

**CITY OF HAZELWOOD  
REGULAR COUNCIL MEETING  
APRIL 2, 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, April 2, 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:

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

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**

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

**CONSENT AGENDA**

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

AYE - 9

NAY - 0

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

Mrs. Singleton  
Mrs. Stroker

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 the provisions of RSMo 610.021(9), was adopted.

**APPROVAL OF  
MINUTES**

Mrs. Singleton moved, seconded by Mrs. Hendon, to approve the minutes of the March 19 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.

A joint boards and commissions dinner was held this past weekend to show appreciation to residents who have volunteered to serve the City.

Resident Robert Heuermann was selected as the 2014 Dwight F. Davis Award recipient in recognition of his 36 years of service to the City including 24 years on the City Plan Commission. The award honors individuals who have advanced or promoted the cause of planning in the public arena.

The Police Department would like to alert residents about several phone scams that have been reported recently involving the following scenarios: calls about winning the Publishers' Clearing House sweepstakes, calls from Ameren Missouri requesting credit card information to avoid having service turned off, calls requesting money to bail a grandson out of a Mexican jail, and calls from someone impersonating an IRS agent in an attempt to steal the victims money or identity. To avoid becoming an identity theft victim, personal data such as social security numbers, credit card numbers, and bank account details should not be given out over the phone.

Upcoming City events include the Adult Easter Egg Hunt on April 11, the Easter Eggstravaganza for children age 10 and under on April 19, and White Birch Bay opening day on May 24. Additional information on these and more City programs and upcoming events is available on the City's website at [www.hazelwoodmo.org](http://www.hazelwoodmo.org).

**MAYOR ROBINSON  
SERVICE AWARD**

Mayor Robinson was presented with a 20 year service award as his biography was read.

**EMPLOYEE  
SERVICE AWARD**

Recreation Supervisor Darryl Miller was presented with a 20 year service award as his biography was read.

## **PROCLAMATIONS AND RESOLUTIONS**

**GNCCC BUSINESS PERSONS OF YEAR PROCLAMATION** Mayor Robinson called for the reading of a proclamation in honor of Pat and Lora Click, the Greater North County Chamber of Commerce's Business Persons of the Year.

There were no objections and Proclamation 1402 was read.

Mr. Todd moved, seconded by Mrs. Stroker, the adoption of Proclamation 1402 extending congratulations to Pat and Lora Click, 2014 Outstanding Business Persons of the Year, and commending them for their involvement and dedicated service to the community. The motion passed unanimously.

The proclamation will be presented to Mr. and Mrs. Click during the upcoming Greater North County Chamber of Commerce installation dinner.

**GNCCC CHAIRMAN PROCLAMATION** Mayor Robinson called for the reading of a proclamation in honor of 2014 Chairman of the Greater North County Chamber of Commerce Board of Directors Jon Vogt.

There were no objections and Proclamation 1403 was read.

Mr. Aubuchon moved, seconded by Mr. Conley, the adoption of Proclamation 1403 extending congratulations to Jon Vogt, 2014 Chairman of the Greater North County Chamber of Commerce Board of Directors, offering assistance to him and the members of the chamber in their efforts to improve the economy and quality of life in North County, and calling upon all citizens to join in supporting the work of this organization. The motion passed unanimously.

The proclamation will be presented to Mr. Vogt during the upcoming Greater North County Chamber of Commerce installation dinner.

**RETIREMENT PROCLAMATION** Mayor Robinson called for the reading of a proclamation in honor of retired Firefighter/EMT David Balkenbush.

There were no objections and Proclamation 1404 was read.

Mr. Ryan moved, seconded by Mrs. Hendon, the adoption of Proclamation 1404 expressing recognition, appreciation and gratitude to Firefighter/EMT Glen David Balkenbush for his many years of dedicated service to our City and extending their sincere good wishes for a happy retirement. The motion passed unanimously.

The proclamation will be presented to Mr. Balkenbush during his retirement party.

**RETIREMENT PROCLAMATION** Mayor Robinson called for the reading of a proclamation in honor of retired Firefighter/EMT Michael Martin.

There were no objections and Proclamation 1405 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 1405 expressing recognition, appreciation and gratitude to Firefighter/EMT Michael Martin for his many years of dedicated service to our City and extending their sincere good wishes for a happy retirement. The motion passed unanimously.

The proclamation was presented to Mr. Martin.

RETIREMENT                      Mayor Robinson called for the reading of a proclamation  
PROCLAMATION                in honor of retired Deputy Fire Marshal John Otte.

There were no objections and Proclamation 1406 was read.

Mrs. Hendon moved, seconded by Mrs. Stroker, the adoption of Proclamation 1406 expressing recognition, appreciation and gratitude to Deputy Fire Marshal John Otte for his many years of dedicated service to our City and extending their sincere good wishes for a happy retirement. The motion passed unanimously.

The proclamation will be presented to Mr. Otte during his retirement party.

### **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.

FULL LIQUOR LICENSE    An application for a Full Liquor License with Sunday Liquor  
LANABRIS BISTRO            License had been received from Marilyn Diggs for LaNabris  
5555 ST. LOUIS MILLS    Bistro at 5555 St. Louis Mills Boulevard, Suite 511.

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

Marilyn Diggs, the business owner, stated the liquor license would allow her to compete with other restaurants at the mall. The hours of operation would be 10:00 a.m. to 9:00 p.m. on Monday through Saturday and 11:00 a.m. to 6:00 p.m. on Sunday.

Mrs. Wolf suggested, if approved, a 90 day temporary license could be issued at this time to allow Ms. Diggs to establish 50 percent food sales and once food sales are verified a permanent license to cover the 2014/2015 license period could be issued.

Mrs. Hendon moved, seconded by Mrs. Singleton, to grant the Full Liquor License with Sunday Liquor License to Marilyn Diggs for LaNabris Bistro at 5555 St. Louis Mills

Boulevard, Suite 511, and to issue a 90 day temporary license at this time and a license to cover the 2014/2015 license period with verification of 50 percent food sales. The motion passed unanimously.

**TEMP LIQUOR LICENSE EXPANSION** A request for an expansion of the liquor license for Redbirds Sports Café at 9085 Dunn Road to include the parking lot for a Cinco de Mayo event on May 2 through May 5, from 11:00 a.m. to 1:00 a.m., had been received.

James Mays, the business owner, explained the proposal to place a tent on the parking lot for a Cinco de Mayo event on May 3 and May 4. He requested an expansion of the liquor license to include the parking lot in front of the building.

In response to questions from Mr. O'Keefe, Mr. Mays stated his wife, Stacy, is the managing officer. She was not able to be present this evening because their daughter is ill.

Mr. Aubuchon commented the written request states the event dates would be May 2 through May 5.

Mr. Mays responded the event would be held May 3 and May 4.

Mrs. Hendon praised Mr. Mays for the improvements he's made to the establishment.

Mr. Aubuchon moved, seconded by Mr. Conley, to grant the expansion of the liquor license for Redbirds Sports Café at 9085 Dunn Road to include the parking lot for a Cinco de Mayo event on May 3 and May 4. The motion passed unanimously.

**SLUP EXTENSION** A request for a three month extension of the Special Land Use Permit deadline to commence operation of Jo Jo's Diner at 6845 Howdershell Road had been received.

City Planner Earl Bradfield reported a Special Land Use Permit for Jo Jo's Diner at 6849 Howdershell Road was granted on March 21, 2012. At that time, the restaurant was 990 square feet. Due to its success, a request to expand the permit to include the adjacent suite at 6845 Howdershell Road, an additional 990 square feet, was made and the expansion was approved on June 19, 2013. Mr. Bradfield stated because of difficulties primarily associated with constructing access between the suites and a brick oven, a request for an extension of the six month deadline to commence operation of the restaurant expansion was made on December 4, 2013. An extension to April 14, 2014 was granted. Progress was made. However, an additional request to extend the deadline to July 19, 2014 has been received. He noted the access between the suites has been approved by Code Enforcement and an agreement between the business owner and Code Enforcement to allow code compliant completion of the oven was reached on March 28.

Senol Bonin, the business owner, was present to answer questions from the Council.

In response to Mrs. Hendon's inquiry, Mr. Bonin stated he would be ready to commence operation once the oven fan and flue are installed and the oven passes inspection.

Mrs. Hendon moved, seconded by Mrs. Singleton, to grant a three month extension of the Special Land Use Permit deadline to commence operation of a restaurant at 6845 Howdershell 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  
**7541 N. LINDBERGH**                      deadline to commence operation of Aroma Indian Grill at  
7541 North Lindbergh Boulevard, from May 20 to November  
20, had been received.

No one was present to represent Aroma Indian Grill.

Mr. Bradfield stated there would be sufficient time to allow for first and second reading of a bill if the Council wishes to postpone consideration of this request to April 16 to allow a representative to be present.

Mr. Ryan moved, seconded by Mr. Conley, to postpone consideration of the request for an extension of the Special Land Use Permit deadline to commence operation of Aroma Indian Grill to April 16. The motion passed unanimously.

#### **PUBLIC HEARINGS - None**

#### **COMMUNICATIONS**

**LOCAL GOVERNMENT**                      The March 20 issue of Local Government Briefings was  
**BRIEFINGS**                                      received from the East-West Gateway Council of  
Governments.

**HCC CID**    The Hazelwood Commerce Center Community Improvement  
**FY 2014/2015 BUDGET**                      District proposed budget for fiscal year 2014/2015 was  
received from Development Dynamics.

**SLUP PETITION**                                      A petition for a Special Land Use Permit for a restaurant at  
6186, 6190, and 6194 Howdershell Road was received from  
J. Ballards, LLC, d/b/a Ballard's Restaurant & Sports Bar.

Mrs. Singleton moved, seconded by Mrs. Hendon, to refer the petition 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** Mayor Robinson noted there are no items on the April 9 work session agenda at this time and there are two budget meetings scheduled for April.

Mayor Robinson suggested the Council consider cancelling the work session.

Mr. Aubuchon stated he was going to suggest adding an evaluation of the City Manager to the work session agenda.

Mrs. Singleton commented an employee evaluation is a personnel issue and should be discussed during closed session.

Mayor Robinson suggested a closed session can be held after the April 16 Council meeting to evaluate the City Manager. There were no objections.

Mrs. Stroker moved, seconded by Mr. Ryan, to cancel the April 9 Council work session. The motion passed unanimously.

**REAPPOINTMENT OF  
MUNICIPAL JUDGE** City Clerk Colleen Wolf had provided the Council with notice that Judge Kevin Kelly's term as municipal judge will expire this month.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to appoint Kevin Kelly to an additional three year term as municipal judge. The motion passed unanimously.

Judge Kelly will be invited to the April 16 Council meeting to receive his oath of office.

**UTILITY TAX  
PROPOSITION** Mayor Robinson stated the Council is considering options to decrease expenses and to increase revenues, such as placing a residential utility tax on the August ballot for voter consideration.

Mr. Zimmerman stated staff has completed the second draft of the proposed fiscal year 2014/2015 budget and this evening the Council has been provided with additional information regarding the possible referendum. He stated staff is concerned with revenue trends and wanted the Council to have this information before considering the amount of tax to seek.

After discussion, the Council agreed to postpone consideration of the utility tax proposition to allow time for review of the additional information.

**BOARD/COMMISSION  
APPOINTMENTS** Mr. Taylor nominated Barbara Stogsdill, 1 Miraclair Drive, for appointment to the City Plan Commission.

Mr. Aubuchon nominated Rudy Bess, 908 Hazelvalley Drive, for appointment to the Architectural Board of Review and Board of Adjustment.

Mr. Todd moved, seconded by Mr. Ryan, to appoint Barbara Stogsdill to the City Plan Commission and Rudy Bess to the Architectural Board of Review and Board of Adjustment. The motion passed unanimously.

Mrs. Wolf will invite Mrs. Stogsdill and Mr. Bess to the April 16 Council meeting to receive their oaths of office and commission certificates.

### **CITY MANAGER'S REPORT**

**EMPLOYEE HEALTH INSURANCE** Assistant City Manager Bob Frank reported staff recommends authorization of a contract with Cigna Health and Life Insurance Company for employee health insurance for a one year term beginning January 1, 2014.

Mr. Frank stated the employee health insurance plan went into effect January 1 and staff, Mr. O'Keefe, and Cigna's attorneys have been working on the terms of the contract. He explained the plan is a modified self-insured plan and not a traditional plan as the City has had in the past. He stated the fact that it operates like a traditional plan created some issues with contract language and caused this delay.

Mr. Conley moved, seconded by Mr. Taylor, to concur with the staff recommendation to authorize the contract with Cigna Health and Life Insurance Company for employee health insurance 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.b.

**CITY ATTORNEY'S REPORT** - None

**CITY CLERK'S REPORT** - None

**COMMISSION AND BOARD REPORTS** Mrs. Singleton moved, seconded by Mrs. Hendon, to receive and file the minutes of the March 10 Neighborhood Watch Commission meeting and the March 11 Community Enrichment Commission meeting. The motion passed unanimously.

**NEW BUSINESS** - None



Mrs. Singleton stated she thinks it's important to celebrate our country's independence, but the City doesn't have the funds for a fireworks display. She stated there are other opportunities for our residents to enjoy fireworks.

Mrs. Hendon agreed stating it can be revisited next year.

Mayor Robinson commented the City would save \$33,000 by not having the fireworks display.

Mr. Todd moved, seconded by Mr. Conley, the adoption of Bill 4441 as an ordinance. The following vote was recorded on the motion:

AYE - 0

NAY - 9

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

The motion failed unanimously and Bill 4441 was passed out.

## **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

**COUNCIL MEETINGS** Mayor Robinson announced the April 9 Council work session has been cancelled; Council budget work sessions will be held Monday, April 14, at 5:30 p.m. and Wednesday, April 30, at 5:30 p.m. in the Council Chambers; and the next regular Council meeting will be held Wednesday, April 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 8:35 p.m.

ATTEST:

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Matthew G. Robinson - Mayor  
City of Hazelwood, Missouri

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