

OFFICIAL COUNCIL MINUTES

September 18, 2007
7:00 p.m.

ROLL CALL

Present: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark - 5

Absent: Council Member Knickerbocker and Mayor Pro Tem Dexheimer - 2

CALL TO ORDER

At this time, there being a quorum present, Mayor Hark called the meeting to order.

INVOCATION

Mayor Hark asked Council Member Janes to give the invocation.

PLEDGE OF ALLEGIANCE

Council Member Wilson led the Pledge of Allegiance to the Flag at this time.

Mayor Hark asked for a motion to excuse Mayor Pro Tem Dexheimer and Council Member Knickerbocker. Motion was made by Council Member Wilson, seconded by Council Member Hull.

Motion carried.

APPROVAL OF MINUTES

Regular Council Meeting – September 4, 2007

Motion was made by Council Member Janes to approve the minutes of the last regular Council meeting that was held on September 4, 2007. Motion was seconded by Council Member Hatton.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

First Half – September, 2007

Motion was made to approve the Payroll and Claims for the first half of September, 2007 by Council Member Wilson. Motion was seconded by Council Member Hatton.

Motion carried.

JEFFREY LAGARCE – CITY MANAGER

Re: Blight Declaration for Downtown Community Development Block Grant
(Resolution No. 1400-07, to follow)

City Manager LaGarce addressed Council seeking approval of Resolution No. 1400-07, later during the meeting. He stated that the City is applying for a 100% Community Development Block Grant (CDBG) to fund a Downtown Development Director position for a 2-year period. A position that will later be retained and privately funded by the Hannibal Community Betterment Association. This grant application has been completed and categorized into one of three National Objectives, Downtown Revitalization. In order to meet the objectives and qualify for the grant, the area must be defined as a blighted area.

A vacancy rate of at least 25% qualifies downtown as a blighted area, according to LaGarce. He added that blighting poses no harmful effect to the property owners; it's simply a designation necessary for funding.

Re: Recommendation of Appointments

The City Manager presented the following recommendations to Council. These will be revisited at the next regular Council meeting for approval. They are:

HANNIBAL TREE BOARD

Ed Tamerius – Appointment for a term to expire September, 2010

BOARD OF ADJUSTMENT

Harold Volkmer – Appointment for a term to expire May, 2010

LIBRARY BOARD

Susan Wathen – Reappointment for a term to expire June, 2010

AIRPORT COMMISSION

George Walley – Appointment for a term to expire September, 2009

HANNIBAL CONVENTION AND VISITORS BUREAU

Bob Gilstrap – Appointment for a term to expire September, 2012

Jim Coleberd – Appointment for a term to expire September, 2012

Jim Behrens – Appointment for an unexpired term to expire September, 2011

Re: Approval, City Wide Cleanup Program

LaGarce presented plans to Council regarding the proposed city-wide cleanup. He stated that the staff had chosen Saturday, October 27, 2007 as a tentative date. The project, according to LaGarce, has been structured in order to use the budgeted \$100,000 in the most efficient way possible. Staff has been researching various means of conducting this cleanup in order to accept as many different types of items as possible and to remain affordable to the City.

The program is centered on having a 'large' refuse hauler collect and remove the bulk of all items at two (2) drop-off points. Specialized haulers for non-landfillable items will also be used in order to broaden the realm of possible disposable items. The City is planning to accept most items, lending greater convenience and less confusion. LaGarce said that bids would be let on September 19 and be due at City Hall, no later than October 9, with Council approval. Motion was made by Council Member Wilson to approve this proposal. Motion was seconded by Council Member Hatton.

After a brief discussion period, motion carried.

JAMES LEMON – CITY ATTORNEY
Re: Amendment, Minor in Possession of Intoxicating
Liquor Ordinance
(Bill No. 07-026, to follow)

City Attorney James Lemon presented Bill No. 07-026, which is an amendment to the *Minor in Possession of Intoxicating Liquor Ordinance*. This ordinance is modeled on the State Statutes and its intent is to bring the City into compliance with State Law. The previous ordinance required the officer to actually find the minor in possession of the alcohol. Lemon added that the problem with that ordinance was that knowing this, the kids would throw the bottle, or at the very least, set it down and move away from it. The State Law has been changed so that, if their blood shows at least .02 percent alcohol or if they are obviously intoxicated, they can also be charged. He requested Council to approve a first reading later in the meeting.

Re: Amendment, Yield to Emergency Vehicles Ordinance
(Bill No. 07-027, to follow)

Mr. Lemon's second order of business was Bill No. 07-027, regarding an amendment to the *Yield to Emergency Vehicles Ordinance*. He explained this amendment was added in order to parallel the State Statutes. If passed, a provision will be added detailing actions that should be taken by a driver regarding a stationary emergency vehicle, i.e. move to the left, proceed with caution, etc. His request, at this time, was for Council to approve a first reading later in the meeting.

Re: Amendment Chapter 16, Crime of Passing Bad
Checks Ordinance
(Bill No. 07-028, to follow)

Lemon's final agenda item concerned Bill No. 07-028, which was an amendment to Chapter 16 of the Hannibal City Code, regarding the crime of passing bad checks. Lemon explained that this ordinance is very closely modeled after the State Statute for bad checks. This has been done because of concerns by Judge Cruse and several others who have noted expressed that there is a need to prosecute smaller bad checks, as the number of them would overwhelm the County Prosecutor's Office. Lemon requested Council approval for a first reading later during the meeting.

JAMIE PAGE – CITY ENGINEER
Re: Red Devil Road Final Design
(Resolution No. 1401-07, to follow)

The first of two items that City Engineer Jamie Page had place on the agenda was Resolution No. 1401-07, Red Devil Road final design. This concerns the area from the south entrance into General Mills to the north and west, the end of Bear Creek. This is an unpaved portion that has been built into the project schedule, according to Page. The design has been estimated at \$32,000 and would include a box culvert bridge and a new concrete pavement with curbing and guttering. The existing road is a gravel surface and has never been paved. These improvements would be approved with the approval of Resolution No. 1401-07, to follow.

Re: Purchase Approval, TYMCO Street Sweeper

Page's second item on the agenda was Council approval for the purchase of a TMCO Street Sweeper for the Street Department. He added that the current sweeper, which is a 1993 or 1994 model and is now frequently breaking down. This is increasing maintenance costs of the equipment and hampering the department's efforts to keep the city streets in a clean condition. The purchase, if approved would be paid for with funds from the 'Capital Equipment' portion of the Sales Tax Capital Expenditure Summary section of the 2007-08 budget.

Page explained that Armor Equipment has submitted a quote of \$152,342.56 for a TYMCO BAH Sweeper, a cost under the budgeted amount for this purchase. He added that this equipment can be purchased through the State of Missouri DOT purchasing program, which will provide a cost savings to the City in lieu of a direct purchase from a merchant. The State Purchase Program does not require a standard bidding procedure; therefore Council approval is sufficient, according to the City Engineer. This would be funded by a master lease program. Motion was made by Council Member Hull to approve this purchase. Motion was seconded by Council Member Hatton.

Motion carried.

LINDSAY WISKIRCHEN – DIRECTOR OF FINANCE

Re: Request to Set Tax Rate Public Hearing

(October 2, 2007 at 6:45 p.m.)

Director of Finance Lindsay Wiskirchen came to Council requesting their approval to schedule a public hearing on October 2, 2007 at 6:45 p.m. The purpose of this public hearing would be to set the property tax rate for 2007. Wiskirchen explained that the City Clerk's office has now received all the required documentation and is ready to proceed. She added that the tax rate is currently \$1.1805/100 and no increase is being recommended at this time.

Motion was made by Council Member Hatton allowing the Finance Director to set this public hearing on October 2, 2007. Motion was seconded by Council Member Hull.

Motion carried.

JACK HERRING – BPW GENERAL MANAGER

Re: Clinic Road Water Tank Engineering Proposal

(Resolution No. 1402-07, to follow)

BPW General Manager Jack Herring came before Council at this time in order to request approval of Resolution No. 1402-07, later in the meeting. This resolution concerns the Clinic Road water tank engineering proposal. Mr. Herring added that the Board of Public Works has plans to repaint this ground storage tank that is located on Clinic Road next spring. They sought proposals from engineering firms to do this work. MECO Engineering was selected for a lump sum fee of \$10,500. The proposed work would include design, preparation of bid documents and construction management for rehabilitation and painting.

Motion was made by Council Member Hatton to approve the engineering proposals. Motion was seconded by Mayor Hark. The resolution will be considered later during the meeting which will allow the Mayor to sign the contract.

Motion carried.

Motion was made by Council Member Janes to add an agenda item under Mr. Herring's name. This item regarded the Prairie State financing. Motion was seconded by Council Member Hull.

Motion carried.

Re: Prairie State Power Plant Financing

BPW General Manager Herring voiced his concerns regarding the Prairie State Power Plant. They are getting ready to close on it the end of the month. He added that he and City Attorney Lemon had recently received an e-mail from the attorneys, who were implementing this process, requesting receipt of a signed certificate stating that all the financials were in place with the Board/City for the indebtedness. He was under the impression, from the e-mail; this certificate was needed by September 26, 2007.

Motion was made by Mayor Hark to approve this request by General Manager Herring. Motion was seconded by Council Member Hull.

Motion carried, giving the Mayor the authority to sign the aforementioned certificate.

LYNDELL DAVIS – CHIEF OF POLICE

Re: Grant Award, Hazardous Moving Violations

(Resolution No. 1399-07, to follow)

Chief Lyndell Davis came to Council because the Hannibal Police Department was recently awarded a traffic grant in the amount of \$10,800, through the Highway Safety Division. This grant was secured in order to provide funding for additional traffic enforcement of hazardous moving violations within the City, beginning in October, 2007.

Davis requested Council approval of Resolution No. 1399-07, later in the meeting which would allow the Mayor to sign the required contract to finalize the processing of this grant. Davis concluded by saying that the grant is 100 percent reimbursable; there is no match on the part of the City. This will provide for overtime funds.

CHRIS ATKINSON – DIRECTOR OF PARKS & RECREATION

Re: Bid Award Approval, 4 Replacement Trucks

Chris Atkinson, Director of Parks & Recreation, came before Council at this time to ask their approval of a bid award recommendation for replacement trucks in the Parks Department. He explained that on September 5th, sealed bids were opened for the purchase of four (4) replacement trucks. Bids were received from three car dealerships.

After reviewing the bids submitted, the Parks Department recommends that the low bidder, Tom Boland Ford be awarded the bid with a total amount of \$132,907. He concluded that recently the department's mowers were replaced. This process will replace the entire Parks & Recreation fleet and will be the start of a five-year cycle of a lease purchase program for Parks vehicles. Motion was made by Council Member Wilson to approve Atkinson's recommendation. Motion was seconded by Council Member Hull.

Motion carried.

HALLIE YUNDT-SILVER – DIRECTOR HANNIBAL FREE PUBLIC LIBRARY

Re: Proclamation – Margaret “Peggy” Northcraft

Ms. Hallie Yundt-Silver, the Director of the Hannibal Free Public Library, read a proclamation on behalf of the Library Board, at their request. This proclamation was adopted at the Library Board's September meeting to thank and commend Margaret “Peggy” Northcraft. It reads:

A RESOLUTION OF THE BOARD OF TRUSTEES AT THE HANNIBAL FREE PUBLIC LIBRARY, TO COMMEND MARGARET ‘PEGGY’ NORTHRAFT FOR ASSUMING RESPONSIBILITY AS INTERIM DIRECTOR IN 2006 AND 2007, TO THANK HER AND TO CONGRATULATE HER ON A JOB WELL DONE

WHEREAS, after years of successful service as children’s librarian and assistant director; and

WHEREAS, assuming responsibility as interim director in December of 2006, Margaret ‘Peggy’ Northcraft devoted much time and interest to operating the Hannibal Free Public Library in its time of need.

AND BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE HANNIBAL FREE PUBLIC LIBRARY, ON THIS TENTH DAY OF SEPTEMBER, 2007, that the members of the Board of Trustees of the Hannibal Free Public Library, by this Resolution, commend Margaret ‘Peggy’ Northcraft for her effort, thank her and congratulate her for a job well done.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Margaret ‘Peggy’ Northcraft, of Hannibal.

Signed: Charles L. Hickman,

RESOLUTION NO. 1399-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL POLICE DEPARTMENT AND THE MISSOURI DEPARTMENT OF TRANSPORTATION, HIGHWAY SAFETY DIVISION FOR THE RECEIPT OF HAZARDOUS MOVING VIOLATION GRANT FUNDS

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1399-07 and call the roll for adoption. Motion was seconded by Council Member Janes.

Motion carried.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark, – 5

No: -0-

Absent: Council Member Knickerbocker and Mayor Pro Tem Dexheimer - 2

Mayor Hark declared Resolution No. 1399-07 duly approved and adopted on this date.

RESOLUTION NO. 1400-07

A RESOLUTION DECLARING THE DREAM INITIATIVE PROJECT AREA AS A BLIGHTED AREA PURSUANT TO THE NATIONAL OBJECTIVES OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1400-07 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark, – 5

No: -0-

Absent: Council Member Knickerbocker and Mayor Pro Tem Dexheimer - 2

Mayor Hark declared Resolution No. 1400-07 duly approved and adopted on this date.

RESOLUTION NO. 1401-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT OF THE EXISTING DESIGN PHASE ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF HANNIBAL AND MECO ENGINEERING COMPANY FOR RED DEVIL ROAD DESIGN SERVICES FOR AN APPROXIMATE AMOUNT OF \$32,000

Motion was made by Council Member Hatton to have the City Clerk read Resolution No. 1401-07 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark, – 5

No: -0-

Absent: Council Member Knickerbocker and Mayor Pro Tem Dexheimer - 2

Mayor Hark declared Resolution No. 1401-07 duly approved and adopted on this date.

RESOLUTION NO. 1402-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING PROPOSAL BETWEEN THE CITY OF HANNIBAL, BOARD OF PUBLIC WORKS AND

**MECO ENGINEERING COMPANY FOR THE CLINIC ROAD
WATER TANK REHABILITATION AND PAINTING
PROJECT**

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1402-07 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and
Mayor Hark, – 5

No: -0-

Absent: Council Member Knickerbocker and Mayor Pro Tem
Dexheimer - 2

Mayor Hark declared Resolution No. 1402-07 duly approved and adopted on this date.

BILL NO. 07-026

**AN ORDINANCE AMENDING CHAPTER 3, ARTICLE III,
DIVISION I “MINOR IN POSSESSION OF INTOXICATING
LIQUOR” AND ADDING THE DEFINITION OF
“INTOXICATED CONDITION” OF THE CODE OF THE CITY
OF HANNIBAL, ADOPTED JANUARY 19, 1988, AND
EFFECTIVE JANUARY 19, 1988**

FIRST READING

Motion was made by Council Member Janes to give Bill No. 07-026 a first reading.
Motion was seconded by Council Member Hatton.

Motion carried.

BILL NO. 07-027

**AN ORDINANCE AMENDING CHAPTER 17, ARTICLE IV,
DIVISION 7, SECTION 196 “YIELD TO EMERGENCY
VEHICLES” OF THE CODE OF THE CITY OF HANNIBAL,**

**ADOPTED JANUARY 19, 1988 AND EFFECTIVE JANUARY
19, 1988**

FIRST READING

Motion was made by Council Member Hull to give Bill No. 07-027 a first reading.
Motion was seconded by Council Member Hatton.

Motion carried.

BILL NO. 07-028

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE III,
DIVISION 3, OF THE CODE OF THE CITY OF HANNIBAL,
ADOPTED JANUARY 19, 1988 AND EFFECTIVE JANUARY
19, 1988 TO INCLUDE SECTION 16-74 "CRIME OF
PASSING BAD CHECKS"**

FIRST READING

Motion was made by Council Member Hull to give Bill No. 07-028 a first reading.
Motion was seconded by Council Member Janes.

Motion carried.

BILL NO. 07-024

**AN ORDINANCE REZONING 1.84 ACRES OF PROPERTY,
MORE OR LESS, LOCATED AT 3700 PALMYRA ROAD IN
MARION COUNTY, MISSOURI FROM E-COMMERCIAL TO
B-MULTI FAMILY AND AMENDING THE CITY'S ZONING
MAP ACCORDINGLY**

SECOND AND FINAL READING

Motion was made by Council Member Wilson to have the City Clerk give Bill No. 07-024 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark, – 5

No: -0-

Absent: Council Member Knickerbocker and Mayor Pro Tem Dexheimer - 2

Mayor Hark declared Bill No. 07-024 duly approved and adopted on this date.

BILL NO. 07-025

AN ORDINANCE APPROVING AND ACCEPTING THE PLAT OF NELSON'S ADDITION – PLAT 1 SUBDIVISION, SUBDIVISION LYING IN THE NORTH HALF OF SECTION 23, TOWNSHIP 57 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL, MERIDIAN, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI

SECOND AND FINAL READING

Motion was made by Council Member Janes to have the City Clerk give Bill No. 07-025 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Wilson.

Motion carried.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark, – 5

No: -0-

Absent: Council Member Knickerbocker and Mayor Pro Tem Dexheimer - 2

Mayor Hark declared Bill No. 07-025 duly approved and adopted on this date.

CLOSED SESSION
In Accordance with RSMo 610-021 (1 and 12)

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraphs one and twelve, admitting himself, the rest of Council, City Clerk Zerbonia, City Manager LaGarce, City Attorney Lemon, BPW General Manager Herring and City Engineer Page. Motion was made to go into closed session as Mayor Hark directed by Council Member Hatton. Motion was seconded by Council Member Hull.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark, – 5

No: -0-

Absent: Council Member Knickerbocker and Mayor Pro Tem Dexheimer – 2

Motion carried.

OFFICIAL ACTION TAKEN IN CLOSED SESSION
Re: Negotiation of Power Purchase

A short presentation by BPW General Manager Jack Herring, in which he discussed the current power costs and requested Council approval to acquire power supplies for the period of January 1, 2009 through December 31, 2011 and for the period of January 1, 2012 through December 31, 2013. Motion was made by Council Member Wilson to approve the negotiated future cost of purchased power, as presented by Herring (terms of which are highly confidential at this point). Motion was seconded by Mayor Hark.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark, – 5

No: -0-

Absent: Council Member Knickerbocker and Mayor Pro Tem Dexheimer – 2

Motion carried.

Re: Quality Inn Stormwater, Potential Litigation

City Manager LaGarce presented information concerning the possibility of litigation. Following a brief discussion, Motion was made by Council Member Wilson and seconded by Council Member Hull to give Mayor Hark authorization to sign a contract for design engineering and surveying services. This contract would specifically be for the review of the original existing detention pond on Lindsay Road.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark, – 5

No: -0-

Absent: Council Member Knickerbocker and Mayor Pro Tem Dexheimer – 2

Motion carried.

OPEN SESSION

Motion was made by Council Member Wilson to return to open session. Motion was seconded by Council Member Janes.

Motion carried.

ADJOURNMENT

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

Motion carried.