

OFFICIAL COUNCIL PROCEEDINGS

December 16, 2008

7:00 p.m.

ROLL CALL

Present: Council Members Behymer, Lyng, Janes, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman – 6

Absent: Council Member Knickerbocker - 1

CALL TO ORDER

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

INVOCATION

At this time, Council Member Janes gave the invocation

PLEDGE OF ALLEGIANCE

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

Motion carried.

APPROVAL OF MINUTES

Regular Council Meeting – December 2, 2008

Motion was made by Council Member Janes to approve the minutes of the Regular Council Meeting that was held on December 2, 2008. Motion was seconded by Council Member Louderman.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

First Half – December, 2008

Motion was made by Mayor Pro Tem Wilson to approve the payroll and claims for the first half of December, 2008. Motion was seconded by Mayor Hark.

Motion carried.

JEFF LAGARCE – CITY MANAGER
Re: Approval of Appointment

City Manager Jeff LaGarce reminded Council of a candidate presented at the last regular Council meeting for the Police & Fire Retirement Board. This was:

POLICE & FIRE RETIREMENT BOARD

- Frank Desmond – Appointment for an unexpired term to expire December, 2010

He asked Council for their approval of this nomination. Motion was made by Mayor Hark to approve the nomination of Frank Desmond for an appointment to the Police & Fire Retirement Board. Motion was seconded by Council Member Behymer.

Motion carried.

Re: Recommendation of Appointment

City Manager LaGarce made the following recommendation:

HISTORIC DEVELOPMENT DISTRICT COMMISSION

- Joe Noonan – Appointment for a term to expire May, 2012

This nomination will be considered for approval at the next Council meeting, to be held on January 6, 2009.

Re: Residential Flood Buyout Priority Authorization
(Resolution No. 1519-08, to follow)

City Manager LaGarce's final item on the evening's agenda was the introduction of a resolution regarding the residential flood buyout priority authorization. LaGarce explained that the 'Task Force' that was established by Council on December 2, consisting of Council Member Knickerbocker, Janes, Louderman and himself, met to review the flood buyout program. During this meeting, according to LaGarce, a set of priorities for the inclusion of properties that would not otherwise qualify on their own was established: her

- Properties meeting FEMA benefit/cost automatically qualify
- Other property would be ranked in descending order with benefit/cost ratio being considered
- Vacant lots – stand-alone lots adjacent to current buyout properties
- Vacant lots – NOT attached to current flood buyout properties

A discussion ensued regarding City purchase of vacant lots remaining in the flood plain, outside of the buyout program, but concurrent with it. It was noted that money could be budgeted in the upcoming year to make purchases of this type for the purpose of creating good and viable open space and avoid 'checker boarding'.

Mayor Pro Tem Wilson disagreed that it was unnecessary to purchase these properties because building structures on them is not permitted and FEMA does not allow purchase by individuals. He added that the City already maintains these areas.

City Manager LaGarce pointed out, however, that if purchased, the property could be used to construct soccer fields or other recreation areas. Council Member Louderman said that the properties being discussed were, in fact, owned by private individuals since they could not be included in the flood buyout. There was some question regarding FEMA regulation for purchase of these properties and whether or not this would be allowed.

After the discussion came to a close, City Manager LaGarce explained that it was the Task Force's recommendation to approve Resolution No. 1519-08, to follow, that would approve this program criterion established for residential property to be included in the buyout program.

MARK REES – CITY ENGINEER

Re: Consideration & Acceptance, Downtown Resurfacing Project Scope-of-Work

City Engineer Mark Rees came forward and addressed Council in regard to the next item on the agenda, the consideration and acceptance for the change in scope of work involved in the Downtown Resurfacing Project. He added that, after working closely with MECO and looking at the budget, the department was proposing a mill & overlay, in lieu of the micro-seal.

Rees added that the mill and overlay would produce a superior product for both functional and aesthetic purposes. The cost difference would be \$310,000, compared to \$246,779 allotted for a micro-seal scope-of-work. Rees concluded by saying that money was available for this increase. (The City has \$600,000 available each year for street resurfacing throughout Hannibal; a portion could be used toward the downtown project.)

Motion was made by Council Member Janes to approve the City Engineer's request. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Hannibal Downtown Resurfacing Project – Engineering Services Authorization Agreement MECO Engineering Company (Resolution No. 1520-08, to follow)

Rees' next item on the agenda was a related item, authorization for approval of an agreement with MECO Engineering Company for the Downtown Resurfacing Project. This would be accomplished with the approval of Resolution No. 1520-08, to follow.

If approved, according to Rees, MECO would survey all the streets in question and solve two major problems:

- Is there enough pavement to mill & overlay before chewing into the bricks, lying underneath?
- What about the drainage problem?

They would also prepare the plans; oversee the bidding process and any other standard service that the engineering company would provide on a project of this type. The cost of this contract, if approved by resolution would total \$29,140.

Re: Bid Award Approval, Stardust Drive Reconstruction
(Bleigh Construction)

Next agenda item being presented by City Engineer Rees was approval of a bid award for the Stardust Drive reconstruction. Bleigh Construction submitted the low bid, totaling \$643,953.05 for this project. Rees added that DPW intends to perform construction observation in lieu of hiring a consultant. He recommended Council approve awarding this bid to Bleigh Construction.

Council Member Lyng asked the possibility of receiving change orders for this project. Rees responded that was always a problem; however, nothing is evident at this time. He added that the plans call for a complete reconstruction of the street, explaining that anytime streets are opened up, there is a possibility of finding unexpected problems, including soft sub grade. He assured Council that the department would keep close watch during the construction process in order to minimize possible change orders.

Mayor Pro Tem Wilson explained that, usually bids have 10% added to cover any change order that may be necessary. Rees stated that \$664,125 had been budgeted for the project; therefore, this amount was about \$20,000 under budget. Motion was made by Mayor Hark to approve Rees' request. Motion was seconded by Mayor Pro Tem Wilson.

Motion carried.

Re: Approval, Main Street Bridge Temporary Speed Limit Reduction
(15 MPH)

Rees stated that the opening of Main Street Bridge could be happening very soon. Since the railroad has not yet installed the stop arms and signal lights, the City is obligated to do several things, such as signage prohibiting pedestrians, flashing yellow lights and speed limit reduction. He asked for Council permission to temporarily lower the speed limit from 25 miles per hour to 15 miles per hour until the installation of the crossing arms and signals. It was noted by the City Manager, during the discussion that MoDOT and the railroad were sending inspectors to insure that all is in order prior to the bridge opening. Motion was made by Mayor Pro Tem Wilson to approve Rees' request. Motion was seconded by Council Member Louderman.

Roll Call

Yes: Council Member Lyng, Janes, Mayor Pro Tem Wilson,
Mayor Hark and Council Member Louderman – 5

No: Council Member Behymer – 1

Absent: Council Member Knickerbocker - 1

Motion carried.

Re: Budget Amendment – General Fund, Airport
10.1131 Airport Fuel Income & 10.90.234 Aviation Fuel
(Resolution No. 1522-08, to follow)

City Engineer Rees presented his fifth agenda item, regarding a budget amendment for the general fund at the airport. This will be approved with the approval of Resolution No. 1522-08, to follow. He explained that recently the airport has experienced additional fuel sales because of increased activities there. The budgeted amount of fuel purchased has now been sold and the budget year is only half complete.

For this reason, provisions need to be in place to keep fuel in stock at the airport. In order to accomplish this, the Department of Public Works requested Council approval of a supplementary appropriation of \$30,000 to the Airport Account 10.90.234-Airport Fuel and an addition of \$33,000 to the revenue account 10.1131. This request would be approved with the approval of Resolution No. 1522-08, to follow.

Re: Request, Bid Process Waiver – Airport Fuel
(Air BP Aviation Systems)

Next, Rees spoke regarding a request to waive the bidding process for the purchase of airport fuel. He continued that, recently, Mike Barron, the FBO, purchased \$11,000 worth of fuel, which is approximately 2 months of fuel sale. This amount exceeds the City bid limits.

Rees explained that Ayerco is the regular supplier with a cost of \$4.28 per gallon of fuel; however, Barron's recent purchase was from Air BP Aviation Systems at a cost of \$2.70 per gallon. Motion was made by Mayor Pro Tem Wilson to approve Rees' request to waive the bidding process. Motion was seconded by Council Member Janes. Council Member Lyng clarified that the request would be a one time waiver of the bidding process only, which was agreed upon by Council.

Motion carried.

Re: Pleasant Street Stormwater Project – Amended Authorization Agreement
MECO Engineering
(Resolution No. 1521-08, to follow)

Rees explained that in April 2007, a contract in the amount of \$3,500 was executed between MECO Engineering and the City regarding the Pleasant Street Stormwater Project. Plans were completed in July, 2007. Rees continued that in the interim, it has been necessary for the consultant to expend much more time and energy in easement coordination, plan revisions and other additional service. During recent negotiations with them, additional compensation of \$1,500 has been requested. Since the DPW agrees that this is a fair amount for the additional time and unexpected costs, Rees requested Council acceptance and approval of the engineering service contract with MECO Engineering Company for this amount. This would be done by approval of Resolution No. 1521-08, to follow.

Re: Holt Street – Vacation
(Bill No. 08-050, to follow)

City Engineer Rees' final order of business was a street vacation, to be accomplished with the passage of Bill No. 08-050. This bill, regarding a portion Holt Street, would be given a first reading with Council approval, later during the meeting.

Rees explained that this was reviewed by the Planning and Zoning Commissioners at the request of the residents of the area. All commissioners were in favor of the request and recommend the street vacation for this area.

TIM CARTER – FIRE CHIEF
Re: Approval, Bid Process Waiver – Hazardous Material Equipment
(Darley Fire Equipment)

At this time, Fire Chief Tim Carter came before Council requesting waiver of the bidding process in the amount of \$8,400 for the purchase of 4 level A flash fire suits. Carter continued that these suits are a requirement for the Homeland Security Regional Response Team. Funding is included in the grant funds to cover the full cost. These suits are specific with this particular vendor, Darley Fire Equipment. Motion was made by Council Member Janes to grant Chief Carter's request. Motion was seconded by Mayor Pro Tem Wilson.

Motion carried.

Re: KHQA Building – Environmental Release & Indemnity and Property Conveyance
(Resolution No. 1524-08, to follow)

The other item, placed on the evening's agenda by Chief Carter was approval of Resolution No. 1524-08, to follow. This resolution was in regard to KHQA's donation of their building located at 2333 Palmyra Road. Since the inception of this offering, Carter explained that his department has undertaken research to address environmental issues and has now finalized an indemnity agreement with Barrington Broadcasting.

The indemnity agreement that would be approved with the approval of Resolution No. 1524-08 addresses some concerns that have surfaced as a result of the research that the department conducted. The agreement has been reviewed by the City Attorney, Klingner & Associates and the department, according to Carter.

DOUG WARREN – DIRECTOR OF FINANCE
Re: Update, 2007/08 Fiscal Year Audit

Doug Warren, the City's Director of Finance, presented the final order of business on the agenda, which was an update of the 2007-08 fiscal year audit. Warren explained that Wade Stables, the auditing company, finished their field work in early September. Since that time, because of a number of delays, including an increase of regulations and documentation required, the audit is still unavailable.

He stated that the deadline for receipt of the 2007-08 audit is December 31, 2008 and added that initially December 1, 2008 was the agreed upon date for receipt of the document. Recently Paul Richards, of Wade Stables, contacted Warren, stating that he would be unable to make the December 1 deadline; however, he would be submitting it and making a presentation in January. The Director of Finance expressed the need to have this available to forward to the City's creditors by January 1, 2009.

RESOLUTION NO. 1519-08

A RESOLUTION ESTABLISHING CRITERION FOR THE INCLUSION OF RESIDENTIAL FLOOD BUYOUT PROPERTY INTO THE CITY OF HANNIBAL'S HAZARD MITIGATION GRANT PROGRAM

Motion was made by Council Member Behymer to have the City Clerk read Resolution No.1519-08 and call the roll for adoption. Motion was seconded by Council Member Janes.

Roll Call

Yes: Council Members Behymer, Lyng, Janes, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman – 6

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1519-08 duly approved and adopted on this date.

RESOLUTION NO. 1520-08

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICE CONTRACT IN THE AMOUNT OF \$29,140 WITH MECO ENGINEERING COMPANY, INC. FOR THE HANNIBAL DOWNTOWN RESURFACING PROJECT

Motion was made by Council Member Janes to have the City Clerk read Resolution No.1520-08 and call the roll for adoption. Motion was seconded by Mayor Hark.

Roll Call

Yes: Council Members Behymer, Lyng, Janes, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman – 6

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1520-08 duly approved and adopted on this date.

RESOLUTION NO. 1521-08

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED AUTHORIZATION AGREEMENT WITH MECO ENGINEERING IN THE AMOUNT OF \$1,500 FOR ADDITIONAL FEES ASSOCIATED WITH THE PLEASANT STREET STORMWATER PROJECT

Motion was made by Mayor Pro Tem Wilson to have the City Clerk read Resolution No.1521-08 and call the roll for adoption. Motion was seconded by Council Member Behymer.

Roll Call

Yes: Council Members Behymer, Lyng, Janes, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman – 6

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1521-08 duly approved and adopted on this date.

RESOLUTION NO. 1522-08

A RESOLUTION AMENDING THE FISCAL YEAR 2008-2009 BUDGET RELATIVE TO THE HANNIBAL AIRPORT

Motion was made by Council Member Behymer to have the City Clerk read Resolution No.1522-08 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Wilson.

Roll Call

Yes: Council Members Behymer, Lyng, Janes, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman – 6

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1522-08 duly approved and adopted on this date.

RESOLUTION NO. 1524-08

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENVIRONMENTAL RELEASE AND INDEMNITY BETWEEN THE CITY OF HANNIBAL, FIRE DEPARTMENT AND BARRINGTON QUINCY, LLC AND FURTHERMORE AUTHORIZING THE CONVEYANCE OF THE KHQA BUILDING

Motion was made by Council Member Behymer to have the City Clerk read Resolution No.1524-08 and call the roll for adoption. Motion was seconded by Council Member Janes.

Roll Call

Yes: Council Members Behymer, Lyng, Janes, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman – 6

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1524-08 duly approved and adopted on this date.

BILL NO. 08-050

AN ORDINANCE VACATING A TRACT OF LAND LYING IN PART OF HOLT STREET BETWEEN BLOCKS 2 & 3 OF FAIRVIEW, A SUBDIVISION IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI

FIRST READING

Motion was made by Council Member Behymer to give Bill No. 08-050 a first reading. Motion was seconded by Mayor Pro Tem Wilson.

Roll Call

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

No: -0-

Abstain: Council Member Janes - 1

Absent: Council Member Knickerbocker - 1

Motion carried.

BILL NO. 08-049

AN ORDINANCE OF THE CITY OF HANNIBAL PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD, TUESDAY, APRIL 7, 2009 FOR THE PURPOSE OF ELECTING A MUNICIPAL JUDGE; COUNCIL MEMBERS OF THE FIRST AND THIRD WARDS AND FILLING AN UNEXPIRED TERM OF FOURTH WARD COUNCIL MEMBER

SECOND AND FINAL READING

Motion was made by Mayor Pro Tem Wilson to give Bill No. 08-049 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried

Yes: Council Members Behymer, Lyng, Janes, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman – 6

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Bill No. 08-049 duly approved and adopted on this date.

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

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraph one, admitting himself, the rest of Council, City Manager Jeff LaGarce, City Attorney James Lemon, City Clerk Angelica Zerbonia and City Engineer Mark Rees. Motion was made to go into closed session as Mayor Hark directed by Mayor Pro Tem Wilson. Motion was seconded by Council Member Behymer.

Roll Call

Yes: Council Members Behymer, Lyng, Janes, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman – 6

No: -0-

Absent: Council Member Knickerbocker - 1

Motion carried.

OPEN SESSION

Motion was made by Mayor Pro Tem Wilson to return to open session. Motion was seconded by Council Member Behymer.

Motion carried.

ADJOURNMENT

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

Motion carried.