

# **NOTICE OF PUBLIC MEETING COUNCIL AGENDA**

**August 5, 2008  
7:00 p.m.**

## **ROLL CALL**

**Present:** Council Member Wilson, Mayor Hark, Mayor Pro Tem  
Dexheimer, Council Members Behymer and Lyng – 5

**Absent:** Council Members Knickerbocker and Janes - 2

## **CALL TO ORDER**

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

## **INVOCATION**

At this time, Mayor Pro Tem Dexheimer gave the invocation.

## **PLEDGE OF ALLEGIANCE**

Council Member Lyng led the Pledge of Allegiance to the Flag. Motion was made by Mayor Pro Tem Dexheimer to excuse Council Members Janes and Knickerbocker from the proceeding. Motion was seconded by Council Member Wilson.

Motion carried.

## **APPROVAL OF MINUTES Regular Council Meeting – July 15, 2008 Special Call Council Meeting – July 22, 2008**

Motion was made by Council Member Wilson to approve the Council minutes of the Regular Council Meeting held on July 15, 2008 and the Special Call Council Meeting held on July 22, 2008. Motion was seconded by Council Member Behymer.

Motion carried.

## **APPROVAL OF PAYROLL AND CLAIMS Second Half – July, 2008**

Motion was made by Council Member Wilson to approve the payroll and claims for the second half of July, 2008. Motion was seconded by Council Member Behymer.

Motion carried.

**LOIS DAMRON – AMERICAN HEART ASSOCIATION**  
**Re: Request, Street Closure – Mississippi River Run**  
*(September 27, 2008, 7:00 am – 9:30 am)*

Ms. Lois Damron, who came before Council, on behalf of the American Heart Association, to request the support of the City for the 3rd Annual Mississippi River Run. Her specific request was the same as the request in previous years. This was access to one lane of roadway across Mark Twain Bridge, continuing on Palmyra Road to Riverview Park entrance and returning down Palmyra Road, Mark Twain Avenue, 3rd Street and North Street to the Y'Men's Pavilion.

Motion was made by Mayor Pro Tem Dexheimer to approve Damron's request. Motion was seconded by Council Member Behymer.

Motion carried.

**JASON D. JANES – 2<sup>ND</sup> WARD COUNCILMEMBER**  
**Re: CODE AMENDMENT - SECTION 29-89(9)**  
**Removal of Easement Certification by Private Utility Companies**  
*(Bill No. 08-041, to follow)*

City Clerk Angelica Zerbonia presented the next agenda item for 2nd Ward Council Member Jason Janes, who was unable to attend the meeting because of unforeseen circumstances. This item was the introduction of Bill No. 08-041 regarding a City Code amendment to Section 29-89(9). The bill, if approved, will remove the requirement for easement certification by private utility companies in the final plat of new subdivisions. Zerbonia informed Council that, according to Janes, this has become cumbersome because of signature issues. She added that companies, such as Atmos Energy, require all signatures to come from representatives who may be located in other states, causing additional delays for project developers. It is Council Member Janes recommendation to remove from the Code, the requirement to have private utility companies sign the final plat, while continuing to include them in the review process.

The City Clerk added that Bill No. 08-041 was on the agenda for a first reading later in the meeting; however, it was discovered that Section 29-5 of the City Code references changes and amendments to Chapter 29, *Subdivisions*. According to this section, Council can make these changes or amendments '*after review and recommendation of the commission*'. The Clerk noted that, as stated in Section 29-5, a public hearing, with a fifteen day publication requirement, is also necessary to make these changes or amendments.

On behalf of Council Member Janes, the City Clerk asked that the first reading of Bill No. 08-041 be tabled, and instead, she be permitted to schedule a public hearing on September 2, 2008 at 6:30 p.m. for this purpose. Motion was made by Council Member Behymer to approve Zerbonia's request. Motion was seconded by Council Member Wilson.

Motion carried.

**JEFF LAGARCE – CITY MANAGER**

## **Re: Recommendation of Appointment**

City Manager Jeff LaGarce made the following recommendations:

### **HANNIBAL BOARD OF PUBLIC WORKS**

- Bob Heiser – Re-appointment for a term to expire July, 2012

This nomination will be considered for approval at the next Council meeting, to be held on August 19, 2008.

### **Re: FEMA/SEMA Hazard Mitigation Grant Program (Buyouts)**

The next item on the evening's agenda was the SEMA Hazard Mitigation Grant Program or SEMA 'buyouts'. In presenting this item, City Manager LaGarce explained that this is a 75-25 cost share with the City's portion being 25%; and, even though this is a state program, the remaining 75% match would be paid by the federal government. LaGarce continued that if the City were to pursue this type of program, a Community Development Block Grant must be applied for, in order to make the local matches. These are 100% grants, not requiring a local match.

According to LaGarce, some interest has been expressed by local citizens; therefore, he was seeking Council direction at this time, in determining whether to sponsor the Hazard Mitigation Grant Program and begin making application, which is a rather lengthy and detailed process. He concluded that everything would be contingent on federal funding. Motion was made by Mayor Pro Tem to continue with the application process for these funds. Motion was seconded by Mayor Hark

Motion carried.

### **Re: Stadium Lighting - Escrow Agreement F&M Bank and Trust Co. & Hannibal Sports & Entertainment LLC (Resolution No. 1475-08, to follow)**

LaGarce presented the next item on the agenda which regarding stadium the lighting... He continued by explaining that the City's lease agreement with Hannibal Sports & Entertainment LLC contains an obligation requiring the City to install stadium lighting at Clemens Field.

According to City Manager LaGarce, the City's bond issue is based on 70/50 lighting, a standard utilized when preparing the development agreement with Hannibal Sports & Entertainment. The budgeted cost of this lighting would be \$185,000. Despite this, Bob Hemond and some of the baseball owners, desire 100/70 lighting for Clemens Field, indicating that 100/70 lighting is installed in most new ballparks across the country, regardless of league. The estimated cost of this lighting would be \$242,000 to \$270,000; an amount well beyond the City's budgeted amount of \$185,000.

LaGarce explained that the City would like to work with Hannibal Sports & Entertainment; however, he doesn't feel that it is the City's obligation to pay the higher cost. As a solution, he explained that an escrow agreement is proposed whereby the City would fulfill its obligation to light Clemens Field by depositing \$185,000 into the escrow with F&M Bank and Trust Company. Hannibal Sports & Entertainment would then install the higher grade 100/70 lighting, thereby enhancing their lighting plan and bearing the additional expenses in doing

this. This escrow agreement would be approved with Council's approval of Resolution No. 1475-08. Some questions were raised concerning the need for an escrow account, since the City was already obligated, under contract, to provide the \$185,000 for lighting and who would get any interest from the money placed in this account.

John Hark, representing Hannibal Sports & Entertainment LLC responded that the initial contract did not specify the level of lighting to be installed, only that the City was responsible for 100% of this lighting. Because of the disagreement between the developer and the City concerning the grade of lighting to be installed, the escrow agreement was offered as a solution to this problem. The lighting now becomes a part of the ball park, which is still property of the City, according to Mr. Hark. There was a lengthy discussion ensued concerning the City's obligation vs. the developer's desire for a more costly lighting system and the interest earned in this transaction. In response to the question concerning the interest, Hark explained that this was standard wording for escrow agreements; however, he did agree to return to the developer with a request to amend this agreement allowing the City to recoup interest from this account.

**Re: Hannibal Nutrition Center - Service Agreement**  
*(Resolution No. 1476-08, to follow)*

City Manager LaGarce explained that the FY-2008 budget contains an appropriation of \$18,340 for the service agreement with the Hannibal Nutrition Center. This is a continuation of the agreement that we have had in the past between the City and the Nutrition Center. The approval of Resolution No. 1476-08 would also approve this contract and allow the City to make the budgeted payment.

**Re: Community Wide Recycling Services - Agreement**  
**Northeast Missouri Sheltered Workshop, Inc.**  
*(Resolution No. 1479-08, to follow)*

LaGarce explained that the FY-2008 budget also contains an appropriation of \$6,600 for a service agreement with the Northeast Missouri Sheltered Workshop, Inc. This is for recycling, to help sponsor community-wide recycling. LaGarce explained that prior to September, 2007 the City solely sponsored and funded the community-wide recycling program. He continued that the program was grant-funded, costing the City approximately \$18,000 to \$20,000 per month. This grant was due to expire in December of 2007, and would have befallen the City to assume this ongoing cost; however, the Northeast Missouri Sheltered Workshop stepped in and assumed the program.

John Yancy, with the Sheltered Workshop, has requested that the City serve as a funding partner in this program. The approval of Resolution No. 1479-08 would also approve this contract and allow the City to make the budgeted payment.

**CHUCK ANDERSON - CITY ENGINEER ASSISTANT**  
**Re: Aviation Fuel Facilities – Amendment for Engineering Services**  
**Crawford, Murphy & Tilly, Inc.**  
*(Resolution No. 1478-08-08, to follow)*

In Chuck Anderson's absence, City Manager LaGarce presented this next agenda item which was Resolution No. 1478-08, regarding an amendment for the aviation fuel facilities engineering services with Crawford, Murphy & Tilly, Inc. He began by explaining that the City had worked with Crawford, Murphy & Tilly to install the Jet A fuel system at the

Hannibal Regional Airport, this system is tied into the regular fuel system and contains a credit card reader. During the installation process several modifications were made so that both systems would work together with a common credit card reading system. Since federal grant money was secured to assist in funding this fuel system project, terms of the grant prohibited modifications of the existing low lead system, only allowing for new construction. For this reason, according to LaGarce, some unique means were used in order to get the new and existing systems to work together

Crawford, Murphy & Tilly incurred a number of engineering design services for the redesign of the combined fuel facility at the airport. These were reviewed and approved by the former City Engineer, Jamie Page; however, City Manager LaGarce asked Council's approval to table this item and revisit it at the next regular Council Meeting. This would give staff the opportunity to work with MoDOT Aviation to insure that these additional services will be grant funded.

**LYNDELL DAVIS – CHIEF OF POLICE**  
**Re: Police Department Gun Range - Construction Agreement**  
**Bill Sullivan Excavation**  
*(Resolution No. 1477-08, to follow)*

Hannibal Police Chief Lyndell Davis began by saying that on July 2, bids were opened for Phase I of the Police Firearm Range. Two bids were received, one bid from George Lee Construction with a bid amount totaling \$168,813 and the other from Bill Sullivan Excavation, Silex, MO in the amount of \$167,885.50. Sullivan, being the lowest bid, also offered suggestions regarding modifications that would lower the overall project costs. Davis stated that the department had examined these suggestions. He continued that after consulting with the firearm range architects, Klingner & Associates, they were able to lower the cost to \$165,755.50, reducing the final total for Phase I of the firearm range by \$2,100.

City Manager LaGarce interjected that the lowering of their bid did not change the order of the bid amounts. Sullivan's initial bid was already the lowest bid received, by modifying the lighting of this project, they were able to further decrease their low bid. Davis added that the City Clerk had been consulted to insure the appropriateness of the bidding process.

Chief Davis concluded by asking Council approval of Resolution No. 1477-08, to follow, that would approve an agreement with Bill Sullivan Excavation in the amount of \$165,755.50 for the construction of the Police Department Firearm Range, Phase I. He added that \$200,000 had been placed in the current year's budget for the completion Phase I and II of this project. If approved, once completed, Davis' intention is to place a plaque in memory of B. Yohn, whose generous donation paid for a large share of the total cost for this facility.

**CHRIS ATKINSON – DIRECTOR, PARKS & RECREATION**  
**Re: Y-Men's Pavilion – Use and Maintenance Agreement**  
**Y-Men's Club of Hannibal**  
*(Resolution No. 1481-08, to follow)*

Parks & Recreation Director Chris Atkinson referenced a use and maintenance agreement between the City and the Y-Men's Club of Hannibal and explained that the document was for the Y-Men's Pavilion located in the downtown area. Atkinson said that in the past few years, this facility has increased in popularity, housing numerous special events such as the *Mud*

Volleyball and the *Down by the River* events sponsored by non-profit organizations. In the past two years, it has also been available to the general public for rent to be used for family reunions or other family functions. He added that the City has had a lease with the Y-Men's Club dating back to 1992. The lease at hand is an update of the original agreement, detailing the responsibilities of the City and the Y-Men's Club. Atkinson listed some of the responsibilities in detail and asked Council's approval of Resolution No. 1481-08, to follow, which would also approve the referenced lease.

Council Member Lyng asked if the Park Board had reviewed this lease. Atkinson explained that they had not, adding that the Park Board had no authority to approve or disapprove, they could, however, make a recommendation. Motion was made by Council Member Lyng to place this item before the Park Board prior to Council approval. There was no second to this motion.

Motion failed.

**CONNIE QUINN – ASSISTANT BUILDING INSPECTOR**

**Re: Demolition Bid 08-04 – Contract Approval**

**Don Martin Construction**

*(Resolution No. 1480-08, to follow)*

The final item on the evening's agenda was presented by the Assistant Building Inspector, Connie Quinn. Ms. Quinn came to Council seeking approval of Resolution No. 1480-08, to follow, referencing approval of a contract with Don Martin Construction for Demolition Bid No. 08-04. This bid, No. 08-04, involved the demolition and removal of several properties:

- 705 Paris Avenue
- 117 North Maple Avenue (garage)
- 816 Center Street (garage)
- 1212 Center Street (garage)

Bids were opened on Wednesday, July 30, 2008 with only one responsive bid. It was the Building Inspection Department's recommendation that the bid be awarded to Donald Martin Construction, the sole bidder, with a bid amount totaling \$15,420.00. Connie asked that one change be made, per Donald Martin's request. Figures were reversed for demolition cost on two of the properties considered. The cost of 117 North Maple should have been \$2,400 and 1212 Center Street should have been bid at \$3,400. The bottom line or total bid amount remains the same.

**RESOLUTION NO. 1475-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ESCROW AGREEMENT IN THE AMOUNT OF \$185,000 WITH F&M BANK AND TRUST COMPANY, HANNIBAL SPORTS & ENTERTAINMENT LLC, AND THE CITY OF HANNIBAL FOR COSTS ASSOCIATED WITH THE INSTALLATION OF LIGHTING AT CLEMENS FIELD**

Mr. Hark, representative of Hannibal Sports & Entertainment LLC, came forward in response to the question concerning the escrow account. He informed Council that he had been in

contact with the developer who had no objection with modifying the agreement, specifically, allowing the City to receive benefit of interest on the funds deposited into this escrow account. City Manager LaGarce clarified that the City Attorney, working with the counsel for the developer, wrote the escrow agreement using a model provided by Mr. Tom Cunningham, of the municipal firm, Cunningham, Vogel & Rost as basis for their agreement. Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1475-08 and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

**Yes:** Council Member Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Lyng – 5

**No:** -0-

**Absent:** Council Members Knickerbocker and Janes - 2

Mayor Hark declared Resolution No. 1475-08 duly approved and adopted on this date.

**RESOLUTION NO. 1476-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT IN THE AMOUNT OF \$18,340 BETWEEN THE HANNIBAL NUTRITION CENTER AND THE CITY OF HANNIBAL FOR SENIOR MEALS AND RELATED SERVICES**

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk read Resolution No.1476-08 and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

**Roll Call**

**Yes:** Council Member Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Lyng – 5

**No:** -0-

**Absent:** Council Members Knickerbocker and Janes - 2

Mayor Hark declared Resolution No. 1476-08 duly approved and adopted on this date.

**RESOLUTION NO. 1477-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BILL SULLIVAN EXCAVATION IN THE AMOUNT OF \$165,755.50 FOR THE CONSTRUCTION OF THE POLICE DEPARTMENT GUN RANGE**

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk read Resolution No.1477-08 and call the roll for adoption. Motion was seconded by Council Member Behymer.

**Roll Call**

**Yes:** Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Lyng – 4

**No:** Council Member Wilson - 1

**Absent:** Council Members Knickerbocker and Janes - 2

Motion to read carried.

**Roll Call**

**Yes:** Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Lyng – 4

**No:** Council Member Wilson - 1

**Absent:** Council Members Knickerbocker and Janes - 2

Mayor Hark declared Resolution No. 1477-08 duly approved and adopted on this date.

**RESOLUTION NO. 1478-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT FOR ENGINEERING SERVICES WITH CRAWFORD, MURPHY & TILLY, INC. TO REHABILITE AND EXPAND THE AVIATION FUEL FACILITIES IN THE AMOUNTS OF \$5,284.91, \$11,127.67 AND \$1,078.95**

Motion was made by Council Member Wilson to table Resolution No. 1478-08 until the next regular Council Meeting to be held on August 19, 2008. Motion was seconded by Mayor Hark.

Motion carried.

**RESOLUTION NO. 1479-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT WITH THE NORTHEAST MISSOURI SHELTERED WORKSHOP, INC. FOR COMMUNITYWIDE RECYCLING SERVICES IN THE AMOUNT OF \$6,600**

Motion was made by Council Member Lyng to have the City Clerk read Resolution No.1479-08 and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

**Roll Call**

**Yes:** Council Member Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Lyng – 5

**No:** -0-

**Absent:** Council Members Knickerbocker and Janes - 2

Mayor Hark declared Resolution No. 1479-08 duly approved and adopted on this date.

**RESOLUTION NO. 1480-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE DEMOLITION OF 705 PARIS AVENUE, AND GARAGES LOCATED AT 117 NORTH MAPLE, AND 816 AND 1212 CENTER STREET, BETWEEN THE CITY OF HANNIBAL AND DON MARTIN CONSTRUCTION IN THE TOTAL AMOUNT OF \$15,420**

Motion was made by Council Member Lyng to have the City Clerk read Resolution No.1480-08 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Dexheimer.

Motion carried.

**Roll Call**

**Yes:** Council Member Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Lyng – 5

**No:** -0-

**Absent:** Council Members Knickerbocker and Janes - 2

Mayor Hark declared Resolution No. 1480-08 duly approved and adopted on this date.

**RESOLUTION NO. 1481-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A USE AND MAINTENANCE AGREEMENT WITH THE Y'MENS CLUB FOR THE Y'MENS PAVILION**

Motion was made by Council Member Wilson to have the City Clerk read Resolution No.1481-08 and call the roll for adoption. Motion was seconded by Council Member Behymer.

**Roll Call**

**Yes:** Council Member Wilson, Mayor Hark, Mayor Pro Tem Dexheimer and Council Member Behymer - 4

**No:** Council Member Lyng - 1

**Absent:** Council Members Knickerbocker and Janes - 2

Motion to read carried.

**Roll Call**

**Yes:** Council Member Wilson, Mayor Hark, Mayor Pro Tem Dexheimer and Council Member Behymer - 4

**No:** Council Member Lyng - 1

**Absent:** Council Members Knickerbocker and Janes - 2

Mayor Hark declared Resolution No. 1481-08 duly approved and adopted on this

**BILL NO. 08-041**

**AN ORDINANCE AMENDING CHAPTER 29, ARTICLE II, DIVISION 3 *Final Plat*,  
Section 29-89 *Contents* OF THE CODE OF THE CITY OF HANNIBAL BY  
REMOVING SUBPARAGRAPH 9 RELATIVE TO EASEMENT CERTIFICATION BY  
PRIVATE UTILITY COMPANIES**

**FIRST READING**

Motion was made by Council Member Behymer to table Bill No. 08-041 pending the completion of a public hearing to be held on September 2<sup>nd</sup> at 6:30 p.m., in accordance with City Code. Motion was seconded by Council Member Wilson.

Motion carried.

**CLOSED SESSION**

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

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraph one & three, admitting himself, the rest of Council, City Manager Jeff LaGarce, City Attorney James Lemon, City Clerk Angelica Zerbonia and Interim Finance Director Phyllis Nelson. Motion was made to go into closed session as Mayor Hark directed by Council Member Behymer. Motion was seconded by Mayor Hark.

**Roll Call**

**Yes:** Council Member Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Lyng – 5

**No:** -0-

**Absent:** Council Members Knickerbocker and Janes - 2

Motion carried.

### **OPEN SESSION**

Motion was made by Council Member Behymer to return to open session. Motion was seconded by Mayor Hark.

Motion carried.

### **ADJOURNMENT**

Motion was made by Mayor Pro Tem Dexheimer to adjourn. Motion was seconded by Mayor Hark.

Motion carried.