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

GNCCC NEWSLETTER The Greater North County Chamber of Commerce's February newsletter was received.

MSD PROJECT CLEAR NOTIFICATION Notice that residents will receive notification of Project Clear field personnel working in the area was received from Metropolitan St. Louis Sewer District.

LOCAL GOVERNMENT BRIEFINGS The February 6 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

WARN NOTICES 944 ANGLUM ROAD Notice that employees of HDA, Inc., and N-Store Merchandising, Inc., at 944 Anglum Road were provided with WARN Notices relative to permanent lay-offs was received from AEGIS Professional Services - Law Practice Group.

TIP FUND OBLIGATION DEADLINE A reminder of the September 30, 2014 Transportation Improvement Project fund obligation deadline for the McDonnell Bridge Enhancement and Fee Fee Road projects was received from the East-West Gateway Council of Governments.

LOCAL GOVERNMENT BRIEFINGS The February 13 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

SLCML NEWSLETTER The St. Louis County Municipal League's February newsletter was received.

Mrs. Singleton moved, seconded by Mrs. Stroker, 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 April 9 Council work session agenda.

BUDGET COMMITTEE APPOINTMENTS Mayor Robinson stated, as discussed during the February 12 Council work session, a Budget Committee will be formed to work with the City Manager and discuss budget issues.

Mayor Robinson, Mr. Aubuchon, Mr. Ryan, Mrs. Hendon, and Mrs. Singleton expressed interest in serving on the committee. After discussion, it was agreed Mrs. Wolf would hold a drawing. Four Council member names would be drawn with one member to serve as alternate.

CITY MANAGER'S REPORT

LOAN AGREEMENT ROBERTSON REDEVELOPMENT Mr. Zimmerman reported staff recommends authorization of a loan agreement to facilitate continued redevelopment of the Robertson Redevelopment Area.

Mr. Zimmerman stated the Economic Development Sales Tax Board has reviewed the proposal and recommends approval of the loan agreement.

Mr. Aubuchon moved, seconded by Mr. Conley, to concur with the staff recommendation to authorize the loan agreement to facilitate continued redevelopment of the Robertson Redevelopment Area 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.c.

OCCUPANCY Code Administrator Patrick McSheehy reported staff
INSPECTION & PERMIT recommends amendment of *Section 500.140: Permits*, of the
FEES City Code, to increase fees for commercial and residential
occupancy inspections and permits.

In addition, staff recommends changing all references to “conditional occupancy permit” to “temporary occupancy permit” and more precisely defining the circumstances under which the permit may be issued.

Mr. McSheehy stated fees have not been increased since July 2005. The proposal is to increase the residential occupancy inspection fee from \$35 to \$50 and the residential occupancy permit fee from \$25 to \$30. Mr. McSheehy stated in the past commercial fees were not based on the size of the building or office. He stated the larger the size, the more time staff spends performing the inspection. Therefore, the proposal is to charge an inspection/permit fee based on the size of the area to be inspected. For buildings 50,000 square feet or less, the inspection/permit fee would be \$100 which represents a \$15 increase. For buildings greater than 50,000 square feet, a multiplier of \$.003 would be used to calculate the fee. For example, a 200,000 square foot building would have a fee of \$600.

Mr. Conley asked if the increase would bring Hazelwood in line with area communities.

Mr. McSheehy replied it would place Hazelwood’s fees in the middle.

Mr. Zimmerman noted, to ensure compliance with the Hancock Amendment, a study was performed and the proposed fees would cover costs of the service and no more.

Mrs. Singleton commented per the study the commercial inspection/permit fee for a 50,001 square foot building would be \$150, while costs are estimated at \$180.

Mr. McSheehy responded that square footage is at the lower end of the spectrum. Raising fees any more would make fees for the upper end of the spectrum too high.

Mr. Zimmerman stated, in switching from a flat fee schedule, staff was cautious to assure the new fees would be in compliance with the Hancock Amendment.

Mr. Todd asked how many buildings in the City are over 50,000 square feet.

Mr. McSheehy replied he was uncertain, but most of them are divided and leased to multiple businesses.

Mr. Conley moved, seconded by Mr. Todd, to concur with the staff recommendation to amend *Section 500.140: Permits* relative to temporary occupancy permits and occupancy permit and inspection fees 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.c.

DESIGNEE TO REPORT NON-BINDING PROPERTY TAX RATES Mr. Zimmerman recommended the Council designate Finance Director Lori Helle to report the City's potential non-binding property tax rates to St. Louis County and as the City's contact person for taxpayer inquiries.

Mr. Conley moved, seconded by Mr. Ryan, to designate Finance Director Lori Helle to report the City's non-binding property tax rates and as the City's contact person. The motion passed unanimously.

THEODORO BAKING Mr. Zimmerman reported Theodoro Baking Company was sold in bankruptcy court yesterday to Nature's Bakery who will operate, and not liquidate, the business.

Mr. Zimmerman stated Nature's Bakery plans to add jobs at the facility as well. The City is in the process of drawing up a new letter of credit.

EMPLOYEE PAY PLAN Mr. Zimmerman stated the Council informally directed him to review the Personnel Rules and Regulations and asked if they want him to perform an employee Pay Plan study as part of that review.

Mr. Zimmerman stated the Personnel Rules and Regulations state the City Manager is responsible for administration and maintenance of the Pay Plan. It further states the Council has authority to amend the plan. He stated, as requested, the Council has been provided with a copy of the Personnel Rules and Regulations this evening.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS Mrs. Singleton moved, seconded by Mrs. Stroker, to receive and file the minutes of the December 12 City Plan Commission meeting and the January 27 Historic Preservation Commission meeting. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SLUP EXTENSION 7000 NORTH HANLEY Mayor Robinson called for the first reading of a bill to extend the Special Land Use Permit deadline to commence operation of Hazelwood BP at 7000 North Hanley Road.

There were no objections and Bill 4432 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4297-13 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINE TO COMMENCE FULL OPERATION OF HAZELWOOD BP AT 7000 NORTH HANLEY ROAD TO SEPTEMBER 5, 2014.

Bill 4432 will be on the agenda for second reading on March 5.

SLUP EXTENSION Mayor Robinson called for the first reading of a bill to extend
HOLIDAY INN EXPRESS the Special Land Use Permit deadline to commence
operation of Holiday Inn Express at 323 Taylor Road.

There were no objections and Bill 4433 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4181-11 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINE TO COMMENCE FULL OPERATION OF HOLIDAY INN EXPRESS AT 323 TAYLOR ROAD TO MAY 14, 2014.

Bill 4433 will be on the agenda for second reading on March 5.

LOAN AGREEMENT Mayor Robinson called for the first reading of a bill to
approve a loan agreement for continued redevelopment
efforts in the Robertson Redevelopment Area.

There were no objections and Bill 4434 was read by title only:

AN ORDINANCE APPROVING A MEMORANDUM LOAN AGREEMENT UNDER THE CITY'S ECONOMIC DEVELOPMENT LOAN PROGRAM FOR CONTINUED REDEVELOPMENT EFFORTS IN THE ROBERTSON REDEVELOPMENT AREA AND AUTHORIZING EXECUTION OF DOCUMENTS RELATING THERETO.

Bill 4434 will be on the agenda for second reading on March 5.

AMEND Mayor Robinson called for the first reading of a bill to
SECTION 500.140 amend *Section 500.140: Permits* relative to temporary
occupancy permits and occupancy permit and inspection
fees.

There were no objections and Bill 4435 was read by title only:

AN ORDINANCE AMENDING SECTION 500.140: PERMITS OF THE HAZELWOOD CITY CODE RELATIVE TO TEMPORARY OCCUPANCY PERMITS AND OCCUPANCY PERMIT AND INSPECTION FEES.

Bill 4435 will be on the agenda for second reading on March 5.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4427
ED AGREEMENT

The second reading of Bill 4427 to authorize an Economic Development and New Employment Training and Opportunities Loan Agreement with Fisher-Rosemount Systems, Inc., has been postponed.

BILL 4430
AMEND AGREEMENT
EMERALD

Mayor Robinson called for the second reading of Bill 4430 to authorize an amendment to the agreement with Missouri Technology Corporation and Emerald Automotive, LLC.

There were no objections and Bill 4430 was read by title only:

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH MISSOURI TECHNOLOGY CORPORATION AND EMERALD AUTOMOTIVE, LLC, AS AUTHORIZED BY ORDINANCE 4166-11.

Mr. Aubuchon moved, seconded by Mrs. Hendon, the adoption of Bill 4430 as an ordinance. The following vote was recorded on the motion:

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

Bill 4430 was unanimously adopted as Ordinance 4324-14.

BILL 4431
AGREEMENT
PURCHASING

Mayor Robinson called for the second reading of Bill 4431 to authorize an agreement with the National Purchasing Cooperative.

There were no objections and Bill 4431 was read by title only:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE NATIONAL PURCHASING COOPERATIVE RELATIVE TO STATE PROCUREMENT.

Mr. Ryan moved, seconded by Mrs. Stroker, the adoption of Bill 4431 as an ordinance. The following vote was recorded on the motion:

AYE - 9

NAY - 0

Mrs. Singleton
Mrs. Stroker
Mr. Aubuchon
Mr. Ryan
Mr. Conley
Mayor Robinson
Mr. Todd
Mr. Taylor
Mrs. Hendon

Bill 4431 was unanimously adopted as Ordinance 4325-14.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, March 5, 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 8:25 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Colleen Wolf, MMC - City Clerk
City of Hazelwood, Missouri