

OFFICIAL COUNCIL PROCEEDINGS

January 6, 2009
7:00 p.m.

ROLL CALL

Present: Council Members Lyng, Knickerbocker, Janes, Mayor Pro Tem Wilson and Mayor Hark, Council Members Louderman and Behymer - 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 – December 16, 2008

Motion was made by Council Member Behymer to approve the minutes of the Regular Council Meeting that was held on December 16, 2008. Motion was seconded by Mayor Pro Tem Louderman.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS Second Half – December, 2008

Motion was made by Mayor Pro Tem Wilson to approve the payroll and claims for the second half of December, 2008. Motion was seconded by Mayor Hark.

Motion carried.

BROOKE KENDRICK – NORTHEAST INDEPENDENT LIVING SERVICES (NEILS)
Re: ADA Universally Accessible Playground Project

Ms. Brooke Kendrick was recognized by the Mayor and addressed Council on behalf of Northeast Independent Living Services regarding the 'Right to Play' Project. She explained that a group of local organizations have been working on this project since last July after realizing that there was no place in Hannibal that a child with a disability could play. Because of that, a committee was developed which, if approved, would work to provide children, regardless of their abilities, a playground. Kendrick added that the committee had met with Chris Atkinson, Hannibal Parks & Recreation Director, numerous times with ideas to make this a reality.

Two options are presently being considered and Council was presented with packets regarding these, which included a list of committee contacts. A design process has already begun so that the committee will know the amount of space needed and also have an idea of the cost involved for budgeting purposes. Ms. Kendrick said that the cost of the design being considered would be approximately \$500,000, adding that much fund-raising and grant writing was planned. She assured Council that no funds were being sought from the City.

Kendrick's request to the City was to be allowed to use the Huckleberry Park facilities to place the playground which would be erected on a poured-and-placed rubber surfacing and would include metal slides for children with cochlear implants. She said that after the money has been raised, it was their hope to have a community-build for construction, then to turn the playground over to the City of Hannibal for maintenance. As a result of their meetings with the Parks Director, Huckleberry Park has been chosen as the best location because of space, current shelters, adequate bathroom and parking facilities, and the proximity of the fire station.

Ms. Kendrick concluded by saying that this would be a very family-oriented facility, not designed only for children with disabilities, but a park that everyone could utilize, including parents with disabilities who have never been able to push their child in a swing.

Mayor Hark asked the timeframe for the construction and Kendrick responded that it depended on funding, but possibly 2011. The Mayor also recognized Chris Atkinson who spoke in favor of the project, stating that Brooke had attended some Park Board meetings recently. He explained that this would be a huge asset to Hannibal, Marion County and Northeast Missouri, since no community within 100 miles has facilities of this type. He added that this project has the support of the Parks and Recreation Department and the Park Board.

Motion was made by Mayor Pro Tem Wilson to approve the project. Motion was seconded by Mayor Hark.

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 Historic District Development Commission. This was:

HISTORIC DISTRICT DEVELOPMENT COMMISSION

- Joe Noonan – Appointment for a term to expire May, 2012

He asked Council for their approval of this nomination. Motion was made by Mayor Pro Tem Wilson to approve the nomination of Joe Noonan for an appointment to the Historic District Development Commission. Motion was seconded by Council Member Knickerbocker.

Motion carried

Re: Recommendation of Appointment

City Manager LaGarce made the following recommendation:

HANNIBAL LIBRARY BOARD

- Mike Scholes – Appointment for an unexpired term to expire June, 2010

This nomination will be considered for approval at the next Council meeting, to be held on January 20, 2009.

Re: Show Me Green Sales Tax Holiday, Options of Participation

City Manager LaGarce reported that a letter had recently been received from the Missouri Department of Revenue, regarding Senate Bill 1181, enacted last Session. This bill created a STATE sales tax exemption April 19 through April 25 for purchases of Energy Star certified new appliances. Cities may choose to exempt local sales taxes on these same purchases, according to LaGarce. Motion was made by Council Member Janes to have an ordinance drafted, allowing for participation in the Green Sales Tax holiday. Motion was seconded by Council Member Behymer.

Motion carried. Mayor Hark questioned whether this was a one-time participation or for all future Green Sales Tax holidays. The City Clerk answered that it was the City's choice, with the decision stated in the ordinance to be drafted and presented at the next meeting. Motion was made by Council Member Janes to amend the motion to include all future Green Sales Tax holidays. Motion was seconded by Council Member Behymer.

Motion carried.

Re: FEMA Hazard Mitigation Grant Program (HMGP), Statement of Assurances
(Resolution No. 1526-08, to follow)

City Manager LaGarce explained that the FEMA flood buyout application requires the City to make certain assurances in order to obtain funding. One example would be the agreement that purchased property would be used for permanent public open space, with the City refraining from building permanent improvements on said property. Though these assurances are written directly into the grant, LaGarce continued that Resolution No. 1526-08, to follow, specifically commits to these assurances. He asked Council approval of this resolution.

Re: Community Development Block Grant (CDBG), Statement of Assurances
(Resolution No. 1527-08, to follow)

LaGarce stated that the next agenda item was similar to the previous item. The CDBG flood commercial and residential buyout applications also require the City to make certain assurances in order to obtain funding. He added that most of these assurances do not apply to the City; however, a number of them address relevant issues, such as discriminatory practices, civil rights, kick-backs, fair labor standards, disabilities, fair housing, conflicts of interest, audit requirements, environmental acts, and historic preservation – things the City would comply with anyway. LaGarce added that the commercial application is due January 15 and asked Council consideration of Resolution No. 1527-08 later, during the meeting.

LaGarce stated that he had one last item, informing those in attendance that the Emergency Management Director, John Hark, was given an award, the Congressional Medal of Merit, for his efforts with the 2008 flood. Hark was nominated by Kenny Hulshof. While sharing this newsworthy item, LaGarce, as well as the Members of Council, congratulated Hark for this accomplishment.

MARK REES – CITY ENGINEER
Re: Stardust Drive Reconstruction, Contract Approval
Bleigh Construction Company
(Resolution No. 1523-08, to follow)

City Engineer Mark Rees explained that he had one item on the evening's agenda, Resolution No. 1523-08, that would authorize the Mayor to execute a contract with Bleigh Construction Company for the Stardust Drive reconstruction, if approved. This would specifically encompass Stardust Drive from Head Lane to Rosewood Drive. Total amount of the contract is \$643,953.05. He asked Council consideration of this resolution later, during the meeting.

CHRIS ATKINSON – DIRECTOR, PARKS & RECREATION
Re: Nipper Marina Dredging – Contract Agreement
MaGruder Construction Company, Inc.
(Resolution No. 1525-08, to follow)

Parks & Recreation Director Chris Atkinson presented the final item on the evening's agenda, the Nipper Marina Dredging contract with MaGruder Construction Company, Inc., to be approved with the approval of the related Resolution No. 1525-08, to follow.

Atkinson explained that following the flooding events of the past summer, the marina was filled with more than normal levels of silt and debris. The Parks & Recreation submitted an application to FEMA to receive funding for the removal of this silt using hydraulic dredging. Funding was subsequently received with FEMA estimating the project at \$70,980.80 and approving a Federal cost share of \$53,235.60. It was agreed that SEMA and the City would cover the remainder.

Bids were opened on December 5 for the removal of approximately 1,484 cubic yards of silt and debris, with three bidders participating. Low bidder for the project was MaGruder Construction Co., Inc. with a bid of \$64,295.50, the recommendation of the Parks Department,

according to Atkinson. He requested Council approval of the resolution that would also approve this contract.

RESOLUTION NO. 1523-08

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BLEIGH CONSTRUCTION IN THE AMOUNT OF \$643,953.05 FOR THE RECONSTRUCTION OF STARDUST DRIVE FROM HEAD LANE TO ROSEWOOD DRIVE

Motion was made by Mayor Pro Tem Wilson to have the City Clerk read Resolution No.1523-08 and call the roll for adoption. Motion was seconded by Council Member Janes.

Council Member Behymer questioned the process of accepting the lowest bidder, then allowing various change orders for these large projects. City Manager LaGarce responded that in opening these bids, all were pretty tight, which is usually a good sign. He added that, recently, the City's record with regard to change orders had been very good, citing several project where there were only one or even no change orders. City Engineer Rees also assured Council that DPW would assign an employee to watch over the entire project more intensely, since a new position within the Department would soon be filled.

Council Member Lyng suggested that research should be completed to see whether or not there is a pattern in companies with numerous change orders. Rees responded that all change orders are on file and available for review, so a pattern could be developed to accomplish this.

Council Member Behymer referenced Grand Avenue; however, Rees responded that Stardust did not compare with Grand Avenue since Grand Avenue was widened and there will be no widening to Stardust Drive. Because of the widening of Grand Avenue, the waterline came apart; and, according to Rees when a street is widened grading problems are invited. (Retaining walls were also missed on Grand avenue.) Rees assured Council that there was very little grade changes and no widening of the street.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1523-08 duly approved and adopted on this date.

RESOLUTION NO. 1525-08

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACT AGREEMENT FOR DREDGING OF APPROXIMATELY 1,484 CUBIC YARDS OF SILT/DEBRIS FROM NIPPER MAIRNA, BETWEEN THE CITY OF HANNIBAL AND MAGRUDER CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$64,295.50

Motion was made by Mayor Pro Tem Wilson to have the City Clerk read Resolution No.1525-08 and call the roll for adoption. Motion was seconded by Mayor Hark.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1525-08 duly approved and adopted on this date.

RESOLUTION NO. 1526-08

A RESOLUTION OF THE HANNIBAL CITY COUNCIL ACCEPTING AND AGREEING TO STATEMENTS OF ASSURANCES RELATIVE TO THE HAZARD MITIGATION GRANT PROGRAM (HMGP)

Motion was made by Council Member Behymer to have the City Clerk read Resolution No.1526-08 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Wilson.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1526-08 duly approved and adopted on this date.

RESOLUTION NO. 1527-08

A RESOLUTION OF THE HANNIBAL CITY COUNCIL ACCEPTING AND AGREEING TO STATEMENTS OF ASSURANCES RELATIVE TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR FLOOD BUYOUT

Motion was made by Mayor Pro Tem Wilson to have the City Clerk read Resolution No.1527-08 and call the roll for adoption. Motion was seconded by Council Member Janes.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1527-08 duly approved and adopted on this date.

BILL NO. 08-050

AN ORDINANCE VACATING A TRACT OF LAND LYING IN PART OF HOLT STREET BETWEEN BLOCKS 2 & 3 OF FAIRVIEW, A SUBDIVISION IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI

SECOND AND FINAL READING

Motion was made by Council Member Behymer to give Bill No. 08-050 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Wilson.

Roll Call

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

Abstain: Council Member Janes - 1

No: -0-

Motion to read carried.

Roll Call

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

Abstain: Council Member Janes - 1

No: -0-

Mayor Hark declared Bill No. 08-050 duly approved and adopted on this date.

ADJOURNMENT

Motion was made by Mayor Pro Tem Wilson to adjourn. Motion was seconded by Mayor Hark.

Motion carried.