

OFFICIAL COUNCIL PROCEEDINGS

February 3, 2009
7:00 p.m.

ROLL CALL

Present: Mayor Hark, Council Members Louderman, Behymer, Lyng, Knickerbocker, Janes and Mayor Pro Tem Wilson - 7

Absent: -0-

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

Council Member Louderman led the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

Regular Council Meeting – January 20, 2009
Special Call Council Meeting – January 26, 2009

Motion was made by Council Member Janes to approve the minutes of the Regular Council Meeting that was held on January 6, 2009. Motion was seconded by Council Member Louderman.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

Second Half – January, 2009

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

Motion carried.

ROY G. HARK - MAYOR
Re: Fire Board Appointment

- Appointment for an unexpired term to expire April, 2010

Mayor Hark announced that he wished to appoint Council Member Barry Louderman to the Fire Board for an unexpired term to expire in April of 2010. Motion was made by Council Member Janes to approve Mayor Hark's appointment. Motion was seconded by Council Member Knickerbocker.

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 Hannibal Convention and Visitors Board. This was:

HANNIBAL CONVENTION AND VISITORS BOARD

- Linda Coleberd – Appointment for an unexpired term to expire September, 2012

He asked Council for their approval of this nomination. Motion was made by Mayor Hark to approve the nomination of Linda Coleberd for an appointment to the Hannibal Convention and Visitors Board. Motion was seconded by Council Member Knickerbocker.

Motion carried

Re: Old Bridge Approach Vacation, Proposal

City Manager LaGarce explained that in April of 2008, Nancy Kaufman made a request for the rezoning of two pieces of property. After the request was considered by the Planning & Zoning Board and later by Council, it was approved. These were:

- 521 Bridge Street – from E-Commercial to B-Multiple Family
- 507/509 Bridge Street – from H1-Historic to B-Multiple Family

An area between the two properties, the 'old bridge approach' is a narrow strip of land that appears to be vacant right-of way, but is of no use to the City. It represents more of a liability for mowing, trash accumulation and cleanup responsibility, according to City Manager LaGarce. He continued that if the area were subdivided into a useful lot, setback requirements would make residential development difficult. A street built on this property would go nowhere, since approximately 67 feet separate Bridge Street from the base of the cliff.

LaGarce stated that the steps to vacate this property were intended to be part of the process, following the rezoning issue last April, with half of this property abandoned to 521 Bridge Street and half to 507/509 Bridge Street. Since Kaufman owns both properties, this abandonment would combine both properties into one, making her site 'whole', placing it back on tax rolls and removing any future responsibility of the City.

In order to accomplish this, the property would be surveyed, a minor subdivision plat would be prepared and the matter would be brought before the Planning and Zoning Commission. Motion was made by Mayor Pro Tem Wilson to approve LaGarce's request. Motion was seconded by Mayor Hark.

After some discussion, it was decided that more information was needed regarding surveying costs and other issues. LaGarce explained that he only needed the assurance that Council supported his moving forward with this issue and, if so, he would instruct the City Engineer to research the property, he would obtain surveying quotes and have a vacation ordinance created before returning to Council for approval. Council instructed LaGarce to move forward. Mayor Pro Tem Wilson withdrew his motion and Mayor Hark withdrew his second at this time.

MARK REES – CITY ENGINEER

Re: Airport Fuel, Bid Waiver (Ayers Oil Company)

City Engineer Mark Rees explained that, unbeknownst to him, the FBO had taken delivery of 3,000 gallons of aviation fuel from the regular vendor – Ayers Oil Company in October, 2008. He asked Council to waive the bidding process of this purchase for \$12,897, reminding them that Council had approved a similar fuel purchase in December, 2008. He apologized by saying that, had he known of this purchase at that time, it would have been included in the previous request. Rees added that an item would be placed on the next Council agenda, standardizing fuel purchases at the airport to keep this from happening in the future. Motion was made by Council Member Knickerbocker to approve Rees' request. Motion was seconded by Council Member Louderman.

Roll Call

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

No: Council Member Lyng – 1

Motion carried.

Re: Request to Set Public Hearing – Zoning Code Amendment, *Section 32-128* (March 3, 2009 – 6:30 p.m.)

The City Engineer asked Council approval to set a public hearing for March 3, 2009 at 6:30 p.m. for the purpose of amending the City Code, *Section 32-128*, which is in regard to zoning. Rees explained that the public hearing is necessary to address a situation where a single-family residence exists as a non-conforming use in another zone, such as an industrial zone. According to present code regulations, if the house is 75% destroyed it cannot be rebuilt in that zone. As a result, it is difficult for the owner to sell this house because of the lack of financing. Language has been written to fix that loop and will be presented at the public hearing on that date, if approved.

Motion was made by Council Member Knickerbocker to approve Rees' request. Motion was seconded by Council Member Behymer.

Motion carried.

**Re: Request to Set Public Hearing – Rezoning All Lot Three (3) McClelland Subdivision
D-Highway Business to B-Multiple Family
(March 3, 2009 – 6:45 p.m.)**

City Engineer Rees stated that a request had been received from Shane McClelland to rezone property, known as Lot Three (3) in the McClelland Subdivision. This property is now zoned as D-Highway Business; however, McClelland wishes to have it rezoned as B-Multiple Family. McClelland's proposes to use this property for residential, but the current zoning does not allow for this. Rees requested Council to approve setting a public hearing on March 3, 2009 at 6:45 p.m. for this purpose. Motion was made by Council Member Behymer to approve this request. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**Re: Street Department Facility – Standard Form of Agreement
Professional Contractors & Engineers, Inc.
(Resolution No. 1530-09, to follow)**

Rees' final order of business on the evening's agenda was a request for approval of a contract with Professional Contractors & Engineers, Inc. for the construction of a new Street Department facility. This would be approved with the approval of Resolution No. 1530-09, to follow. Rees explained that eight bids were received for this project and opened on January 15, 2009. It is the recommendation of the consultant and the Department of Public Works to award this bid to PCE in the amount of \$1,303,000. Rees concluded by stating that, including the \$81,000 design agreement with MECO, the total project would be \$1,384,000, which is approximately \$216,000 less than anticipated.

**CHRIS ATKINSON – DIRECTOR, PARKS AND RECREATION
Re: Central Park Restrooms – Engineering Services Amendment
Klingner & Associates
(Resolution No. 1531-09, to follow)**

Parks & Recreation Director, Chris Atkinson, presented one item on the agenda, which regarded the Central Park Restrooms. He reminded Council of the approved engineering agreement with Klingner & Associates from August, 2008. Plans and designs were completed as per that agreement; however, due to the extremely high costs of related items, such as water, sewer & electric rough-ins and the concrete foundations of the two buildings, no bids were accepted.

To alleviate these problems the department has worked with Klingner & Associates and, as a result, proposes the construction of the restroom facilities in an alternate location at the northeast corner of the Central Park or Center & Fourth Street. This would remove any sewer issues that exist, as well as demolition costs that would have been incurred at the original location, east of the bandstand. The new location would also allow the bathrooms to be two user restrooms instead of one in the previous design.

This plan would require an amendment to the engineering services agreement with Klingner & Associates, accomplished with the approval of Resolution 1531-09, to follow.

LYNDELL DAVIS – CHIEF OF POLICE
Re: Decommission & Transfer – 2005 Ford F-250
Purchase Approval – 2009 15-Passenger Van
(Homeland Security Regional Response Team Grant)

Police Chief Lyndell Davis reminded Council of the Hannibal Police and Fire’s membership in the Region B Homeland Security Response Team for Missouri. In 2005, the Police Department received a 2005 Ford F-250 for their needs, as part of that team. Since that time, with the change in needs of the Department and in order to transport the tactical team members which is Hannibal’s portion of the team a more practical vehicle is required.

Recently, the Hannibal Fire Department had brought to Chief Davis’ attention that the Kirksville Fire Department, also a member of Region B, is requesting the purchase of a new pickup truck for their needs. Davis has researched the possibility of trading the 2005 Ford F-250 to the Kirksville Fire Department and, in turn, purchase a more practical vehicle for the current needs of the Hannibal Police Department.

Davis’s request is for Council approval to decommission the 2005 Ford F-250, transfer it to Kirksville, then purchase a 2009 15-passenger van, which would then be modified and equipped for the tactical maneuvers of the City’s tactical team. He added that this vehicle would be received, at no cost to the City, in the same manner as the original vehicle, as part of the Homeland Security Grant. He asked Council for their approval of these transactions. Motion was made by Council Member Janes and seconded by Mayor Hark.

Motion carried.

RESOLUTION NO. 1530-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PROFESSIONAL CONTRACTORS & ENGINEERS, INC (PCE) IN THE AMOUNT OF \$1,303,000.00 FOR THE CONSTRUCTION OF A NEW STREET DEPARTMENT FACILITY AT 7TH STREET AND WARREN BARRETT DRIVE

Motion was made by Council Member Behymer to have the City Clerk read Resolution No.1530-09 and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Behymer, Knickerbocker, Janes and Mayor Pro Tem Wilson - 6

No: Council Member Lyng – 1

Motion to read carried.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Behymer, Knickerbocker, Janes and Mayor Pro Tem Wilson - 6

No: Council Member Lyng – 1

Motion carried. Mayor Hark declared Resolution No. 1530-09 duly approved and adopted on this date.

RESOLUTION NO. 1531-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AMENDMENT WITH KLINGNER AND ASSOCIATES IN THE AMOUNT OF \$3,950.00 FOR CENTRAL PARK RESTROOM FACILITIES

Motion was made by Council Member Janes to have the City Clerk read Resolution No.1531-09 and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Behymer, Lyng, Knickerbocker, Janes and Mayor Pro Tem Wilson - 7

No: -0-

Mayor Hark declared Resolution No. 1531-09 duly approved and adopted on this date.

BILL NO. 09-001

AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI AUTHORIZING THE PARTICIPATION IN THE 2009, AND ALL SUBSEQUENT, SHOW ME GREEN SALES TAX HOLIDAYS WHICH ALLOW FOR THE EXEMPTION OF LOCAL SALES TAX ON PURCHASES OF CERTAIN ENERGY STAR APPLIANCES

SECOND AND FINAL READING

Motion was made by Council Member Janes to give Bill No. 09-001 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Behymer.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Behymer, Lyng, Knickerbocker, Janes and Mayor Pro Tem Wilson - 7

No: -0-

Motion carried. Mayor Hark declared Bill No. 09-001 duly approved and adopted on this date.

ADJOURNMENT

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

Motion carried.