

OFFICIAL COUNCIL PROCEEDINGS

November 17, 2009
7:00 p.m.

ROLL CALL

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

Absent: Council Member Lyng and Mayor Pro Tem Wilson - 2

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

Council Member Behymer led the Pledge of Allegiance to the Flag. At this time Council Member Behymer made a motion to excuse Council Member Lyng and Mayor Pro Tem Wilson. Motion was seconded by Council Member Knickerbocker.

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting – November 3, 2009

Motion was made by Council Member Louderman to approve the minutes of the regular Council meeting that was held on November 3, 2009. Motion was seconded by Council Member Behymer.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half – November 2009

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

Motion carried.

BRIAN OSBORNE – LOAFERS CAR CLUB
Re: Request, Street Closure – Annual Car Show
(May 8, 2010 – 6:00 a.m. – 5:00 p.m.)

Mr. Brian Osborne, representing the Loafer's Car Club, requested Council approval to close Main Street from Broadway to North Street, including the side streets to the alleyways on May 8, 2010 from 6:00 a.m. until 5:00 p.m. The request was for the purpose of hosting the Loafer's Annual Car Show. Motion was made by Mayor Hark to approve Osborne's request for street closure. Motion was seconded by Council Member Louderman.

Motion carried.

JEFF LAGARCE – CITY MANAGER
Re: Recommendation of Appointments

City Manager Jeff LaGarce made the following recommendations:

POLICE & FIRE RETIREMENT BOARD

- Pat Benson – Re-appointment for a three-year term to expire, December, 2012

PARKS & RECREATION BOARD

- Kevin Murphy – Appointment for an unexpired term to expire, July, 2010

LaGarce explained that these nominations will be considered for approval at the next regular Council meeting.

DOUG WARREN – FINANCE DIRECTOR
Re: Budget Amendment – Revenues and Expenditures
(Resolution No. 1605-09, to follow)

Next, Doug Warren, City Director of Finance, brought a budget amendment to Council for approval. Warren stated that there were currently several proposed changes to revenues and expenses in the FY2009-10 budget. A listing of these changes were included in the agenda packet, and according to Warren these changes would be considered for approval with related Resolution No. 1605-09, to follow.

Warren added that a number of revenue items had been received; among these was the pending AT&T settlement. He asked Council permission to place these items in the budget under the correct revenue accounts. Corresponding expenditures were also listed, some of which were not anticipated when the current budget was approved. Revenues totaled \$1,267,806 and expenditures totaled \$872,197, resulting in a surplus of \$396,609 that would roll into General Fund reserves.

MARK REES – CITY ENGINEER
Re: 2010 Citywide Cleanup – Agreement
Allied Waste Services
(Resolution No. 1606-09, to follow)

City Engineer Mark Rees presented the next agenda item, the introduction of Resolution No. 1606-09, to follow. Rees explained that, only one bona fide bid was received as a result of the bid opening for the proposed citywide cleanup program earlier in November.

Allied Waste Systems was the sole bidder, bidding on all components of the job, as specified in the bid package. Rees explained that, per calculations, total projected cost of the project as bid by Allied Waste would be \$63,455.30, based upon last year's tonnage. This includes:

- 230 estimated tons of refuse @ \$266.11 per ton or \$61,205.30
 - 5 estimated loads of tires @ \$450.00 per load or \$ 2,250.00
- TOTAL CONTRACTED AMOUNT** \$63,455.30

Rees added that the contract has a provision to index fuel prices; therefore, should fuel prices skyrocket before next year, the project would have to be re-evaluated. He explained that \$72,000 had been budgeted for this project. He asked for Council approval of the contract with Allied Waste Systems with the approval of related Resolution No. 1606-09, to follow. If approved, the Citywide cleanup is scheduled for April 24, 2010.

City Manager LaGarce interjected that, a possible increase of \$1,300 to the proposed contract with Allied Waste was a possibility, if fuel prices increased to \$5.00 per gallon, based on last year's fuel index.

CHRIS ATKINSON – DIRECTOR, PARKS & RECREATION
Re: Missouri Department of Natural Resources Land & Water Conservation –
Grant Application

Huckleberry Park Right to Play Project
(Resolution No. 1607-09, to follow)

Chris Atkinson, Director of the Parks & Recreation Department, came before Council at this time, requesting approval of Resolution No. 1607-09, authorizing the Mayor to sign a Missouri Department of Natural Resources Land & Water Conservation grant application.

The Parks Department is applying for this grant, according to Atkinson, in order to construct an ADA playground at Huckleberry Park. Atkinson explained that this \$75,000 grant is only one of many fund sources that are being pursued in order to complete this project.

Atkinson asked Council consideration of Resolution No. 1607-09, to follow, that would approve the grant application.

PROCLAMATION

Mayor Hark asked City Clerk Angelica Vance to read the following proclamation:

**A PROCLAMATION RECOGNIZING COUNCILMAN KYLE WILSON FOR
COMPLETING TWENTY YEARS OF SERVICE ON THE HANNIBAL CITY
COUNCIL, AND EXPRESSING APPRECIATION FOR HIS DEDICATION AND
COMMITMENT TO HIS COMMUNITY, AND TO THE CITIZENS OF
HANNIBAL**

WHEREAS, Councilman Kyle Wilson was first sworn into office as a Hannibal City Councilman on November 4, 1989, and

WHEREAS, on November 4, 2009, Kyle completed twenty (20) years of service to the citizens of Hannibal, currently serving as the senior member of the city's elected body, and

WHEREAS, the Mayor and City Council wish to recognize Kyle for exemplary leadership, dedication, and untiring service to the Hannibal community over these past twenty (20) years.

NOW THEREFORE, I, Roy G. Hark, Mayor of the City of Hannibal, do hereby offer this Proclamation recognizing Councilman Kyle Wilson for completion on twenty (20) years of service on the Hannibal City Council, and expressing appreciation to Kyle for his dedication and commitment to his community, and to the citizens of Hannibal.

I encourage all citizens to emulate the example of Kyle Wilson; his long-standing dedication to others, his perseverance, and his commitment to service and leadership.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Hannibal, Missouri on this 17th day of November, 2009.

Roy G. Hark, Mayor

ATTEST:
Angelica N. Vance, City Clerk

RESOLUTION 1605-09

**A RESOLUTION AMENDING THE 2010 FISCAL YEAR BUDGET BY
RECOGNIZING ADDITIONAL REVENUE, AND MAKING SUPPLEMENTAL
APPROPRIATIONS TO VARIOUS DEPARTMENTAL EXPENDITURE
ACCOUNTS**

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1605-09, and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Lyng and Mayor Pro Tem Wilson - 2

Mayor Hark declared Resolution No. 1605-09, duly approved and adopted on this date.

RESOLUTION NO. 1606-09

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH ALLIED WASTE SERVICES FOR COLLECTION AND
DISPOSAL SERVICES RELATIVE TO THE CITYWIDE CLEANUP PROGRAM
ON APRIL 24, 2010**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1606-09, and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Lyng and Mayor Pro Tem Wilson - 2

Mayor Hark declared Resolution No. 1606-09, duly approved and adopted on this date.

RESOLUTION NO. 1607-09

A RESOLUTION AUTHORIZING THE CITY OF HANNIBAL PARKS AND RECREATION DEPARTMENT'S APPLICATION AND PARTICIPATION UNDER THE MISSOURI DEPARTMENT OF NATURAL RESOURCES LAND AND WATER CONSERVATION GRANT PROGRAM FOR THE PURPOSE OF OBTAINING FUNDING TO BE USED TOWARD THE HUCKLEBERRY PARK *RIGHT TO PLAY PROJECT*

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1607-09, and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Lyng and Mayor Pro Tem Wilson - 2

Mayor Hark declared Resolution No. 1607-09, duly approved and adopted on this date.

BILL NO 09-023

AN ORDINANCE REPEALING CHAPTER 32, ARTICLE XI OF THE HANNIBAL MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 32, ARTICLE XI OF THE HANNIBAL MUNICIPAL CODE RELATIVE TO HISTORIC DISTRICTS AND INDIVIDUAL LOCAL HISTORIC LANDMARKS

SECOND AND FINAL READING

Motion was made by Council Member Behymer to give Bill No. 09-023 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Roll Call

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

No: -0-

Absent: Council Member Lyng and Mayor Pro Tem Wilson – 2

Mayor Hark declared Bill No. 09-023 duly approved and adopted on this date.

CLOSED SESSION

In Accordance with RSMo. 610-021 (1) & (12)

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraphs one (1) and twelve (12), admitting himself, the rest of Council, City Manager LaGarce, City Attorney Lemon, City Clerk Angelica Vance, City Engineer Mark Rees, Building Inspector Joey Burnham, Police Chief Lyndell Davis and City Property Maintenance Inspector Susan Osterhout. Motion was made to go into closed session as Mayor Hark directed by Council Member Behymer. Motion was seconded by Council Member Louderman.

Roll Call

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

No: -0-

Absent: Council Member Lyng and Mayor Pro Tem Wilson – 2

Motion carried.

The next order of business under closed session was that in accordance with *RSMo. 610-021 (1)* a grievance filed by Susan Osterhout, Property Maintenance Inspector.

Susan indicated stated she is submitting a grievance requesting a review of her salary as compared to that of the second inspector's position. She cited the basis of her grievance being the fact that she has the most seniority of the two positions, however, her salary is three steps below that of the recently hired position.

Osterhout does not agree with responses received from her prior requests as submitted at the levels of department supervisor; department head and City Manager; thus has taken the appropriate steps, as outlined in the Employee Guide to Success, bringing her appeal to Council.

City Manager LaGarce advised the difference between the two salaries is *not* an error or oversight it's due to the fact the vacant position was filled by the transfer of a current employee who has an longer tenure with the City overall, as compared to that of Osterhout.

A motion to increase the salary of Property Maintenance Inspector Susan Osterhout, providing for a three (3) step increase; to a Grade 12 Step 9, retroactive to July 1, 2009 was made by Council Member Janes. Council Member Louderman seconded the motion.

Roll Call

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

No: Council Members Knickerbocker and Behymer – 2

Absent: Council Member Lyng and Mayor Pro Tem Wilson – 2

Motion carried.

OPEN SESSION

Motion was made by Council Member Knickerbocker to return to open session. Motion was seconded by Council Member Janes.

Motion carried.

ADJOURNMENT

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

Motion carried.