

**CITY OF HAZELWOOD  
REGULAR COUNCIL MEETING  
OCTOBER 17, 2018**

**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, October 17, 2018, 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 Parkin II  
Matthew G. Robinson  
Russell Todd  
Warren H. Taylor  
Rosalie Hendon  
Mary G. Singleton  
Robert M. Aubuchon  
Don W. Ryan

Council member Carol Stroker was 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, Mr. Taylor moved, seconded by Mrs. Hendon, the adoption of the agenda as printed. The motion passed unanimously.

**CONSENT AGENDA**

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

<u>AYE -8</u>	<u>NAY - 0</u>
Mr. Parkin	
Mayor Robinson	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mr. Aubuchon	
Mr. Ryan	

The motion passed unanimously and the consent agenda was adopted.

**APPROVAL OF MINUTES**

Mr. Taylor moved, seconded by Mr. Aubuchon, to approve the minutes of the October 3 regular and closed Council meetings as submitted. The motion passed unanimously.

**SPECIAL ORDER OF BUSINESS**

**MERITORIOUS SERVICE CITATION**

Police Chief Gregg Hall presented the Chief’s Meritorious Service Citation to Police Officer Timothy Benning in recognition of his volunteer efforts with helping the needy over the past 25 years.

**EMPLOYEE INTRODUCTION**

Mr. Zimmerman introduced newly hired Municipal Court Clerk-Typist Cassidy Dobson.

**EMPLOYEE SERVICE AWARDS**

As his biography was read, Police Officer Mark Schmidt was presented with a 15 year service award.

As his biography was read, Mr. Zimmerman was presented with a 5 year service award.

**PROCLAMATIONS AND RESOLUTIONS**

**“EXTRA MILE DAY” PROCLAMATION**

Mayor Robinson called for the reading of a proclamation designating November 1, 2018 as “Extra Mile Day.”

There were no objections and Proclamation 1815 was read.

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Proclamation 1815 declaring November 1, 2018, to be Extra Mile Day and urging the community to take some time on this day to not only “go the extra mile” in their own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place. The motion passed unanimously.

**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.

No one came forward to address the Council.

**PUBLIC HEARINGS - None**

**COMMUNICATIONS**

**MML NEWSLETTER**

The Missouri Municipal League’s September/October 2018 newsletter was received.

EWGCG  
LOCAL BRIEFINGS                      The September 27 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

CHARTER  
COMMUNICATIONS                      A notice of service and equipment price adjustments effective November 1 was received from Charter Communications.

EWGCG  
LOCAL BRIEFINGS                      The October 11 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

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

**UNFINISHED BUSINESS**

I-270 & LINDBERGH  
MONUMENT SIGN                      Discussions, relative to a proposed City monument sign for the I-270 and Lindbergh Boulevard exchange, were continued from October 3.

Mayor Robinson stated after reviewing the options and talking with some of the Council, he believes the cost of the sign is unaffordable at this time. He suggested choosing a the design for a future time.

Mr. Zimmerman explained funds for the project would come from the dedicated half cent sales tax and cannot be used for any purpose other than economic development or economic development infrastructure. Mr. Zimmerman asked for feedback on the four design options.

John Brancaglione with Peckham, Guyton, Albers & Viets, Inc., stated the cost estimates are high but there are ways to reduce the cost. Mr. Brancaglione reviewed the four sign options.

Mr. Zimmerman stated the City may be able to work with Missouri Department of Transportation on costs such as electric for lighting. He explained there is some money in the Economic Development Fund to install one sign at McDonnell Boulevard.

The majority of the Council preferred sign option number four.

Mr. Brancaglione stated he will provide a more accurate cost estimate.

Mr. Zimmerman stated staff will flesh out the proposal using option four and come back to the Council.

**MAYOR AND COUNCIL REPORTS**

DISCUSSION OF RFPD  
FIRE SERVICES  
AGREEMENT

A letter was received from Chief Miner of the Robertson Fire Protection District (RFPD) late this afternoon suggesting fire service agreement negotiations be renewed with the condition that the City makes payment of the fee that was retained.

Mayor Robinson explained over the last four years City representatives have met with district representatives and offered many options to address the inability of the City to continue the fire services agreement. Three years were spent trying to get legislation passed in Jefferson City. That attempt failed in the eleventh hour due to opposition by the RFPD and firefighters union. In 2017, the Council met with RFPD's Board of Directors for several months to discuss merging the Hazelwood Fire Department (HFD) with the RFPD. Those discussions ended because RFPD opposed putting the merger proposal on the April 2018 ballot which was necessary in order to relieve the City of the burden of making the January 2019 payment to the district. Finally, in December 2017, the Council passed a resolution terminating the agreement with RFPD. The notice of termination stated the City could no longer afford to make the payments to the district and the HFD would begin providing EMS and fire services to City residents served by RFPD effective January 2019. Since termination of the agreement, which had no expiration date, the district sued the City. Mayor Robinson explained City residents in the RFPD service area would experience no change in level of service and the HFD could provide services for \$1.8 million less per year. No response has been received to the City's offer to hire 18 RFPD employees, take over their firehouse and equipment, and negotiate the terms of the buyout. Mayor Robinson stated in August 2018 the Council adopted an ordinance approving execution of an Intergovernmental Cooperation Agreement (IGA) with RFPD that would allow voters in the district to choose whether those who are City residents should be served by the HFD or RFPD. In response, the district suggested de-annexation of the area. De-annexation is not an acceptable option because it would result in a significant tax increase and elimination of City services for residents in that area. As stewards of the taxpayers' dollars, the Council must assure funds are used effectively and efficiently and residents are not overtaxed. Mayor Robinson stated RFPD has been overspending for too many years. They have not complied with the City's numerous requests for detailed budgets and financial documents that would show how these taxpayer dollars are spent.

Mr. O'Keefe explained in February 2018 RFPD filed a lawsuit against the City asserting the City was in violation of contractual obligations and the City filed a response to their claims. Several months later, the RFPD filed Motions for Sanctions Arising from Contempt of Court by the City. Mr. O'Keefe stated their contempt request was denied and the City will have an opportunity to litigate the claims.

Mayor Robinson stated staff has obtained RFPD's certified audit information and has made personnel cost comparisons with Hazelwood's certified audit information. In 2017, RFPD's average personnel cost was \$160,000, while HFD's average was \$114,000. The average total departmental cost per employee, including purchases from the general fund, was \$192,000 for the RFPD and \$127,000 for the HFD. He stated since the City has paid for their services, the district should be transparent and accountable

for how the money is spent. He demanded to know the reason for the district's high costs.

Mr. Parkin stated he will continue his stance in opposing termination of the fire service agreement with RFPD and he believes renegotiating the agreement is the only answer.

Attorney Jim Mello explained the IGA would set the framework for the HFD to provide service to the portion of the City served by the RFPD. Under the agreement, the district would continue to have responsibility for providing service to the area, but the HFD would be their service contractor. The cost of services provided by the HFD would be equal to what the district charges the City. The benefit is the City would provide the same level of service for \$1.8 million less per year. The agreement was rejected by RFPD. Mr. Mello explained state law provides that the voters in a fire protection district have the right to circulate an initiative petition among district voters. If the required number of qualified voters sign the petition, the district is obligated to put the issue on the ballot. A petition proposing an IGA would give City residents within the RFPD service area a voice on how services are provided. Mr. Mello stated 489 signatures would need to be obtained on the petition to place the issue on the ballot.

Clara Faatz of 8 Bon Vue Drive stated she's been a resident for 50 years and has seen many changes in the City. One of the ways the City has grown was by annexing unincorporated areas and providing City services to residents and businesses in those areas. In 1995, the unincorporated northwest area was annexed. To complete the annexation, an agreement was signed stating the RFPD would provide service to that area and the City would pay a service fee to the RFPD equal to the property tax the district would have assessed. The rate at that time was \$1.25 per \$100 assessed valuation. In twenty plus years, the payment has increased from \$1.16 million to \$3.57 million (an increase of over 200%) making the agreement no longer viable for the City. Ms. Faatz stated she attended the December 2017 Council meeting and learned that talks had broken down between the City and the district and the City would be terminating the agreement with RFPD. She stated she did some research and discovered that the City is in a financial crisis because of payments being made to RFPD. An analysis of the costs for fire services was provided to her and showed that the City had a total budget of \$9.47 million dollars for fire services in 2016. Of that amount, \$3.58 million or 38% went to the RFPD for serving only 19% of the City's population, \$1.18 or 12% went to the Florissant Valley Fire Protection District for serving 24% of the population, and \$4.7 million or 50% went to the HFD for serving 57% of the population. Ms. Faatz stated RFPD's cost is disproportionate for the number of people being served. If the City had not decided to terminate the agreement and reduce the 2018 payment to the RFPD, drastic cuts would have been made to the City's fire, police, public works, and parks budgets including possible closure of Civic Center East, elimination of the seniors and disabled bus service, lay-off of employees, termination of leaf and limb pick-ups, etc. Ms. Faatz stated she wants the City to succeed and prosper and other like-minded citizens are banding together to form a committee called "You Choose." Ms. Faatz stated committee members will collect signatures of residents who are registered voters in the RFPD on a petition in order to give them an opportunity to decide at the April 2019 election whether or not they wish to implement the IGA.

In response to Mr. Parkin's statement, Ms. Faatz stated an agreement cannot be renegotiated if both parties don't come to the table. The RFPD left the City no alternative.

Mr. Parkin stated conversations regarding the agreement need to continue no matter how long it takes.

Mrs. Hendon emphasized time was limited due to the City's financial crisis. Negotiations ended because the RFPD prevented them from moving forward and did not support the effort to get the merger proposition on the April 2018 ballot.

Mr. Parkin stated the City has a responsibility to continue to negotiate in the best interest of their constituents.

Mr. Ryan noted Mr. Parkin's wife is on the RFPD Board of Directors.

Mr. Parkin responded it's clear in City documentation that his wife is on the RFPD Board of Directors and in RFPD documentation that he is on the Hazelwood City Council.

WORK SESSION                      No items were added to the November 14 Council work  
AGENDA ITEMS                      session agenda.

COMMISSION                         Mayor Robinson appointed Corey Cook, 802 Teson Road,  
APPOINTMENTS                      to the Neighborhood Watch Commission; Toni Grimes,  
7461 Sunset Drive, to the Community Enrichment  
Commission; and Vineva Grimes, 7464 Sunset Drive, to the  
Community Enrichment Commission.

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

Mrs. Thomas will invite the newly appointed commission members to the November 7 Council meeting to receive their oaths of office and commission certificates.

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

TAXABLE INDUSTRIAL              Mr. Zimmerman reported the agreement with Artur Express,  
REVENUE BONDS                      Inc., for development of 4812, 4824 and 4832 Park 370  
ARTUR EXPRESS                      Boulevard includes the issuance of Chapter 100 bonds.

Mr. Zimmerman stated at the September 5 regular Council meeting a resolution was passed authorizing a study to issue Chapter 100 bonds for a new building with an estimated construction cost of \$11 million. The bonds are used to facilitate real property tax abatement and sales tax exemption on the purchase of construction materials. Mr. Zimmerman explained Artur has agreed to sign the Fire Services Indenture, which requires them to reimburse the City for any payments made by the City to the RFPD.

Mrs. Hendon moved, seconded by Mrs. Singleton, to concur with the staff recommendation to authorize the issuance of \$11 million in taxable industrial revenue bonds for 4812, 4824, and 4832 Park 370 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.

**TAXABLE INDUSTRIAL REVENUE BONDS NORTHPOINT** Mr. Zimmerman reported the agreement with NorthPoint for the development of 133 McDonnell Boulevard includes the issuance of Chapter 100 bonds.

Mr. Zimmerman stated at the October 3 regular Council meeting a resolution was passed authorizing a study to issue Chapter 100 bonds for a new development with an estimated construction cost of \$13.5 million. The bonds are used to facilitate real property tax abatement and sales tax exemption on the purchase of construction materials.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to concur with the staff recommendation to authorize the issuance of \$13.5 million in taxable industrial revenue bonds for 133 McDonnell 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.b.

**AMEREN MISSOURI FRANCHISE AGREEMENT** Public Works Director David Stewart reported staff recommends renewing the franchise agreement with Ameren Missouri.

Mr. Stewart stated the existing 20 year franchise agreement with Ameren Missouri expires on December 8, 2018 and Ameren has proposed to extend the existing agreement another 20 years. Mr. Stewart explained renewing the agreement will allow Ameren to continue to operate, maintain, and install facilities within City right-of-way and provide electric services to our residents.

Mr. Todd moved, seconded by Mr. Aubuchon, to concur with the staff recommendation to renew the franchise agreement with Ameren Missouri for a 20 year period 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.

**CITY ATTORNEY'S REPORT - None**

**CITY CLERK'S REPORT - None**

**COMMISSION AND BOARD REPORTS** Mr. Taylor moved, seconded by Mr. Aubuchon, to receive and file the minutes of the July 12 City Plan Commission meeting, the September 11 Community Enrichment Commission meeting, and the September 24 Historic Preservation Commission meeting. The motion passed unanimously.

**NEW BUSINESS** - None

**INTRODUCTION AND FIRST READING OF BILLS**

INDUSTRIAL REVENUE Mayor Robinson called for the first reading of a bill to  
BONDS authorize the issuance of taxable industrial revenue bonds  
ARTUR for 4812, 4824, and 4832 Park 370 Boulevard.

There were no objections and Bill 4759 was read by title only:

**AN ORDINANCE AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (ARTUR EXPRESS, INC. PROJECT), SERIES 2018, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$11,000,000, 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; APPROVING A PLAN FOR THE PROJECT; AND AUTHORIZING THE CITY TO ENTER INTO CERTAIN AGREEMENTS AND TAKE CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.**

Bill 4759 will be on the agenda for second reading on November 7.

INDUSTRIAL REVENUE Mayor Robinson called for the first reading of a bill to  
BONDS authorize the issuance of taxable industrial revenue bonds  
NORTHPOINT for 133 McDonnell Boulevard.

There were no objections and Bill 4760 was read by title only:

**AN ORDINANCE AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (NP MCDONNELL, LLC PROJECT), SERIES 2018, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$13,500,000, 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; APPROVING A PLAN FOR THE PROJECT; AND AUTHORIZING THE CITY TO ENTER INTO CERTAIN AGREEMENTS AND TAKE CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.**

Bill 4760 will be on the agenda for second reading on November 7.

AMEREN MISSOURI Mayor Robinson called for the first reading of a bill to renew  
FRANCHISE an existing Franchise Agreement with Ameren Missouri for  
AGREEMENT 20 years.

There were no objections and Bill 4761 was read by title only:

**AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF TWENTY (20) YEARS TO UNION ELECTRIC COMPANY, D/B/A AMEREN MISSOURI, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, MAINTAIN, OPERATE, AND USE ALL EQUIPMENT, FACILITIES, DEVICES, MATERIALS, APPARATUS OR MEDIA INCLUDING BUT NOT LIMITED TO DUCTS, LINES, PIPES, HOSES, CABLES, CULVERTS, TUBES, POLES, TOWERS, WIRES, CONDUITS, CONDUCTORS, MANHOLES, TRANSFORMERS, UNDERGROUND VAULTS, SWITCHGEAR, CAPACITORS, RECEIVERS, AND TRANSMITTERS, WITH ALL NECESSARY OR APPROPRIATE APPURTENANCES AND APPLIANCES IN CONNECTION THEREWITH, IN, ALONG, ACROSS, OVER, AND UNDER, THE STREETS, ROADS, ALLEYS, SIDEWALKS, SQUARES, BRIDGES, AND OTHER PUBLIC PLACES IN THE CITY OF HAZELWOOD AND AREAS DEDICATED TO THE CITY FOR PUBLIC UTILITY USE, FOR THE PURPOSE OF TRANSMITTING, FURNISHING AND DISTRIBUTING ELECTRICITY WITHIN AND THROUGH SAID CITY, PRESCRIBING THE TERMS AND CONDITIONS OF SUCH GRANT, IMPOSING CERTAIN OBLIGATIONS UPON THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, SUCCESSIVELY, IN CONNECTION THEREWITH.**

Bill 4761 will remain on file in the City Clerk's office for public inspection a minimum of 30 days before final passage.

## **SECOND READING OF BILLS AND ACTION ON BILLS**

BILL 4753 E.D. AGREEMENT	Mayor Robinson called for the second reading of Bill 4753 to authorize an Economic Development Loan Agreement with Artur Express, Inc.
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Mayor Robinson left the meeting.

Mr. Zimmerman stated changes have been made to the agreement relative to number of jobs.

Mrs. Hendon moved, seconded by Mr. Todd, to amend Bill 4753 by substituting the revised agreement as Exhibit A. The motion passed unanimously.

There were no objections and Bill 4753, as amended, was read by title only:

**AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT AND NEW EMPLOYMENT TRAINING AND OPPORTUNITIES FORGIVABLE LOAN AGREEMENT WITH ARTUR EXPRESS, INC., AND AUTHORIZING EXECUTION OF DOCUMENTS RELATING THERETO.**

Mrs. Hendon moved, seconded by Mr. Aubuchon, the adoption of Bill 4753, as amended, as an ordinance. The following vote was recorded on the motion:

AYE -7

NAY - 0

Mr. Parkin  
Mr. Todd  
Mr. Taylor  
Mrs. Hendon  
Mrs. Singleton  
Mr. Aubuchon  
Mr. Ryan

Bill 4753, as amended, was unanimously adopted as Ordinance 4643-18.

BILL 4757  
CONTRACT  
STREET SEALING

Mayor Pro-Tempore Singleton called for the second reading of Bill 4757 to authorize a contract with Corrective Asphalt Materials, LLC, for street sealing.

Due to a staff error, the Council had been provided with Bill 4757.1, in redline format, which reflects the correct contract amount of \$48,080.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to amend Bill 4757 by the text of 4757.1. The motion passed unanimously.

There were no objections and Bill 4757, as amended, was read by title only:

**AN ORDINANCE AUTHORIZING A CONTRACT WITH CORRECTIVE ASPHALT MATERIALS, LLC FOR SEALING OF VARIOUS ASPHALT STREETS AT A COST NOT TO EXCEED \$48,080.**

Mr. Aubuchon moved, seconded by Mr. Todd, the adoption of Bill 4757, as amended, as an ordinance. The following vote was recorded on the motion:

AYE -7

NAY - 0

Mr. Parkin  
Mr. Todd  
Mr. Taylor  
Mrs. Hendon  
Mrs. Singleton  
Mr. Aubuchon  
Mr. Ryan

Bill 4757, as amended, was unanimously adopted as Ordinance 4644-18.

BILL 4758  
SHOW ME PACE

Mayor Pro-Tempore Singleton called for the second reading of Bill 4758 authorizing participation in Show Me Pace.

There were no objections and Bill 4758 was read by title only:

**AN ORDINANCE ENABLING THE CITY OF HAZELWOOD, MISSOURI, TO JOIN SHOW ME PACE, PURSUANT TO SECTIONS §67.2800 TO §67.2835, RSMO, THE “PROPERTY ASSESSMENT CLEAN ENERGY ACT,” AND STATING THE TERMS UNDER WHICH THE CITY OF HAZELWOOD WILL CONDUCT ACTIVITIES AS A MEMBER OF SUCH DISTRICT.**

Mr. Ryan moved, seconded by Mr. Aubuchon, the adoption of Bill 4758 as an ordinance. The following vote was recorded on the motion:

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

Bill 4758 was unanimously adopted as Ordinance 4645-18.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

**COUNCIL MEETING** Mayor Pro-Tempore Singleton announced the next regular Council meeting will be held Wednesday, November 7, 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 8:53 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