

OFFICIAL COUNCIL PROCEEDINGS

October 6, 2009
7:00 p.m.

ROLL CALL

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

Absent: Mayor Pro Tem Wilson - 1

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

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting – September 15, 2009

Motion was made by Council Member Behymer to approve the minutes of the last regular Council meeting that was held on September 15, 2009. Motion was seconded by Council Member Louderman.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
Second Half – September 2009

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

Motion carried.

CRAIG BUCK – HANNIBAL HIGH SCHOOL BAND BOOSTERS

Re: Request, Street Closure

Band Day Parade – October 13, 2009 – 3:00 – 4:30 p.m.

Mr. Craig Buck, on behalf of the Hannibal Band Boosters, came before Council to request permission for the approval of the Band Day Parade event, scheduled for October 13, 2009 from 3:00 p.m. until 4:30 p.m. Mr. Buck explained that the event would be in conjunction with the 61st Annual Mark Twain Marching Band Festival. The request was similar to past requests for this event, according to Buck. Motion was made by Council Member Knickerbocker. Motion was seconded by Council Member Janes.

Motion carried. In closing, Mr. Buck left a flyer containing a brief history of Band Day and a listing of the groups that would be participating. It also included a schedule for the day's events.

JASON JANES – FIRE BOARD CHAIRMAN

Re: Fire Department Line Personnel Longevity Pay Plan

(Resolution No. 1592-09, to follow)

Fire Board Chairman Jason Janes began by reminding Council of the past issues that had arisen, regarding Fire Department personnel and the current pay plan. He explained that, frequently, the Fire Department has encountered instances where personnel have surpassed their peers in pay when certain events occur, such as:

- Promotion
- New employee completing probationary period
- Taking voluntary step-back
- Accepting performance-based step increase

In the past, when these events have occurred, Council has had to vote on “equalization raises” to insure fairness and continuity to remedy the problems. As a result, employees are bumped-up who are earning less and should be equal in pay; therefore, costing the city much money.

Janes, on behalf of the Fire Board, proposed a longevity system that operates under the premise of longevity with the Department and rank. He added that the Fire Department, the Fire Chief and Local 1211 have worked very hard to develop the proposed plan. Janes, as recommended by the Fire Board, asked for Council approval of Resolution No. 1592-09, to follow, that would approve the proposed Fire Department Line Personnel Longevity Pay Plan and to amend the Memorandum of Understanding for the Fire Department union employees.

During the time of discussion, it was questioned whether this would alleviate the problems with pay in the department or whether these same problems would occur in the future, causing Council to address them again. The Fire Board Chairman assured Council that this would alleviate the problems. City Manager LaGarce stated that he had met with the Fire Board in June or July and contended that the existing pay plan is fundamentally sound; adding that, in his opinion, the proposed plan would alleviate the compression issues with the Fire Department. Council Member Behymer questioned the need for performance evaluations, in the event of the longevity pay plan approval.

Re: Fire Department Line Personnel Payroll Amendment
(Bill No. 09-022, to follow)

In addition to Resolution No, 1592-09, Janes also requested a first reading of Bill No. 09-022, to follow, that would amend the current payroll ordinance to reflect these changes.

JEFF LAGARCE – CITY MANAGER
Re: Approval of Appointment

City Manager LaGarce reminded Council of a candidate presented at the last regular Council meeting for the Historic Development District Commission. This was:

HISTORIC DEVELOPMENT DISTRICT COMMISSION

- Robert Saxbury – Appointment for a term to expire, May, 2014

He asked Council for their approval of this nomination. Motion was made by Mayor Hark to approve this nomination. Motion was seconded by Council Member Louderman.

Motion carried.

JAMES LEMON – CITY ATTORNEY
Re: Code Amendment (2) – Chapter 16, Article V, Section 164 - *Unnecessary Noise*
(Bill No. 09-021, to follow)

City Attorney James Lemon reminded Council of their recent decision to amend the City's noise ordinance, based upon recommendations from the task force. Lemon explained that the amendment was primarily focused on *noise arising from a particular nature*; however, an area that was left unclear was 'radiant' noise coming from a vehicle. Subsequent to the passage of this ordinance, according to the City Attorney, there was some confusion among citizens and this bill is designed to address some of those issues, setting out examples, in order to make clear the intent of the ordinance.

City Manager LaGarce commented that, according to Section Three of the existing ordinance, noise, such as yelling and shouting is prohibited after 11:00 p.m.; however, the amendment to Section Two prohibited noise after 9:00 p.m. He recommended a change in the acceptable hours in Section Three, that addressed yelling and shouting, to be changed to 9:00, as well, making the times of acceptability consistent throughout the ordinance. He added that the Chief of Police is in agreement with this change.

JOHN HARK – EMERGENCY MANAGEMENT DIRECTOR

Re: Multi-Jurisdictional Hazard Mitigation Plan

(Resolution No. 1586-09, to follow)

Emergency Management Director John Hark presented the next item on the agenda, the adoption of a multi-jurisdictional hazard mitigation plan that would be approved with Resolution No.1586-09, to follow. Hark reminded Council that approximately five years ago; the City’s first hazard mitigation plan was adopted, adding that the flood wall and downtown levee are a part of this plan. Hark explained the plan that will be presented for approval, later in the meeting, is the City’s portion of a multi-jurisdictional plan, which includes Palmyra and Marion County and, according to Mr. Hark, the jurisdictions are mandated to update this hazard mitigation plan every five years.

The Emergency Management Director added that this is the result of much effort on the part of numerous people throughout the City of Hannibal and Marion County. During this time, a number of issues were addressed, and, as a result, the current plan was updated establishing new goals and objectives.

(This Hazard Mitigation Plan is designed to identify future problems and prescribe necessary actions to minimize the impact of future disasters.)

CONNIE QUINN – ASSISTANT BUILDING INSPECTOR

Re: Demolition Status – 501 Olive Street

Next, Assistant Building Inspector Connie Quinn addressed Council, explaining that on September 2nd, a demolition bid for the structure, located at 501 Olive Street, was brought before Council for approval. The property owner, who was in attendance, requested additional time to fix this property before demolition was initiated. Quinn reminded Council of their decision to allow the property owner the additional time that he requested. The deadline for making the repairs was to be the October 6th Council Meeting.

Photos were presented showing the repairs that have been made since the previous meeting. She explained that everything, except for a section of fascia on the side of the structure, has been repaired. When asked what her recommendation would be, Quinn responded that the structure was sealed and the roof has been replaced, holes are filled and fascia is painted; therefore, at this time, it was her recommendation to remove it from the demolition list. Motion was made by Council Member Knickerbocker to remove this structure from the list. Motion was seconded by Mayor Hark.

Roll Call

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

No: Council Member Louderman – 1

Absent: Mayor Pro Tem Wilson - 1

Motion carried.

MARK REES – CITY ENGINEER
Re: Stardust Drive Reconstruction – Change Order
Contract Cost Reduction – Bleigh Construction

City Engineer Mark Rees brought several items to Council, the first being a change order on a contract with Bleigh Construction for the Stardust Drive Reconstruction. Rees stated that this was only an informational memo, adding that an under-run of contract quantities created a decrease in the original contract price by \$3,724.14.

Re: Request, Set Public Hearing – Code Amendment - Chapter 32, Article XI
Historic Districts
November 3, 2009 – 6:30 p.m.

Next, Rees requested Council approval to set a public hearing on November 3, 2009, at 6:30 p.m., for the purpose of amending the City Code, Chapter 21, Article XI, relating to Historic Districts. Motion was made by Mayor Hark to approve this request. Council Member Behymer seconded the request.

Motion carried.

Re: Request, Set Public Hearing – Rezone 3914 Market Street (F&M Bank)
November 3, 2009 – 6:15 p.m.

Rees also requested Council approval to set a public hearing on November 3, 2009, at 6:15 p.m., for the purpose of rezoning a portion of Market Street. Rees explained that a request had been received from F&M Bank and Trust Company to have the property, known as 3914 Market Street rezoned from its current status B-Multiple Family zoning to E-Commercial zoning. He added that the surrounding area is currently zoned E-Commercial. F&M is proposing the use of this property for an extension to the existing banking facility. Motion was made by Council Member Behymer to approve this request. Council Member Louderman seconded the request.

Roll Call

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

No: -0-

Abstain: Council Member Janes – 1

Absent: Mayor Pro Tem Wilson - 1

Motion carried.

Re: Hannibal Solid Waste Disposal Area – Contract of Obligation
Missouri Department of Natural Resources
(Resolution No. 1589-09, to follow)

City Engineer Rees introduced Resolution No. 1589-09, between the City of Hannibal and the Missouri Department of Natural Resources. He explained that a contract to satisfy the requirements for issuing a permit to operate a solid waste disposal area was executed in December, 2005. The current resolution is only a house-keeping issue to document the reduction in insurance requirements by the Missouri DNR. Resolution No. 1589-09 will be brought before Council, later in the meeting, for approval, according to Rees.

Re: 2009 Chipseal Program – Change Order

Bross Construction

(Resolution No. 1593-09, to follow)

Rees next order of business was a change order for the 2009 Chipseal Program that would be approved with the approval and adoption of related Resolution No. 1593-09, to follow. Rees reminded Council of their decision, made during the previous Council meeting, to have thirteen additional streets chipsealed in the Oakwood area. These streets were not included in the original contract with Bross Construction; and as a result, a change order in the amount of an additional \$35,547.60 is necessary. He clarified that this resolution was for actual installation of the chipseal.

Re: Aggregate Hauling; 2009 Chipseal Program – Change Order

Bross Construction

(Resolution No. 1594-09, to follow)

The City Engineer continued with Resolution No. 1594-09, also regarding the 2009 Chipseal Program. If this resolution is approved and adopted, later during the meeting, it would also approve a change order to Bross Construction's original contract for hauling the necessary aggregate to chipseal additional streets in the Oakwood area, approved by Resolution No. 1593-09. The original contract amount with Bross for aggregate hauling was \$14,134.79. The change order amount, if approved by Resolution 1594-09 to follow, is \$1,424.10. Rees added that the Department of Public Works has reviewed both change orders and recommends approval of these by approving the related resolutions.

Re: West Ely Road Improvement Project – Change Order No. 1

Bleigh Construction

(Resolution No. 1595-09, to follow)

City Engineer Rees' next order of business was Change Order No. 1 for the West Ely Road improvement project, to be approved with Resolution No. 1594-09, to follow. Rees explained that the change order involves unanticipated fence relocation and addition of a quantity of aggregate underneath the driveway aprons. These were inadvertently omitted from the original bid tab. Council Member Lyng questioned why MECO, the design engineering firm, would not be responsible, since the chain link fence was left out of the plans and bid specs.

Rees responded by explaining that the designs were initiated fifteen years prior, spanning five city engineers. Much negotiating has been done with various area residents in order to acquire right-of-ways. He added that the omission does not put an undue burden upon the City, the fence relocation was necessary; in any event, admitting it was unfortunate that the Department didn't know about this when the project was planned and bids were let. The amount of the change order for which Rees and the DPW reviewed and was requesting approval would total \$10,236.00.

City Manager LaGarce interjected that, in his opinion, \$28 million of improvements were currently being made, with a minimum of change orders, \$18,000 in the past year. He added that he was extremely satisfied with the construction procedure and the way this process has been brought under control.

Rees continued that also omitted from the plans, to be corrected with upcoming change orders, were:

- Removal of some trees
- Concrete to be added to a driveway
- Correction of single inlets that should have been doubles
- Under-grading of soft spots that were found when street was opened

He admitted that plans were moved forward somewhat sooner than he felt comfortable, since they wanted construction before the end of the year. As a result, good progress has been made to the project, with change orders at a minimum of 5-10%.

Council Member Louderman questioned whether or not the design engineers would be held responsible for these omissions to the bid specs. In response, Rees reiterated that the omission of these items was not detrimental to the project, since the City would have paid for them at some point anyway.

Council Member Janes spoke, on MECO's behalf, saying that the West Ely Improvement Project has been 'on the shelf' for many years and MECO has invested much time on behalf of the City regarding this project. He admitted that some change orders were necessary; however, he knew that MECO had 'taken a beating', as well.

**Re: Highway 61 Intersection at Pleasant STREET & WEST ELY ROAD – STP
PROGRAM AND MUNICIPAL AGREEMENTS**
Missouri Highways and Transportation Commission
(Bill No. 09-020, to follow)

Rees' final item on the evening's agenda was Bill No. 09-020, setting an agreement between the Missouri Highways and Transportation Commission and the City of Hannibal, regarding the intersection at Highway 61, Pleasant Street and West Ely Road. This bill, if approved, would allow the City to use STP funds to improve this intersection. The Commission will agree to design and construct this intersection if the City will agree to dedicate the STP funds for this purpose. Out-of-pocket amount for which the City would be responsible is zero, according to Rees; our only obligation would be to help with the right-of-way acquisition. Final cost for this project is estimated at \$300,000-\$400,000. Related Bill No. 09-020 would be presented later, during the meeting, for a first reading.

LYNDELL DAVIS – CHIEF OF POLICE
Re: Approval, Sale of Surplus Property
Portable Radios & Duty Gear

Police Chief Lyndell Davis explained that he had recently been contacted by neighboring law enforcement agencies, expressing an interest in purchasing the department's old portable radios and duty gear. Davis continued that, in order to entertain these requests, he must first receive Council permission to declare the items *Surplus Materials*, thus making them eligible for resale. These items, according to Davis are not ideal for sale at the City's auction and selling

them directly to other law enforcement agencies would help to insure a more favorable return of funds to the City. If approved, the minimum asking price for the portable radios would be \$100 and a minimum of \$30 for the duty gear. Davis assured Council that these figures were merely a starting price and he would strive to get the maximum amount that he could for all equipment. Motion was made by Council Member Behymer to approve the Chief's request. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Bid Award Approval - Traffic Monitoring Trailer
Kustom Signals

Davis' second item on the agenda was the approval of a bid award to Kustom Signals for a traffic monitoring trailer. Davis explained that the Police Department had recently received 2 bids for this piece of equipment as a result of the bid letting process. On September 16th these bids were opened, with Kustom Signals being the apparent low bidder. The Hannibal Police Department requests Council approval to accept the Kustom Signals bid for the purchase of the traffic monitoring trailer in the amount of \$5,820. Davis added that 100% of the funding for this equipment would be provided for by the US Department of Justice (JAG) grant, awarded to the HPD in August, 2009. Motion was made by Council Member Behymer to approve Chief Davis' request. Motion was seconded by Council Member Knickerbocker.

Council Member Janes question whether this trailer was able to log data for use by the department. Davis responded that it could do this, adding that the current trailer, which is now 14+ years old and is currently prone to operational deficiencies, was used at the Mark Twain Elementary School, on their behalf, for traffic studies in the area, providing the results to their engineer for future study of traffic flow in and around the new school.

Motion carried.

CHRIS ATKINSON – DIRECTOR, PARKS & RECREATION
Re: Hannibal Trails Connection Project – Amended Contract Agreement
Don Martin Construction
(Resolution No. 1587-09, to follow)

Chris Atkinson, Parks & Recreation Director, presented the next three agenda items, the first being an amended contract agreement with Don Martin Construction for the Hannibal Parks Connection Project to be approved with the approval of Resolution No. 1587-09, to follow. The original contract, for \$103,003.80, was approved by Council in May 2009; this was for trail construction in Riverview Park. The initial project was finished in a timely manner and under budget by more than \$50,000, which has allowed the department to pursue additional improvements.

Since that time, MECO Engineering and the Parks & Recreation Department have been working with MoDOT researching additional improvements to utilize more of the allocated funds. Atkinson explained that, if approved, this amendment would allow another 250 feet to be added to the "White Pines Trail" that connects to the newly finished "Soap Hollow Trail" at an additional cost of \$7,297.94. "White Pines Trail" is currently a dirt trail; however, according to Atkinson, with this change to the original contract, Don Martin Construction could clear the site of overhanging trees, do additional grading and place/compact 6" of base rock to prepare the area for resurfacing at a later date, when grant funding is secured.

He added that the Parks and Recreation Department were requesting Council authorization for the Mayor to amend the original contract amount of \$103,003.80 to \$110,301.74, reflecting the additional \$7,297.94 of additional work, by approving Resolution No. 1587-09, to follow.

Re: Riverview & Central Parks Tree Removal/Pruning – Contract Agreement

Wilson Tree Service

(Resolution No. 1588-09, to follow)

Atkinson's second item on the agenda was a request for approval and adoption of Resolution No. 1588-09 that would approve a contract agreement with Wilson Tree Service for tree removal and pruning at Riverview and Central Parks. The trees, included in this project, were identified as hazardous trees in October 2005 and 2007 tree surveys. It is funded, in part, through the Department of Conservation TRIM Grant.

Atkinson explained that, on September 25th, bids were opened for this project, with two participating bidders. Low bid was submitted by Wilson Tree Service in the amount of \$10,400. \$9,750.00 will be funded by the TRIM Grant and the additional \$650.00 will come from Line Item 38.450-Parks Maintenance and Repair, according to Atkinson.

Parks Department recommended that the low bid of \$10,400.00 be awarded to Wilson Tree Service and requested Council approval of Resolution No. 1588-09, to follow.

Re: Central Park Band Shelter Roof Reconstruction – Contract Agreement

Bleigh Construction

(Resolution No. 1590-09, to follow)

Atkinson's third and final item on the evening's agenda was a request for approval of a contract agreement with Bleigh Construction for the Central Park Band Shelter Roof Reconstruction. Atkinson reminded Council that the Central Park restrooms were completed earlier in the summer. In the FY2009/10 Budget, the Parks Department included \$100,000 to renovate the bandstand, as well. This included:

- Removal of the clay/tile roof
- Replacement of the rotted sub-structure
- Placement of the Clay/tile roof (identical to the restroom roof)

As a result of the recent bidding process, sealed bids were accepted from three companies. The contractor submitting the low bid for this project was Bleigh Construction in the amount of \$59,650.00. Atkinson's recommendation was to award the bid to Bleigh Construction. His request would be granted with the approval en Resolution No. 1590-09, to follow. Council Member Lyng questioned the amount of materials that would be replaced. Atkinson responded by saying that it would be necessary to replace an estimated 75% of the structure underneath.

Council Member Janes added that he was hard pressed to justify a \$60,000 roof on this structure. Atkinson answered that the majority of the expense is the cost of the clay/tile roof. He added that they could have chosen a metal roof; however, this being a historic park, it was decided to choose the clay/tile to match the newly constructed restroom roof.

BEAU HICKS – HCVB DIRECTOR

Re: Award Presentation, Hannibal Jaycees – National Tom Sawyer Days

HCVB Director Beau Hicks came before Council at this time, also requesting the assistance of the HCVB Group Tour Director, Megan Rapp in an award presentation to the Hannibal Jaycees. Hicks explained that each year, the American Buses Association produces a booklet containing a list of 100 things that Americans should do in North America. For the third time in history, National Tom Sawyer Days is included in this booklet; however, the uniqueness in this year's selection is that the Association has introduced three July 4th events in North America, for recommended attendance. These include:

- Mount Rushmore's National Memorial Independence Day Celebration
- Harborfest in Norfolk, VA
- National Tom Sawyer Days in Hannibal, MO

He asked for a round of applause for the Hannibal Jaycees and the Chamber of Commerce for the work that is performed to make this event a success each year. He made the award presentation to Jaycee Members Lea Irick and Jennifer Foster who were last year's co-chairmen for the NTSD event. He concluded by saying, "In marketing dollars, that's worth hundreds of thousands of dollars. We couldn't buy advertising that good!"

Re: Approval, Manual Check – American Airlines

Island of Bermuda's Year of Twain Celebration

Hick's second agenda item was a request for approval of a manual check, payable to American Airlines for an upcoming trip to Bermuda in November. A delegation was invited by Bermuda's Minister of Tourism, to bring Tom and Becky and a contingency to the Islands 'Year of Twain' celebration. Hicks admitted that the check would be large; however, HCVB is only paying for two children and three adults to make the trip, the remaining fifteen participants have paid their own ways and reimbursement checks have already been collected. They will be submitted to the City Collector prior to processing the city check to American Airlines. This check insures a governmental, group rate at the time of purchase. No contract was necessary, according to Hicks.

While in Bermuda, Delegates will be cutting the ribbon for Richard Geary, the local Mark Twain impersonator, who is opening a world premiere of a show called *Twain in Bermuda*. This is in conjunction with an event celebrating the island's 400th anniversary. In return, the delegation will be meeting with the Minister of Tourism, who has been invited to Hannibal during the July 4th weekend in 2010. Guests, who have agreed to attend, include Miss Bermuda and the Assistant Minister of Tourism for Bermuda. During that time, HCVB will cover the costs for lodging and some meals, as well. Current request, as restated by Hicks, was Council approval for the Mayor to sign a manual check for the Bermuda trip airfare.

Mayor Hark stated that he had recently been approached by certain individuals voicing their displeasure with this undertaking. Hark also appeared discontent regarding payment for the Bermuda trip, adding that he was not aware of many people from Bermuda visiting Hannibal.

Hicks responded by saying that was not the audience of interest to him. Instead, he was seeking the media exposure this trip will receive. He added that exposure would not only be regional, but St. Louis stations and possibly even national media could cover the event, having Hannibal's Tom and Becky pictured in their campaign with Miss Bermuda, during the year's

celebration. The same coverage will be available for Bermuda's delegation during their trip to Hannibal.

Richard Geary's show will be at a theater in Hamilton, much like the Fox Theater in St. Louis. Tom and Becky will be involved in the ribbon cutting there, according to Hicks. He explained that he had received approval from the HCVB Board who reviewed this entire event in May or June, when approached by Richard Geary. Hicks said that \$3,500 was placed in the budget, at that time, to fund this trip, total cost of the trip totaled \$2,200. He said that, in the world of advertising, that amount would not pay for a spot in the St. Louis Post Dispatch.

Council Member Lyng asked about the individuals who would be traveling to Bermuda using City funds. Hicks responded that five individual's fare would be paid by the City. These included two city employees: HCVB Assistant Director Megan Rapp and himself; the Chamber's Tom and Becky Sponsor, Annette Greenwald; Tom and Becky. Of seven board members, two will attend; both will pay their own way.

Council Member Knickerbocker noted his involvement with the National Tom Sawyer Days in past years. He stated that the number of dollars could not be counted that would be realized from this type of National exposure, adding that \$2,000 does not buy very much advertising. From his perspective, tourism in Hannibal is doing well, hotels are booked, and tourists are eating at the restaurants and shopping at our stores, resulting in good revenue. All that Beau is doing in tourism is making that happen, according to Knickerbocker, who applauded Hicks for doing new and different things to promote the City of Hannibal.

Council Member Janes questioned other fees that would be associated with the trip, such as hotels, meals, etc. Beau responded that, at the present, it appears the Bermuda individuals will be paying all expenses for HCVB employees and for Tom and Becky. There is a possibility that they will also be covering a large portion of expenses for the contingency. (Covered expenses would include room rates and meals, all other expenses would be paid by the individuals, out-of-pocket.)

Council Member Lyng asked Hicks if he expected any conflict with the additional tickets that the City is front-paying to get the government rate for general citizens. Beau stated that any group of 10 or more (non-profit, city or governmental agency), would be eligible for this cost savings. Normally a contract must be signed; however, Hicks was able to have that waived. Even though the City has a tax-exempt status, taxes were not dropped.

City Attorney James Lemon does not foresee any problems with this trip and the lack of a contract, since there is not a tax exempt issue. Council Member Janes admitted that he had received calls from people who were not happy with this upcoming trip; however, it was his understanding at the time that the City was paying the expenses for the entire group. He agreed with Council Member Knickerbocker that the \$2,000 will more than pay for itself. Motion was made by Council Member Louderman to approve Hicks' request. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Re: Approval, Cullinan Properties, LTD Agreement & Additional Insured
"Main Street Hannibal Christmas Stop" Quincy Mall – November & December, 2009

Hicks' next item on the agenda was a request for Council approval to pursue a *Main Street Hannibal Christmas Shop* in the Quincy Mall with Cullinan Properties. He explained that he

did not have a contract at the present time, but was only seeking Council approval to move forward. He assured Council that, if a contract was necessary, he would return with one for their approval at the next meeting.

He said that Cullinan Properties had contacted him regarding the possibility of Hannibal hosting a travel show in the Quincy Mall in the spring of 2010, allowing our local attractions to be the focus of this show. In exchange, during the months of November and December, they have a couple of store fronts that they would be willing to trade. The 'Hannibal Christmas Stop' would showcase various items from any downtown merchant wishing to participate. Among the items offered for sale would be Hannibal Chamber Bucks and certificates to Hannibal's attractions. HCVB would cover any staffing costs that were necessary, by taking 20-25% of the income from items sold. Hicks asked Council for their approval to add Cullinan Properties as an additional insured for the time of HCVB's operations in the Quincy Mall. Motion was made by Council Member Behymer to approve Hicks' request. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Re: Bill Board Advertisements – Resolution of Authorization

Lamar Advertising

(Resolution No. 1591-09, to follow)

Hicks' final agenda item was request for approval of Resolution No. 1591-09, to follow, authorizing the Tourism Department to continue their current agreement with Lamar Advertising Company for the purpose of billboard advertisement, not to exceed \$40,000 per year. He added that during the past couple of years the Department has spent in excess of \$30,000 per year. Hicks explained that it was not his intent to use Lamar exclusively, but did request that the bid requirements be waived. This would allow him and his board to continue negotiating rates, using Lamar as needed without being required to bring a contract for each billboard to Council for approval. He added that he wished to continue operating in the same way as had been done for many years, adding that Council approval for this expenditure had been overlooked until now; however, this requirement was recently brought to his attention.

Council Member Lyng asked if this advertising was on one particular invoice, to which City Clerk Vance responded this was all invoices, collectively speaking. She said that, according to the auditors, when they see ongoing expenses, such as Lamar Advertising, they have advised, in these instances, an agreement should be on file. Council Member Knickerbocker restated for clarification that the City was facilitating these appropriate accounting and auditing procedures to satisfy the auditors' guidelines and to document approval by Council for future reference.

Council Member Janes questioned whether or not HCVB had a budget for outside advertising. Hicks agreed that the department did have a budget for this type of expenditures and that this expenditure was part of the basic advertising budget that was previously approved; however, since they are the only provider in Marion and Ralls County, their rate is much lower because of the quantity that is purchased, (\$34,000 last year). For that reason, their name is very prominent when the books are being audited.

Hicks stated that, if the City were to sign an annual service agreement with one provider, such as Lamar, 'rack-rate' will be paid, whereas, if the agreement is open-ended the City can negotiate. Council Member Janes agreed, stating that he would like to have Council waive bid limits for 'Outside Advertising' limiting the amount to their total budget for that line item.

After a considerable amount of discussion, City Attorney Lemon advised that it was permissible to handle this issue in accordance to the way the ordinance is drafted; but, after strict review of the ordinance wording, he was unsure whether or not the bidding requirements even apply to issues, such as the billboard advertising. He understands the auditors' concerns but, in his opinion, each billboard should be treated as an individual contract.

Questions arose regarding invoices and whether or not they were 'itemized'. The City Clerk argued that allowing this type of purchase could create issues with other departments. She added that Council needed to insure that all bases are covered. Lemon suggested that the process be handled in a similar way that purchases of airport fuel are handled and that the bidding rules could be amended accordingly.

Tourism Director Hicks cited a related issue; Tourism spent in excess of \$15,000 with KSDK in St. Louis, MO. for advertising this past summer; however, since he began with Tourism he had treated each commercial as an individual contract.

Mayor Hark suggested that Resolution No. 1591-09 and the related issue be tabled until the next Council meeting. This would allow Hicks ample time to meet with the City Attorney and discuss a workable procedure to bring to Council for approval at that time.

DOUG WARREN – FINANCE DIRECTOR

Re: Approval, Advance General Funds - Department of Justice Grants

Doug Warren, Director of Finance, presented the final two items on the evening's agenda, both regarding the Department of Justice assistance grants (JAG Grant and JAG-Byrne Grant). Grant money is slated for the purchase of various items. These are:

- Remote surveillance system
- Thermal imaging scope
- Bicycles
- Forensic workstation
- Evidence cabinet
- Digital cameras

Warren requested Council approval to advance funds from the General Fund for the purchase of this equipment in order to expedite the process. The funds will then be replaced into the General Fund upon receipt of federal reimbursement dollars. Motion was made by Council Member Janes to approve Warren's request. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Re: Approval, Advance General Funds – Sale Tax Capital Improvement Fund

Mr. Warren's second item was a similar issue regarding the Sales Tax Capital Improvement Fund. He explained that, since the Department of Public Works/Street Department was completing the road improvements at a very rapid speed, expenditures have exceeded the revenues, which is largely ½ cent sales tax. Warren assured Council that he would not allow the Capital Improvement Fund to exceed budgeted limits; therefore, he requested advancing General Fund monies to Capital Improvement Fund, in the interim. This would allow the

DPW/Street Department to move forward with slated projects, unhindered. He requested Council approval to move funds from the General Fund to the Sales Tax Capital Improvement Fund. Motion was made by Council Member Behymer to approve Warren's request. Motion was seconded by Council Member Louderman.

Motion carried.

RESOLUTION NO. 1586-09

A RESOLUTION APPROVING AND ADOPTING ALL ASPECTS PERTAINING TO THE CITY OF HANNIBAL, IN THE MARION COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AND THE EFFORT TO BECOME A DISASTER RESISTANT COMMUNITY

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1586-09, and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Resolution No. 1586-09, duly approved and adopted on this date.

RESOLUTION NO. 1587-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED CONTRACT AGREEMENT BETWEEN THE CITY OF HANNIBAL, PARKS & RECREATION, AND DON MARTIN CONSTRUCTION IN THE AMOUNT OF \$7,297.94 FOR A TOTAL PROJECT AMOUNT OF \$110,301.74 FOR THE PURPOSE OF EXTENDING THE HANNIBAL TRAILS CONNECTION PROJECT

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1587-09, 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 and Janes – 6

No: -0-

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Resolution No. 1587-09, duly approved and adopted on this date.

RESOLUTION NO. 1588-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WILSON TREE SERVICE IN THE AMOUNT OF \$10,400 FOR THE RIVERVIEW PARK AND CENTRAL PARK TREE REMOVAL/PRUNING PROJECT NO. PR-09-06

Motion was made by Council Member Behymer to have the City Clerk read Resolution No. 1588-09, and call the roll for adoption. Motion was seconded by Council Member Janes.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Resolution No. 1588-09, duly approved and adopted on this date.

RESOLUTION NO. 1589-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT OF OBLIGATION IN THE AMOUNT OF \$359,569 BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI DEPARTMENT OF NATURAL RESOURCES SATISFYING THE REQUIREMENTS TO OBTAIN A PERMIT FOR CONTINUED OPERATION OF THE SOLID WASTE DISPOSAL AREA

Motion was made by Council Member Behymer to have the City Clerk read Resolution No. 1589-09, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Resolution No. 1589-09, duly approved and adopted on this date.

RESOLUTION NO. 1590-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AGREEMENT WITH BLEIGH CONSTRUCTION COMPANY IN THE AMOUNT OF \$59,650 FOR THE RECONSTRUCTION OF THE CENTRAL PARK BAND SHELTER ROOF

Motion was made by Council Member Knickerbocker to have the City Clerk read Resolution No. 1590-09, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Resolution No. 1590-09, duly approved and adopted on this date.

RESOLUTION NO. 1591-09

A RESOLUTION AUTHORIZING ADVERTISING BETWEEN THE HANNIBAL CONVENTION AND VISITORS BUREAU AND LAMAR ADVERTISING COMPANY FOR THE PURPOSE OF BILLBOARD ADVERTISEMENTS IN AN AMOUNT NOT TO EXCEED \$40,000 PER YEAR FURTHERMORE WAIVING THE BID FOR SERVICE REQUIREMENT

Mayor Hark entertained a motion to table Resolution No. 1591-09 until the next regular Council meeting to be held on October 20, 2009. Motion was made by Council Member Janes to table Resolution No. 1591-09 as the Mayor requested. Motion was seconded by Council Member Louderman.

Motion carried.

RESOLUTION NO. 1592-09

A RESOLUTION OF THE CITY OF HANNIBAL ADOPTING AND IMPLEMENTING THE HANNIBAL FIRE DEPARTMENT PAY PLAN, FURTHERMORE INCORPORATING INTO THE LABOR AGREEMENT BETWEEN THE HANNIBAL FIRE FIGHTER'S LOCAL 1211

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1592-09, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Council Member Behymer voiced concerns that, if Resolution No. 1592-09 were approved, Council would be opening a 'Pandora's Box' by offering a pay plan exclusively to the Fire

Department personnel. He also voiced his opposition to a longevity pay system. Council Member Janes admitted that he understood what Behymer was saying; however, he added that, in his opinion, the merit system of pay does not work and is unfair. He continued by saying that an employee's pay could depend on whether or not a supervisor liked that individual. He said that with a merit pay system in place it may not matter whose job performance is the best but who 'kisses-up' to the boss. He noted that even much of the Federal Government is discontinuing the use of the merit system of pay.

Council Member Behymer suggested that, if this move from the merit based pay system to a longevity based pay system was to be considered, then instead of approving it for the Fire Department only, it should be approved for all City employees.

Council Member Janes countered that he could not speak for the other City Departments because he did not deal directly with them; however, he explained that problem is specific to the Fire Department and has been a n issue every year since he started serving on the Fire Board. He added the approval of Resolution No. 1592-09 would 'fix' the Fire Department pay issues.

Mayor Hark questioned City Manager LaGarce, regarding the matter of pay throughout the City Departments. LaGarce agreed that this issue was indeed specific to the Fire Department, stating that the matter of pay resurfaced each year. LaGarce said that, to offer this to all departments, the system would have to be re-written. He noted that there was also a matter of collective bargaining and the par plan.

Council Member Knickerbocker agreed that, because of the collective bargaining contract and the par plan this is a problematic area with the Fire Department each year. He stated that, if passage of this resolution would alleviate future problems with the Fire Department and they were happy with the new longevity plan and all aspects of it, realizing there will be no performance raises, he will vote to approve it. He continued that he was not in total agreement with Council Member Janes, regarding his opinion of merit pay systems vs. longevity pay systems. He agreed that the performance based pay system does have its faults, there is some subjectivity to it; however, if objective measurement is trained into the supervisors, then performance based measures are a better way to go. You earn what you get ant this has not worked out with the Fire Department.

Council Member Louderman stated that the reason for this proposal was the realization that the present procedures can not continue because little things escalate into larger issues, ultimately resulting in possible grievances.

Motion carried.

Roll Call

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

No: Council Member Lyng - 1

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Resolution No. 1592-09, duly approved and adopted on this date.

RESOLUTION NO. 1593-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER WITH BROSS CONSTRUCTION RESULTING IN AN INCREASE AMOUNT OF \$35,547.60 FOR THE 2009 CHIPSEAL PROJECT

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1593-09, and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Resolution No. 1593-09, duly approved and adopted on this date.

RESOLUTION NO. 1594-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER WITH BROSS CONSTRUCTION RESULTING IN AN INCREASE TO THE ORIGINAL CONTRACT AMOUNT BY \$1,424.10 FOR THE HAULING OF AGGREGATE MATERIAL FOR THE 2009 CHIPSEAL PROJECT

Motion was made by Council Member Behymer to have the City Clerk read Resolution No. 1594-09, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Resolution No. 1594-09, duly approved and adopted on this date.

RESOLUTION NO. 1595-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER WITH BLEIGH CONSTRUCTION RESULTING IN AN INCREASE TO THE ORIGINAL CONTRACT IN THE AMOUNT OF \$10,236 FOR THE ADDITIONAL WORK NEEDED ON THE WEST ELY ROAD IMPROVEMENT PROJECT

Motion was made by Council Member Behymer to have the City Clerk read Resolution No. 1595-09, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: Council Member Lyng - 1

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Resolution No. 1595-09, duly approved and adopted on this date.

BILL NO. 09-020

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A STP-URBAN PROGRAM AGREEMENT AND A MUNICIPAL AGREEMENT BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE RECONSTRUCTION AND ENHANCEMENT OF THE INTERSECTION OF HIGHWAY 61 AT PLEASANT STREET AND WEST ELY ROAD

FIRST READING

Motion was made by Council Member Janes to give Bill No. 09-020 a first reading. Motion was seconded by Council Member Louderman.

Motion carried.

BILL NO. 09-021

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE V, SECTION 164, OF THE CODE OF THE CITY OF HANNIBAL, RELATIVE TO UNNECESSARY NOISE

(As amended)

FIRST READING

Council Member Knickerbocker suggested amending Section Three of this bill by changing the hours to read '9:00 p.m. – 7:00 a.m.'.

Motion was made by Council Member Louderman to give Bill No. 09-021, as amended, a first reading. Motion was seconded by Mayor Hark.

Motion carried.

BILL NO. 09-022

AN ORDINANCE AMENDING THE PAYROLL ORDINANCE OF THE CITY OF HANNIBAL PERTAINING TO LINE PERSONNEL OF THE HANNIBAL FIRE DEPARTMENT

FIRST READING

Motion was made by Council Member Janes to give Bill No. 09-022 a first reading. Motion was seconded by Council Member Louderman. It was noted at this time, when the longevity pay plan was put into place, it would amend salaries; therefore, the payroll ordinance also needs to be amended.

Roll Call

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

No: Council Member Lyng - 1

Absent: Mayor Pro Tem Wilson - 1

Motion carried.

CLOSED SESSION

In Accordance with RSMo. 610-021 (1)

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraph one, admitting himself, the rest of Council, City Manager LaGarce, City Attorney Lemon, City Clerk Angelica Vance, Finance Director Warren, Marion County Assessor Mark Novak, City Collector Nelson, Fire Chief Carter and Building Inspector Joey Burnham. Motion was made to go into closed session as Mayor Hark directed by Council Member Knickerbocker. Motion was seconded by Mayor Hark.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Wilson - 1

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 Behymer to adjourn. Motion was seconded by Council Member Louderman.

Motion carried.