

OFFICIAL COUNCIL PROCEEDINGS

September 15, 2009
7:00 p.m.

ROLL CALL

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

Absent: Council Member Knickerbocker - 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

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

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting – September 1, 2009

Motion was made by Council Member Behymer to approve the minutes of the last regular Council meeting that was held on September 1, 2009. Motion was seconded by Mayor Pro Tem Wilson.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – September 2009

Motion was made by Mayor Pro Tem Wilson to approve the payroll and claims for the first half of September, 2009. Motion was seconded by Council Member Louderman.

Motion carried.

* *City Attorney James Lemon entered the meeting.**

STEPHANIE THOMECZEK - BREATHE EASY, HANNIBAL COALITION

Re: Coalition Information & Ward Map Presentation

Ms. Stephanie Thomeczek, the representative for Breathe Easy Hannibal, thanked Council for the opportunity to be heard. She explained that Breathe Easy Hannibal is a coalition of Hannibal area citizens who have joined together to educate the public regarding a very important health issue, second-hand smoke. Thomeczek introduced another member, Tiffany Bowman, who was present on behalf of the University of Missouri in Columbia.

Bowman explained that she had packets of information that she distributed to the Council Members, adding that the group of volunteers, known as Breathe Easy Hannibal, was formed approximately two years ago when a national trend began, in which people were beginning to be interested in the dangers of breathing second-hand smoke. The coalition is interested in the level of support the community has for this issue and is currently conducting research to develop a policy for regulating second-hand smoke in the workplace. She gave details of the materials that were included in the packets. She continued her presentation by saying that in 2006, the U.S. Surgeon General released a report indicating there is no safe level of exposure. At the present time, the workforce in Hannibal is exposed to this known carcinogen for eight hours every day in the workplace; and needs to be protected. The opportunity to protect citizens and leave a legacy is currently before Council, according to Bowman.

Ms. Thomeczek spoke again, at this time and presented a ward map that had been prepared for City Clerk Angelica Vance's Office. This was given, in appreciation, because the organization had been allowed the use of a hand-made ward map, belonging to the Clerk's Office while conducting their research. The City Clerk expressed her appreciation for the presentation of the map.

LOIS DAMRON - AMERICAN HEART ASSOCIATION

Re: Request, Street Closure

(Mississippi River Run - September 26, 2009 - 7:00 a.m.-10:00 a.m.)

Ms. Lois Damron came before Council, on behalf of the American Heart Association, to request the support of the City for the 4th Annual Mississippi River Run. Her specific request was the same as the request in previous years. Specifically, the access to one lane of roadway across Mark Twain Bridge, continuing on Palmyra Road to Riverview Park entrance and returning down Palmyra Road, Mark Twain Avenue, 3rd Street and North Street to the Y-Men's Pavilion. With Council permission, this event would be held from 7:00 a.m. until 10:00 a.m. on September 26, 2009.

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

Motion carried.

DAVE MCCOLLUM - HANNIBAL HIGH SCHOOL

Re: Request, Street Closure

(Homecoming parade - October 9, 2009 - 4:00 p.m.-5:30 p.m.)

City Clerk Angelica Vance spoke on behalf of Dave McCollum, the representative from Hannibal High School who was unable to attend the Council meeting. Mr. McCollum had

requested Council approval for the closure of certain streets during the HHS Homecoming Parade, scheduled for October 9, 2009 between the hours of 4:00 p.m. and 5:30 p.m.

The parade route, according to Vance, would be similar to past year's; however, instead of ending at the gravel lot located on Main and Broadway, it would continue north on Main Street to North Street. The new proposed route is the result of a request from Project Graduation Parent's Organization, who will be encouraging downtown merchants, in support of the Homecoming, to participate in a window dressing activity. Motion was made by Council Member Louderman to approve this request. Motion was seconded by Council Member Behymer.

Motion carried.

HEIDI MARK - THE NORTH WALL
Re: Request, Street Closure & Alcohol Consumption on Public Property
(Wine Crawl - October 10, 2009 - 4:00 p.m.-12:00 a.m.)

Heidi Mark, representing her business the North Wall, came before Council asking for their approval for street closure, during the 2nd Annual Wine Crawl to be held on October 10, 2009, between the hours of 4:00 p.m. and 12:00 a.m. Mark indicated that she would be having a musician perform during the evening; however, she would only erect a tent in the event of inclement weather. She added that she expected the attendance to double this year in comparison to last year's attendance. Motion was made by Mayor Pro Tem Wilson to approve Mark's request. Motion was seconded by Mayor Hark.

Roll Call

Yes: Mayor Pro Tem Wilson, Mayor Hark, Council Members Louderman, Behymer and Lyng – 5

No: Council Member Janes – 1

Absent: Council Member Knickerbocker - 1

Motion carried.

MIKE BATTLES - AMERICAN LEGION
Re: Request, Street Closure
(Annual Veterans Day Parade - November 7, 2009 - 12:00 p.m.)

Mr. Mike Battles, representing the American Legion Riders, presented the next agenda item to Council, at this time. This was a request for street closure during the Annual Veterans Day Parade, to be held on Saturday, November 7, 2009, beginning at 12:00 noon until the completion of the parade. He stated that all required permits had been submitted to the Police Department. The parade route would begin at 10th Street, running down Broadway to Main Street and North on Main to North Street. Battles requested that Broadway be closed from Grand Avenue to 10th Street, beginning at 10:30 a.m. to assemble the parade. Motion was made by Council Member Behymer to approve Battles' request. Motion was seconded by Council Member Janes.

Motion carried.

MIKE BARRON - MANAGER, HANNIBAL REGIONAL AIRPORT
Re: Approval, Skydiving School & Waiver System of Protection

Mike Barron, Manager of the Hannibal Regional Airport, presented the next agenda item, regarding Council approval of the second half of his proposed operations for the airport. Barron added that soaring was now in place and it was his desire to offer skydiving at the local airport, as well. This endeavor is operated somewhat differently from other activities, in that the airport would use 'waivers', in lieu of insurance, for persons wishing to skydive, since most mainstream insurance companies will not insure skydiving.

Barron continued by saying that he had reviewed various waivers that have been developed by the USPA; and, as a result, one has been chosen and modified to meet the specific needs of the airport. The end result has been examined by Barron's attorney, as well as City Attorney James Lemon. He explained that Council did not specifically need to approve the skydiving endeavor, but he wished to have their approval, opening the floor for questions.

In response to questioning, City Attorney Lemon stated that he had reviewed the information that Mr. Barron had brought to him, also completing research and review of case law, regarding the subject at hand. He found no appellate cases in which a city had been sued by someone injured in a skydiving accident; however, there were some cases of 'recreational activities'. With that in mind, the waiver, presented by Barron, seems to comply with all the required components with regard to the relevant cases. Lemon added that a video, developed by the attorney, will be shown to prospective skydivers graphically detailing their rights and what they are about to undertake.

Council Member Janes questioned the steps that had to be taken in order to have FAA approval of the airport as a drop point. Barron responded by stating that skydiving was already an approved airport activity; therefore, the only requirement of the airport would be to issue a 'notice to airmen' or NOTAM that these activities take place, specifically, when, where and what time, much the same as the soaring NOTAM.

Barron stated that this would not be a club, but a professional school, offering tandem jumping instruction, as well as, AFF or accelerated free-fall.

Council Member Lyng asked about the expected revenue that would be received from these activities. The Club and the FBO, specifically, benefits from the cost of the schooling, the same as with maintenance and aircraft rental, according to Barron; however, as with any tourist activity people coming into the community (sky-diving, as well as soaring, draws people from far away) will also bring revenue to Hannibal.

Lyng asked about the statistics of the airport's revenue, to which Barron responded that *QuickBooks* was used for this purpose. Lyng then asked for a copy of the airport's business records. When questioned about the airport's total profits, Barron stated that they were currently operating in the negative. Motion was made by Council Member Janes to approve Barron's request. Motion was seconded by Mayor Pro Tem Wilson.

Motion carried.

ROY G. HARK – MAYOR
Re: Approval of Appointments

Mayor Hark reminded Council of candidates presented at the last regular Council meeting for the Real Property Redevelopment Tax Increment Financing Commission. These were:

**REAL PROPERTY REDEVELOPMENT TAX INCREMENT
FINANCING COMMISSION**

- Frank DiTillo – Reappointment for a term to expire June, 2013
- Mike Ginsberg – Reappointment for a term to expire June, 2013

He asked Council for their approval of these nominations. Motion was made by Mayor Pro Tem Wilson to approve the nominations of Frank DiTillo and Mike Ginsberg for reappointments to this commission. Motion was seconded by Council Member Louderman. In answer to Council Member Lyng's questioning if this commission ever had a meeting, Mayor Hark answered that they met "rarely"; however, members needed to be in place for those times when a meeting was necessary.

Motion carried.

JEFF LAGARCE – CITY MANAGER
Re: Recommendation of Appointment

City Manager Jeff LaGarce made the following recommendation:

HISTORIC DEVELOPMENT DISTRICT COMMISSION

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

Council Member Janes questioned his eligibility, stating that in the memo it reads, "Robert operates his family farm". Janes asked if Saxbury lives in Hannibal. LaGarce confirmed that Saxbury did live within the Hannibal limits.

This nomination will be considered for approval at the next regular Council meeting.

Re: Approval of Appointments

City Manager LaGarce also reminded Council of a candidates presented at the last regular Council meeting for the Hannibal Tree Board. These were:

HANNIBAL TREE BOARD

- Eric Happekotte – Appointment for a term to expire September, 2012
- Kristy Trevathen – Reappointment for a term to expire September, 2012

He asked Council for their approval of these nominations. Motion was made by Mayor Pro Tem Wilson to approve these nominations. Motion was seconded by Council Member Louderman.

Motion carried. LaGarce also asked for approval of a candidate that he had recommended at the last regular Council meeting to serve on the Hannibal Board of Public Works Board. This was:

HANNIBAL BOARD OF PUBLIC WORKS

- Randy Park – Appointment for a term to expire July, 2013

He asked Council for their approval of this nomination, as well. Motion was made by Mayor Pro Tem Wilson to approve this nomination. Motion was seconded by Council Member Louderman.

Roll Call

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

No: Council Member Lyng – 1

Absent: Council Member Knickerbocker - 1

Motion carried.

Re: Stormwater Policy

(Resolution No. 1585-09, to follow)

City Manager LaGarce's last order of business was the stormwater policy and the related Resolution No. 1585-09, that would be brought before Council later in the meeting for approval. LaGarce explained that research had been done on existing problems since early May, and as the result of information gleaned, the proposed policy had been developed by Finance Director Doug Warren, City Engineer Mark Rees, Mayor Roy Hark, Council Members Behymer, Janes, Louderman and himself. This policy, if approved, would establish clear criterion which, if met, will permit the city to address a particular stormwater problem and take public action.

Council Member Lyng stated that he only had one day to review the proposed stormwater policy and questioned whether Newell Lane would meet the proposed criteria, to which LaGarce responded that City Engineer Rees would have to complete the testing to determine whether or not an area meets the proper criteria. He added that the City Engineer would review the Surrey Hills area next week for eligibility.

Council Member Janes explained that the passage of this resolution does not mean that the City of Hannibal will fix all stormwater problems. Instead, it means that these items will be placed on the list and prioritized to determine which are emergencies. As funding becomes available, problem areas that qualify will be fixed.

LaGarce said that some areas consisted of small problems that would only take 16-24 feet of pipe and ½ day of work; but, under current restrictions, the city is prohibited from assisting

these problems, should they be located on private property. He believes this is a well-balanced policy, and even though stormwater funding will continue to limit the city's abilities, this policy will greatly help.

TIM CARTER – FIRE CHIEF

Re: Purchase Request

Fire Chief Tim Carter came before Council at this time, with a request for their approval of Fire Department purchases. These purchases involve equipment for the new fire engine that was delivered last month. He explained that it is the Department's wish to utilize the funds received from the sale of the old fire engine, recently sold to Alexandria, Mo. Carter sought Council approval to:

- Replace 25 year-old hydraulic rescue tools – Est. \$12,000
- Purchase radio headsets – Est. \$3,000
- Purchase mounting hardware to secure equipment within compartments – Est. \$1,500
- Purchase flooring tiles for compartments in the new truck to protect the factory flooring and provide a non-slip surface for equipment storage – Est. \$1,500

The needed \$18,000, according to Carter, has already been deposited into the General Fund account, and the City Manager will present a budget amendment at next month's Council meeting. Motion was made by Council Member Janes to approve Fire Chief Carter's request. Motion was seconded by Council Member Louderman.

Motion carried.

MARK REES – CITY ENGINEER

Re: Spruce Street/Minnow Creek Contract Cost Reduction

City Engineer Rees stated that his first item on the evening's agenda was good news. This project, the Spruce Street/Minnow Creek contract came in under budget. Rees gave credit for this cost reduction to Kenny White, Assistant to the City Engineer, who recognized a chance to save money and, in addition, to improve the project, as well. White consulted with the design engineer contractor, who gave Rees a proposal to save yard and materials, which he agreed with and approved, resulting in a cost savings of approximately \$4,600.

Re: Approval, Comanche Avenue Stormwater Funding

Rees second item was regarding stormwater funding approval of an area located on Comanche Avenue. Rees continued that one of the first tests of the new stormwater policy was performed on this area where there have been significant stormwater runoff problems. He said that DPW had been aware of this problem, caused in part by several basins upstream, including Wal-Mart, Stardust Avenue and Lowes, for quite some time. According to Rees, there is currently no conveyance other than a person's backyard. Stormwater then continues down the street,

into a ditch that runs parallel to Highway 61. He explained that he had contacted Klingner & Associates to provide a scope and fee proposal, as well as a preliminary cost estimate.

When asked about details of a picture that had been included in the agenda packets, Rees explained that runoff, in this picture, after flowing curb to curb at one point (the intersection of Apache and Comanche Trail), continues down a driveway and into a residential basement. During his study, Rees categorized this runoff problem as encompassing the entire spectrum - from nuisance flooding to a potential public safety hazard.

Rees' explained that, according to the new policy guidelines, when DPW becomes aware of these issues, a preliminary engineering study will be performed by the Department, followed by a report to Council prior to funds being expended to solve the issue. LaGarce clarified that, in the case of an in-house solution, expenditures will not be returned to Council for approval; however, if the solution is a proposed outside contract, it would be placed before Council for their approval.

The approval that is needed for the Comanche Avenue Stormwater on the evening's agenda is merely approval to move forward with the project in accordance with the stormwater policy, currently being put into place. No specific money is being approved at this time, according to the City Manager. Council would be agreeing this is a valuable city project and should be completed. If approved this evening, an engineering contract will be presented for approval at the next meeting. Rees did say that the engineer's estimate, at this point, is approximately \$118,000 to completion (At present, \$200,000 is ear-marked in this year's budget for stormwater projects.)

It was noted at this time that similar tests would be performed on Wilcox and Newell Lane, as well. Motion was made by Council Member Janes to approve Rees' request. Motion was seconded by Mayor Hark.

Motion carried.

Re: Approval, Chipseal Program Extension

Rees reminded Council that the Department of Public Works was currently in the midst of the 2009 chipseal program. According to Rees, the program is progressing fairly well and much has been learned through the process. During the course of the program, a couple of streets had to be skipped for various reasons, the first required more patching and the second was too steep.

Formerly, \$50,000 was withheld from the program because of weather and program uncertainties; therefore, Rees' current request is for permission to substitute thirteen more appropriate streets in the Oakwood area for the two omitted streets, also permitting the Department to overrun the project by \$35,000, all budgeted funds. Rees assured Council that a total of \$600,000 in funding and an additional \$17,000 for equipment rental was available for the chipseal program. He explained that his proposal was for the use of \$585,000 for the entire chipseal program.

These thirteen streets in Oakwood were included in the original plan; however, because bids came in higher than expected, these streets were deferred from the 2009 chipseal program to next year's budget at the last minute. With Council approval of the additional \$35,000 overrun, these streets would be added back to the 2009 budget year's program. Rees added that, since Oakwood was one of the last areas considered, unfortunately, fewer streets were

chosen here. Motion was made by Council Member Behymer, seconded by Council Member Louderman to approve the additional \$35,000 overrun and allow the thirteen streets to be added back into the 2009 chipseal program.

In response to a question by Council Member Janes, Rees stated that they did not have all rock cleaned up at this time but the Street Department was working on this and hundreds of tons had already been recovered, which would be re-used. The Street Department has two street sweepers working to complete this cleanup, in addition to their regular duties.

Council Member Lyng asked for examples of completed streets, and Rees responded by naming the Patchen and South Arch area that was getting close. Streets undergo three sweepings after chipseal.

Motion carried.

CHRIS ATKINSON – DIRECTOR, PARKS & RECREATION
Re: Tree Resource Improvement & Maintenance Grant Program – Cooperative Agreement

Missouri Department of Conservation
(Resolution No. 1584-09, to follow)

Mayor Hark informed those in attendance that, because of a family emergency, Chris Atkinson, Director of the Parks and Recreation Department, who was to present the next item on the agenda, was unable to attend the meeting; City Clerk Vance would be presenting this item on his behalf. She explained that, in May of this year, Council had given the Parks and Recreation Department permission to submit a grant application for the Tree Resource Improvement and Maintenance Program, also known as the TRIM grant. Last month, the department was notified that they will receive grant funds in the amount of \$9,750.

The project submitted was for the removal of 12 dead and declining trees and the pruning of 16 identified trees in Riverview and Central Parks. Trees to be included were identified in a 2005 and 2007 tree study of both parks; the total project was estimated at \$13,000. Vance added that these amounts had been budgeted in the FY 2009-10 Budget, with \$10,000 budgeted to Revenues and \$13,000 to Expenditures, with the remaining balance in excess of the grant amount coming from the Park Maintenance line item.

Vance explained that Atkinson's specific request was to secure Council's authorization for the Mayor to execute a cooperative agreement between the City and the Missouri Department of Conservation, which would be achieved with Resolution No. 1584-09, to follow.

LYNDELL DAVIS - CHIEF OF POLICE
Re: State Bid Purchase Approval, Digital Cameras & Accessories
World Wide Technology

Police Chief Lyndell Davis presented the final two agenda items, the first being a state bid purchase approval for digital cameras, with accessories from World Wide Technology. Davis explained that recently the Hannibal Police Department sought price quotes to purchase replacement cameras and their accessories. He added that quotes were received from three vendors, with the lowest quote being the state bid from World Wide Technology at a total cost of \$5,968.22, shipping included.

Davis stated that, in accordance with the Hannibal City Charter, he was requesting Council approval to accept the World Wide Technology quote for this purchase. He added that 100% of the funding was provided by a U.S. Department of Justice (JAG) grant that was awarded to the Hannibal Police Department in August, 2009. Motion was made by Council Member Louderman to approve this request. Motion was seconded by Council Member Behymer.

Motion carried.

Re: Approval, Police Officer Fitness Incentive Program

Chief Davis' second and final item on the evening's agenda was the request for Council approval to implement a Police Officer Fitness Incentive Program. Davis explained that he had included documentation in the agenda packets detailing a fitness incentive program that he wished to implement within the Police Department. Its purpose is to encourage police officers to maintain good to excellent physical fitness throughout the full length of their career in law enforcement. He added that the importance of good physical fitness is exemplified almost daily, with the frequent foot pursuits and various physical altercations that they are subjected to. The Chief also pointed out other valid reasons for the importance of good physical fitness within the department, including the extra weight of equipment that is worn, consisting of body armor, firearms, and assorted duty belt items, impacting police officers.

Davis proposed an incentive program that encourages officers to maintain an acceptable level of physical fitness by three methods:

1. **Time-off incentive** – Officers passing the bi-annual test are awarded time off as a reward.
2. **Medal of Accomplishment** – Officers successfully completing both bi-annual tests and other established criteria would be awarded a fitness medal to be worn on their uniform.
3. **Peer Pressure** – By offering internal fitness testing and establishing in-house fitness instructors and fitness training, an environment of fitness being the norm would be established effecting both new and experienced officers.

Davis assured Council that there would be no additional costs to the salary line item, with the implementation of this fitness program. This would be accomplished because no overtime would be authorized to cover these absences under normal operating conditions. He added that the Fraternal Order of Police (FOP) is giving their full support of this program, as well as the City's MIRMA Representative, Jeff Arp; copies of these letters of support are also included in the packets.

In order to reduce or entirely prevent any ADA issues or discriminatory claims against the program, Davis has opted to choose a voluntary program instead of a mandatory program. In closing, Chief Davis noted that physical duty is contained in each officer's job description, regardless of rank. Fitness is not only a luxury for those employed in public safety, but a necessity. His intention is to implement the program in April, 2010, with the first fitness testing to be performed at that time. Motion was made by Council Member Louderman to approve Chief Davis' request. Motion was seconded by Council Member Janes.

Motion carried.

RESOLUTION NO. 1584-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE AGREEMENT BETWEEN THE CITY OF HANNIBAL, PARKS AND RECREATION DEPARTMENT AND THE MISSOURI DEPARTMENT OF CONSERVATION FOR THE PURPOSE OF RECEIVING GRANT FUNDING IN THE AMOUNT OF \$9,750 THROUGH THE *TREE RESOURCE IMPROVEMENT AND MAINTENANCE (TRIM)* GRANT PROGRAM

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1584-09, and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1584-09, duly approved and adopted on this date.

RESOLUTION NO. 1585-09

A RESOLUTION ADOPTING A PUBLIC STORMWATER REPAIR POLICY FOR THE CITY OF HANNIBAL

Motion was made by Mayor Pro Tem Wilson to have the City Clerk read Resolution No. 1585-09, and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1585-09, duly approved and adopted on this date. At this time, City Manager LaGarce expressed his thanks to Council Members Behymer, Louderman and Janes, as well as Finance Director Doug Warren and City Engineer Mark Rees for serving on this committee, adding that much time and effort was expended on this project.

BILL NO. 09-019

**AN ORDINANCE FIXING AND ADOPTING THE RATE OF TAXATION FOR THE
YEAR OF 2009 AND LEVYING TAXES THEREFORE**

SECOND AND FINAL READING

Motion was made by Council Member Louderman to give Bill No. 09-019 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Roll Call

Yes: Mayor Pro Tem Wilson, Mayor Hark, Council Members Louderman and Behymer – 4

No: Council Members Lyng and Janes – 2

Absent: Council Member Knickerbocker - 1

Motion to read carried.

Roll Call

Yes: Mayor Pro Tem Wilson, Mayor Hark, Council Members Louderman and Behymer – 4

No: Council Members Lyng and Janes – 2

Absent: Council Member Knickerbocker - 1

Mayor Hark declared Bill No. 09-019 duly approved and adopted on this date.

ADJOURNMENT

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

Motion carried.