

NOTICE OF PUBLIC MEETING COUNCIL AGENDA

**October 20, 2009
7:00 p.m.**

ROLL CALL

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

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

CALL TO ORDER

There being a quorum present, Mayor Hark called the meeting to order.

INVOCATION

Council Member Louderman gave the invocation.

PLEDGE OF ALLEGIANCE

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

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting – October 6, 2009

Motion was made by Council Member Knickerbocker to approve the minutes of the last regular Council meeting that was held on October 6, 2009. Motion was seconded by Council Member Louderman.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – October, 2009

Motion was made by Council Member Louderman to approve the payroll and claims for the first half of October, 2009. Motion was seconded by Council Member Knickerbocker.

Motion carried.

JEFF LAGARCE – CITY MANAGER
Re: Recommendation of Appointments

City Manager Jeff LaGarce made the following recommendations:

MARK TWAIN HOME BOARD

- Carolyn Bastian – Appointment for a term to expire, November, 2016

PLANNING AND ZONING COMMISSION

- John Ravenscraft – Appointment for a term to expire, June, 2011

These nominations will be considered for approval at the next regular Council meeting.

Re: Approval, Contingency Funding – Floodwall Pump Repair

City Manager LaGarce's next item on the agenda was a request for Council approval for the use of the contingency fund. He explained that, each year, \$25,000 is budgeted, and rarely, this amount is utilized; however, approximately \$18,900 is currently needed for the repair of a floodwall pump.

Recently, according to LaGarce, quotes were requested for this repair, with the lowest quote of \$18,900, being submitted from Hannibal Machine. Because of the large amount, it was decided to obtain quotes, even though these estimates were below the \$23,630 bid limits for repairs on heavy equipment.

The City Manager stated that a transaction in the accounts payable claims had been included for a 50% down-payment that is required from Hannibal Machine to order the expensive parts from Germany that will be necessary for these repairs. Motion was made by Council Member Knickerbocker to approve the City Manager's request. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Commercial Flood Buyout Property Appraisals – Standard Form of Agreement

Rubison Appraisal Services
(Resolution No. 1599-09, to follow)

City Manager LaGarce explained that bidding procedures had recently been completed for the commercial flood buyout property appraisals. As a result, seven bids were received, with the low bid being submitted by Rubison Appraisal in the amount of \$12,150.

LaGarce requested Council approval of Resolution No. 1599-09, to follow, that would approve a contract with Rubison approving an amount not-to-exceed \$12,150 for commercial property appraisal services relative to the flood buyout program. He added that Rubison Appraisal in from Stoutsville, MO and is currently conducting appraisal reviews in LaGrange, MO.

LYNDELL DAVIS – CHIEF OF POLICE
Re: Bid Award Approval, Cannondale Public Safety Bikes (8)
CoolByke

Police Chief Lyndell Davis presented the next two items on the agenda, the first being a request for approval of a bid award to CoolByke for the purchase of eight Cannondale

Davis explained that the HPD had recently let bids for this purchase, three vendors responded, submitting sealed bids that were accepted and opened on October 7, 2009. As a result, CoolByke was the lowest bidder with a bid amount of \$660 per bike. Davis added that all bikes would include the appropriate safety lighting, equipment bags and decals required for police bikes.

He asked Council approval to accept the bid of \$660 per bike for eight Cannondale Police bikes and accessories, totaling \$5,280. Funding for this purchase, according to Davis, will be provided by the US Department of Justice grant the Hannibal Police Department was awarded in August. The grant amount approved for this purchase was \$10,000, leaving the department well within their purchase limit. Motion was made by Council Member Knickerbocker to approve this bid award. Motion was seconded by Council Member Janes.

Motion carried. It was noted that having the bid awarded to a local vendor offered some advantages, since CoolBykes has agreed to service the bikes at no charge.

Re: Bid Award Approval, Police K-9
Von Henger Kennels

Davis' second item on the evening's agenda was a request for the approval of a bid award to Von Henger Kennels for the purchase of a police K-9. He explained that only one bid was received as a result of the bidding process the end of September. He asked Council approval of a bid award to Von Henger Kennels of Kingsville, MO in the amount of \$11,000.

Davis added that Von Henger had supplied HPD with their current K-9, Jury, who was nearing the end of his career; and is also the preferred choice of Sergeant Michael Routh, the department's K-9 handler for the last several years. According to Davis, bid price also covers the training of the K-9 and K-9 handler training, as well, all of which could take six months for certification. Funding for this purchase was budgeted in the FY2009-10 Budget. Motion was made by Council Member Louderman to approve Davis' request. Motion was seconded by Mayor Hark.

Motion carried.

CONNIE QUINN – ASSISTANT BUILDING INSPECTOR

Re: Demolition, 520 Broadway – Contract Agreement

(Resolution No. 1596-09, to follow)

Assistant Building Inspector Connie Quinn came before Council to introduce Resolution No. 1596-09, to follow. The approval of this Resolution would also approve a contract agreement with Don Martin Construction for the demolition of the structure located at 520 Broadway. Because of the condition of this building, emergency measures were taken and the bidding process was expedited. Bids were opened on October 19 with Don Martin submitting the most suitable bid in the amount of \$42,420.

Quinn read a statement from City Building Inspector Joey Burnham, stating, “Due to location and dangerous conditions of this demolition, this department must recommend the most experienced contractor”. Quinn continued by saying that, although Bricker Excavating was the lowest bidder, it was determined that Don Martin Construction was the most experienced contractor for this project. Mr. Bricker has done no work for the City of Hannibal in several years and the department was unable to find any references for recent work performance. The Building Inspection Department would have no reservations in hiring Bricker Excavation for the project if it were a less dangerous situation.

Council Member Knickerbocker, who also served on the Building Commission pointed out that this building was also attached to another sound structure and there were significant concerns of how demolition would affect that building.

MARK REES – CITY ENGINEER

Re: Public Hearing Cancellation – Rezone 3914 Market Street (F&M Bank)

November 3, 2009 – 6:15 p.m.

City Engineer Mark Rees’ first order of business was a request to cancel a public hearing for the rezoning of 3914 Market Street, F&M Bank location, due to an administrative error by Mark Twain Area Title Company. This is the hearing originally set for November 3, 2009 at 6:15 p.m. Motion was made by Council Member Louderman to cancel the public hearing set for November 3, 2009 at 6:15 p.m. Motion was seconded by Council Member Knickerbocker.

Roll Call

Yes: Council Members Louderman, Lyng, Knickerbocker and Mayor Hark – 4

No: -0-

Abstain: Council Member Janes - 1

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

Motion carried.

Re: Request, Set Public Hearing – Rezone 3914 Market Street (F&M Bank)

December 1, 2009 – 6:45 p.m.

City Engineer Rees requested that the public hearing for rezoning of 3914 Market Street, F&M Bank location, be rescheduled for December 1, 2009 at 6:45 p.m. Motion was made by Council Member Knickerbocker to approve the City Engineer's request. Motion was seconded by Council Member Louderman.

Roll Call

Yes: Council Members Louderman, Lyng, Knickerbocker and Mayor Hark – 4

No: -0-

Abstain: Council Member Janes - 1

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

Motion carried.

Re: 2009 Tree Removal – Contract Agreement

Wilson Tree Service

(Resolution No. 1597-09, to follow)

Rees' final item on the agenda regarded Resolution 1597-09 and the related contract with Wilson Tree Service for the 2009 Tree Removal Project. Rees explained that bids were let on October 13, 2009 for removal of hazardous trees in the City right-of-way. As a result, three bids were received, with the apparent low bidder being Wilson Tree Service in the amount of \$11,075. The Department of Public Works recommended that the City award the bid for tree removal to Wilson for \$11,075 by approving Resolution No. 15974-09, to follow.

CHRIS ATKINSON – DIRECTOR, PARKS & RECREATION

Re: Admiral Coontz Comprehensive Building Analysis, Roof Study – Supplemental Agreement No. 1

Poepping, Stone, Bach & Associates

(Resolution No. 1598-09, to follow)

Chris Atkinson, Director of Parks and Recreation Department, presented the final item on the evening's agenda, Supplemental Agreement No. 1 to the comprehensive building analysis of the Admiral Coontz Armory. Atkinson explained that the study, authorized by Council during the September 1, 2009 Council meeting is ongoing with a final report and recommendations expected in November. This study, conducted by Poepping, Stone, Bach & Associates includes analysis of the roof, electrical, HVAC, plumbing and the addition of restrooms.

According to Atkinson, a portion of the analysis was a study of the roof that leaks during rain storms. In order to understand the roof issues better, PBSA recommended performance of a thermal scan, asbestos sampling, and core cuts of the existing roof. The ultimate goal is to save sections so that it will not be necessary to tear off and replace the entire roof.

Atkinson continued that current problems are compounded because of poor or missing records for past repairs at the armory structure. Plans that were shown to PBSA were the original 1938 documents and since there has been additional work subsequently, nothing matches up.

Asbestos is another issue that must be addressed. The presence of asbestos would be discovered by testing. Atkinson stated that in completing the additional analysis will allow the engineer to ultimately give the City a more accurate estimates and bid documents. Supplemental Agreement No.1 to the comprehensive building analysis would be approved with related Resolution No. 1598-09, to follow.

Council Member Janes questioned if Council would receive an asbestos report so they could make a determination, when needed. Atkinson assured Janes that there would be a report distributed prior to approval of the project.

RESOLUTION NO. 1596-09

(As amended)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE DEMOLITION OF CONDEMNED PROPERTY LOCATED AT 520 BROADWAY, BETWEEN THE CITY OF HANNIBAL AND DON MARTIN CONSTRUCTION IN THE AMOUNT OF \$42,420

Motion was made by Council Member Knickerbocker to have the City Clerk read Resolution No. 1596-09, as amended, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Council Member Janes asked for additional clarification regarding the reasons why the low bid was not selected. City Attorney Lemon addressed this issue by reminding Council that a breach letter had to be sent to Bricker Excavation the last time a bid was awarded him, because a property that was awarded was not demolished for approximately six months following the bid award. That property was identified as the property that burned down where Mortgage Options, owned by O.C. Latta was located. Lemon continued that the structure was not demolished, despite multiple contacts by the Building Inspector's Office. Ultimately, the City Attorney threatened a lawsuit, before he would complete the demolition project.

Decision was made because of this former problem combined with Mr. Martin's additional equipment and expertise in this type of job. In addition, nothing in the City's guidelines require only the approval of the low bidder, when other issues are factored in.

Council Member Knickerbocker added that it was his understanding that the floors of this property are collapsing within, making it structurally unsound; therefore, time is of the

essence for the sake of public safety. Council must consider Mr. Bricker's inability to comply with the previous bid that he had been awarded.

Mr. Bricker was recognized and spoke on his own behalf, stating that he did not recall the occurrence that Mr. Lemon had cited. City Attorney reminded him that the property that was the subject in question had been located on South Fifth Street, adjacent to F&M Bank, reminding Mr. Bricker that a letter had to be sent advising they there would be no payment by the City if the property was not demolished.

Mr. Bricker asked to see a copy of the letter, which City Attorney Lemon agreed to produce. The second issue was the question of experience; and, according to Mr. Bricker, he recently demolished a structure in Shelbina that was collapsing. He added that he was never asked to provide any kind of references for this bid. He agreed that he had not recently been doing business in the Hannibal area, but assured Council that he was, indeed, experienced and capable of doing this project.

Council Member Lyng questioned Mr. Bricker's insurance coverage. Bricker responded that he had \$7 million umbrella of coverage, as required by law.

Mayor Hark asked for additional comments from the Building Inspector who stated that he had nothing else to add. It was the recommendation of his office to award the bid to Don Martin Construction.

Motion carried.

Roll Call

Yes: Council Members Louderman, Knickerbocker, Janes and Mayor Hark – 4

No: Council Member Lyng – 1

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

Mayor Hark declared Resolution No. 1596-09, as amended, duly approved and adopted on this date.

RESOLUTION NO. 1597-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AGREEMENT BETWEEN THE CITY OF HANNIBAL AND WILSON TREE SERVICE IN THE AMOUNT OF \$11,075 FOR THE 2009 TREE REMOVAL PROJECT

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1597-09, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Resolution No. 1597-09, duly approved and adopted on this date.

RESOLUTION NO. 1598-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE COMPREHENSIVE BUILDING ANALYSIS' SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF HANNIBAL, PARKS & RECREATION, AND POEPPING, STONE, BACH & ASSOCIATES IN THE AMOUNT OF \$7,000 FOR THE ADDITIONAL ENGINEERING SERVICES NECESSARY TO COMPLETE THE ADMIRAL COONTZ ROOF STUDY

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1598-09, and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Resolution No. 1598-09, duly approved and adopted on this date.

RESOLUTION NO. 1599-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH RUBISON APPRAISAL SERVICE IN AN AMOUNT NOT

**TO EXCEED \$12,150 FOR COMMERCIAL PROPERTY APPRAISALS
RELATIVE TO THE FLOOD
BUYOUT PROGRAM**

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1599-09, and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Resolution No. 1599-09, 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**

SECOND AND FINAL READING

Motion was made by Council Member Knickerbocker to give Bill No. 09-020 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Louderman.

Roll Call

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

No: -0-

Absent: Council Member Behymer and Mayor Pro Tem Wilson - 2
Mayor Hark declared Bill No. 09-020 duly approved and adopted on this date.

BILL NO. 09-021

(As amended)

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

SECOND AND FINAL READING

Motion was made by Council Member Louderman to give Bill No. 09-021, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Roll Call

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

No: -0-

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

Mayor Hark declared Bill No. 09-021, as amended, duly approved and adopted on this date.

BILL NO. 09-022

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

SECOND AND FINAL READING

Motion was made by Council Member Janes to give Bill No. 09-022 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Louderman.

Roll Call

Yes: Council Members Louderman, Knickerbocker, Janes and Mayor Hark – 4

No: Council Member Lyng - 1

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

Mayor Hark declared Bill No. 09-022 duly approved and adopted on this date.

CLOSED SESSION

In Accordance with RSMo 610-021 (2) & (12)

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraphs 2 and 12, admitting himself, rest of Council, City Manager Jeff LaGarce, City Attorney James Lemon, City Clerk Angelica Vance, Police Chief Lyndell Davis, Parks & Recreation Director Chris Atkinson and Finance Director Doug Warren. Motion was made by Council Member Knickerbocker to go into closed session as the Mayor directed. Motion was seconded by Mayor Hark.

Roll Call

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

No: -0-

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

Motion carried.

OPEN SESSION

Motion was made by Council Member Knickerbocker to return to open session at this time. Motion was seconded by Mayor Hark.

Motion carried.

ADJOURNMENT

Motion was made by Council Member Louderman to adjourn the meeting. Motion was seconded by Mayor Hark.

Motion carried.