

OFFICIAL COUNCIL PROCEEDINGS

December 15, 2009
7:00 p.m.

ROLL CALL

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

Absent: Council Member Behymer - 1

CALL TO ORDER

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

INVOCATION

Council Member Janes gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Hark recognized Scout Master Chuck Clifton and Senior Patrol Leader T.C. Pierceall, who were present with Boy Scout Troop 106 to lead the Pledge of Allegiance to the Flag. At this time Council Member Louderman made a motion to excuse Council Member Behymer. Motion was seconded by Council Member Knickerbocker.

Motion carried.

APPROVAL OF MINUTES

Regular Council Meeting – December 1, 2009

Motion was made by Council Member Louderman to approve the minutes of the regular Council meeting that was held on December 1, 2009. Motion was seconded by Council Member LJanes.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

First Half – December 2009

Motion was made by Council Member Janes to approve the payroll and claims for the first half of December, 2009. Motion was seconded by Council Member Knickerbocker.

Motion carried.

PRESENTATION TO THE WILSON FAMILY, IN HONOR OF MAYOR PRO TEM KYLE WILSON, FOR HIS LOYALTY, DEDICATION AND COMMITMENT TO THE CITY OF HANNIBAL

At this time, On behalf of the City, Mayor Hark presented a plaque to the Wilson family to honor Mayor Pro Tem Kyle Wilson, for his loyalty, dedication and commitment to the City of Hannibal. The plaque expressed appreciation for Wilson as Third Ward Council Member, as Mayor Pro Tem and as Chairman of the Hannibal Fire Board. Hark also presented Wilson's name plate to family members and re-read the proclamation that was first read at the November 17 Council meeting praising Wilson for 20 years of dedicated service to the City.

**ROY HARK – MAYOR
Re: Mayor Pro Tem Appointment**

Mayor Hark requested that Council Member Jim Behymer be approved as Mayor Pro Tem, at this time. Motion was made by Council Member Knickerbocker to elect Council Member Behymer to fill this spot. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Fire Board Appointment

Next, Mayor Hark expressed his desire to appoint Council Member Kevin Knickerbocker to the Fire Board. Motion was made by Council Member Janes to approve the Mayor's request. Motion was seconded by Council Member Louderman.

Motion carried.

**JEFF LAGARCE – CITY MANAGER
Re: Photo Enforcement Program – Impact Analysis**

City Manager Jeff LaGarce presented the next item on the agenda, an impact analysis for the photo enforcement program provided by Police Chief Lyndell Davis. LaGarce explained that in December of 2007, the City of Hannibal implemented a photo enforcement pilot program at two intersections, located on US 61 in the City, one at US61 & Hwy 168 and the second at US61 & West Ely/Pleasant Street.

Results contained in the analysis included a reduction in accidents directly attributed to running a red light by 80% and a reduction of the total red light violations at enforced intersections by 32%.

In view of these statistics, City Manager LaGarce requested Council approval to broaden the program to both Market Street and Highway MM intersections of US 61. He added that the city's agreement with Redflex allows installation of photo enforcement at 20 approaches, or 10 intersections; however, the city now utilizes two. He requested that these additional cameras

be implemented within the next couple of months. Motion was made by Council Member Knickerbocker. Motion was seconded by Council Member Janes.

During the time of discussion, Council Member Knickerbocker pointed out that total violations, since the program was implemented reduced from 1,135 to 762 incidents. He added that, according to LaGarce's memo, total violations during a year at the two intersections to be enforced at Highway MM and Market Street were in excess of 10,000. He continued that the reduction from 10,000 to 762 violations was proof that the program was indeed working. He noted two incidents that involved a family member and a close friend, stating that he feels safer since the red light enforcement has been in place.

Knickerbocker also pointed out that he had spoken with Council Member Behymer earlier in the day, noting that Behymer had originally been opposed to the program. Council Member Behymer is no longer opposed to the program because of the specific safety issues that have come to light in view of the impact analysis.

Council Member Lyng questioned the motion that was being approved at this time. Mayor Hark responded that the motion that was on the floor was to place two additional red light photo enforcement devices at the intersection of US 61 & MM and the intersection of US 61 & Market Street/Paris Gravel Road; however, Mayor Hark pointed out that the original contract with Redflex approved in the fall of 2007 already made allowance for installation at ten intersections.

Motion carried.

MARK REES – CITY ENGINEER
Re: Approval, Landfill Contract of Obligation – Revised Form

City Engineer Mark Rees introduced the next three items on the evening's agenda, the first being Council approval of the contract of obligation regarding the city's landfill. Rees added that this was merely a house-keeping procedure, since the landfill contract was originally submitted for approval during an earlier Council meeting. After review of the City's form, the State determined that it was out-dated.

He asked approval for the Mayor to sign this revised document, establishing the City's obligation for maintenance of the landfill.

Council Member Knickerbocker questioned the time limit of the City's obligation regarding the landfill. City Engineer Rees responded that the City is under contract for thirty years but he was not sure how many years had passed since the contract was originally signed. Motion was made to approve the revised form for the landfill contract of obligation by Council Member Janes. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Re: West Ely Road Improvement Project – Change Order No. 2
Bleigh Construction
(Resolution No. 1612-09, to follow)

City Engineer Rees explained the reason for Change Order No. 2 of the contract with Bleigh Construction. He stated that when bids were let earlier this year for the West Ely Road

Improvement Project, Bleigh Construction was the low bidder and was awarded the bid for an amount of \$874,477.85. Since that time, it has become evident that removal of three additional trees will be necessary. This task must be completed, before proceeding with the project. Change Order No. 2 in the amount of \$2,238.50, for this purpose, will be approved with the approval of Resolution No. 1612-09, to follow. Rees added that the Department of Public Works has reviewed the change order and is recommending approval by Council.

Re: 2009 Tree Removal Project – Change Order No. 2

Wilson Tree Service

(Resolution No. 1613-09, to follow)

Rees' final item on the agenda was a request for approval of Change Order No. 2 in regard to the 2009 Tree Removal Project. He explained that after bids were let, a couple of additional trees were identified, worthy of removal. Wilson Tree Service, the company who was awarded this bid, was originally scheduled to remove the additional trees identified on West Ely Road, the subject of Change Order No.2 of the previous agenda item; however, funds were rearranged, as per Change Order No. 2 of the West Ely Road Project, in order to allow room under the 2009 Tree Removal Project with Wilson for removal of the additional hazardous trees. Change Order No. 2 of the 2009 Tree Removal Project in the amount of an additional \$1,700 will be approved with the approval of Resolution No. 1613-09, to follow.

LEON WALLACE – STREET SUPERINTENDANT

Re: Department Uniform, Shop Towel & Mat Services – Uniform Service Agreement

Cintas Corporation

(Resolution No. 1614-09, to follow)

Street Superintendent Leon Wallace presented the next agenda item, the approval request of Resolution No. 1614-09 regarding a contract with Cintas Corporation for provision of Street Department uniforms, shop towels and floor mats.

Wallace explained that bids were opened on December 2nd, for a three year contract to provide these items, with Cintas Corporation being the lowest of two bids received. Wallace noted that Cintas, who has the current contract for these items has provided great service for the past three years.

BRIAN CHAPLIN – ASSISTANT TO CITY ENGINEER

Re: Traffic Committee Request, Waive Handicap Parking Guidelines

(2010 Hope Street)

Brian Chaplin, the Assistant to the City Engineer, came forward to present the final item on the agenda, a recommendation by the Traffic Committee to waive the handicap guidelines for residential parking that was approved in May of 2009 and install a handicap sign at 2010 Hope Street.

The purpose of their request was in light of a very real need, brought to the Committee's attention when the resident of this property appeared before them and made by the request during their regular meeting held on December 10, 2009. The resident, Mrs. Humphrey, meets all requirements, with the exception of the curb cut/handicap ramp. Chaplin explained that the unique topographical features of the curbside in front of this residence makes it impossible to install a ramp to meet ADA guidelines; however, the need is very real, and the

request very legitimate. Motion was made by Mayor Hark to approve this request. Motion was seconded by Council Member Louderman.

Motion carried.

RESOLUTION NO. 1612-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO 2 WITH BLEIGH CONSTRUCTION RESULTING IN AN INCREASED AMOUNT OF \$2,238.50 FOR ADDITIONAL WORK NEEDED FOR THE WEST ELY ROAD IMPROVEMENT PROJECT

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1612-09, and call the roll for adoption. Motion was seconded by Council Member Janes.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Knickerbocker and Janes – 4

No: Council Member Lyng - 1

Absent: Council Member Behymer - 1

Motion to read carried.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Knickerbocker and Janes – 4

No: Council Member Lyng - 1

Absent: Council Member Behymer - 1

Mayor Hark declared Resolution No. 1612-09 duly approved and adopted on this date.

RESOLUTION NO. 1613-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO 2 OF THE WILSON TREE SERVICE CONTRACT FOR THE 2009 TREE REMOVAL PROJECT IN THE AMOUNT OF \$1,700

Motion was made by Council Member Knickerbocker to have the City Clerk read Resolution No. 1613-09, and call the roll for adoption. Motion was seconded by Council Member Janes. Council Member Lyng questioned the reason why bids were not let for the additional trees. According to City Engineer Rees the amount of change order was under the allowable limit to require re-bidding this project.

Roll Call

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

No: -0-

Absent: Council Member Behymer - 1

Mayor Hark declared Resolution No. 1613-09 duly approved and adopted on this date.

RESOLUTION NO. 1614-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A THREE-YEAR UNIFORM SERVICE AGREEMENT BETWEEN THE CITY OF HANNIBAL, STREET DEPARTMENT AND CINTAS CORPORATION FOR EMPLOYEE UNIFORMS, SHOP TOWELS AND MAT SERVICES

Motion was made by Council Member Knickerbocker to have the City Clerk read Resolution No. 1614-09, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Roll Call

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

No: -0-

Absent: Council Member Behymer - 1

Mayor Hark declared Resolution No. 1614-09 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

SECOND AND FINAL READING

Motion was made by Council Member Louderman to give Bill No. 09-024 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Roll Call

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

No: -0-

Absent: Council Member Behymer - 1

Mayor Hark declared Bill No. 09-024 duly approved and adopted on this date.

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

SECOND AND FINAL READING

Motion was made by Council Member Knickerbocker to give Bill No. 09-025 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Lyng and Knickerbocker - 4

No: -0-

Abstain: Council Member Janes - 1

Absent: Council Member Behymer - 1

Motion to read carried.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Lyng and Knickerbocker - 4

No: -0-

Abstain: Council Member Janes - 1

Absent: Council Member Behymer - 1

Mayor Hark declared Bill No. 09-025 duly approved and adopted on this date.

BILL NO. 09-026

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

SECOND AND FINAL READING

Motion was made by Council Member Janes to give Bill No. 09-026 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Louderman. Council Member Lyng questioned the purpose for this raise, he wanted to know if it was a merit raise, a length-of-service raise, a cost of living raise, or did someone make a mistake? If none of these apply, he questioned why Council was being forced to approve this. When asked why he made a recommendation to approve this raise, City Attorney Lemon suggested that, since this was a personnel issue, it should be addressed in Closed Session. City Clerk Vance pointed out that a vote had previously been taken during Closed Session.

Roll Call

Yes: Mayor Hark, Council Members Louderman and Janes – 3

No: Council Member Lyng and Knickerbocker - 2

Absent: Council Member Behymer - 1

Motion to read carried.

Roll Call

Yes: Mayor Hark, Council Members Louderman and Janes – 3

No: Council Member Lyng and Knickerbocker - 2

Absent:

Council Member Behymer - 1

Mayor Hark declared Bill No. 09-026 duly approved and adopted on this date.

ADJOURNMENT

Motion was made by Council Member Knickerbocker to adjourn the meeting. Motion was seconded by Council Member Louderman.

Motion carried.