

**CITY OF HAZELWOOD  
REGULAR COUNCIL MEETING  
JULY 18, 2018**

**CALL TO ORDER**

A regular meeting of the Hazelwood City Council was called to order by Mayor Pro-Tempore Mary Singleton at 7:30 p.m. on Wednesday, July 18, 2018, in the Council Chambers of Hazelwood City Hall, 415 Elm Grove Lane.

Mayor Pro-Tempore Singleton 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  
Russell Todd  
Warren H. Taylor  
Rosalie Hendon  
Mary G. Singleton

Mayor Matthew G. Robinson and Council Member Robert Parkin II were not present. Mrs. Thomas declared a quorum was present. Also present were City Manager Matt Zimmerman, City Attorney Kevin O'Keefe, and City Clerk Christine Thomas.

**AGENDA**

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

**CONSENT AGENDA**

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

<u>AYE - 7</u>	<u>NAY - 0</u>
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	

The motion passed unanimously and the consent agenda, including a closed meeting immediately following the regular meeting to discuss personnel in accordance with the

provisions of RSMo 610.021(3) and to discuss proprietary matters in accordance with the provisions of RSMo 610.021(15), was adopted.

**APPROVAL OF MINUTES**

Mr. Taylor moved, seconded by Mrs. Stroker, to approve the minutes of the June 20 regular and closed Council meetings and the June 27 special Council meeting as submitted. The motion passed unanimously.

**SPECIAL ORDER OF BUSINESS**

**WHAT'S NEW**

Communications Coordinator Tim Davidson provided the What's New in Hazelwood report.

**BOARD/COMMISSION OATHS**

Mrs. Thomas administered the oath of office to Patricia Corzine who was reappointed to the Neighborhood Watch Commission.

Ms. Corzine was presented with a commission certificate.

**PROCLAMATIONS AND RESOLUTIONS - None**

**CITIZENS HEARINGS AND PRESENTATION OF PETITIONS**

Mayor Pro-Tempore Singleton explained the procedures to be followed during a hearing. She invited anyone desiring to make a comment to come forward at this time.

No one came forward to address the Council.

**CITY MANAGER'S STATUS REPORT**

Mr. Zimmerman provided the Council with a report on concerns expressed by Monte Haynes during the June 20 Council meeting.

Mr. Haynes' concerns with St. Cin Park included a large limb on the ground, holes at the end of Palm Drive, and general maintenance of trees in both St. Cin and Aubuchon Parks. Staff picked up the limbs the day after the Council meeting and within a week the holes on Palm Drive were filled. Mr. Haynes contacted the Public Works Department regarding four dead trees in Aubuchon Park and five brush piles in St. Cin Park. The Public Works Department removed the trees and picked up the brush piles. Mr. Zimmerman explained subsequent to the Council meeting, Mr. Haynes requested a meeting with him and Public Works Superintendent Paul Williams. Mr. Haynes raised issues including lighting which staff will address. In addition, Mr. Haynes requested installation of a drainage system at Aubuchon Park. Staff explained to him that the parks are designed to hold stormwater.

A list of park projects was provided to the Council.



Mr. Mueller asked if the rezoning will have any effect on his property. Mr. Bradfield responded it will have no effect on property value or zoning regulations.

Mrs. Thomas read the City Plan Commission motion “to recommend approval to the City Council of the petition for rezoning five City owned properties to “P” Public District.” She stated the motion passed unanimously.

Mr. Aubuchon moved, seconded by Mr. Taylor, to concur with the City Plan Commission recommendation to rezone 8975 and 8995 Dunn Road, 7029 and 7043 Howdershell Road, and 1730 Teson Road to “P” Public District and place the draft bills on this agenda for introduction. The motion passed unanimously and the bills were added to the agenda as items 17.a, 17.b, and 17.c.

## **COMMUNICATIONS**

FEMA A Conditional Letter of Map Revision comment document on a project in the Missouri Bottoms Levee District, Bridgeton sub-district, was received from the Federal Emergency Management Agency.

EWGCG LOCAL BRIEFINGS The June 28 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

CHARTER CHANNEL LINE-UP CHANGES Notification was received from Charter Communications of the deletion of the El Garage channel from basic programming to become effective on or around July 1.

MSD BUDGET SUPPLEMENT A letter announcing the publication of the fiscal year 2019 Budget Supplement, which details the Capital Improvement and Replacement Program, was received from the Metropolitan St. Louis Sewer District.

RECAST Information on St. Louis ReCast, an initiative for high-risk youth and their families, was received from St. Louis County Department of Public Health.

BOARD RESIGNATION A letter of resignation from the Community Enrichment Commission was received from Janet Robinson.

A letter thanking Mrs. Robinson for her service to the City was sent.

Mr. Taylor moved, seconded by Mrs. Stroker, to receive and file all communications. The motion passed unanimously.

**UNFINISHED BUSINESS - None**

**MAYOR AND COUNCIL REPORTS**

WORK SESSION                      Mrs. Stroker requested the addition of a presentation by the  
AGENDA ITEMS                      St. Martin dePorres Social Justice Committee to the  
September 12 work session agenda.

There were no objections.

SEPTEMBER 19                      After discussion Mrs. Hendon moved, seconded by  
COUNCIL MEETING                      Mr. Todd, to cancel the September 19 regular Council  
meeting. The motion passed unanimously.

An additional September meeting will be scheduled at a later date.

COMMISSION                      Mayor Pro-Tempore Singleton appointed Sharon Dash, 6  
APPOINTMENT                      Meditation Way Court, to the Community Enrichment  
Commission.

Mrs. Stroker moved, seconded by Mr. Ryan, to approve the preceding appointment. The motion passed unanimously.

Mrs. Thomas will invite the newly appointed commission member to the August 1 Council meeting to receive her oath of office and commission certificate.

**CITY MANAGER'S REPORT**

GASOLINE &                      Mr. Stewart reported staff recommends the purchase of  
DIESEL FUEL                      gasoline and diesel fuel for City vehicles during fiscal year  
2019 from Energy Petroleum at a rate of \$.045 per gallon  
for profit and delivery.

Mr. Stewart stated requests for bids were sent to five prospective fuel suppliers and two bids were received. The lowest, responsive bid is from Energy Petroleum.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to concur with the staff recommendation to authorize the purchase of gasoline and diesel fuel during fiscal year 2019 from Energy Petroleum at a rate of \$.045 per gallon for profit and delivery. The motion passed unanimously.

RFPD DE-ANNEXATION              Robertson Fire Protection District's (RFPD) proposal that the  
PROPOSAL                      City de-annex the Northwest area, currently served by them,  
was discussed.

Mr. Zimmerman stated, after attempting to work with the RFPD for several years on a solution to the fire services issue, in December 2017 the City Council adopted a resolution which gave notice of termination of the fire services agreement with RFPD effective January 1, 2019. The notice invited the district to offer comments and suggestions and gave a response deadline of July 1, 2018. Only one suggestion was received. During a City Council meeting, it was suggested that the City de-annex the area. Subsequently, RFPD's attorney was quoted in the Post-Dispatch as saying, "The district would be open to de-annexation of the area in the City of Hazelwood that it serves, allowing the district to levy property taxes."

In the absence of any other response, the City felt committed to consider the proposal. De-annexation would mean a significant decrease in services to that area. One of the reasons the voters approved the annexation was the desire for the additional services provided by the City including faster response time for police protection, better street maintenance and snow plowing, access to park programs, better animal control and mosquito abatement services, and access to the City's crime and domestic violence prevention programs. With de-annexation, these residents would also see an increase in taxes. While they would no longer be subject to the City's \$1 per \$100 levy, they would be subject to the RFPD's \$2.54 per \$100 levy. For a home with a \$100,000 assessed valuation, this would result in a tax increase of \$287. Businesses would also lose services, such as fire safety inspections, and would see an increase in taxes. The increase for a commercial building with a \$1 million assessed valuation would be \$5,000. There is also a question as to whether or not the County is prepared to provide services to an area of this size. In addition, the proposed de-annexation would affect the rest of the City. Since current services are based on existing revenues, the significant decrease in revenue resulting from de-annexation would result in a reduction in services, programs and employees. The City's numerous economic development programs would be jeopardized. There are several on-going tax abatement and loan programs for businesses in the area currently served by RFPD. The effect on those agreements is unknown. They may become null and void and the business would have to repay the City or the tax funds would be lost with no benefit to the residents. Mr. Zimmerman stated if the City were to provide EMS and fire service in the area as called for in the resolution, the City's Fire Department provides the same level of service as the RFPD and is prepared to do so.

Mayor Pro Tempore Singleton invited the public to comment on the proposal.

Robert Carmack, Florissant Valley Fire Protection District (FVFPD) director, stated the City has referred to a contract and asked for clarification. He stated there is no contract. He stated there is a state statute.

Mr. O'Keefe responded approximately 25 years ago the City entered into contracts with both the RFPD and FVFPD.

Jeff Chaney, 7415 Howdershell Road, stated a couple of months ago Derick Skouby of 1072 Woodcrest Lane, in the area of the City served by RFPD, had a house fire and

suffered minor smoke inhalation. When 911 was called, the RFPD ambulance was out on a call and the Pattonville Fire Protection District responded. Mr. Chaney noted the distance from his residence to the Hazelwood Fire House is less than one mile. He asked if the HFD could provide mutual aid.

Fire Chief Dave Hermann responded the HFD has mutual aid agreements with almost every department in St. Louis County. Mr. Chaney is referring to automatic mutual aid with the RFPD which is not in place. He explained the process for dispatching ambulances. For example, if all HFD ambulances are out, dispatch follows the orders put in place by the HFD and the closest ambulance is dispatched. He stated he doesn't know what the RFPD's orders are. However, if a HFD ambulance is requested, we would respond. At the request of the RFPD, the City would be happy to consider a mutual aid agreement. He added he requested such an agreement several times in his early tenure with the City.

For clarification, Mrs. Singleton asked if it was that the HFD couldn't respond because they weren't requested and not that they wouldn't respond.

Chief Herman replied affirmatively stating the HFD would have responded if asked.

Mr. Chaney asked how Hazelwood residents could request a Hazelwood ambulance.

Mr. O'Keefe replied the question should be directed to the RFPD. They establish the protocol for who they want to respond when they're unavailable. If their orders are to send the closest unit, HPD will respond. If they chose to set a different sequence in order to avoid using HPD, it's a matter of asking them to make a wiser choice with respect to how the residents are served.

Mr. Chaney requested clarification on the dispatching process. Chief Herman explained when a call is made to 911 for EMS or fire services in the City of Hazelwood, it goes to the City's dispatch center and is directed to Central County. Central County determines what entity serves the caller's area and dispatches based on the protocol provided by that entity.

Jane Skouby of 1089 Woodcrest Lane stated she lives in the area in question and has been told her taxes will go up and she will no longer have access to City services and programs if the RFPD no longer provides service to the area. She asked what happens to the taxes those residents paid to the City. She stated she opposed annexation and wanted to continue being served by the RFPD. She stated she believes there's no advantage to being a Hazelwood resident. She added the residents voted to annex and keep RFPD services. She believes the City has no right to cancel the contract and should abide by state statute.

Mr. Zimmerman replied there is, in fact, a contract. The annexation occurred prior to passage of the state statute. Therefore, the statute isn't applicable.

Mrs. Skouby stated she has found that properties in the original City, such as on Mary Jo Lane and Lindbergh Boulevard, have seen an increase in taxes of approximately 4.65% since 2012. However, property taxes in the annexed area have increased 6.24% over the same period and those residents receive the same services.

Mr. Zimmerman responded the City's tax rate is the same everywhere in the City and has been almost \$1 for the past five years. The increase is attributable to assessed valuation. He explained property and sales taxes, along with other revenues, are used to provide services including police, fire and EMS in the original City area, parks, streets, etc. The issue is RFPD's tax rate has increased from \$.91 to \$2.54, or over 200%, in twenty years and the City is no longer able to pay the bill without cutting other services.

Mrs. Skouby stated she feels the City has an obligation to pay the RFPD.

Mr. Zimmerman replied the City's position is there isn't a legal obligation to pay. In addition, for three years the City attempted to come to an agreement with RFPD and was not given serious consideration.

Mrs. Skouby stated she wasn't aware of the negotiations.

Mr. Zimmerman responded the City has solicited public input. Within the last year, at the request of RFPD, the City engaged in a \$28,000 resident survey.

Mrs. Skouby stated she believes the discussion of de-annexation is a scare tactic.

Mr. Zimmerman responded the City has made no decisions and is simply responding to a proposal by RFPD in a public manner to allow the public to provide input.

Mr. Ryan asked what other options are available to the City.

Mr. O'Keefe replied for three years the City has attempted to work with RFPD to rectify the untenable situation and has been unsuccessful. Change had to occur and the dramatic, necessary step to terminate the contract with them was taken. RFPD has filed suit and the matter will be addressed in court. Meanwhile, the City has asked RFPD to discuss a solution to realistically address the problem in the near term as well. The only suggestion they offered was for the City to de-annex and discard the area, resulting in a reduction in those residents' services and a 150% increase in their taxes. The City is convinced the HFD can provide the same or better service to the area at considerably less cost. Since the RFPD isn't able to economically and efficiently provide EMS and fire services to the area, Mr. O'Keefe suggested the City offer to provide the services for them by entering into a contract with the RFPD. The contract would relieve them of the service burden while allowing them to continue to collect the same taxes, to use them in a smaller area, and focus resources on that area. Meanwhile, the Hazelwood residents formerly served by RFPD will receive the same or better services and continue to enjoy



the low taxes and additional City services they've had for the past 25 years. Mr. O'Keefe stated the contract could take effect January 1, 2019.

Mrs. Hendon stated it sounds like the best option, especially for the residents currently served by RFPD.

FVFPD Local 2665 Union Representative Chris Huffner asked what the benchmarks are for providing better service at less cost. He noted at the time of annexation the City agreed to pay the RFPD and FVFPD for services in the annexed areas based on the tax rates levied by the districts.

Mr. O'Keefe replied the HFD provides equal or superior manning, equal or superior equipment, and EMS and firefighter personnel with equal or better training, and operates the department far more efficiently. He noted the FVFPD has been efficient in the management and delivery of services. The City has no dispute with the FVFPD because they have been realistic and efficient with their tax levy.

The Council agreed the contract is the best option.

Mr. O'Keefe stated he will prepare a contract for Council consideration.

AMENDMENT  
CHAPTER 100  
RE: APPLICATION  
FEES

Mr. Zimmerman reported staff recommends amending Chapter 100: General Provisions of the Hazelwood City Code to provide for the reimbursement of City costs for processing applications.

Mr. Zimmerman stated last month an ordinance was approved for the City to assess additional fees for building permits to reimburse the City for extraordinary costs that may incur for review or inspection of a project. The City Attorney advised it would be beneficial to adopt a companion ordinance to allow the City to seek reimbursement for out-of-pocket costs from developers.

Mrs. Hendon moved, seconded by Mr. Aubuchon, to concur with the staff recommendation to amend Chapter 100: General Provisions of the Hazelwood City Code to provide for the reimbursement of City costs for processing applications 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.d.

SHOW-ME COURTS  
AGREEMENT

Mr. Zimmerman reported staff recommends authorizing an agreement with the Office of the State Courts Administrator for implementation of the Show-Me Courts court automation program.

Mr. Zimmerman stated the Office of the State Courts Administrator (OSCA) is responsible for overseeing all courts in Missouri. They have established a new software program and are mandating every court in the state of Missouri utilize it.

Mr. Zimmerman explained in order to maintain our municipal court the City has to meet OSCA standards and utilize their software. He stated this will require unbudgeted expenses for software, hardware, and a third court clerk. The Show-Me Courts system is a stand-alone system that will not work with systems our court currently uses. In addition, OSCA is mandating all court fines are kept in a separate bank account and only handled by authorized court personnel, as established by the municipal court judge.

Mrs. Hendon asked what the total expenses would be. Mr. Zimmerman replied \$50,000 for an additional full-time court clerk. However, the part-time position would be eliminated. The hardware and software costs are undetermined, but are in the low five figures.

Mrs. Stroker moved, seconded by Mr. Todd, to concur with the staff recommendation to authorize an agreement with OSCA for implementation of the Show-Me Courts court automation program 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.e.

**AMENDMENT  
CHAPTER 140  
RE: SURCHARGE**

Mr. Zimmerman reported staff recommends amending Chapter 140: Municipal Court, Section 140.250: Court Costs, of the Hazelwood City Code relating to a \$7.00 surcharge on all municipal court cases for the statewide court automation fund as mandated by state statute.

Mr. Zimmerman stated another requirement from OSCA to assess a \$7.00 fee which is automatically sent to state. The City is getting close to the statutory limit on total amount of fines we can assess.

Mrs. Hendon moved, seconded by Mr. Todd, to concur with the staff recommendation to amend Chapter 140: Municipal Court, Section 140.250: Court Costs, of the Hazelwood City Code relating to a \$7.00 surcharge on all municipal court cases for the statewide court automation fund as mandated by state statute 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.f.

**CITY ATTORNEY'S REPORT** - None

**CITY CLERK'S REPORT** - None

**COMMISSION AND  
BOARD REPORTS**

Mr. Taylor moved, seconded by Mrs. Stroker, to receive and file the minutes of the May 8 Community Enrichment Commission meeting, the May 21 and June 25 Historic Preservation Commission meetings, the June 11 Board of Adjustment meeting, and the June 11 Neighborhood Watch Commission meeting. The motion passed unanimously.

**NEW BUSINESS** - None

**INTRODUCTION AND FIRST READING OF BILLS**

REZONING 8975 & 8995 DUNN RD. Mayor Pro-Tempore Singleton called for the first reading of a bill to amend Chapter 405: Zoning Regulations, of the Municipal Code of the City of Hazelwood, Missouri by rezoning 8975 and 8995 Dunn Road from “I-1” Light Industrial District to “P” Public District.

There were no objections and Bill 4740 was read by title only:

**AN ORDINANCE AMENDING CHAPTER 405: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF HAZELWOOD, MISSOURI, BY REZONING 8975 AND 8995 DUNN ROAD FROM “I-1” LIGHT INDUSTRIAL DISTRICT TO “P” PUBLIC DISTRICT.**

Bill 4740 will be on the agenda for second reading on August 1.

REZONING 7029 HOWDERSHELL & 7043 HOWDERSHELL Mayor Pro-Tempore Singleton called for the first reading of a bill to amend Chapter 405: Zoning Regulations, of the Municipal Code of the City of Hazelwood, Missouri by rezoning 7029 Howdershell Road from “C-2” General Commercial District to “P” Public District and 7043 Howdershell Road from “R-4” Single-Family Dwelling District to “P” Public District.

There were no objections and Bill 4741 was read by title only:

**AN ORDINANCE AMENDING CHAPTER 405: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF HAZELWOOD, MISSOURI, BY REZONING 7029 HOWDERSHELL ROAD FROM “C-2” GENERAL COMMERCIAL DISTRICT TO “P” PUBLIC DISTRICT AND 7043 HOWDERSHELL ROAD FROM “R-4” SINGLE-FAMILY DWELLING DISTRICT TO “P” PUBLIC DISTRICT.**

Bill 4741 will be on the agenda for second reading on August 1.

REZONING 1730 TESON RD. Mayor Pro-Tempore Singleton called for the first reading of a bill to amend Chapter 405: Zoning Regulations, of the Municipal Code of the City of Hazelwood, Missouri by rezoning 1730 Teson Road from “NU” Non-Urban District to “P” Public District.

There were no objections and Bill 4742 was read by title only:

**AN ORDINANCE AMENDING CHAPTER 405: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF HAZELWOOD, MISSOURI, BY REZONING 1730 TESSON ROAD FROM “NU” NON-URBAN DISTRICT TO “P” PUBLIC DISTRICT.**

Bill 4742 will be on the agenda for second reading on August 1.

AMENDMENT Mayor Pro-Tempore Singleton called for the first reading of a  
CHAPTER 100 bill amending Chapter 100: General Provisions of the  
RE: APPLICATION FEES Hazelwood City Code to provide for the reimbursement of  
City costs for processing applications.

There were no objections and Bill 4743 was read by title only:

**AN ORDINANCE AMENDING CHAPTER 100: GENERAL PROVISIONS OF THE HAZELWOOD CITY CODE TO PROVIDE FOR THE REIMBURSEMENT OF CITY COSTS FOR PROCESSING APPLICATIONS.**

Bill 4743 will be on the agenda for second reading on August 1.

AGREEMENT Mayor Pro-Tempore Singleton called for the first reading of a  
SHOW-ME COURTS bill authorizing an agreement with the Office of the State  
Courts Administrator for implementation of the Show-Me  
Courts court automation program.

There were no objections and Bill 4744 was read by title only:

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE OFFICE OF THE STATE COURTS ADMINISTRATOR FOR IMPLEMENTATION OF THE SHOW-ME COURTS COURT AUTOMATION PROGRAM.**

Bill 4744 will be on the agenda for second reading on August 1.

AMENDMENT Mayor Pro-Tempore Singleton called for the first reading of a  
CHAPTER 140 bill amending Chapter 140: Municipal Court, Section  
RE: SURCHARGE 140.250: Court Costs, of the Hazelwood City Code relating  
to a \$7.00 surcharge on all municipal court cases for the  
statewide court automation fund as mandated by state  
statute.

There were no objections and Bill 4745 was read by title only:

**AN ORDINANCE AMENDING CHAPTER 140: MUNICIPAL COURT, SECTION 140.250: COURT COSTS, OF THE HAZELWOOD CITY CODE RELATING TO A \$7.00 SURCHARGE ON ALL MUNICIPAL COURT CASES FOR THE STATEWIDE COURT AUTOMATION FUND AS MANDATED BY STATE STATUTE.**

Bill 4745 will be on the agenda for second reading on August 1.

**SECOND READING OF BILLS AND ACTION ON BILLS - None**

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

**COUNCIL MEETING** Mayor Pro-Tempore Singleton announced the next regular Council meeting will be held Wednesday, August 1, 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 8:45 p.m.

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Matthew G. Robinson - Mayor  
City of Hazelwood, Missouri

ATTEST:

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Christine Thomas, CMC - City Clerk  
City of Hazelwood, Missouri