

OFFICIAL PUBLIC HEARING PROCEEDINGS

December 1, 2009
6:45 p.m.

CALL TO ORDER

At 6:45 p.m., the appointed time, Mayor Hark called the public hearing to order.

MARK REES – CITY ENGINEER

Re: Re-zone Property – 3914 Market Street
B-Multiple Family to E-Commercial
(F&M Bank)

City Engineer, Mark Rees, explained that the reason for the public hearing was for citizens to be heard, regarding an F&M Bank request for re-zoning of 3914 Market Street from B-Multi-Family to E-Commercial. He continued by saying that the issue at hand was the topic of discussion during a recent public hearing and at a Planning & Zoning Meeting, where the request was approved and recommended for Council approval

Mayor Hark then recognized Don Bastian, who appeared on behalf of F&M Bank. He explained that a branch facility of the bank was located on this property and had occupied this address for approximately ten years. Since the property is zoned B-Multiple Family, the bank is currently operating under a variance. Recently, a house behind the branch facility became available and was purchased by F&M for possible expansion. With this plan in mind and since this property is also zoned B-Multiple Family, F&M has made the request for rezoning to E-Commercial.

Bastian stated that the specific plan is to extend the drive-up facility because the current lane is short, causing cars to back-up onto adjacent Morton Street on the west. This is also a safety concern, according to Mr. Bastian.

Mr. Stevens Plowman, F&M Bank President, was recognized and spoke regarding the future plans for this property. He presented drawings of the projected changes to the F&M Bank facility. He added that Mrs. Conn, a neighbor of the bank had previously voiced concerns regarding privacy; and, as a result, the Bank is willing to erect a privacy fence to alleviate this concern. She also had questioned the preservation of trees and shrubbery along the property line, but Plowman responded that these would not be disturbed.

PUBLIC COMMENTS

Mayor Hark asked for questions or comments from the public; however, no one responded.

ADJOURNMENT

Mayor Hark declared that the public hearing would be adjourned.

OFFICIAL COUNCIL PROCEEDINGS

December 1, 2009

7:00 p.m.

ROLL CALL

Present: Council Member Janes, Mayor Hark, Council Members
Louderman, Behymer and Lyng – 5

Absent: Council Member Knickerbocker - 1

CALL TO ORDER

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

INVOCATION

Council Member Janes gave the invocation. Mayor Hark called for a moment of silence in memory of Mayor Pro Tem Wilson who died on November 20, 2009.

PLEDGE OF ALLEGIANCE

Council Member Louderman led the Pledge of Allegiance to the Flag. At this time Council Member Behymer made a motion to excuse Council Member Knickerbocker. Motion was seconded by Council Member Louderman.

Motion carried.

APPROVAL OF MINUTES

Regular Council Meeting – November 17, 2009

Motion was made by Council Member Behymer to approve the minutes of the regular Council meeting that was held on November 17, 2009. Motion was seconded by Council Member Louderman.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
Second Half – November 2009

Motion was made by Council Member Behymer to approve the payroll and claims for the second half of November, 2009. Motion was seconded by Mayor Hark.

Motion carried.

DRS. RODERICK BARTLETT & KEN MUELLER – TOUR OF MISSOURI
Re: Request, Letter of Support & Endorsement – Tour of Missouri Event

Dr. Roderick Bartlett and Dr. Ken Mueller came before Council to present the next item on the evening's agenda, a request for a letter of support and endorsement from the City of Hannibal with regard to the Tour of Missouri Bike Racing event. Bartlett explained that their specific request was to obtain a letter stating that the Council is endorsing the group from Hannibal and supporting their efforts in having the event, either come through, begin or end in the city.

Mayor Hark asked about the cost of Tour of Missouri. Dr. Mueller admitted that the amount needed for the event was unknown at this time; however, any cost would be raised through private means, and no monetary commitment would be needed from the City. Motion was made by Council Member Behymer to approve the request for endorsement. Motion was seconded by Council Member Janes.

Motion carried.

KEVIN LIONBERGER – CITIZEN
Re: Request, Waiver of Special Taxes
(314-316 North 6th Street)

Mayor Hark informed Council that Mr. Kevin Lionberger, a citizen who had requested a waiver of the special taxes on property located at 314-316 North 6th Street, had withdrawn his request. Motion was made by Council Member Behymer to approve the withdrawal request. Motion was seconded by Mayor Hark.

Motion carried.

ROY HARK – MAYOR
Re: Discussion, Council Vacancy
(3rd Ward Council Member)

Since Mayor Hark was ill and did not wish to speak, City Clerk Angelica Vance presented this item on the agenda, regarding the 3rd Ward Council Member vacancy. City

Clerk Vance advised Council regarding the appropriate actions to be taken as outlined in the City Code for filling this position. These were:

- Placing an ad in the Hannibal Courier Post to solicit letters of interest
- Compiling, verifying and distributing to Council all information received
- Having a special call meeting to interview candidates for the position
- Appointment of approved Council Member

Vance included a timeline for the appointment of the 4th Ward Council position that occurred a year ago.

Motion was made by Council Member Janes to set a Special Call Council Meeting to interview candidates on December 29, 2009 at 6:30 p.m. Motion was seconded by Council Member Louderman.

Motion carried. In response to a question from Council Member Janes, the City Clerk stated that candidate filing for the upcoming election would begin on December 15, 2009, at 8:00 a.m. and continue until January 19, 2010, at 5:00 p.m.

JEFF LAGARCE – CITY MANAGER

Re: Approval of Appointments

POLICE & FIRE RETIREMENT BOARD

- Pat Benson – Re-appointment for a three-year term to expire, December, 2012

PARKS & RECREATION BOARD

- Kevin Murphy – Appointment for an unexpired term to expire, July, 2010

City Manager Jeffrey LaGarce sought Council approval of his recommendation for re-appointment of Pat Benson to the Police & Fire Retirement Board that was presented at the previous Council meeting on November 17, 2009. Motion was made by Council Member Janes to approve LaGarce's recommendation. Motion was seconded by Council Member Louderman.

Motion carried. LaGarce reminded Council of his recommendation to appoint Kevin Murphy to the Parks & Recreation Board, as well. Motion was made by Mayor Hark to approve this appointment. Motion was seconded by Council Member Behymer.

Motion carried.

Re: Commercial Appraisal Review, Contract Approval
B&B Appraisals, Jonesburg, MO
(Resolution No. 1608-09, to follow)

City Manager LaGarce presented the next item on the evening's agenda, a contract approval with B&B Appraisals for a commercial appraisal review as required by the CDBG Grant awarded to the City of Hannibal for commercial flood buyout. LaGarce explained that, the selection was made, following the bid opening on October 27th, in which four companies participated by submitting bids.

Lowest bid was submitted by B&B Appraisals in the amount of \$6,200; and, as a result staff recommended awarding the bid to them. This would be completed with the approval of Resolution No. 1608-09, to follow. The bid package listed requirements for prospective bidders. These were:

- State Board Certification
- Missouri licensing
- Specialized experience and technical competence
- Past record of performance
- Ability to meet schedules
- Familiarity with the Hannibal area
- Non-employment of illegal immigrants

B&B Appraisal meets all criterion, and the reference checks were extremely favorable, according to LaGarce.

Re: Amendment, Payroll Ordinance
Susan Osterhout, Property Maintenance Inspector
(Bill No. 09-026, to follow)

City Manager LaGarce asked Council to give a first reading to Bill No. 09-026 later during the meeting. This bill was regarding an amendment to the FY2009-10 payroll ordinance relative to the property maintenance inspector.

The City Manager introduced an additional item, not on the agenda, regarding recent vandalism that has taken place within the City. He continued by saying that Council Member Louderman had spoken with the owner of Hannibal Machine, one of several business owners who had experienced damage to his property as the result of spray painting on buildings and semi-trailers.

Council Member Louderman explained that many communities have ordinances in place that requires presentation of proper identification prior to the purchase of spray paint in a store. City Attorney Lemon responded by saying that an amendment could be made prohibiting anyone under the age of 16 from purchasing spray paint. He added that this did not have to be specifically stated, but could contain a requirement to have a driver's license or state I.D.

to complete the purchase. Lemon stated that he would draft an ordinance if Council was agreeable. Council Member Louderman suggested that City Attorney Lemon research the legalities such an ordinance. He stated that the it should be make known that the City will not tolerate these actions. He also suggested that Lemon explore the penalties that could be placed upon this type of violation.

Mayor Hark interjected that, even though it is unfortunate, he thought if the violator were a juvenile, he would be under the authority of the juvenile court. City Attorney Lemon agreed, stating that the City would have the right to prosecute; however, as a general rule, the offender, if he were a juvenile, would go to juvenile court.

Council Member Lyng pointed out that if a person were to go into a hardware store and purchase a can of red spray paint, then later a building was found to be vandalized with red paint, there is no way of proving whether the person who purchased the paint in the hardware store was guilty of vandalism. Mayor Hark agreed, but added that the requirement of identification before purchase would be a discouragement to this type of behavior.

Chief Davis informed Council that the suspects who performed the recent vandalism were taken into custody, earlier in the day. They were three 16 year old males. He added that he was in favor of putting an age limit, possibly 18, on the purchase of spray paint.

ANGELICA VANCE – CITY CLERK

Re: 2010 Municipal Election

April 6, 2010

(Bill No. 09-024, to follow)

City Clerk Angelica Vance presented the next item on the agenda, first reading of Bill No. 09-024, to follow, regarding the 2010 Municipal Election to be held on April 6, 2010, with Council approval. As stated in the City Charter, *“In accordance with the provisions of Charter of the City of Hannibal; Section 17.01; there shall be a general municipal election for the purpose of electing a mayor, councilmen, and other elective officers of the City...”*.

According to Vance, with Council approval of this election, the provision will be made for the following positions:

- Mayor – 3 year term to expire April, 2013
- Council Member 2nd Ward – 3 year term to expire April, 2013
- Council Member 3rd Ward – 3 year unexpired term to expire April, 2012
- Council Member 4th Ward – 3 year term to expire April, 2013

The Clerk concluded by saying that candidate filing for these positions will begin at 8:00 a.m. on December 15, 2009 and conclude at 5:00 p.m. on January 19, 2010.

DON WILLIS – BPW, GENERAL MANAGER
Re: Addendum to Water Service Area Territorial Agreement
Public Water Supply District No. 1 of Ralls County
(Resolution No. 1610-09, to follow)

Don Willis, General Manager of the Board of Public Works, introduced Resolution No. 1610-09 that would be put before Council for their approval later, during the meeting. Willis explained that Resolution No. 1610-09, if approved, would authorize the Mayor to sign the addendum to water service area territorial agreement between the Hannibal Board of Public Works and Public Water Supply District No. 1 of Ralls County.

The General Manager continued that the addendum authorizes the Public Water Supply District No. 1 of Ralls County to provide water service to a structure located at 4 Brook Road in Hannibal, since it is not cost effective for the Board of Public Works or the customer to receive this service from the Hannibal BPW. Approval of the Resolution would authorize this provision.

Council Member Lyng questioned the procedure, whereas the customer must ‘buy out’ with funds being received by the Board of Public Works. Willis responded that, when this is necessary, the property owner pays the BPW, based on a formula provided by the Public Service Commission.

Re: Certificate of Unit Power Purchaser
Missouri Joint Municipal Electric Utility Commission (MJMEUC)
(Resolution No. 1611-09, to follow)

The next item on the agenda, also presented by Willis, was a request for the approval of Resolution No. 1611-09, to follow, which would authorize the Mayor to sign a Certificate of Unit Power Purchaser between the City of Hannibal and the Missouri Joint Municipal Electric Utility Commission (MJMEUC), concerning the Prairie State Energy Campus.

Willis explained that when the City agreed to purchase 20 megawatts out of the Prairie State Energy Campus, there was a cost estimate of approximately \$850 million. Originally, MJMEUC thought it best to finance only 75% of the cost. They now know what the cost is for the final 25% of financing, which is less than the original estimate. At this time, the bond council and the financing company are asking for up-to-date information. Resolution No. 1611-09 will approve the final financing.

Council Member Behymer asked when the City would begin to see some of its power coming from Prairie State. To which Willis responded that the estimated start-up time for the first of two units is August, 2011 and the remaining unit is scheduled to start-up in June, 2012. He noted that the department would receive 10 megawatts out of each unit for a total of 20 megawatts.

Willis said that since the first unit will come on-line before the existing purchase power contract expires; the Board will have more energy than can be used from August, 2011 until

the beginning of 2012. This surplus energy will be sold into the market at current market price.

Before finishing, Director Willis introduced Mr. Bob Stevenson, who would be his replacement, after the first of 2010.

MARK REES – CITY ENGINEER
Re: 2009 Tree Removal Project – Change Order
Wilson Tree Service
(Resolution No. 1609-09, to follow)

City Engineer Mark Rees presented the final two items on the evening's agenda, the first being a change order to the contract with Wilson Tree Service, regarding the 2009 Tree Removal project. This change order would be approved with the approval of Resolution No. 1609-09, to follow.

Rees explained that the Department of Public Works originally budgeted \$12,500 to cover the expenses related to tree removal. Bids were let, with the accepted bid from Wilson Tree coming in at \$11,075, at a cost savings of \$1,425. Immediately following the award of this contract, the department became aware of additional trees that needed to be removed.

According to Rees, three trees were included in the original contract that were being removed on West Ely Road, as part of a street construction project there, so it was decided that it would be appropriate for the expense of these removals to be paid from the street fund, allowing the extra funds to finance the removal of additional trees in the city. Additional trees in city right-of-ways in need removal/trimming because of safety hazard were identified. Wilson Tree Service was asked to provide a cost for adding these trees to the existing contract. Wilson's cost is in the amount of \$1,400.

As a result of including the three trees to the West Ely Road Project, Rees also requested a journal entry adjustment be made in the amount of \$1,700. taken from DPW Tree Removal Fund (10.26.208) and placed into Sales Tax Capital fund (30.68.680).

Re: Re-zone Property – 3914 Market Street
(F&M Bank)
(Bill No. 09-025, to follow)

Rees asked for Council approval of a first reading for Bill No. 09-025, to follow, regarding the re-zoning of property owned by F&M Bank and located at 3914 Market Street. He reminded Council that this issue was the topic of the public hearing, held earlier in the evening.

RESOLUTION NO. 1608-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH B&B APPRAISALS IN AN AMOUNT NOT TO EXCEED \$6,200 FOR COMMERCIAL APPRAISAL REVIEW RELATIVE TO THE FLOOD BUYOUT PROGRAM

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1608-09, and call the roll for adoption. Motion was seconded by Council Member Janes.

Motion carried.

Roll Call

Yes: Council Member Janes, Mayor Hark, Council Members Louderman, Behymer and Lyng – 5

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1608-09, duly approved and adopted on this date.

RESOLUTION NO. 1609-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER NO. 1 OF THE WILSON TREE SERVICE CONTRACT FOR THE 2009 TREE REMOVAL PROJECT IN THE AMOUNT OF \$1,400

Motion was made by Council Member Behymer to have the City Clerk read Resolution No. 1609-09, and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

Yes: Council Member Janes, Mayor Hark, Council Members Louderman, Behymer and Lyng – 5

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1609-09, duly approved and adopted on this date.

RESOLUTION NO. 1610-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE WATER SERVICE AREA TERRITORIAL AGREEMENT BETWEEN THE CITY OF HANNIBAL, BOARD OF PUBLIC WORKS AND PUBLIC WATER SUPPLY DISTRICT NO. 1 OF RALLS COUNTY FOR THE PROVISION OF PROVIDING WATER SERVICE TO PROPERTY LOCATED AT #4 BROOK ROAD

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1610-09, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

Yes: Council Member Janes, Mayor Hark, Council Members Louderman, Behymer and Lyng – 5

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1610-09, duly approved and adopted on this date.

RESOLUTION NO. 1611-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CERTIFICATE OF UNIT POWER PURCHASER BETWEEN THE CITY OF HANNIBAL. BOARD OF PUBLIC WORKS AND THE MISSOURI JOINT MUNICIPAL ELECTRIC UTILITY COMMISSION RELATED TO THE PURCHASE AND SALE OF CAPACITY AND ENERGY FROM THE PRAIRIE STATE PROJECT

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1611-09, and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

Yes: Council Member Janes, Mayor Hark, Council Members Louderman, Behymer and Lyng – 5

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1611-09, duly approved and adopted on this date.

BILL NO. 09-024

AN ORDINANCE OF THE CITY OF HANNIBAL PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD, TUESDAY, APRIL 6, 2010 FOR THE PURPOSE OF ELECTING A MAYOR, COUNCIL MEMBERS OF THE SECOND AND FOURTH WARDS AND FULFILLING AN UNEXPIRED TERM OF THIRD WARD COUNCIL MEMBER

FIRST READING

Motion was made by Council Member Behymer to give Bill No. 09-024 a first reading.
Motion was seconded by Council Member Louderman.

Motion carried.

BILL NO. 09-025

AN ORDINANCE REZONING A TRACT OF LAND LYING IN LOT 3, IN THE TOWN OF TELDEN, IN MARION COUNTY, MISSOURI, MORE COMMONLY KNOWN AS 3914 MARKET STREET, AS REQUESTED BY F&M BANK, FROM B-MULTIPLE FAMILY TO E-COMMERCIAL ZONING DISTRICT AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY

FIRST READING

Motion was made by Council Member Behymer to give Bill No. 09-025 a first reading.
Motion was seconded by Mayor Hark.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Behymer and Lyng – 4

No: -0-

Abstain: Council Member Janes - 1

Absent: Council Member Knickerbocker - 1

Motion carried.

BILL NO. 09-026

**AN ORDINANCE AMENDING THE PAYROLL ORDINANCE OF THE CITY OF
HANNIBAL, MISSOURI RELATIVE TO THE PROPERTY MAINTENANCE
INSPECTOR POSITION**

FIRST READING

Motion was made by Council Member Janes to give Bill No. 09-026 a first reading.
Motion was seconded by Council Member Louderman.

Roll Call

Yes: Council Member Janes, Mayor Hark, Council Member
Louderman – 3

No: Council Members Behymer and Lyng - 2

Absent: Council Member Knickerbocker - 1

Motion carried.

ADJOURNMENT

Motion was made by Council Member Behymer to adjourn. Motion was seconded by
Council Member Louderman.

Motion carried.