

OFFICIAL COUNCIL PROCEEDINGS

March 17, 2009
7:00 p.m.

ROLL CALL

Present: Council Members Lyng, Janes, Mayor Pro Tem Wilson, Mayor Hark, Council Members Louderman and Behymer - 6

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

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting – March 3, 2009

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

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half – March, 2009

Motion was made by Mayor Pro Tem Wilson to approve the payroll and claims for the first half of March, 2009. Motion was seconded by Mayor Hark.

Motion carried.

BOB YAPP – HANNIBAL NEIGHBORHOOD IMPROVEMENT ASSOCIATION
Re: Residential Rental Property

Mr. Bob Yapp, representing the Hannibal Neighborhood Improvement Association, appeared before Council regarding the inspection of residential rental property. He began by distributing a handout, detailing regulations cited in the Hannibal City Code, *Chapter 7 – BUILDING AND BUILDING REGULATION/Article III. Housing Code*. Also included in the handout were several points of concern, regarding to enforcement issues of these regulations.

He began by introducing himself and the association that he represented. Hannibal Neighborhood Improvement Association, according to Yapp, is a group of concerned people who are very interested in Hannibal and its many assets; and who are involved in Hannibal's current issues, both good and bad, seeking to assist in the continued progress of the City. Yapp, himself, is a new resident of Hannibal.

The issue at hand, as expressed by Mr. Yapp, is rental properties in the community. He continued by stating that, currently, the City Code (the Code) contains excellent housing regulations, requiring an *Occupancy Permit* for every single piece of rental property within the City. Also, on a bi-yearly basis, the Code requires an *interior and exterior health and safety inspection* for all rental properties. Yapp then reviewed the specific requirements, such as safe electrical, smoke detectors, safe water heaters, working windows for ventilation, adequate heat, adequate lighting, safe porches and exteriors that are maintained; each being set forth in the ordinance. All are very basic requirements.

He expressed his concerns regarding rental properties west of the downtown area, as far as Maple Street and beyond, adding that Hannibal has a great amount of rental properties, many of which are in very bad condition, causing blight to their neighborhoods. Currently the regulations that are in the Code are only enforced, sporadically. Since 2004, the amount collected by the City for rental inspections and/or occupancy permits totals approximately \$8,800, in accordance with figures Mr. Yapp received from the City Building Inspector.

He added that, when a City has an ordinance in the Code, which is not enforced, they become partners with the violator, from a legal standpoint, putting taxpayers at risk. Yapp explained that most really functional communities, the size of Hannibal, have mandatory rental inspections and licensing just as Hannibal does; however, the difference is that they enforce those regulations and, currently, Hannibal does not. This must change, in Yapp's opinion, if tourism and economic growth are to be increased in this community.

About six years ago, the City of Hannibal identified approximately 2,500 units of rental property in the community. At that time, an aggressive effort was made to conduct inspections of these properties; however, as time progressed, fewer and fewer of those inspections were completed. Yapp did commend the department for its environmental code enforcement,

adding that the department is aggressively getting owners to clean up the outside junk and fining them, as well.

Mr. Yapp concluded by requesting that Council support the Building Inspector and staff in their effort to re-identify the rental property in Hannibal and to begin fully enforcing the ordinance once again.

After Mr. Yapp concluded his presentation, City Building Inspector, Joey Burnham, agreed with Mr. Yapp's concerns; however, according to Burnham, time restraints seem to be the difficulty with conducting the required amount of inspections. Burnham also explained that court issues from his office were often placed at the end of the docket, sometimes taking as much as 2-3 months to be heard. Delays such as these add to the problems faced by his department. Burnham suggested that an additional staff member would be helpful, since the current amount of employees was not sufficient to perform all the duties and address the issues at hand.

At this time, Mayor Hark asked City Manager LaGarce about his opinion regarding the Code requirements for the inspection of rental properties. The City Manager explained that recently he and the Building Inspector had discussed the number of rental units within the City. He expressed the need to get current rental information together in a data base, and with the large amount of entries to input, he suggested the possibility of hiring a temporary employee to accomplish this task. LaGarce said that, with respect to the additional Building Inspector, he was unsure whether this would be necessary, but he assured Council that if the necessity became evident and the budget would allow, the added position would be considered. He continued that the possibility of hiring a second Code Officer had been discussed with Council Member Louderman because of the volume of work in that area, noting that the additional revenue generated would nearly finance the extra salary and this new position could decrease the workload of the Building Inspectors, giving them more time to perform their own duties.

Council Member Janes stated his displeasure at the failure of the Hannibal Neighborhood Improvement Association to invite him to be a member of the group, since he currently owns a historic home in the downtown area. He continued by expressing his support of hiring another person in the Building Inspector's Office and suggested that the trash services be included in the database update.

LaGarce offered to work with the Inspector in putting a workable program together to be brought before Council during the next meeting. He added that details could also be forwarded to Mr. Yapp for his benefit. Yap offered his assistance and the assistance of the Hannibal Neighborhood Improvement Association in accomplishing these goals.

MARK REES – CITY ENGINEER
Re: 2009-2014 Five Year Capital Improvement Program
Resolution No. 1540-09, to follow)

City Engineer Mark Rees came before Council with a request for approval of Resolution 1540-09, regarding the 2009-2014 Five Year Capital Improvement Program. This item was tabled during the previous meeting, pending further study. Rees reiterated that the capital program has historically been on an expense-only basis, in its early stage. The final version will be submitted with the budget in June. The final document will be fully tabbed, with a policy statement and revenues will match expenditures.

CHRIS ATKINSON – DIRECTOR, PARKS AND RECREATION

Re: Central Park Restrooms – Contract Agreement

Whiston Construction Company
(Resolution No. 1541-09, to follow)

Director of Parks and Recreation Chris Atkinson presented the next item on the agenda, the approval of Resolution No. 1541-09, regarding a contract with Whiston Construction Company for the construction of new restroom facilities in Central Park. Atkinson explained that sealed bids were accepted for this project early this year; however, the bids that were received at that time were unfavorable. Since then, an alternate location has been selected and the project was re-bid on March 6, 2009. As a result, four bids were received.

Atkinson continued that the Parks Department had originally planned to do some of the construction work on this project; but, because of the complexities and the time element involved (upcoming 4th of July Celebration) the contractor will now complete the entire project. He added that \$75,000 had been budgeted for the renovations/replacement of these restrooms, when bids were opened a low bid was received from Whiston Construction Company totaling \$65,150.

For this amount, Whiston Construction will complete the entire project from the ground up, finishing them before the beginning of the 4th of July Celebration. Atkinson's recommendation was to approve the contract with Whiston for the construction of the Central Park restrooms in the amount of \$65,150. This would be accomplished with the approval of Resolution No. 1541-09, to follow.

TIM CARTER – FIRE CHIEF

Re: Bid Waiver Request – Personal Protective Equipment

W.S. Darley Company

Fire Chief Tim Carter came before Council with a request to waive the bidding process for the purchase of personal protective equipment that is being funded through the homeland security grant. According to the state audit, the referenced protective gear is a necessary addition for the department. Since it is propriety equipment manufactured by a specific vendor, W.S. Darley Company, Carter's request was to waive the bidding process and allow for the purchase of four sets as specified, for use as Type A flash suits. The cost would total \$8,383.80 plus shipping.

Motion was made by Council Member Behymer to approve Chief Carter's request. Motion was seconded by Mayor Hark.

Motion carried.

RESOLUTION NO. 1540-09

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING AND
ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM 2009-2014
FOR THE CITY OF HANNIBAL**

Motion was made by Council Member Behymer to have the City Clerk read Resolution No.1540-09 and call the roll for adoption. Motion was seconded by Council Member Louderman. Council Member Lyng asked to clarify that the Five-Year Capital Improvement Program was merely a “wish list” and no dollar-figure was being approved with the approval of this resolution. Mayor Hark assured Council that all projects included in this program would ultimately be returned to them for approval, prior to commencement,

Roll Call

Yes: Council Member Janes, Mayor Pro Tem Wilson, Mayor Hark, Council Members Louderman and Behymer - 5

No: Council Member Lyng -1

Absent: Council Member Knickerbocker – 1

Motion to read carried.

Roll Call

Yes: Council Member Janes, Mayor Pro Tem Wilson, Mayor Hark, Council Members Louderman and Behymer - 5

No: Council Member Lyng -1

Absent: Council Member Knickerbocker – 1

Mayor Hark declared Resolution No. 1540-09 duly approved and adopted on this date.

RESOLUTION NO. 1541-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AGREEMENT WITH WHISTON CONSTRUCTION COMPANY INC IN THE AMOUNT OF \$65,150 FOR THE CONSTRUCTION OF NEW RESTROOMS IN CENTRAL PARK

Motion was made by Council Member Behymer to have the City Clerk read Resolution No.1541-09 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Wilson.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Knickerbocker -1

Mayor Hark declared Resolution No. 1541-09 duly approved and adopted on this date.

BILL NO. 09-004

**AN AMENDING THE BID LIMITS IN ACCORDANCE TO SECTION 9.13 (b) OF
THE CITY OF HANNIBAL CHARTER**

SECOND AND FINAL READING

Motion was made by Council Member Louderman to give Bill No. 09-004 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

Roll Call

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

No: Mayor Pro Tem Wilson - 1

Absent: Council Member Knickerbocker -1

Mayor Hark declared Bill No. 09-004 duly approved and adopted on this date.

BILL NO. 09-005

**AN ORDINANCE AMENDING CHAPTER 32, ARTICLE II, DIVISION 4, SECTION
128 OF THE HANNIBAL CITY CODE RELATIVE TO THE RESTORATION OF
PARTIALLY DESTROYED RESIDENTIAL HOMES**

SECOND AND FINAL READING

Motion was made by Council Member Behymer to give Bill No. 09-005 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Knickerbocker -1

Mayor Hark declared Bill No. 09-005 duly approved and adopted on this date.

BILL NO. 09-006

AN ORDINANCE REZONING 1.98 ACRES +/- OF PROPERTY, MORE OR LESS, LOCATED ON VETERANS ROAD, ALSO KNOWN AS, ALL OF LOT THREE (3) OF MCCLELLAND SUBDIVISION IN MARION COUNTY, MISSOURI FROM D-HIGHWAY BUSINESS ZONING DISTRICT TO B-MULTIPLE FAMILY ZONING DISTRICT AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY

SECOND AND FINAL READING

Motion was made by Council Member Janes to give Bill No. 09-006 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Wilson.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Knickerbocker -1

Mayor Hark declared Bill No. 09-006 duly approved and adopted on this date.

BILL NO. 09-007

AN ORDINANCE OF THE CITY OF HANNIGAL ESTABLISHING PROCUREMENT PROCEDURES FOR THE PURCHASE OF AVIATION FUEL

SECOND AND FINAL READING

Motion was made by Council Member Janes to give Bill No. 09-007 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Knickerbocker -1

Mayor Hark declared Bill No. 09-007 duly approved and adopted on this date.

At this time, Council Member Louderman addressed Council and the public, who was in attendance, regarding the negative publicity given to the Police Department, in light of the recent news items. He expressed his displeasure with the coverage this received, stating that the Hannibal Police Department enforces the laws that are set before them. He added that since they are simply doing their job, any complaints regarding the stalking laws, orders of protection laws or illegal alien enforcement procedures should be directed toward state and/or federal government, not the local department. He concluded by saying that, until 'teeth' are put into these laws, incidents such as the recent occurrence will continue to happen. He expressed his appreciation to the City Police Department and voiced his support for the excellent job they continue to do for the City of Hannibal.

ADJOURNMENT

Motion was made by Council Member Behymer to adjourn. Motion was seconded by Mayor Pro Tem Wilson

Motion carried.