

OFFICIAL COUNCIL PROCEEDINGS

**MAY 15, 2001
7:00 P.M.**

ROLL CALL

Present: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer, Higdon, and Morgan - 7

Absent: -0-

CALL TO ORDER

There being a quorum present, Mayor Hark called the meeting to order.

INVOCATION

Council Member Morgan gave the invocation.

PLEDGE OF ALLEGIANCE

Council Member Wilson led the Council in the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

Motion was made by Council Member Behymer, seconded by Council Member Wilson to approve the minutes from the May 1, 2001, meeting.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

Motion was made by Council Member Behymer, seconded by Council Member Wilson to approve the payroll and claims for the first half of May 2001.

Motion carried.

SALES TAX REPORT

The Clerk reported \$75,720.81 received from the Mo. Dept of Revenue for the 1-cent sales tax distribution for the month of April, compared to \$94,630.31 received last year for the same period.

The Clerk reported \$37,860.03 received from the Mo. Dept of Revenue for the ½ cent sales tax distribution for the month of April, compared to \$47,315.38 received last year for the same period.

The clerk reported \$37,947.28 received from the Mo. Dept of Revenue for the ½ cent Park Tax distribution for the month of April, compared to \$47,498.83 received last year for the same period.

MAYOR ROY HARK Re: Board Nominations

Mayor Hark nominated Council Members Dexheimer, Wilson & Higdon to the Fire Board for 2-year terms. He also nominated James Griggsby to the Industrial Development Board for a term expiring January, 2007, Council Member Behymer to the Planning and Zoning Board and Charles D. Meyers to the Hannibal Housing Authority Board for a term expiring April, 2001.

CITY MANAGER GARY SHIMUN Re: Approval of Board Nominations

Mr. Shimun asked Council to approve his Employee Benefit Trust Board appointments of Bill Osbourne and Jeannie Cox. Motion was made by Council Member Wilson, seconded by Council Member Behymer to approve.

Motion carried.

Re: Set Agenda for Special Call Meeting

Mr. Shimun also asked Council to approve setting an agenda for a Special Call Council meeting to be held on Tuesday, May 22, 2001, for his budget presentation. Motion was made by Council Member Wilson, seconded by Council Member Janes to set a Special Call Council Meeting for this purpose.

Motion carried.

Re: Nomination for Police Chief

Mr. Shimun presented to Council for approval his nomination of David Downs for Police Chief position. After much discussion a motion was made by Council Member Dexheimer, seconded by Council Member Wilson to table this discussion until the Special Call Council meeting of May 22, 2001, and to discuss it in closed session.

Motion carried.

Mayor Hark made a request that Georgiana Hawkins be added to the agenda. Motion to add was made by Council Member Wilson and seconded by Council Member Behymer.

Motion carried.

**GEORGIANA HAWKINS – PYRRFECT
Re: Request for Street Use**

Ms. Hawkins asked that the 100 block of South Main, from the alley on Church Street to the Levee and also Broadway, from Fourth Street South be closed for activities planned for the Annual June 16th celebration. Councilman Higdon asked if she might be able to get by without closing Third Street, since it is a major artery and could pose a problem if traffic is blocked on this Street. Ms. Hawkins said that they would cooperate and work with traffic only being blocked southward from Third Street instead of southward from Fourth Street. Motion was made by Council Member Behymer, seconded by Wilson to approve this request as amended.

Motion carried.

**DIRECTOR OF TOURISM FAYE BLEIGH
Re: Request for use of City owned property for 2nd Annual Riverfront Rodeo**

Ms. Bleigh requested the use of city owned property at the new Industrial Track for the purpose of the annual Riverfront Rodeo. In the past, this has been held on South Main St., but due to the flood stages being so high, it was probably not going to be possible to have it there this year. She requested the use of the alternative property for June 8, 9 & 10th and said she was working with the Board of Public Works for electricity and water. She also stated that that the sponsor of this event carried a Liability Insurance Policy in the City's name for this purpose.

Motion was made by Council Member Wilson, seconded by Council Member Behymer to approve the request.

Motion carried.

CITY COLLECTOR FRANCIS TILLER
Re: Report of Delinquent Taxes

Mayor Hark requested approval to table this agenda item since Ms. Tiller was still awaiting reports from the State in regards to these taxes. Motion was made by Council Member Dexheimer, seconded by Council Member Behymer to table.

Motion carried.

CITY CLERK MARY BETH BAUDENDISTEL
Re: Department Promotions

Ms. Baudendistel explained to the Council that by restructuring some of the departmental duties, she would not be hiring an additional person in the ARP department. She did ask that she be allowed to promote her two employees to the positions they have assumed, along with the appropriate salary changes retro-active to April 1st, which is when they began these duties. She also explained that she had included a line item for outside accounting help if it was needed throughout the coming year. Motion was made by Council Member Dexheimer to approve, seconded by Council Member Behymer.

Motion approved.

Mayor Hark asked that Council approve adding an agenda item under Major Runyon's name with regard to a budget change request. Motion to add was made by Council Member Dexheimer, seconded by Council Member Wilson.

Motion approved.

INTRIUM POLICE CHIEF MAJOR JOEY RUNYON
Re: Budget Change Request

Major Runyon explained to Council that there were funds in the Judicial Dare Bank Account, which had not been budgeted for this year. Due to the fact that they wish to purchase a Dare vehicle and the funds are available, he asked that the budget be revised to show this revenue and an expenditure line item for this purpose.

Motion was made by Council Member Behymer, seconded by Council Member Wilson to approve.

Motion carried.

Re: Police Car Bids

Major Runyon presented the bids received for the purchase of another police vehicle. He recommended that the bid be awarded to Dean Poage who submitted the lowest bid.

Motion was made by Council Member Behymer to approve awarding this bid. Motion was seconded by Council Member Wilson.

Motion approved.

MARK BROSS – KLINGER AND ASSOCIATES
Re: Waterline Easement License Agreement Between BPW and Ralls County
Water District

Mr. Bross gave a brief description in regard to the purpose of this agreement and the need for approval. It was discovered during the discussion that the agreement and the resolution were not in the Council packet or on the Council Agenda at this time. Motion was made by Council Member Dexheimer to table this item and add it to the agenda for the Special Call Meeting of May 22, 2001. Motion was seconded by Council Member Behymer.

Motion carried.

BOARD OF PUBLIC WORKS DIRECTOR ROBERT CHRISCINSKE
Re: Utility & Construction Easement – Robert & Sarah Lumpp Property

Mr. Chriscinske gave a brief description of this easement and it's purpose and asked Council's consideration of the Resolution in regard to the following item:

Re: 12-inch Waterline Crossing Highway 36/Head Lane Construction Bid Award

Mr. Chriscinske defined the project and explained that they received only one bid for this work. He asked Council's consideration in approving the bid from Ray's Construction LLC of Louisiana, Mo for a base bid of \$66,800.00 and \$79,850.00 for Alternative No. 1, if needed.

Re: Oakwood Substation Construction Bid Award

Mr. Chriscinske reported that only one bid was received for construction of this project and he asked Council's approval in awarding the bid to L.E. Myers for \$654,277.61.

Re: Territorial Agreement, Water Purchase Agreement and Mutual Release
between Ralls County Water District and the Board of Public Works

Mr. Chriscinske asked Council to table consideration of these agreements at this time due to the fact that there were still some items of concern to be worked out.

RICK JOHNSON – ASSISTANT TO CITY ENGINEER

Re: Approval of Cherokee & Settlers Trail Proposal for Installment of Retaining Wall

Mr. Johnson asked Council's approval for the cost of building a retaining wall under the Cherokee/Settlers Trail project and the money to be taken out of miscellaneous expenses. Motion was made by Council Member Dexheimer, seconded by Council Member Behymer to approve.

Motion carried.

Mr. Johnson also asked approval of expenses for moving a tree under this same project, also to be taken out of miscellaneous expenses. Motion was made by Council Member Dexheimer to approve this expenditure contingent upon the property owners signing an agreement freeing the City of any liability in regards to the condition of the tree after moving and directing the City Attorney to draw up this agreement. Motion was seconded by Council Member Higdon.

Motion carried.

Re: Tree Removal Bid

Mr. Johnson asked Council's approval of a bid from Wilson's Tree Service of \$3,000.00 for removal of several specified trees on various properties. Council Member Dexheimer made a motion to approve, seconded by Council Member Behymer. Council Member Wilson abstained from voting.

Roll Call

Yes: Council Member James, Mayor Hark, Council Members Dexheimer, Behymer, Higdon and Morgan – 6

No: -0-

Abstain: Council Member Wilson

Motion carried.

CITY ENGINEER JIM BURNS

Re: Cell Phone Contract

Mr. Burns explained to Council that the DPW had entered into a cell phone contract with U.S. Cellular phone without realizing that contracts had to be signed by the Mayor. Council brought to Mr. Burns's attention that the cell phone had been used for personal long distance and questioned him concerning this matter. Mr. Burns explained that after his arrival, he had called the company and asked that the additional 500 minutes for

weekend and evening long distance be added to the plan and he would reimburse the City for this additional charge so that he could contact his family who were at present located out of town. After discussing this matter, Council stated that they did not want the cell phone to be used for personal phone calls at any time. Mr. Burns agreed to this. Motion was made by Council Member Wilson, seconded by Council Member Behymer to direct the City Attorney to contact U.S. Cellular and have the additional charge for the 500 minutes removed from the contract.

Motion carried.

CITY PLANNER JERRY KELLEY

Re: Community Development Block Grant Program Public Hearing.

Mr. Kelley informed the Council that a Public Hearing for this Program had been set for May 21, 2001 at 11:00 A.M. in the Council Chambers. He also updated Council on the progress of this program and stated he would be requesting assistance from them in handling additional procedural matters as they arise for this grant.

Re: Agreement With MECO Engineering for the Proposed Trailhead and Pedestrian & Bicycle Facility

Mr. Kelley explained the project and asked Council's approval for Resolution 884 which follows.

Re: Supplemental Agreement #1 With MECO Engineering for the Mark Twain Area Restoration Project – Phase 3.

Mr. Kelley explained the supplemental agreement and services that this supplement would cover. The additional services would not increase the programmed amount of \$192,000.00 and the amount for the extra services shall not exceed \$11,910.00 and will be transferred from the fund allocated for contingency or construction.

Re: Authorization Agreement/Proposal for Engineering Services on the Third Street Enhancement Project

Mr. Kelley asked that the Resolutions 882 and 883 for the Third Street enhancement project be tabled until a later date.

Re: Contract with Engineering Firm Crawford, Bunte & Brammeier for Opinion in Regards to Deletion of Outer Road Between Lake Apollo Drive and Munger Lane.

Mr. Kelley explained that the Mo. Dept of Transportation approved a staff recommendation to delete that portion of the north outer service road between Head Lane and Munger Lane. The commission did indicate that if additional information related to their discussion were brought forward, any commission member could request

reconsideration of their action in this matter. Mr. Kelly stated that the administration believes that public safety response time is compromised with the deletion of this outer road. They had contacted Crawford, Bunte, & Brammeier, a transportation engineering firm requesting a transportation analysis of this matter to be presented to the Mo. Dept of Transportation. He asked that Council approve the resolution to allow the hiring of this firm.

Darby Morgan, 1st Ward Council Member made a brief comment expressing the feelings of her constituents with regards to this matter.

Lori Bergman, a member of the audience asked permission to address council on this subject. Motion was made by Council Member Dexheimer, seconded by Council Member Wilson to allow Ms. Bergman to speak.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer and Higdon – 6

No: Council Member Morgan – 1

Motion carried.

Ms. Bergman proceeded to address Council and gave her feelings with regard to the outer road, stating that a petition against this road had been passed.

BUILDING INSPECTOR JOHN WEALER

Re: Demolition Bids for 513 Walnut, 706-708 Center and 710-712 Center

Mr. Wealer asked Council to approve Jeff Bricker as the low bidder on this project, with a total cost of \$11,700.00. Motion was made by Council Member Dexheimer to approve, seconded by Council Member Behymer.

Motion carried.

Re: Purchase of City Owned Property – Former Railroad Right-of-Way on Market Street Located Directly Behind the Darr Property.

Mr. Wealer asked Council to approve the sale of this property to Mike Darr in the amount of \$208.00 plus recording fees. Motion was made by Council Member Dexheimer to approve, seconded by Council Member Behymer.

Motion carried.

Re: Purchase of City Owned Property – Former Railroad Right-of-Way on Market Street Located Directly Behind the Former Harrison Motor Company

Mr. Wealer asked Council to approve the sale of this property to Don Tallman in the amount of \$2,601.60 plus recording fees. Motion was made by Council Member Wilson to approve, seconded by Council Member Behymer.

Motion carried.

RICHARD ASKEW

Re: Taxi Cab Permit

Mr. Askew came before Council requesting that his license to drive a cab in the City be approved. He had applied for this license, but his application was denied by the interim Chief of Police since he had been convicted of a felony in the past. His parole officer also spoke on his behalf with regard to his rehabilitation and asked Council to override this denial. Major Runyon stated that he was going by the guidelines that he was given to approve or disapprove applicants and if Council wanted to override the decision, it would be fine with him. He was just acting in the best interest of the City and was being cautious for liability purposes. Motion was made by Council Member Wilson to approve Mr. Askew's request for a taxi license. Motion was seconded by Council Member Dexheimer.

Motion carried.

RESOLUTION

889

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, GRANTING A PERMANENT AND A TEMPORARY EASEMENT FROM THE GRANTORS ROBERT M. LUMPP AND SARAH M. LUMPP

Motion was made by Council Member Dexheimer to have the Clerk read and call the roll for adoption, seconded by Council Member Behymer.

Motion Carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer, Higdon and Morgan – 7

No: -0-

Mayor Hark declared Resolution 889 duly approved and adopted this date.

**RESOLUTION
890**

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING A
CONTRACT FOR THE BOARD OF PUBLIC WORKS WITH RAY'S
CONSTRUCTION LLC FOR CONSTRUCTION OF A 12" WATERLINE
CROSSING AT ROUTE 36 AT HEAD LANE.**

Motion was made by Council Member Behymer, seconded by Council Member Dexheimer TO HAVE THE clerk read and call the roll for adoption.

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer, Higdon and Morgan – 7

No: -0-

Mayor Hark declared Resolution 890 duly approved and adopted this date.

**RESOLUTION
885**

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI APPROVING A
CONTRACT FOR SERVICES FOR THE BOARD OF PUBLIC WORKS WITH
L.E. MYERS FOR CONSTRUCTION OF OAKWOOD ELECTRIC
SUBSTATION**

Council Member Behymer made a motion to have the Clerk read and call the roll for adoption, seconded by Mayor Hark.

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer, Higdon and Morgan – 7

No: -0-

Mayor Hark declared Resolution 885 duly approved and adopted.

**RESOLUTION
886**

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING A WATER PURCHASE CONTRACT BETWEEN THE HANNIBAL BOARD OF PUBLIC WORKS OF THE CITY OF HANNIBAL, MISSOURI AND THE PUBLIC WATER SUPPLY DISTRICT NO. 1 OF RALLS COUNTY, MISSOURI

**RESOLUTION
887**

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING A TERRITORIAL AGREEMENT BETWEEN THE HANNIBAL BOARD OF PUBLIC WORKS OF THE CITY OF HANNIBAL, MISSOURI AND THE PUBLIC WATER SUPPLY DISTRICT NO. 1 OF RALLS COUNTY, MISSOURI

**RESOLUTION
888**

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING A MUTUAL RELEASE BETWEEN THE HANNIBAL BOARD OF PUBLIC WORKS OF THE CITY OF HANNIBAL, MISSOURI AND THE PUBLIC WATER SUPPLY DISTRICT NO. 1 OF RALLS COUNTY, MISSOURI

A motion was made by Council Member Dexheimer and seconded by Council Member Wilson to table these Resolutions at this time.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer, Higdon and Morgan – 7

No: -0-

Motion carried.

RESOLUTION

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH MECO ENGINEERING COMPANY, INC FOR DESIGN OF THE RIVERFRONT TRAILHEAD PEDESTRIAN AND BICYCLE FACILITY IDENTIFIED AS CITY OF HANNIBAL MARK TWAIN RESTORATION PROJECT - PHASE 5, PART 1

A motion was made by Council Member Wilson, seconded by Mayor Hark to have the Clerk read call the roll for adoption.

Motion carried

Roll Call

Yes: Council Member Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer, Higdon and Morgan – 7

No: -0-

Mayor Hark declared Resolution 884 duly approved and adopted this date.

**RESOLUTION
883**

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH MECO ENGINEERING COMPANY, INC FOR CONSTRUCTION INSPECTION SERVICES FOR THIRD STREET SIDEWALK AND LIGHTING PROJECT

Motion was made by Council Member Behymer, seconded by Council Member Morgan to table this resolution

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer, Higdon and Morgan – 7

No: -0-

Motion carried.

**RESOLUTION
882**

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH MECO ENGINEERING COMPANY, INC FOR DESIGN, COST ESTIMATE AND BID PACKAGE FOR THIRD STREET SIDEWALK AND LIGHTING PROJECT

Motion was made by Council Member Behymer, seconded by Council Member Wilson to table this resolution.

Roll Call

Yes: Council Member Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer, Higdon and Morgan – 7

No: -0-

Motion carried.

**RESOLUTION
891**

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH THE ENGINEERING FIRM CRAWFORD, BUNTE & BRAMMEIER FOR OPINION IN REGARDS TO DELETION OF OUTER ROAD BETWEEN LAKE APOLLO DRIVE AND MUNGER LANE

Motion was made by Council Member Dexheimer, seconded by Council Member Behymer to table this resolution.

Roll Call

Yes: Council Member Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer & Higdon – 6

No: Council Member Morgan – 1

Motion carried.

BILL NO. 01-774

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES PERTAINING TO THE POLICE AND FIREMEN PENSIONS

Motion was made by Council Member Behymer, seconded by Council Member Wilson to have the Clerk give a second and final reading and call the roll for adoption.

Motion carried.

Roll Call

Yes: Council Member Janes, Wilson, Mayor Hark, Council Members Dexheimer, Behymer, Higdon & Morgan – 7

No: -0-

SECOND AND FINAL READING

Mayor Hark declared Bill No. 01-774 duly approved and adopted this date.

ADJOURNMENT

Motion was made by Council Member Dexheimer to adjourn, seconded by Mayor Hark.

Motion carried.