

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, August 17, 2004
7:00 P.M.**

ROLL CALL

Present: Council Members Dexheimer, Hatton, Hull, Knickerbocker, Green, Wilson and Mayor Hark - 7

Also present: City Attorney, Bob Curtis and Mary Beth Baudendistel, City Clerk

CALL TO ORDER

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

INVOCATION

Council Member Dexheimer gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

**Special Call Meeting Monday, August 2, 2004
Regular Meeting Tuesday, August 3, 2004**

Council Member Wilson made motion to approve the minutes from the August 2nd and August 3rd meetings. Council Member Hull seconded motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half of August 2004

Council Member Wilson made motion to approve the payroll and claims. Mayor Hark seconded motion.

Motion carried.

**ANDY MORRIS – CITY MANAGER
CITY MANAGER REPORT
Re: Approval of Nominations to Boards & Commissions
From Last Meeting**

The City Manager asked for approval of the following appointments to various Boards and Commissions that were presented at the last Council meeting:

PARKS & RECREATION

Gayle Viorel for a term to expire July 2007

BOARD OF ADJUSTMENT

John M. Hark for a term to expire May 2009

EMPLOYEE BENEFIT TRUST BOARD

B.J. Watson for a term to expire May 2007

Bill Osbourne for a term to expire May 2007

HISTORIC DEVELOPMENT DISTRICT COMMISSION

Ken Hess for a term to expire May 2009

Council Member Dexheimer made motion to approve the appointments. Council Member Wilson seconded motion.

Motion carried.

BILL NO. 04-916

**AN ORDINANCE AMENDING ARTICLE II, COLLECTION OR HAULING, OF
CHAPTER 27 OF THE HANNIBAL CITY CODE IN REGARDS TO THE CITY
LANDFILL**

SECOND AND FINAL READING

Council Member Hull made motion to have the Clerk give Bill 04-9196 a second and final reading and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

Yes: Council Members Dexheimer, Hatton, Hull, Knickerbocker,
Green, Wilson and Mayor Hark - 7

No: -0-

Mayor Hark declared Bill No. 04-916 duly approved and adopted on this day.

BILL NO. 04-917

**AN ORDINANCE AMENDING ARTICLE II, COLLECTION OR HAULING, OF
CHAPTER 27 OF THE HANNIBAL CITY CODE IN REGARDS TO REVOCATION
OF PERMIT**

SECOND AND FINAL READING

Council Member Hatton made motion to have the Clerk give Bill 04-917 a second and final reading and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

Roll Call

Ye: Council Members Dexheimer, Hatton, Hull, Knickerbocker,
Green, Wilson and Mayor Hark - 7

No: -0-

Mayor Hark declared Bill No. 04-917 duly approved and adopted on this day.

BILL NO. 04-918

**AN ORDINANCE AMENDING ARTICLE II, COLLECTION OR HAULING, OF
CHAPTER 27 OF THE HANNIBAL CITY CODE IN REGARDS TO FREQUENCY
AND TIME OF COLLECITON**

SECOND AND FINAL READING

Council Member Hull made motion to have the Clerk give Bill 04-918 a second and final reading and call the roll for adoption. Mayor Hark seconded motion.

Roll Call

Yes: Council Members Dexheimer, Hatton, Hull, Knickerbocker,
Green and Mayor Hark - 6

No: Council Member Wilson - 1

Motion carried.

Bill was read by the Clerk, then roll call was taken in order to approve and adopt at this time.

Roll Call

Yes: Council Members Dexheimer, Hatton, Hull, Knickerbocker, Green and Mayor Hark – 6

No: Council Member Wilson –1

Mayor Hark declared Bill No. 04-918 duly approved and adopted on this day.

BILL NO. 04-919

AN ORDINANCE AMENDING ARTICLE II, COLLECTION OR HAULING, OF CHAPTER 27 OF THE HANNIBAL CITY CODE IN REGARDS TO DISPOSAL OF GARBAGE AND RUBBISH COLLECTION

SECOND AND FINAL READING

Council Member Hull made motion to have the Clerk give Bill 04-919 a second and final reading and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

Roll Call

Yes: Council Members Dexheimer, Hatton, Hull, Knickerbocker, Green, Wilson and Mayor Hark - 7

No: -0-

Mayor Hark declared Bill No. 04-919 duly approved and adopted on this day.

BILL NO. 04-920

AN ORDINANCE AMENDING CHAPTER 27 OF THE HANNIBAL CITY CODE TO ASSIGN TO CITY BUILDING INSPECTOR DUTIES FORMERLY PERFORMED BY CITY SANITARIAN

SECOND AND FINAL READING

Council Member Hatton made motion to have the Clerk give Bill 04-920 a second and final reading and call the roll for adoption. Council Member Hull seconded motion.

Motion carried.

Roll Call

Yes: Council Members Dexheimer, Hatton, Hull, Knickerbocker, Green, Wilson and Mayor Hark - 7

No: -0-

Mayor Hark declared Bill No. 04-920 duly approved and adopted on this day.

BILL NO. 04-921

**AN ORDINANCE AMENDING ARTICLE II, COLLECTION OR HAULING, OF
CHAPTER 27 OF THE HANNIBAL CITY CODE IN REGARDS TO PERMIT
REQUIRED TO COLLECT GARBAGE**

SECOND AND FINAL READING

Council Member Hull made motion to have the Clerk give Bill 04-921 a second and final reading and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

Yes : Council Members Dexheimer, Hatton, Hull, Knickerbocker,
Green, Wilson and Mayor Hark – 7

No: -0-

Mayor Hark declared Bill No. 04-921 duly approved and adopted on this day.

BILL NO. 04-922

**AN ORDINANCE AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 27 OF
THE HANNIBAL CITY CODE IN REGARDS TO DEFINITIONS**

SECOND AND FINAL READING

Council Member Dexheimer made motion to have the Clerk give Bill 04-922 a second and final reading and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

Ye: Council Members Dexheimer, Hatton, Hull, Knickerbocker,
Green, Wilson and Mayor Hark – 7

No: -0-

Mayor Hark declared Bill No. 04-922 duly approved and adopted on this day.

BILL NO. 04-923

**AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES
PERTAINING TO THE ADOPTION OF TECHNICAL CODES AND STANDARDS
FOR BUILDINGS AND BUILDING REGULATIONS**

SECOND AND FINAL READING

Council Member Wilson made motion to have the Clerk give Bill04-923 a second and final reading and call the roll for adoption. Council Member Hull seconded motion.

Motion carried.

Roll Call

Yes: Council Members Dexheimer, Hatton, Hull, Knickerbocker, Green, Wilson and Mayor Hark – 7

No: -0-

Mayor Hark declared Bill No. 04-923 duly approved and adopted on this day.

BILL NO. 04-924

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HANNIBAL,
MISSOURI, APPROVING THE FIRST AMENDMENT TO THE STARDUST-
MUNGER-DIAMOND REDEVELOPMENT PLAN PURSUANT TO THE REAL
PROPERTY TAX INCREMENT ACT; AND MAKING FINDINGS RELATED
THERETO**

SECOND AND FINAL READING

Council Member Hull made motion to have the Clerk give Bill 04-924 a second and final reading. Council Member Hatton seconded motion.

Roll Call

Yes: Council Members Hatton, Hull, Knickerbocker, Green, Wilson and Mayor Hark – 6

No: Council Member Dexheimer - 1

Motion to read carried.

Roll Call

Yes: Council Members Hatton, Hull, Knickerbocker, Green, Wilson and Mayor Hark – 6

No: Council Member Dexheimer – 1

Motion to adopt carried.

Mayor Hark declared Bill No. 04-924 duly approved and adopted on this day.

**ADJOURNMENT
SINE-DIE**

Council Member Dexheimer made motion to adjourn sine-die. Council Member Hull seconded motion.

Motion carried. Meeting adjourned Sine-die.

ROLL CALL

Present: Council Members Hull, Knickerbocker, Green, Wilson, Mayor Hark and Dexheimer – 6

CALL TO ORDER

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

ROY HARK - MAYOR

Re: Appointment of Jeff Hatton to Finish Serving a One-year Vacancy on the 5th Ward Seat

Council Member Dexheimer made motion to appoint Jeff Hatton to finish serving a 1-year vacancy of the 5th Ward seat. Council Member Hull seconded motion.

Motion carried.

*(*This action is necessary in order to realign Councilmen's terms so that there are no more than two Council Members on each year's ballot.)*

Re: Oath of Office

Mayor Hark stated that the oath of office would be administered at the next Council Meeting.

Council Member Wilson made motion to admit Council Member Hatton to the proceedings Mayor Hark seconded motion.

Motion carried.

At this time, Council Member Dexheimer made motion to add Dave Ruby to the agenda. Mayor Hark seconded motion.

Motion carried.

DAVE RUBY – RESIDENT OF TURN STREET
Re: Street Closing

Mr. Ruby asked Council's permission to approve closing the 1600 block of Turn Street on August 28th, from 3:00 p.m. to 11:00 p.m. in order to have a family reunion.

Council Member Dexheimer made motion to approve this request. Council Member Wilson seconded motion.

Motion carried.

ANDY MORRIS – CITY MANAGER
Re: Nomination to Boards and Commissions

PLANNING AND ZONING COMMISSION

Donald Bastian - for the remainder of term to expire in June, 2006

TREE BOARD

Ed Tamerius reappointed for a 3-year term to expire in September, 2007

AIRPORT COMMISSION

John McCoy for a term to expire in September, 2007

GLENN KELLEY - CITIZEN
Re: Affordable-Community Education

Mr. Kelley introduced Ms. Sally Poole who is the acting president of the community-based group, Affordable Community Education or "ACE".

Mr. Kelley then briefed the Council on the recently declared two million dollar campaign to establish a permanent campus for Moberly's Area Community Education College and Hannibal's Higher Education Center. A temporary campus has been established for this purpose at the Hannibal Regional Office Center and they have now outgrown their present quarters. It serves not only Hannibal, but also the surrounding counties.

Ms. Poole then explained that a full AA degree has been established at this college and for that reason, the attendance has increased by 78%. Due to government cutbacks, the federal and state funding for this program has decreased. The Hannibal campus is going to be the only campus that will rely solely on community support. In the four years that they have been here, it has been with no cost to the community. The two million dollar campaign that they have launched will establish a permanent site for this college. They have looked at buildings existing in the community, and none of them are workable, so they have decided to

build. They are looking at a 10-acre site to build a 20,000 sq. foot facility. They are hoping to get the City's support and endorsement for what they are doing.

Council Member Dexheimer stated that he commended the people involved in this project and would like to make a motion that Council give their support of this effort. Mayor Hark seconded motion. Motion carried.

Council Member Knickerbocker suggested that we have a resolution drafted showing support on this project. The City Clerk was directed to draft a resolution for this purpose.

CHIEF JOEY RUNYON – HANNIBAL POLICE DEPARTMENT
Re: Request to Pursue a Grant of \$8,393.00 From the 2004 Local Law Enforcement Block Grant

Chief Runyon stated that the department had been awarded \$8,392.00 in grant funds for the period 2004-06 that would also include a 10% match from the City. He asked Council approval to accept the award of these funds.

Council Member Dexheimer made motion to accept the award of these grant funds. Council Member Wilson seconded motion.

Motion carried.

Re: Bid Recommendation for Purchase of Rifles from the 2003 Local Law Enforcement Block Grant Funds

Chief Runyon also asked permission to spend the remainder of the 2003 grant funds to purchase rifles and to award the bid of these rifles to Rocket River Arms in the amount of \$728.50. He explained that, although Rocket River Arms was not the lowest bidder, theirs was for a better equipment package. In order to upgrade the next lowest bidder to the same equipment, their price would exceed Rocket River Arms' bid amount.

Council Member Wilson made motion to approve awarding the bid to Rocket River Arms for this purchase. Mayor Hark seconded motion.

Motion carried.

Re: Update on Intention to Purchase a New K-9 for the Department Using 2003 Local Law Enforcement Block Grant Funds

Chief Runyon updated Council concerning his plans to take some of the 2003 grant funds to purchase a K-9 unit and to provide training for this purpose. He explained that their previous K-9 handler was returning to civilian life after serving in Iraq and was very anxious to work with the program again.

JIM BURNS – CITY ENGINEER
Re: Pre-Fabricated Storage Structure
(Resolution No. 1144 to follow)

Mr. Burns explained details of a contract to build this structure for the bid amount approved at the last meeting. Resolution 1144 would allow the Mayor to sign the contract.

Re: 2004 Milling and Asphalt Overlay Project

(Resolution No. 1145 to follow)

Mr. Burns explained this was for approval to sign a contract from Bross Construction. They were awarded the bid for the overlay project at the last Council meeting.

Re: Main Street Bridge Rehabilitation Project Bid & Contract

(Resolution No. 1146 to follow)

Mr. Burns asked Council to award this bid and approve a contract with Chester Bross Construction to complete the project. Although this exceeded the expected amount of the project cost, there are additional funds in the Lindell Avenue Bridge line item to cover them.

Re: Vacation of Taylor St., Entrance Ave. and Morgan St.

(Bill Nos. 04-925 & 0-4-927 to follow)

These vacations were at the request of MoDot. When going through the records, they noted that Highway 36 had already been constructed over these Streets, but they had not been officially vacated.

MARY BETH BAUDENDISTEL – CITY CLERK

Re: Renewing the Ethics Code

(Bill No. 04-926 to follow)

The City Clerk explained that, according to State policy, the City needed to re-adopt this ordinance every 2 years.

BOB CHRISCINSKE – DIRECTOR OF BOARD OF PUBLIC WORKS

Re: Energy Savings Performance Services and Agreement

(Resolution No. 1147 to follow)

Mr. Chriscinske explained that he was asking Council approval for the initial phase of an energy performance contract. The State of Missouri provides the opportunity to contract for efficiency and energy improvements throughout the city. This gives us the ability to go ahead with projects that we recognize have a proven return. As a result, those savings will pay for this proposed project. BPW evaluated two engineering firms and the Board selected Johnson Controls to perform the study portion of this project. Johnson will be looking at the metering within our city and evaluating some of the older meters. Studies have been shown that the older meters are prone to errors and by replacing them; we could regain some lost revenues. Other areas that will be looked at are two buildings, the Police Station and City Hall. The Board pays for all electric and water bills on each of these.

They will also be looking at high performance filter systems in their water treatment facility. In regards to meters, their prime vision would be to utilize an automatic meter reporting

system that uses our power line carrier system. This would provide better customer service. The contract is the first phase of this engineering study. Chriscinske asked Council's approval to go through with the study not to exceed the amount of \$179,600.00 with the anticipation that it will produce approximately six million dollars in revenue enhancement or cost reduction. He said there is no cost to the Board and he will come back to Council with the second portion of this contract that would authorize the work to go forward.

Council Member Wilson was concerned about beginning this project since there are already so many problems with the meters, he said that he thought the meters should be replaced before a study was done. Mr. Chriscinske stated that this was a distinct part of this study and there would be a random selection of meters made throughout the community. This formalizes that process for meter replacement with the newer design of meters.

Council Member Wilson asked if this would mean replacing some employees. Mr. Chriscinske stated that these employees had been advised several years ago that technology would probably be taking their job positions. He also stated that they were reserving any kind of openings in anticipation of this and that the Board will do anything within their power to not lose those valuable employees and absorb them into other departments. They would hopefully, in the long run, be able to work this out through attrition.

Mr. Carl Stumpe, who is an instrumentation and control engineer, was recognized by Mayor Hark to make some comments. Mr. Stumpe stated that he had a few concerns about the path that is being taken. He felt that this was an actual revenue increaser from those people whose meters are reading slowly. When looking at these meters, statistically there is a possibility of meters running fast as well as slow. If they find that meters are reading fast, he questioned whether or not the Board would be giving rebates to those customers whose meters were over registering.

He also stated that he thought this was a lot of money to spend to find out whether or not the water meters were reading right. He stated that it only took a few minutes to perform a "bucket test" to determine if a meter is performing properly.

He was also concerned that we need to properly bid every aspect of this proposal. He felt that spending \$200,000.00 on finding out whether meters were running fast or slow, and the potential of finding out something that you don't want to, is asking for trouble. He did say that he thought we were going in the right direction by replacing the old meters, but he questioned the method in which the City was proposing to do this. He thinks this needs to be reconsidered.

To address Mr. Stumpe's concerns, Mr. Chriscinske stated that the project was advertised appropriately, the Board receiving two proposals. MECO chose not to participate in the bidding process. He also assured Mr. Stumpe that proper bidding procedures would also be followed for future work on this project if needed. Mr. Chriscinske stated that if meters were found to be running fast, the customers would be given a refund.

Council member Dexheimer asked Mr. Chriscinske if the money for this was budgeted. Mr. Chriscinske stated that the Board has \$300,000.00 budgeted for meter exchange and as for the water, they would be taking a portion out of reserve.

RESOLUTION NO. 1144

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT ON BEHALF OF THE CITY OF HANNIBAL, WITH ACCU STEEL, INC. FOR CONSTRUCTION OF A PRE-ENGINEERED STORAGE STRUCTURE ON THE 7TH STREET AND WARREN BARRETT DRIVE CITY PROPERTY IN THE AMOUNT OF \$59,983.00

Council Member Wilson made motion to have the Clerk read Resolution 1144 and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Mayor Hark, Dexheimer and Hatton – 7

No: -0-

Mayor Hark declared Resolution No. 1144 duly approved and adopted on this day.

RESOLUTION NO. 1145

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT ON BEHALF OF THE CITY OF HANNIBAL, WITH CHESTER BROSS CONSTRUCTION CO. FOR MILLING AND ASPHALT OVERLAY OF VARIOUS CITY STREETS IN THE AMOUNT OF \$243,855.11

Council Member Dexheimer made motion to have the Clerk read Resolution 1145 and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Mayor Hark, Dexheimer and Hatton – 7

No: -0-

Mayor Hark declared Resolution No. 1145 duly approved and adopted on this day.

RESOLUTION NO. 1146

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT ON BEHALF OF THE CITY OF HANNIBAL, WITH BROSS CONSTRUCTION CO. FOR THE MAIN STREET BRIDGE REHABILITATION PROJECT

Council Member Wilson made motion to have the Clerk read Resolution 1146 and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Wilson, Mayor Hark, Dexheimer and Hatton – 7

No: -0-

Mayor Hark declared Resolution No. 1146 duly approved and adopted on this day.

RESOLUTION NO. 1147

A RESOLUTION OF THE CITY OF HANNIBAL, AUTHORIZING THE MAYOR TO SIGN AN ENERGY SAVINGS PERFORMANCE AGREEMENT WITH JOHNSON CONTROLS

Council Member Hatton made motion to have the Clerk read Resolution 1147 and call the roll for adoption. Council Member Knickerbocker seconded motion.

Roll Call

Yes: Council Member Hull, Knickerbocker, Green, Mayor Hark, Dexheimer and Hatton – 6

No: Council Member Wilson – 1

Motion carried.

Roll Call

Yes: Council Member Hull, Knickerbocker, Green, Mayor Hark, Dexheimer and Hatton – 6

No: Council Member Wilson – 1

Motion carried. Mayor Hark declared Resolution No. 1147 duly approved and adopted on this day.

BILL NO. 04-925

AN ORDINANCE VACATING PORTIONS OF TAYLOR STREET AND ENTRANCE AVENUE

FIRST READING

Council Member Hull made motion to have the Clerk give Bill 04-925 a first reading. Mayor Hark seconded motion.

Motion carried.

BILL NO. 04-926

AN ORDINANCE RATIFYING AND REAFFIRMING ORDINANCE NO. 3760 OF THE CODE OF ORDINANCES OF THE CITY OF HANNIBAL PERTAINING TO THE CODE OF ETHICS

FIRST READING

Council Member Dexheimer made motion to have the Clerk give Bill 04-926 a first reading. Council Member Hull seconded motion.

Motion carried.

BILL NO. 04-927

AN ORDINANCE VACATING THE SOUTH 162 FEET OF MORGAN STREET, PLATTED BUT UNDEVELOPED

FIRST READING

Mayor Hark made motion to have the Clerk give Bill 04-927 a first reading. Council Member Hatton seconded motion.

Motion carried.

CLOSED SESSIONS (4)

In Accordance with RSMo 610-021 (1 & 3)

Council Member Dexheimer made motion to go into closed session in accordance with RSMo 610-021, sub sections one (1) and three (3) admitting himself, rest of Council, Mayor Hark, City Manager, City Attorney and City Clerk..

Roll Call

Yes: Council Member Hull, Knickerbocker, Green, Wilson, Mayor Hark, Dexheimer & Hatton – 7

No: -0-

Motion carried.

ACTION TAKEN DURING CLOSED SESSION

Council Member Dexheimer made motion to approve settlement offer with Ethel Arnett for property known as 220 South 9th and to recall all outstanding real estate and special tax bills assigned to this property. Council Member Wilson seconded motion.

Motion carried.

OPEN SESSION

Council Member Knickerbocker made motion to go back into open session. Mayor Hark seconded motion.

Motion carried.

ADJOURNMENT

Council Member Green made motion to adjourn. Council Member Wilson seconded motion.

Motion carried.