

# OFFICIAL COUNCIL PROCEEDINGS

April 20, 2010  
7:00 p.m.

## ROLL CALL

**Present:** Mayor Pro Tem Behymer, Council Members Lyng, Knickerbocker, Janes, Barta, Mayor Hark and Council Member Louderman – 7

**Absent:** -0-

## 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

The Pledge of Allegiance was led by Council Member Barta.

## APPROVAL OF MINUTES

**Closed Session – October 20, 2009**

**Closed Session – November 17, 2009**

**Closed Session – April 6, 2009**

**Regular Council Meeting – April 6, 2010**

**Special Call Meeting – April 13, 2010**

Motion was made by Mayor Pro Tem Behymer to approve the minutes of the Closed Session Meetings held on October 20, 2009, November 17, 2009, April 6, 2010, regular Council Meeting held on April 6, 2010 and the Special Call Meeting held on April 13, 2010. Motion was seconded by Council Member Louderman.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**First Half – April, 2010**

Motion was made by Mayor Pro Tem Behymer to approve the payroll and claims for the first half of April, 2010. Motion was seconded by Council Member Barta.

Motion carried.

**BILL WEBBER – KIWANIS CLUB OF HANNIBAL**  
**Re: Request, Street Closures & Use of City Owned Property**  
*34<sup>th</sup> Annual Samuel L. Clemens Arts & Crafts Festival – July 2-4, 2010*

Mr. Bill Webber, representing the Kiwanis Club of Hannibal came before Council with a request to use Central Park for the 34<sup>th</sup> Annual Samuel L. Clemens Arts & Crafts Festival to be held July 2-4, 2010. Webber added that this year the gravel parking lot located at 3<sup>rd</sup> and Lyon Street had been secured for exhibitor parking, during the festival. He requested the use of the parking spaces on the west side of Fourth Street from Center Street to Broadway on July 1<sup>st</sup> and 2<sup>nd</sup>. He also requested the closure of 4<sup>th</sup> Street on July 3<sup>rd</sup> and 4<sup>th</sup>.

Motion was made by Council Member Janes to approve Webber's request for the use of Central Park, the parking spaces and the closure of Fourth Street as requested. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**ROY G. HARK – MAYOR**  
**Re: Approval of Appointments**  
***HANNIBAL HOUSING AUTHORITY***

- Jay Ghanti – Re-appointment for a term to expire, April, 2014
- Patti Talbert – Re-appointment for a term to expire, April 2014

Mayor Roy Hark reminded Council of recommendations presented at the last regular Council meeting for the Hannibal Housing Authority Board. These were:

- HANNIBAL HOUSING AUTHORITY***
- Jay Ghanti – Re-appointment for a term to expire, April, 2014
  - Patti Talbert – Re-appointment for a term to expire, April 2014

He asked Council for their approval of these nominations. Motion was made by Council Member Louderman to approve the nominations of Jay Ghanti and Patti Talbert for re-appointments to the Hannibal Housing Authority Board. Motion was seconded by Mayor Pro Tem Behymer.

Motion carried.

**JEFF LAGARCE – CITY MANAGER**

**Re: Recommendation of Appointment**

***HANNIBAL LIBRARY BOARD***

- Krystin Conley – Appointment for an unexpired term to expire, June, 2012

City Manager Jeff LaGarce made the following recommendation:

***HANNIBAL LIBRARY BOARD***

- Krystin Conley – Appointment for an unexpired term to expire, June, 2012

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

**Re: Request, CWC 2010-11 Budget Work Session**

*Wednesday, May 26, 2010 – 6:00 p.m.*

The City Manager asked Council to set a budget work session on May 26<sup>th</sup> at 6:00 p.m. He added that, in the past, two sessions have been held for this purpose; however, instead of reviewing the budget, page-by-page, each department will only be asked to present its major highlights and changes this year. Motion was made by Mayor Hark to set the budget work session as directed by City Manager LaGarce. Motion was seconded by Mayor Pro Tem Behymer.

Motion carried.

**Re: Request, Appointment Three (3) Person Negotiating Team**

*Fraternal Order of Police, Lodge #20 Collective Bargaining Requests*

LaGarce explained that his third item on the evening's agenda was regarding a collective bargaining request made by the Fraternal Order of Police, recently. He asked that Council appoint a three (3) person team of elected officials to participate with him in the negotiating process. Mayor Hark a motion to appoint Councilman Louderman, Knickerbocker and Barta for the negotiating team. Motion was made by Mayor Pro Tem Behymer to appoint the members as recommended by Mayor Hark. Motion was seconded by Council Member Barta.

Motion carried.

**Re: Commercial Flood Buyout Program Title Services – Standard Form of Agreement**

*(Resolution No. 1645-10, to follow)*

City Manager LaGarce explained that, in anticipation of property acquisitions for Commercial Flood Buyout, proposals for real estate title services were recently solicited. Proposals were sent to six title companies in this area. As a result, two proposals were returned; however, neither company included qualifications. Supplemental requests were then sent to each of the two firms, requesting additional criteria. Only one of the firms,

Wells Abstract Company, provided the supplemental information that was requested. LaGarce added that, with only a single proposal to review, CDBG administrators were consulted; and they advised the City to accept the sole proposal provided by Wells Abstract Company, who meets all qualifications.

In View of this, LaGarce recommended Council approval of Resolution No. 1645-10, to follow, accepting the proposal of Wells Abstract Company to perform real estate title services for each of the twenty-five (25) commercial flood buyout properties, by authorizing the Mayor to execute an agreement with Wells Abstract.

LaGarce stated that, even though City Attorney James Lemon is a partner in Wells Abstract Company, he did not see any conflicts of interest.

**BILL MADORE – ACTING FIRE CHIEF**  
**Re: Approval, Sale of Surplus Property**  
*Old Monroe Fire Protection District*  
*Dr. Brian Brown*

Acting Chief Madore explained that his reason for coming before Council was to obtain approval for the sale of surplus equipment, owned by the Hannibal Fire Department. Madore stated that this equipment had been posted through a formal bid process and bid openings were conducted on March 31<sup>st</sup>. He made the following recommendations, based on the bids received:

<u>Equipment</u>	<u>Bid Award to</u>	<u>Bid Amount</u>
Hurst hydraulic rescue tools	Old Monroe Fire Protection Dist.	\$ 3,500.00
Bullard PX helmets	Old Monroe Fire Protection Dist.	50.00
Rubber firefighting boots	Old Monroe Fire Protection Dist.	50.00
Zoll cardiac monitor	Dr. Brian Brown	1,000.00

Motion was made by Mayor Pro Tem Behymer to approve the recommendations made by Chief Madore. Motion was seconded by Council Member Louderman.

Motion carried.

**LYNDELL DAVIS – CHIEF OF POLICE**  
**Re: Introduction – Drug Officer**

Chief Lyndell Davis came before Council at this time to introduce the Hannibal Police Department's new drug officer, Charger, and Corporal Alex Grote, his handler. The Chief explained that both officers had been in training and would be certified after one more week of training.

Officer Charger, a two-year old German Shepard who is fluent in German, English and Czech, is trained in narcotic detection, building searches, vehicle searches, suspect apprehension and tracking, according to Davis.

Juri, the Department's former K-9 is in retirement at the present, awaiting the return of Sergeant Michael Routh, his handler, from military deployment. The Police Department has been without K-9 services for approximately one year and the Chief expressed his eagerness to have another K-9 on the force, in order to begin utilizing that tool once more.

**Re: Non-Emergency Dispatching Services – Service Agreement**

*(Resolution No. 1644-10, to follow)*

*Marion County Emergency Services*

Chief Davis reminded Council that, since Marion County 911 had recently relocated to their new facility on North Highway 61, the HPD was in need of non-emergency dispatch and was compelled to negotiate an agreement with them to provide the department with non-emergency dispatching services. After numerous meetings, an agreement was mutually accepted. Up to the present, Davis explained, Marion County Emergency Services (911) has been providing this service without a written agreement and Chief Davis believes that it would benefit the Police Department and the City to continue under these terms. For that reason, the written agreement was negotiated and will be approved with the approval of Resolution No. 1644-10, to follow.

**DOUG WARREN – DIRECTOR, FINANCE**

**Re: Budget Amendment No. 4 – *Building Inspector's Department; Street Bonds; Aviation Fuel***

*Resolution No. 1646-10, to follow)*

Doug Warren, the Director of Finance, explained that several amendments to the FY2009-2010 Budget were necessary. He sought Council approval of Resolution No. 1646-10, to follow, regarding these changes. They were:

1. The first budget amendment is with regard to the Building Inspector's Department. Warren explained that, recently, a structure located at 1921 Market Street partially collapsed, requiring City removal. Since \$60,000 was budgeted for Demolitions in the 2009-2010 Budget and \$42,000 was previously expended to demolish a structure on Broadway, he recommended that \$30,000, unused funds budgeted for a flood buyout consultant, be transferred to the Building Inspector to remove the structure on Market Street. He also recommended transferring \$15,000 from Contingency for the same purpose. These combined transfers should provide adequate funding needed for the current demolition project and allow the Building Commission to hold other property owners accountable during the remainder of the fiscal year.
2. The second amendment is necessary, since the underwriter for the street bond issue was required to remit a good-faith deposit of \$68,000; the only way to remit these funds back to the underwriter is to amend the budget. Warren added that this is only a house-keeping measure.

3. The last amendment, Airport Fuel, is necessary because more fuel has been sold than was initially anticipated; for that reason, Warren recommended expanding the budget by \$75,000 in Fuel Purchase which will also expand the revenue by \$75,000+ when the fuel is sold. He added that, in auditing the fuel sales at the airport, everything appears to be in order, with more in revenue than expenses.

**ROBERT STEVENSON – BPW GENERAL MANAGER**  
**Re: 2010-11 Hannibal Board of Public Works Budget**

Robert Stevenson, the General Manager of the Board of Public Works, presented the final item on the evening's agenda, regarding the BPW 2010-11 Budget. Stevenson began by recognizing Heath Hall, Board Member Randy Parks and Board Member Bud Janes. He asked Heath Hall to distribute summary pages to Council for their information.

General Manager Stevenson explained that it was his intention to update Council with regard to utility operations, specifically rate adjustments that the Board wished to make during the summer, to introduce the 2010-11 Budget highlights, to describe some capital improvement projects that will be possible with the rate increases and to answer questions.

He said that the upcoming budget assumes that the sales of commodities (kwh and gallons) will remain flat, adding that this was slightly optimistic, since sales trends in the past 3-4 years and the current year have been down. Sales have been declining for four years in a row, which is unprecedented. The budget also assumes that there will be no increase in wages for the second year in a row, according to Stevenson. And even though the union has not yet approved this concept, he believes they will.

Initially, a budget was prepared without rate increases; however, it would not cover the Board's mandatory maintenance. There are certain things that are a necessity in order to keep the lights on, the water flowing and the budget was made as lean as possible without borrowing money to make this happen; everything to be done will be on a cash basis this year.

Stevenson made note of some capital investment projects that would be accomplished with the proposed rate increases. They were:

- Replace the circuit breakers at Indian Mounds Substation
- Replace pole lines in some residential areas
- Construct a much needed redundant water supply to areas in the City, south of Bear Creek
- Invest in a backhoe and dump truck, doing work in-house, in order to save money and become more aggressive on repairing water leaks (Stevenson explained that they have been warned by the EPA with regard to this issue.)
- Replace alarm system at the Waste Water Treatment Plant
- Replace IT hardware and software

Overall, with the FY 2010-2011 Budget the Board will pay down debts, invest and reinvest in their infrastructure and hold rate increases to less-than-normal cost of living amounts, according to Stevenson. He added that the Board will be putting approximately \$1.25 Million in the bank this year, since cash reserves are dangerously low at this time.

Mayor Pro Tem Behymer questioned whether rate increases to water, sewer and electric should be anticipated each year, from now on. Stevenson responded that rate increases could be anticipated each year in order to hold to manageable increases for customers, which is cost of living or less. He added that this is the recommendation of the rate design seminars that he had attended for many years.

Mayor Pro Tem Behymer stated that it was very difficult to return to citizens with, yet another increase, and questioned what percentage of increase was anticipated. Stevenson responded that the Board had approved a budgeted amount of:

**Residential Electric System**

- \$2.00/month increase in customer charge
- 3% increase in usage rates

**Residential Water System**

- \$.50/month increase in customer charge

**Residential Sewer System**

- Similar to water increases

Comparison with other cities is difficult because of the difference in water sources (river water, lake or well water), topography; however, because of competition with other cities for business location comparison is essential.

Hannibal BPW is collaborating with a consultant and with other area cities, such as Centralia, Kahoka and Marceline to develop a power supply contract that will replace the 3-year contract that will expire December, 2011. The new contract beginning in January, 2012, will continue for three (3) to five (5) years.

Stevenson explained that in the wholesale market, it is now a buyer's market because of the national economy and because several new, large power plants have recently come on-line. These two events have created a significant decrease in demand for electricity country-wide; therefore, the future wholesale market is very favorable.

Council Member Janes asked a question, regarding the number of homes in Hannibal without electric power. Stevenson responded that the BPW has approximately 9,000 meters with a probability of 200 disconnected that the present time. He added that there was a high percentage of poorly paying accounts. The BPW makes monthly reports to their Board with regard to the status of those numbers and how they are compared to the previous year's numbers. He admitted that the problem is increasing as time goes on.

Mayor Hark clarified an earlier question posed by Mayor Pro Tem Behymer, questioning what the average increase a household may expect. Stevenson responded that increases would approximate \$4.50/month for electric, \$1.00/month for water and sewer.

Hark questioned why there was such urgency, if the problems have been ongoing since the flood. According to Stevenson, the urgency has always been there, but the money has not, and without the rate increases, there is no money to make these changes.

Stevenson noted that the in-house work would be monitored closely because some make the argument that this runs counter to the trends of privatizing government activities; however, staff is convinced that it will work. For the recent future, the department will rent a backhoe and purchase a used dump truck, using their existing staff. They will begin without a large commitment, trying it for a few years, then evaluate before making more of a commitment. They have briefly spoken with the Street Department regarding the use of their equipment, and believe that there is a sharing opportunity for the Board's advantage.

In Response to a question posed by Council Member Barta, Stevenson stated that repairs that are topping the list is an eight (8) block section on Warren Barrett that is due for an overlay or rebuild in the upcoming budget year.

Council Member Louderman commented that, in the past, communication with the public regarding the reason for increases has not been ideal. He stressed the importance in communication with the citizens and following through with the plan. Stevenson stated that he had come before Council to begin that process.

## **RESOLUTION NO. 1644-10**

### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT BETWEEN THE CITY OF HANNIBAL AND MARION COUNTY EMERGENCY DISPATCHING SERVICES FOR THE HANNIBAL POLICE DEPARTEMENT**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1644-10, and call the roll for adoption. Motion was seconded by Mayor Pro Tem Behymer.

Motion carried.

#### **Roll Call**

**Yes:** Mayor Pro Tem Behymer, Council Members Lyng, Knickerbocker, Janes, Barta, Mayor Hark and Council Member Louderman – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1644-10, duly approved and adopted on this date.

**RESOLUTION NO. 1645-10**

**A RESOLUTION ACCEPTING THE PROPOSAL OF WELLS ABSTRACT COMPANY TO CONDUCT REAL ESTATE TITLE SERVICES RELATIVE TO THE COMMERCIAL FLOOD BUYOUT PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE A STANDARD AGREEMENT FOR SAME**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1645-10, and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

**Roll Call**

**Yes:** Mayor Pro Tem Behymer, Council Members Lyng, Knickerbocker, Janes, Barta, Mayor Hark and Council Member Louderman – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1645-10, duly approved and adopted on this date.

**RESOLUTION NO. 1646-10**

**A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 BUDGET RELATIVE TO THE BUILDING INSPECTOR'S DEPARTMENT, STREET BONDS AND AVIATION FUEL**

Motion was made by Council Member Knickerbocker to have the City Clerk read Resolution No. 1646-10, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

**Yes:** Mayor Pro Tem Behymer, Council Members Lyng, Knickerbocker, Janes, Barta, Mayor Hark and Council Member Louderman – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1646-10, duly approved and adopted on this date.

**BILL NO. 10-005  
(As amended)**

**AN ORDINANCE AMENDING CHAPTER 18, ARTICLE I, OF THE CODE OF  
THE CITY OF HANNIBAL, AUTHORIZING PRISONER LABOR ON PUBLIC  
WORKS FOR THOSE CONVICTED AND SENTENCED BY THE HANNIBAL  
MUNICIPAL COURT**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 10-005, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Barta.

**Roll Call**

**Yes:** Mayor Pro Tem Behymer, Council Members Knickerbocker, Janes, Barta, Mayor Hark and Council Member Louderman – 6

**No:** Council Member Lyng - 1

**Absent:** -0-

Motion to read carried.

**Roll Call**

**Yes:** Mayor Pro Tem Behymer, Council Members Knickerbocker, Janes, Barta, Mayor Hark and Council Member Louderman – 6

**No:** Council Member Lyng - 1

**Absent:** -0-

Mayor Hark declared Bill No. 10-005, as amended, duly approved and adopted on this date.

**BILL NO. 10-006**

**AN ORDINANCE AMENDING CHAPTER 17, ARTICLE VIII, OF THE CODE OF THE CITY OF HANNIBAL, REGARDING SPECIFICATIONS FOR SUN SCREENING DEVICES APPLIED TO WINDSHIELD OR WINDOWS**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 10-006 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**Roll Call**

**Yes:** Mayor Pro Tem Behymer, Council Members Lyng, Knickerbocker, Janes, Barta, Mayor Hark and Council Member Louderman – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 10-006 duly approved and adopted on this date.

**BILL NO. 10-009**

**AN ORDINANCE APPROVING THE ISSUANCE BY HANNIBAL MUNICIPAL ASSISTANCE CORPORATION OF ITS \$3,400,000 PRINCIPAL AMOUNT OF LEASEHOLD REVENUE BONDS SERIES 2010 (CITY OF HANNIBAL, MISSOURI, LESSEE) (TAXABLE BUILD AMERICA BONDS – DIRECT PAY); AUTHORIZING CONVEYANCE OF CERTAIN REAL PROPERTY TO HANNIBAL MUNICIPAL ASSISTANCE CORPORATION; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS; MAKING CERTAIN FINDINGS AND DETERMINATIONS; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS AND THE EXECUTION OF THE DOCUMENTS APPROVED HEREIN**

**SECOND AND FINAL READING**

Motion was made by Mayor Pro Tem Behymer to give Bill No. 10-009 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

**Roll Call**

**Yes:** Mayor Pro Tem Behymer, Council Members Lyng, Knickerbocker, Janes, Barta, Mayor Hark and Council Member Louderman – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 10-009 duly approved and adopted on this date.

**BILL NO. 10-010**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE LEASE AGREEMENT TO NOVEMBER 5, 2048 BETWEEN THE CITY OF HANNIBAL AND HANNIBAL SPORTS AND ENTERTAINMENT, LLC FOR USE OF THE CLEMENS FIELD STADIUM COMPLEX AND FACILITIES**

**SECOND AND FINAL READING**

Motion was made by Council Member Knickerbocker to give Bill No. 10-010 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

**Roll Call**

**Yes:** Mayor Pro Tem Behymer, Council Members Knickerbocker, Janes, Barta, Mayor Hark and Council Member Louderman – 6

**No:** Council Member Lyng - 1

**Absent:** -0-

Mayor Hark declared Bill No. 10-010 duly approved and adopted on this date.

## **ADJOURNMENT**

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

Motion carried.