

OFFICIAL COUNCIL PROCEEDINGS

February 17, 2009
7:00 p.m.

ROLL CALL

Present: Council Members Louderman, Behymer, Lyng,
Knickerbocker, Janes and Mayor Hark - 6

Absent: Mayor Pro Tem Wilson - 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

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

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting – February 3, 2009

Motion was made by Council Member Louderman to approve the minutes of the Regular Council Meeting that was held on February 3, 2009. Motion was seconded by Council Member Knickerbocker.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – February, 2009

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

Motion carried.

WESLEY KNAPP – HISTORIC HANNIBAL MARKETING COUNCIL

Re: Approval, Street Closure

(Twain on Main – Riverlife Festival, May 23 – 24, 2009)

Mr. Wesley Knapp, representing the Historic Hannibal Marketing Council, came before Council at this time, seeking approval of street closure during an event, Twain on Main-Riverlife Festival (formerly the River Arts Festival), to be held on May 23-24, 2009.

Requested areas to be closed are:

1. Main Street - from North Street to Broadway
2. Bird Street & Center Street - west of Main Street
3. Hill Street – east of Main Street

Motion was made by Council Member Knickerbocker to approve Knapp's request. Motion was seconded by Council Member Louderman.

Motion carried.

JEFF LAGARCE – CITY MANAGER

Re: Aviation Fuel, Purchasing Policy

(Bill No. 09-003, to follow)

City Manager Jeff LaGarce explained that the City Charter does not currently address purchases of aviation fuel; and, according to the new FBO agreement, this is the responsibility of the City, to make aviation fuel purchases, which would also include compliance with fuel level regulations as the law requires.

LaGarce continued that, according to Charter, purchases can only be completed following a process involving advertisement and acceptance of sealed bids. Bid limits for aviation fuel purchases, since these are not specifically addressed in the Charter must be categorized as '*personal property*' and can not be more than \$3,971, without going through the bidding process. This amount is far below the typical purchases for aviation fuel; therefore, in completing the bidding process, much time is lost and purchasing fuel in a constantly fluctuating market is undermined.

LaGarce stated that the Bill, No. 09-003 that will be introduced for a first reading later would require advertised, sealed bids once per year, fulfilling Charter requirements. The top two (2) vendors would be chosen, with the lowest bidder being the primary vendor and the second lowest, the reserve vendor. Purchases would then be placed with the primary vendor, except those situations where the reserve vendor happens to be cheaper. When this occurs, according to the Bill at hand, the Department of Public Works must first authorize use of the reserve vendor, based on daily pricing.

The City Manager concluded by stating that, by this policy, advertised sealed bids, as Charter requires, would occur; but the FBO also has an opportunity to optimize pricing on any given day. The Department of Public Works would serve as a 'safety net' against any collusion.

City Attorney Lemon suggested that aviation fuel, in his opinion, was not actually '*personal property*'; therefore, its purchase was not regulated by this Charter requirement. After some discussion, it was decided that City Manager LaGarce should withdraw the current Bill (No. 09-003) and re-submit a new Bill that would include the following steps, prior to fuel purchasing:

1. Phone call to all vendors – to obtain pricing
2. Maintain a record of prices from vendors
3. Verification from Department of Public Works

The City Manager expressed his appreciation to Council for their input regarding aviation fuel purchasing.

Re: CDBG Residential Flood Buyout Grant, Use of Excessive Force Policy
(Resolution No. 1535-09, to follow)

The next item on the agenda, the policy regarding the 'Use of Excessive Force' a requirement of the CDBG Residential Flood Buyout Grant was also introduced by City Manager LaGarce. LaGarce explained that specifically, this is a civil rights resolution prohibiting the use of excessive force during peaceful demonstrations. He added that these are moral issues that would not be done anyway; therefore, the City is not going out of its way to be compliant. Nevertheless, they are requirements of the grant. He asked Council approval later during the meeting when the Resolution was presented.

MARK REES – CITY ENGINEER

Re: Pleasant Street Drainage Improvements – Contracts Agreement
Bill Sullivan Excavation, Inc.
(Resolution No. 1532-09, to follow)

City Engineer Mark Rees came to Council with one order of business, Resolution No. 1532-09, regarding a contract with Bill Sullivan Excavation, Inc. for the Pleasant Street drainage improvements. Rees explained that this project had been planned and budgeted for the current year and the six bids received were very good. The lowest bid of \$32,415.00 from Bill Sullivan Excavation was below the engineer's estimate of \$45,000.00. He asked that Council accept the recommendation of the Department of Public Works and authorize the resolution awarding this contract.

CHRIS ATKINSON – DIRECTOR, PARKS AND RECREATION

Re: Marina North Docks Repair Project – Contract Agreement
Galva Foam Marine Industries/Shore Master, Inc.
(Resolution No. 1533-09, to follow)

Parks & Recreation Director, Chris Atkinson, presented the next item on the agenda, which regarded Marina North Docks repair. He explained that, unfortunately, Galva Industries had contacted him earlier in the day stating that they were no longer willing to complete this project.

In light of the new development, Atkinson added that he is now negotiating with the other contractor, Atlantic Meeco, Inc. who was the second lowest bidder on the Marina North repairs and the original builder of these docks. They have agreed to complete this project, as well as

the Marina covered and gas docks replacement that they are being awarded, with Council approval, specifically, the next item on the evening's agenda. Director Atkinson stated that it was his recommendation to have Resolution No. 1533-09 withdrawn, with no action, since the original company is no longer interested in contracting with the City for this project.

**Re: Marina Covered and Gas Docks Replacement Project – Contract Agreement
Atlantic Meeco, Inc.**

(Resolution No. 1534-09, to follow)

As Atkinson had stated previously, Atlantic Meeco, being the second lowest bidder of the Marina North Docks Repair Project, has agreed to do that project, as well as the one at hand, the Marina covered and gas docks replacement. When Atkinson asked Council approval to withdraw Resolution No. 1533-09, he also stated that it was his recommendation to amend Resolution 1534-09, to include the Marina North docks repairs. The amended total would be \$179,608.00, which is approximately \$2,000 higher than the original total due from the City, if low bidders on each project had been awarded. The contract would be approved with the approval of amended Resolution No. 1534-09, to follow.

Re: Marina Gasoline Issues

In addition to the Marina dock replacements, Atkinson had one final item on the agenda, the Marina gasoline issue. He continued that the Missouri Department of Natural Resources, a government agency that oversees the Marina gasoline tanks, cited the City for noncompliance recently. He stated that, during the flooding in the summer of 2008, the gas tank had to be disconnected from electricity for safety purposes because the gasoline dock was disconnected from the rest of the Marina. The electrical current prevents the pipes from rusting and corroding; this happened when the electricity was shut off.

Now DNR requires that these rusted tanks need to be removed to avoid being fined. Estimates for this process range from \$11,500 to \$21,033. This amount would cover the removal of the tank and its lines, the supply and installation of backfill material and to perform any and all testing that is a DNR requirement during the entire procedure. Removal of the old tank is deemed a necessity by DNR, according to Atkinson.

He continued by stating that the Department now has three options regarding the gas tank at the marina. They are:

- Fill in the hole and no longer offer gasoline at the marina
- Install an above ground tank, slightly cheaper than underground with less maintenance (no need for 24-hour monitoring system)
- Install another underground storage tank, similar to what was there originally

In order to get it operational, with an underground tank as before, the City's cost would be approximately \$45,000-\$50,000. Atkinson explained that, no matter what is done, the result will be quite costly, and expense that has not been included in the Parks FY 2008-09 budget.

He asked Council's direction regarding how to proceed with this project. After some discussion, Motion was made by Council Member Janes to continue to explore the underground storage tank options. Motion was seconded by Council Member Louderman.

Motion carried.

TIM CARTER – FIRE CHIEF
Re: Bid Waiver Request, Monitoring Equipment
Grace Industries, Inc.
(Homeland Security Regional Response Team Grant)

Fire Chief Tim Carter came before Council to request a bid waiver for the purchase of monitoring equipment for the haz-mat response team, which is to be funded through the regional Homeland Security Grant. This is specialized equipment that deals with **'pas' equipment** or personal accountability system, integrated with all the City's firefighters, according to Carter. It was identified in the State Audit as a necessary component.

Since this is equipment is unique to Grace Industries, Inc., Carter requested that Grace be awarded the sum of \$49,840.00 plus shipping for this monitoring equipment. Motion was made by Council Member Janes to waive the bidding process for this purchase. Motion was seconded by Mayor Hark.

Motion carried.

RESOLUTION NO. 1532-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BILL SULLIVAN EXCAVATION, INC IN THE AMOUNT OF \$32,415 FOR THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON PLEASANT STREET

Motion was made by Council Member Janes to have the City Clerk read Resolution No.1532-09 and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Roll Call

Yes: Council Members Louderman, Behymer, Lyng,
Knickerbocker, Janes and Mayor Hark - 6

Absent: -0-

Mayor Hark declared Resolution No. 1532-09 duly approved and adopted on this date.

RESOLUTION NO. 1533-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GALVA FOAM MARINE INDUSTRIES/SHORE MASTER, INC. IN THE AMOUNT OF \$57,361.47 FOR REPAIR OF DAMAGED PORTIONS OF THE NORTH MARINA DOCKS

Motion was made by Council Member Behymer to withdraw Resolution No. 1533-09. Motion was seconded by Council Member Knickerbocker.

Motion carried.

RESOLUTION NO 1534-09

(As Amended)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ATLANTIC MEECO, INC. IN THE AMOUNT OF \$179,608.00 FOR REPAIR OF DAMAGED PORTIONS OF THE NORTH MARINA AND REPLACEMENT OF COVERED AND GAS DOCK AREA OF THE MARINA

Motion was made by Council Member Janes to have the City Clerk read Resolution No.1534-09, as amended, and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

Yes: Council Members Louderman, Behymer, Lyng,
Knickerbocker, Janes and Mayor Hark - 6

Absent: -0-

Mayor Hark declared Resolution No. 1534-09, as amended, duly approved and adopted on this date.

RESOLUTION NO 1535-09

A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE DURING NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS, INCLUDING PHYSICALLY BARRING ACCESS TO A FACILITY OR LOCATION WHICH IS THE SUBJECT OF SUCH DEMONSTRATION, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE CITY OF HANNIBAL, MISSOURI AS FOLLOWS

Motion was made by Council Member Behymer to have the City Clerk read Resolution No.1535-09 and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

Yes: Council Members Louderman, Behymer, Lyng,
Knickerbocker, Janes and Mayor Hark - 6

Absent: -0-

Mayor Hark declared Resolution No. 1535-09 duly approved and adopted on this date.

BILL NO. 09-003

AN ORDINANCE ESTABLISHING PROCUREMENT PROCEDURES FOR THE PURCHASE OF AVIATION FUEL

FIRST READING

Motion was made by Council Member Behymer to withdraw Bill No. 09-003. Motion was seconded by Mayor Hark.

Motion carried.

ADJOURNMENT

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

Motion carried.