

## **OFFICIAL COUNCIL MINUTES**

**July 1, 2008  
7:00 P.M.**

### **ROLL CALL**

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

**Absent:** Council Members Knickerbocker and Wilson – 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**

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

Motion carried.

### **APPROVAL OF MINUTES Regular Council Meeting – June 17, 2008**

Motion was made by Council Member Behymer to approve the minutes of the regular Council Meeting that was held on June 17, 2008. Motion was seconded by Council Member Janes.

Motion carried.

### **APPROVAL OF PAYROLL AND CLAIMS Second Half – June 2008**

Motion was made by Mayor Pro Tem Dexheimer to approve the payroll and claims for the second half of June, 2008. Motion was seconded by Council Member Behymer.

Motion carried.

**BRIAN YELTON – CITIZEN**

**Re: Request, Street Closure & Sale of Alcohol for Sandbagger’s Ball**

*(July 26, 2008, 10:00 am – 12:00 am)*

Mr. Brian Yelton came before Council with a request to hold an event, The Sandbagger’s Ball, on July 26, 2008. All proceeds from this event would be donated to the Red Cross for flood relief, according to Yelton. He explained that eight bands have agreed to participate by giving free performances. He wished to have vending at the event and is currently trying to get sponsorship for this.

He requested permission to block off the area from North Street to Hill Street and from the levee to Main Street. Yelton also requested permission to sell alcohol. Since the POP’s Club is assisting in the alcohol sales, they will be responsible for required liquor licensing, insurance certificate and will sign the Hold Harmless agreement.

Yelton asked Council approval to begin the event at 12:00 noon and end by Midnight, gates would open at 11:00 a.m. He suggested that flatbed trailers be lined up to be used as platforms for the performing bands, adding that these would be placed on Main Street with the bands facing the riverfront to minimize the sound. After a brief discussion, motion was made by Mayor Pro Tem Dexheimer to approve Yelton’s request, excluding the closure of Main Street and only allowing the event to continue until 11:00 p.m. Motion was seconded by Mayor Hark.

**Roll Call**

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

**No:** Council Member Janes - 1

**Absent:** Council Members Knickerbocker and Wilson – 2

Motion carried.

**BRYAN TAYLOR – CALVARY BAPTIST CHURCH**

**Re: Request Fireworks Display at Hannibal LaGrange College Campus**

*(July 5, 2008, 9:00 pm – 9:30 pm)*

Brian Taylor of Calvary Baptist Church came before Council to request permission to hold a fireworks display at the Third Annual ‘In God We Trust’ Choir and Orchestra Extravaganza on the Hannibal LaGrange Campus, July 5, 2008 from 9:00 p.m. until 9:30 p.m. He added that they would be enlisting the same gentleman, Mr. David Yuchs, a licensed pyrotech from Quincy, Il., who has done this in the past. Mr. Yuchs has met with the Police Chief, the fire department and has obtained the required permits, according to Taylor.

Motion was made by Mayor Pro Tem Dexheimer to approve Mr. Taylor’s request. Motion was seconded by Council Member Janes.

Motion carried.

**ROY G. HARK – MAYOR**  
**Re: Security Plan for National Tom Sawyer Days**

Mayor Hark presented the security plan for National Tom Sawyer Days at this time, noting that he had distributed copies of the plan to Council Members for their consideration. Council Member Janes commended the City Manager and staff that have worked to get ready for the event; also recognizing the efforts of the police, fire and street department personnel, who work hard each year to make things run smoothly and without incident during the festivities.

City Manager Jeff LaGarce explained that he had recently been contacted by the Jaycees with a request to close South Main Street from Broadway to Warren Barrett at 6:00 p.m. on July 4<sup>th</sup>, since the floodwall was closed. This would provide an area for the public view the fireworks display. After details were discussed and worked out, motion was made by Mayor Pro Tem Dexheimer to approve the Jaycees request. Motion was seconded by Mayor Hark.

Motion carried.

**JEFF LAGARCE – CITY MANAGER**  
**Re: Approval of Appointments**

City Manager LaGarce reminded Council of a candidate presented at the last regular Council meeting for the Hannibal Library Board. This was:

**HANNIBAL LIBRARY BOARD**

- Jeanie Powers – Appointment for a term to expire June, 2011

He asked Council for their approval regarding Jeanie Powers' nomination. Motion was made by Mayor Hark to approve the nomination of Jeanie Powers for an appointment to the Hannibal Library Board. Motion was seconded by Council Member Behymer.

Motion carried. LaGarce also reminded Council of candidates for the Park Board that had been previously presented for consideration at the last meeting. These were:

**PARK BOARD**

- Kristy Travathen – Reappointment for a term to expire July, 2011
- James O'Donnell – Reappointment for a term to expire July, 2011
- Debbie Catlett – Reappointment for a term to expire July, 2011

Motion was made by Council Member Janes to approve these reappointments to the Park Board as presented by City Manager LaGarce. Motion was seconded by Council Member Behymer.

Motion carried.

### **Re: Recommendation of Appointments**

LaGarce also made the following recommendation:

#### **AIRPORT ADVISORY BOARD**

- John McCoy – Appointment for a term to expire September, 2009

This nomination will be considered for approval at the next Council meeting.

### **Re: Update on Leasehold Revenue Bonds Process**

At this time, City Manager LaGarce informed Council that, at the next Council meeting, they would be asked to consider an ordinance with a number of exhibits regarding the leasehold revenue bonds. He introduced Joy Howard, the City's financial advisor, to give a brief update on this process.

Ms. Howard began by stating that she had been working with the City in regard to financing for some time. She continued that during this time a bond rating for Hannibal was obtained. The City's general credit rating, to be used in the event of a tax bond issue was an 8.2; this financing, being a lease obligation, received a rating of 8.3, which, according to Howard, is incredible. She added that most cities in the State of Missouri sell their issues 'unrated' because they would not qualify for a rating nearly as high as this. She commended Council and the way the City managed their finances in order to receive such a favorable rating.

Ms. Howard continued that, after the rating portion was completed, a 'request for proposal' was prepared for underwriters, to insure that the most competitive rate was obtained for the financing cost of this transaction. Three proposals were received, with Edward Jones submitting the best proposal. Their total financing cost, taking into account their interest and fees, was approximately \$100,000 less than the next best proposal. Howard said that, with this in mind, it was her intention to proceed with Edward Jones as underwriter of the transaction, unless Council instructed otherwise. She explained that none of the firms offered fixed interest rate, except US Bank, whose proposal was the costliest of all the proposals. The interest rate quoted was the rate for the date the proposal was submitted, which could increase or decrease based on market conditions until the point the bonds are sold. At that time the rate would be locked in for the City. She concluded that the bottom line of where the City stands to date, which might change somewhat, is approximately \$583,000. Next year it will be approximately \$570,000; after that it will drop to around \$200,000, with that component being paid off in the year 2018. She offered a detailed copy of the financing plan to anyone who wished to have a copy.

The debt service today for the next component, paid by the franchise tax, which is related to the Parks and the new Street Facility is approximately \$220,000. This component will pay off in the year 2023. (With a reserve that will be funded, this will actually be paid off a year earlier or 2022.)

Finally, Howard projected what will be happening from this meeting until the next meeting of July 15. Beginning next week, Edward Jones will begin marketing the bonds. When they have enough interest in the issue, a few days prior to July 15, they will lock in the interest rate. On the 15<sup>th</sup>, the expectation is that Council will approve the ordinance and the related documents.

**ANGELICA N. ZERBONIA – CITY CLERK**

**Re: Recodification of City Code**

*(Bill No. 08-037, to follow)*

City Clerk Angelica Zerbonia introduced Bill No. 08-037 which, if approved, would approve the recodification of the Hannibal City Code of Ordinances. She distributed a summary of changes to the original documents and asked Council's consideration when this Bill was revisited for a first reading, later in the meeting. She thanked the City Manager, the City Attorney and the Deputy Clerk for their assistance in the process.

**CHUCK ANDERSON – CITY ENGINEER ASSISTANT**

**Re: 2008 Pavement Surfacing Program**

**Contract Approval – Missouri Petroleum**

*(Resolution No. 1470-08, to follow)*

Chuck Anderson, Assistant to the City Engineer, presented the next item on the agenda, the 2008 pavement surfacing program contract approval. Bids were opened on June 18; with Missouri Petroleum submitting the only bid for this project in the amount of \$232,741.48. The subject project consists of the application of micro-surfacing material on nine streets throughout the City. The related resolution, No.1470-08, will be revisited later during the meeting for Council consideration, according to Anderson. With the approval of this resolution, the contract with Missouri Petroleum will also be approved.

**Re: 2008 Asphalt Milling and Overlay Program**

**Contract Approval – Chester Bross Construction**

*(Resolution No. 1471-08, to follow)*

Anderson's second order of business regarded the 2008 asphalt milling and overlay program contract approval. He explained that bids had been opened on June 18 for this project, with Chester Bross Construction being the only bidder. The related resolution, No. 1471-08, if approved later during this meeting, would also approve a contract with Bross in the amount of \$278,499.25, Bross' bid amount for this project. Anderson noted that the project consists of the milling and overlay on a total of six city streets.

**Re: Amendment of Covenant Description – El Rancho Estates Lot**

*(Bill No. 08-038, to follow)*

Anderson introduced Bill No. 08-038, regarding an amendment of the covenant description for a lot at El Rancho Estates. He explained this amendment was to correct an error in the original Ordinance No. 4468 which referenced 'Lot 47' instead of the 'Lot 48'. The amended ordinance now contains the correct lot number of 48 and the matching

legal description. This Bill will have a first reading later in the meeting, with Council approval.

**Re: Fisher's Subdivision, First Revision – Final Plat**  
*(Bill No. 08-039, to follow)*

The final item that was presented by Mr. Anderson was the introduction of Bill No. 08-039, which regarded Fisher's Subdivision. The purpose of the first revision - the final plat is to take fourteen (14) lots and combine them into only two (2) lots. Approximately 11.45 acres, or Lot 1, will be zoned E-Commercial Zoning and the remainder, or Lot 2, will be zoned A-One and Two Family Zoning, according to Anderson. This Bill will receive a first reading later during the meeting, with Council approval.

**CONNIE QUINN – ASSISTANT CITY BUILDING INSPECTOR**  
**Re: 2008/09 Mowing, Old Baptist Cemetery**  
**Contract Approval – Michael Niffen**  
*(Resolution No. 1469-08, to follow)*

Connie Quinn, Assistant City Building Inspector, presented the final order of business which was the 2008/09 Mowing Contract for the Old Baptist Cemetery. She added that bids were opened for this contract on June 16<sup>th</sup>. Two bids were received with Michael Niffen submitting the lowest bid. Quinn's recommendation was to award this contract to Niffen for his bid of \$4,500. The term of this contract would begin July 1, 2008 and end June 30, 2009. The related Resolution No. 1469-08 will be presented for approval later during the meeting. Approval of this resolution will also approve the contract with Mr. Niffen.

**RESOLUTION NO. 1469-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT  
FOR BUILDING INSPECTION PROJECT MOW-08, OLD BAPTIST  
CEMETERY MOWING, BETWEEN THE CITY OF HANNIBAL AND  
MICHAEL NIFFEN FOR THE AMOUNT OF \$4,500**

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1469-08 and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Members Knickerbocker and Wilson – 2

Mayor Hark declared Resolution No. 1469-08 duly approved and adopted on this date.

**RESOLUTION NO. 1470-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MISSOURI PETROLEUM IN THE AMOUNT OF \$232,741.48 FOR THE 2008 PAVEMENT SURFACING PROGRAM**

Motion was made by Council Member Behymer to have the City Clerk read Resolution No. 1470-08 and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Members Knickerbocker and Wilson – 2

Mayor Hark declared Resolution No. 1470-08 duly approved and adopted on this date.

**RESOLUTION NO. 1471-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CHESTER BROSS CONSTRUCTION IN THE AMOUNT OF \$278,499.25 FOR THE 2008 ASPHALT MILLING AND OVERLAY PROGRAM**

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk read Resolution No. 1471-08 and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Members Knickerbocker and Wilson – 2

Mayor Hark declared Resolution No. 1471-08 duly approved and adopted on this date.

**BILL NO. 08-037**

**AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF HANNBAL, MISSOURI; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE**

**FIRST READING**

Motion was made by Council Member Behymer to give Bill No. 08-037 a first reading.  
Motion was seconded by Mayor Hark.

Motion carried

**BILL NO. 08-038**

**AN ORDINANCE AUTHORIZING THE CITY CLERK TO AMEND THE COVENANT DESCRIPTION CONTAINED IN ORDINANCE 4468 INVOLVING LOT 47 & 48 OF EL RANCHO ESTATE, A SUBDIVISION LYING IN PART OF LOT 47 & 48 OF EL RANCHO ESTATE SUBDIVISION, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**FIRST READING**

Motion was made by Council Member Behymer to give Bill No. 08-038 a first reading.  
Motion was seconded by Mayor Hark.

Motion carried

**BILL NO. 08-039**

**AN ORDINANCE APPROVING AND ACCEPTING THE PLAT OF FISHER'S SUBDIVISION – FIRST REVISION, A SUBDIVISION LYING IN THE WEST HALF OF SECTION 19, TOWNSHIP 57 NORTH, RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**FIRST READING**

Motion was made by Council Member Janes to give Bill No. 08-039 a first reading.  
Motion was seconded by Council Member Behymer.

Motion carried

**BILL NO. 08-032**  
(As Amended)

**AN ORDINANCE APPROPRIATING TO THE VARIOUS DEPARTMENTS,  
BOARDS, COMMISSIONS AND AGENCIES OF THE CITY GOVERNMENT OF  
THE CITY OF HANNIBAL, MISSOURI FOR THE FISCAL YEAR ENDING  
JUNE 30, 2009**

**SECOND AND FINAL READING**

Motion was made by mayor Pro Tem Dexheimer to give Bill No. 08-032, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried

**Roll Call**

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

**No:** -0-

**Absent:** Council Members Knickerbocker and Wilson – 2

Mayor Hark declared Bill No. 08-032, as amended, duly approved and adopted on this date.

**CLOSED SESSION**

*In Accordance with RSMo 610-021 (1)*

Mayor Hark entertained a motion to enter into closed session, in accordance with RSMo 610-021, subparagraph one (1), admitting himself, the rest of Council, City Manager LaGarce, City Attorney Lemon, City Clerk Zerbonia, and P&R Superintendent Chris Atkinson. Motion was made by Council Member Behymer to enter into closed session per Mayor Hark's request. Motion was seconded by Mayor Hark

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 the meeting. Motion was seconded by Council Member Janes.

Motion carried.