

Official Council Proceedings

December 7, 2010
7:00 p.m.

Present: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Lyng - 6

Absent: Mayor Pro Tem Knickerbocker - 1

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 Lyng led the Pledge of Allegiance to the Flag; then, a motion was made by Council Member Louderman and seconded by Mayor Hark to excuse Mayor ProTem Knickerbocker.

Motion carried. Mayor Hark recognized and welcomed special guest, an engineer at BASF, who is learning the English language and how local government operates.

APPROVAL OF MINUTES Regular Council Meeting – November 16, 2010

Motion was made by Council Member Dobson to approve the minutes of the last regular Council meeting that was held on November 16, 2010. Motion was seconded by Council Member Barta.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS Second Half – November, 2010

Motion was made by Council Member Louderman to approve the payroll and claims for the second half of November, 2010. Motion was seconded by Council Member Hark.

TERRY TESSON – AMERICAN BIKER CHARITIES
Re: Request, Permission to Discharge Firearms within City Limits
Indoor Turkey Shoot – November through April

The City Clerk announced that she had received a call from Mr. Tesson, earlier in the day. He explained that the building in which the event was to be held, was no longer available; therefore the Clerk requested that this item be removed from the evening's agenda.

ROY G. HARK – MAYOR
Re: Approval of Appointments

Mayor Roy Hark reminded Council of a candidate presented at the last regular Council meeting for the Hannibal Convention & Visitor's Bureau, the Tree Board and the Police & Fire Retirement Board. These were:

HANNIBAL CONVENTION VISITOR'S BUREAU

- Judy Reagan – Appointment for a term to expire September, 2015

TREE BOARD

- Raymond Witt – Appointment for an unexpired term to expire September, 2011

He asked Council for their approval of these nominations. Motion was made by Council Member Louderman to approve the nomination of Judy Reagan for appointment to the Hannibal Convention & Visitors Bureau and to approve the nomination of Raymond Witt for appointment to the Tree Board. Motion was seconded by Council Member Barta.

Motion carried.

Re: Recommendation of Appointment

Mayor Hark made the following recommendation:

POLICE & FIREMEN'S RETIREMENT BOARD

- Frank Desmond – Re-appointment for a term to expire December, 2013

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

BARRY LOUDERMAN – FIRE BOARD CHAIRMAN
Re: Announcement, Chief Officer of the Hannibal Fire Department

Fire Board Chairman Barry Louderman explained that the Fire Board, with assistance of the City Manager and City Clerk, had been involved in actively searching for a new Fire Chief for the past two months. As the result of numerous telephone and in-person interviews with applicants, the position has been offered to Acting-Chief Bill Madore and he has accepted it. Louderman stated that Madore had been an asset to the Department, during his interim time in the position, after the previous instability within the Fire Department.

Re: Code Amendment, Chapter 12, Article II, Division 1, Section 12-30
Removal and Term Limits of the Chief Officer of the Fire Department
(Bill No. 10-037, to follow)

Louderman also introduced Bill No. 10-037, to follow, regarding a code amendment to Chapter 12 of the Hannibal City Code, which concerned the removal and term limits of the Chief Officer of the Fire Department. He explained that the proposed amendment, to be given a first reading later during the meeting, would eliminate the impeachment language from the code and placing the position under the authority of the Fire Board. According to Louderman, if this amendment is approved, the Fire Chief would then be subject to the same hire and fire procedures as all other City employees.

JEFF LYNG – 6TH WARD COUNCIL MEMBER

Re: Vehicle License Tax Repeal

(Bill No. 10-040, to follow)

Sixth Ward Council Member Jeff Lyng presented the next item on the agenda Bill No. 10-040, which would remove the vehicle license tax, if approved.

Lyng explained that this repeal had been something that he had wished to accomplish during his tenure on Council. He added that, since the City is currently in the midst of tax-time, he believed it was appropriate to relieve City residents of the nuisance and expense of these vehicle license taxes now.

Lyng stated, “In the last fiscal year, despite a substantial shortfall in sales tax and Board of Public Works transfers, reductions in expenditures in nearly every department resulted in revenues exceeding expenditures in nearly every department in the General Fund by \$463,542. Furthermore, with the increase in the City property tax rate, approved by Council in September, property tax revenues are predicted by the Finance Director to increase this year by over \$132,000.”

Lyng said that by repealing the vehicle sticker requirement, the City would provide a small tax relief to Hannibal citizens and eliminate the nuisance of issuing, affixing and removing these annoying stickers. The proposal, if approved, would become effective during the next fiscal year’s tax season, in the fall, 2011.

Council Member Louderman questioned whether Lyng had a solid solution for replacing the revenue, in excess of \$60,000 that the City would be losing. He added that he understood the increase in tax revenue of \$132,000 and FY2009-10 budget surplus and agreed that the stickers are a nuisance; however, he does not believe that the City can count on \$463,000 excess revenue in the each year’s budget. He added that this year, the budget was extremely tight and generally there was no more than 1%-3% savings at yearend.

Lyng countered by pointing out that the past year was probably the worst economy that the City had experienced and tax rates have increased each year, since he has held office. He added that, even though a position paying an annual salary of \$60,000 is substantial; but, \$60,000, as a percent of the City’s overall budget, is very small.

Lyng explained that one point he had considered in making this determination was that a recycling option was submitted to voters. This option was promoted, based on a nominal cost of \$.70/month. Compared to this figure, the \$60,000 factored into the approximate 7,000 electric households the result is about \$8.71/household, or slightly more than the recycling fee.

Lyng concluded that, in dollars and cents, this is a very small amount of money. He restated that his proposal, if approved, would take effect in the next fiscal year.

In response to a question posed by Council Member Barta, City Manager LaGarce explained that assessed values (property taxes) have increased and remain stable; however, the City can not count on these results each year. The City's sales taxes are currently down by approximately 3 ½%, from the previous year's amount

Lyng responded that \$60,000 is not a large amount in overall revenue, adding that this amount would not bankrupt the City. He reminded Council that the only reason the City is this large amount of expenditures this year is because of the \$300,000 that was given, last fiscal year, to the school district who already has a large sum of money in reserve. He contended that the City would not even miss the \$60,000 decrease in revenue.

Council Member Barta offered that, in the Missouri Revised Statutes, Section 301, a governing body of any city imposing this tax may offer to voters a choice in increasing the City property tax or sales tax enough to raise approximately the same amounts as lost in the repeal of City stickers; however, he discovered, while researching the City Charter, that under, "PROVISIONS", Section No. 19.22, states that, "No general or special tax assessment, or interest or penalty thereon, shall be remitted or abated, or the right to enforce payment thereof released, except in correction of errors". His understanding was that, according to City Charter, the sticker amount could not be repealed unless it was a mistake.

City Attorney James Lemon was in disagreement with Barta's interpretation of the Charter statement, explaining that the statement refers to the 'forgiveness' of a tax assessment and not actually changing the tax ordinance, adding that in his opinion, it is within Council's power to change that ordinance. According to Lemon, he and the Collector have managed to file multiple cases in City court and been successful in collections of the taxes, based specifically upon this ordinance. He explained that his main concern is that repealing the ordinance will be 'taking a useful tool out of the toolbox'. That being said, Lemon assured Council that it is within their power to do so.

City Finance Director Doug Warren was asked for input. Warren explained that approximately \$50,000 has been collected each year for the past several years. He had projected an increase during the current year because of the recent activities of the Collector and that Mr. Lemon, as Lemon had explained. Warren continued by explaining that, for the past five-month period, sales taxes received were about \$85,000 less than those collected for the same period last fiscal year. (He noted that last year was a bad year.) He concluded by saying that, all in all, it is impossible to rethink government; however, although \$60,000 will not break the City's budget, it sure helps balancing the budget during a time in which the economy is very tight.

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 Hannibal Board of Public Works. This was:

BOARD OF PUBLIC WORKS

- Dr. Irv Harder – Appointment for an unexpired term to expire July, 2011

He asked Council for their approval of this nomination. Motion was made by Mayor Hark to approve the nomination of Dr. Harder for appointment to the Board of Public Works Board. Motion was seconded by Council Member Dobson.

Motion carried.

Re: Recommendation of Appointment

LaGarce made the following recommendation:

HANNIBAL PARK BOARD

- Stephen Sankpill – Appointment for an unexpired term to expire July, 2013

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

Re: Request, Hannibal School District to Transfer Property to City
907 Fulton Avenue

City Manager LaGarce stated that the next item on the agenda was regarding a request by Dana Ruhl of the Hannibal School District. He explained that in 1992, the School Board purchased the property, known as 907 Fulton Avenue, because a row of homes existed on this lot with rear vehicle access. Exiting vehicles only access to the rear alley was through Stowell School playground: so, following the purchase, the existing structures were demolished and replaced by a street connecting Fulton Avenue with an alley behind the 900th block.

The School District also owns a vacant lot in between two homes that is located at 907 Fulton Avenue, as well. They are requesting that the City acquire this property for \$10.00. The road is in good condition, according to LaGarce, and is essential for residential rear access to the properties located there. He added that the City's engineering staff reviewed this request and has no objections to the transfer. He asked for a voice-vote only, at this time; however, the City Attorney advised that Council would need to authorize the Mayor to sign the deed, accepting the property. Motion was made by Council Member Louderman to accept the property, and give the Mayor authorization to sign the deed. Motion was seconded by Council Member Hark.

Motion carried.

Re: Achievement, National Weather Service StormReady Status

LaGarce's next item on the evening's agenda was regarding the City's achievement of the National Weather Service StormReady Status. He stated that this was a kudos for Emergency Management Director John Hark, who had applied for this designation and aided the City in meeting the qualifications for obtaining it. He added that this recognition lasts for three years and praised Hark for his efforts.

Re: Wabash Avenue – Lease Agreement

Norfolk Southern Railroad
(Resolution No. 1693-10, to follow)

The next item on the evening's agenda to be presented by the City Manager was the approval of Resolution No. 1693-10, to follow. This Resolution regarded a lease agreement with

Norfolk Southern Railroad for Wabash Avenue, between Bridge Street and Kondor Street. LaGarce explained that on December 7, 1954, the city executed a lease with Norfolk Southern, allowing city use of this strip for road access. At this time, the lease required no annual rent payment.

Now Norfolk Southern is revamping its leases throughout the United States and desires modification of this lease. The new lease would require a \$300.00 annual rent payment, with the standard additionally insured language added to the City's insurance policy.

LaGarce noted that he had spoken with the former Parks & Recreation Director, Chris Atkinson. Even though the City has no particular desire to amend the current lease, LaGarce believes that the choice lies with the railroad, alone, because of remaining homes along Ziegler who still require access and because access is also needed as a key link to Riverview Park and the Trail system.

Council Member Lyng questioned whether or not the City had any recourse, and continued by asking whether we would have to pay or be restricted from the use of the roadway. LaGarce response was, that was his understanding

Lyng suggested that the City should reconsider their stand in this matter, asking whether we would agree if the railroad decided to charge \$10,000.00 for use of this property. LaGarce indicated that, since the amount requested was \$300.00, he was not considering the \$10,000.00 option that Lyng had suggested.

Lyng suggested that this should be considered, since the railroad's position was, 'if you want continued access to that road, you will continue to pay'. He agreed that, if \$300.00 was the only amount to consider, the City could just agree to pay; however, the lease states, "Base rental could increase every year by all urban consumers U.S. city average statistic". He continued by saying that this is probably very small, but in the future that road may cost \$10,000 per year to keep.

Lyng added that he had no solution, but brainstormed that, since Old River Road goes to the pump station, the City only needs access to that point. What is the purpose for maintaining this road past that point? He stated that we are leasing this street, but why do we have to maintain it like we own it, repairing pot holes, etc.? He suggested there should be some type of negotiations prior to acceptance of this lease.

City Manager LaGarce indicated that, originally, Norfolk Southern said there were no negotiations and that is why it took so long to bring to Council. He added that there were tax issues, in the beginning. There were also issues regarding repair/maintenance of the property. LaGarce explained that when repairs or maintenance were needed in this area, the City had to go to Norfolk Southern and beg. He believes repairs are a necessity, since citizens and employees are the people utilizing this roadway. LaGarce said that there was no provision in the contract that said they had to be reasonable in their negotiations. (It was noted that there are currently two or three residences in this area.

Lyng suggested that the cost could be absorbed by the residents, since they were to people who required access to their homes. He also suggested that Council instruct the Street Department to place a concrete block in front of the pump station and see if Norfolk Southern Railroad will then negotiate. Board of Public Works General Manager Bob Stevenson stated that the Board accesses the roadway approximately 100 feet beyond the pump station.

The City Manager commented that he was not happy with the outcome of these negotiations; however, he did not feel that the City has much choice but to agree to the terms. Current Parks & Recreation Director Andy Dorian stated that failing to maintain access to this roadway will impede his department's plan for future projects in that area. He added that access to this roadway would be worth the \$300.00 to the Parks & Recreation Department.

Mayor Hark suggested that the \$300.00 lease payment be paid this year. Should Norfolk Southern Railroad increase the lease payment next year, negotiations could be re-opened at that time. City Attorney Lemon advised that, if the Council should opt to pay this current amount, the City would be conceding that the roadway is indeed owned by the railroad. He added that, even though he was not suggesting that we fight with the railroad, if a fight is inevitable, that it should be done now and not later. He commented that Council Member Lyng's thoughts mirrored his own thoughts on this issue, and he believes that we are legally entitled to shut them off, if we wish. In conclusion, Lemon said that in his past dealings with the railroad, and by their attitude, it is clear that they are not open to negotiations; however, at some point it the City may have to challenge their offer and see what happens. According to the City Attorney, if the City enters into a fight with the railroad, be prepared for an ugly fight.

City Manager LaGarce reminded Council that the City was now under a fifty-six (56) year lease with the railroad, adding that, if there were any concession, it happened fifty-six years ago. Lemon agreed that this may be true and there has already been some concession that they are in the right; however, he agrees with Council Member Lyng when he stated that there is nothing that binds the City to keep the Old River Road open.

Council Member Lyng questioned, "Why would they want to fight over \$300.00?"

City Attorney Lemon responded that it has been his experience that the railroad fights over 'principle'. He perceived their theory as – 'If we give in to this City, then every City is going to be on us, and we're going to draw a line in the sand and we're going to fight about it'. Lemon suggested that he believes the railroad takes the hard-line stance because they do not want to fight with other cities.

Mayor Hark questioned the outcome, should the City lose the fight. Does the City lose the access to the Parks trails? Lemon responded that he believes the railroad would be hard-pressed to enforce the shutting-off of this road, since they have allowed it to sit for 50+ years. The down side, according to the City Attorney, "If you make them mad, they're going to jack that rate up, higher and higher. And as long as the court feels it's within a reasonable rate of return, they're [the court] going to allow them [the railroad] to charge it because its, technically, their road". Lemon does not believe that the courts would allow the railroad to shut off access to the road; that seems very unlikely.

Council Member Lyng offered that, if the railroad shut off access to that road, the resident on Ziegler has a legal right to sue the railroad for access to their property. Lemon agreed that they could probably obtain an easement of necessity.

Re: Commercial Flood Buyout Asbestos & Lead Inspection Services – Standard Form of Agreement

*Terracon Consultants, Inc.
(Resolution No. 1694-10, to follow)*

City Manager LaGarce reminded Council of the CDBG requirement for asbestos and lead inspections prior to any purchase offers being made on the commercial flood buyout properties. He explained that a Request for Proposals (RFP) was put together and, as a result,

four proposals were received. After review of these proposals, it was determined that the most favorable proposal was received from Terracon Consultants, Inc. with a bid amount totaling \$15,610.00. Resolution No. 1694-10, to follow, if approved would approve a contract with Terracon Consultants for the asbestos and lead inspection services and authorize the Mayor to execute same.

ANGELICA N. VANCE – CITY CLERK

Re: 2011 Municipal Election

(Bill No. 10-036, to follow)

City Clerk Angelica Vance presented the next item, Bill No. 10-036. If approved, this bill would provide for a general municipal election on April 5, 2011, according to the Clerk. She explained that the 2011 City of Hannibal Election schedule provides for the election of Council Members for the Fifth and Sixth Wards. These positions are currently being held by James Hark and Jeff Lyng, respectively.

Candidate filing for these offices will open at 8:00 a.m. on December 14th, 2010 and end at 5:00 p.m. on January 18th, 2011.

BILL MADORE – ACTING FIRE CHIEF

Re: Code Amendment, Chapter 12, Article II, Section 12-25

Hannibal Fire Department Promotional Qualifications & Merit System

(Bill No. 10-038, to follow)

Fire Chief Bill Madore came before Council with the first of three agenda items, an amendment to the Hannibal City Code, regarding the Fire Department promotional qualifications and merit system. He explained that last October, 2009, he had received a letter from Local 1211 which addressed a concern that they had with the promotional process, mainly with that of the Captain.

He continued by pointing out that previously, in order to attain the rank of Captain, an employee had to be on the job for six (6) years. Captain is one of the positions that isn't 'rank-specific' According to Madore, the change that is proposed mandates that in conjunction to having six (6) years in the department, candidates must also have served as an engineer for a period of one (1) year, as well. This amendment would be approved with the approval of Bill No. 10-038, to follow. This bill is on the evening's agenda for a first reading, according to Madore.

Re: Code Amendment, Chapter 12, Article III

Fire Code Permitting Program

(Bill No. 10-039, to follow)

Chief Madore introduced Training Officer Shane Jaeger, who was instrumental in developing this proposed amendment, and recognized in before Council for all of his efforts in the completion of this project.

First and foremost, Madore explained who would or would not be affected by this change. The change will be aimed specifically at commercial, not residential, permitting only. He added that existing commercial also would not be affected, unless they had a change in occupancy or operation. Madore advised that the goal of any fire prevention practice is compliance of the code and not punitive measures; however, he continued, that he has seen certain instances

within the fire prevention bureau that do outline and warrant further action, which is part of this process.

This program is a fee-based system; however, many cities in the vicinity have fees much higher than those of Hannibal, including a stipulation for yearly renewal, whereas, the City's proposed 'Fire Code Permit' would be a one-time only fee.

The Chief believes that fire prevention, education and the department's instruction practice mirror much of what the Building Inspector and the Fire Department does. According to Madore, the fire protection elements that are contained in the building construction and are a part of their inspections are very important, but he has noticed, during his tenure, that there are often advantages taken of the system. This inflates the loss of man-hours in the fire prevention office; therefore, he believes that the fees contained in this proposal are justified and gives the business owner, ownership in the process.

Madore explained that Jaeger, who acts as the Fire Marshall for the Fire Department may return for a 'final inspection' as many as five times. "This", commented Madore, "is not acceptable."

Bill No. 10-039, to follow, which will be presented for a first reading later will define the Fire Department and the City's expectations regarding Fire Code Permitting. In looking at some of these systems/services contained, such as sprinklers, standpipes and hood suppression systems, the Fire/building Inspector acts as an advocate for that business owner to insure that they are receiving exactly what they have paid for. When someone installs a fire protection system, the City Fire Code Inspector makes sure that it meets code and that money has been expended wisely.

Chief Madore advised that the proposed policy was reviewed by MIRMA, the City's insurance carrier. They also reviewed the City's current fireworks permit, subsequently attaching an additional clause, exempting the City from liability in issuance of the permit. He explained that several fireworks permits are issued throughout the year, adding that the Fire Department does go the extra mile, as a customer service; however, pointing out that the extra attention does come with a cost, since often fire apparatus and personnel are sent on location as a standby precaution during fireworks events. Normally, that is not a problem; but, recently there has been for request for these services. And Madore believes this is merely a cost of doing business.

A feature that will be implemented with the new permitting program will be the ability to track these permits and practices, looking at the detailed procedures that go with the individual permits. The inspector/fire personnel will be able to look at an individual's qualifications and the overall process. If there should be a problem, the permit can then be revoked and the process halted without disrupting the entire operation. In tracking events/permits, it assists in pre-event planning which means added safety for the firefighters. This may mean insurance premium reductions for the business owner, if the City has a formalized permit that asserts the fire code requirements have been met.

In conclusion, Madore explained that he believes a practical solution has been developed to alleviate an ongoing problem within the fire prevention/inspection unit. He noted that, in his opinion, this is a broad ordinance, specifically giving the fire code official/fire chief the authority to issue permits as outlined in Section 105 of the International Code. If approved, this ordinance would be followed up with a resolution that sets the individual operating permits and fee schedules. The Fire Board requests review of this every five years. He believes this

change is warranted and recommends Bill No. 0-039, regarding the proposed fire code permitting program be given a first reading later, during the meeting.

In response to a question by Mayor Hark, Madore explained that the outline of this bill includes commercial and residential units of three or more, which at this point are considered commercial. He added that, if there is any part of the document that Council wishes to change, he would be open to that option. Mayor Hark indicated that he would like to exclude ANY residential structures from this bill.

Mayor Hark commented that he had been firmly against this bill, since the City had been attempting to encourage more building within the City. He believes that the City should be prepared to say to builders and prospective home owners that we [the City] will work with them and not place additional fees/charges on them. Hark also questioned the plan to 'bill for fireworks', offering a scenario – Willow Care Nursing Home wants to have a fireworks display – Will they be charged for a permit?

Madore answered that charging for a fireworks permit would be a possibility if this bill were passed; however, if the organization is tax-exempt the fees can be waived, according to the proposed bill. He understood the Mayor's stance on the builder's fees; however, emphasized that the fees could have been much higher than the ones being proposed. Even though Madore agreed that economy was currently experiencing a down-turn, he did not believe these fees would stifle growth. This, in his opinion was merely a positive approach, a formalization of current practices and will serve to only enhance the Fire Department's customer service.

Madore continued by saying that he was a proud Hannibal resident and representative of the Fire Department; however, in looking at the building and fire codes of Quincy, IL, these proposed fire codes mirror those of Quincy, who are currently working on this very system. He added that this does equate to continuity of contractors, regardless of which side of the river they are working.

Council Member Louderman commended the Fire Department for the research that went into this project was outstanding, noting the input of other cities and the state fire marshal. Mayor Hark, a former Fire Chief, recognized the work that had been done and Chief Madore's position, citing instances from his past experiences.

Council Member Lyng questioned exactly what the permits are for, are they for fire prevention equipment in commercial buildings, such as a fast food establishment? He added that a three unit building was a commercial building, put together for rental. Madore agreed that normally, the owner is not an occupant.

Madore responded that there are specific permits:

- Construction Permits – for new construction and re-model, in which site plans for the entire building (This is currently not a requirement)
- Multiple Family – for remodel, in which the overall building plans are inspected, whether or not it has to meet the current code, e.g. suppression systems, ingress, egress, sprinkler system or fire separation in an attic that did not previously have one (currently being done).

This will be done, whether the bill passes or not, the bill only will determine whether or not the Department can charge a fee for these services. Currently, residential inspections or plan reviews are not done.

Madore concluded by saying that currently there is no 'state fire code', it is up to each individual jurisdiction to adopt their own. At the present, within the state, there is a moratorium, which will run through December, 2011, on residential sprinklers. Contractors HAVE to offer it, but it does not have to be installed. Later on, if that does change, the Hannibal Fire Department will be more active in residential construction.

Currently, passage of this bill, will not require additional personnel within the Department, according to Madore.

It was determined that the bill could be approved for a first reading, and then amended before the second and final reading, to occur next regular Council meeting.

Re: Issuance of Fire Permits and Fee Collection

(Resolution No. 1692-10, to follow)

According to Madore, this resolution is the operating permits and the fee schedule for the previous bill. The ordinance is only granting the Fire Chief/Fire Code Official the authority to issue the permits.

BOB STEVENSON – BPW GENERAL MANAGER

Re: Generation Reserves Requirements – Generation Reserves Contract

City of Centralia, City of Kahoka & City of Marceline

(Resolution No. 1691-10, to follow)

Mr. Bob Stevenson introduced the next item on the agenda, request for approval of a generation reserves contract between Hannibal Board of Public Works, the City of Centralia, the City of Kahoka and the City of Marceline to be done by approval of Resolution No. 1691-10, to follow.

Mr. Stevenson explained that the purpose of this contract is to supplement the power supply contract that Council approved in August. One of the requirements in that contract is that each of the four cities involved agrees to provide reserve generation capacity. He continued, "The contract that we [Hannibal, Centralia, Kahoka and Marceline] signed provides generating capacity plus the energy from that capacity, all we need for the three-year period, 2012 through 2014, but there is a little item that is required by MISO (Midwest Independent System Operator), of the transmission system."

According to Stevenson, each City in the partner group was to furnish certified generation capacity in sufficient quantities to meet MISO reserve generation requirements. HBPW's share of that requirement is 9.3 M.W. He explained that the Board's plan to meet that requirement is to contract with the partner cities that have reserve generation in excess of their requirements and are willing to sell it to us at market rates.

Resolution No. 1691-10 would approve this contract, a formality that is acceptable to Ameren EM and MISO, which provides for the sharing of the excess capacity owned by Kahoka and Marceline with Hannibal and Centralia. Included in the contract is a monthly payment schedule. Stevenson advised that, according to requirements, every load carrying entity is responsible for load in summer peak plus reserve capacity. He added that the original contract

with Ameren did not provide for that reserve capacity because Ameren did not want to sell it, since it changes from year to year.

The cost of this contract is \$5,738.10 per month, to be paid in monthly installments beginning in January, 2012 and ending in December of 2014. This is in excess to the estimated \$1.5-\$2.0 million dollar monthly electric bill. He noted that \$5,700 is a lot of money, but 'in the grand scheme of things, it's a drop in the bucket compared to the remainder of the requirements'.

In response to a question posed by Council Member Lyng, Stevenson responded that the price today is more or less \$65/MWh, year round. The new contract is about \$47/MWh on the same basis; therefore, the new contract is substantially more economical than the one the City is currently in.

LYNDELL DAVIS – CHIEF OF POLICE
Re: Position Approval, IT Systems Technician

Chief Lyndell Davis presented the next item on the agenda, the approval of an additional position, IT Systems Technician, within the Police Department. Davis explained that the recent promotion of Corporal DeLaPorte, who served as the Department Information Systems Technician to the Administrative Services Sergeant, has created the need to fill his former position. This new position, according to the Chief, requires a specific set of skills and education training that is not typical of a normal law enforcement officer; and has evolved in the past decade into a full time position.

The entire system represents a six computer/server system, an ever-expanding computer network, in-car video systems, 16 in-house cameras and external video system, the in-house telephone system with auto attendant capabilities and "live-scan" (an electronic inkless fingerprinting system). This position would be responsible for the training of all department personnel.

To fill this vacant position, Davis requested that Council approve a change in the position's classification from Police Corporal to civilian. He added that, by allowing this change, it would substantially increase the Department's chances of acquiring eligible candidates who possess the necessary skill set, education and experience level that are required. Pay range for this added position has determined to be \$30,000 to \$45,000 annually.

Davis assured Council that, if his request were granted, there would be no increase in the Police Department budget. A civilian employee is usually less expensive to the City than a police officer in training and benefit costs. Motion was made by Council Member Louderman to approve Davis' request. Motion was seconded by Council Member Hark.

In response to a question posed by Mayor Hark, Davis explained that DelaPorte has promoted to the Sergeant level within the same division. He would like to take advantage of this, while DeLaPorte is still with the agency, so that he can bridge the gap in going from the officer 'world' to the civilian 'world' and to teach the new civilian the law enforcement side of the organization.

Motion carried.

MARK REES – CITY ENGINEER
Re: Traffic Committee Handicap Parking Designation
1704 Ruby Street

City Engineer Mark Rees presented the Traffic Committees recommendation, as the result of their recent meeting, held on November 4th. He explained that at the request of the resident of 1704 Ruby, a handicap parking space was granted and installed by the Street Department on November 17, 2010. According to Rees, the resident's need is real and legitimate and she had provided all the necessary paperwork.

Since no action was taken by Council, the recommendation of the Traffic Committee was approved.

RESOLUTION NO. 1691-10

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GENERATION RESERVES CONTRACT BETWEEN THE CITY OF HANNIBAL, BOARD OF PUBLIC WORKS, CITY OF CENTRALIA, CITY OF KAHOKA AND CITY OF MARCELINE TO SATISFY THE 2012-2014 POWER SUPPLY CONTRACT MISO RESERVE REQUIREMENT IN THE AMOUNT OF \$5,738.10 PER MONTH, BEGINNING JANUARY 2012, ENDING DECEMBER 2013

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1691-10, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Lyng – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1691-10, duly approved and adopted on this date.

RESOLUTION NO. 1692-10

A RESOLUTION AUTHORIZING THE HANNIBAL FIRE DEPARTMENT THE AUTHORITY TO ISSUE VARIOUS FIRE PERMITS AND COLLECT FEES IN ACCORDANCE WITH THE INTERNATIONAL FIRE CODE

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1692-10, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Lyng – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1692-10, duly approved and adopted on this date.

RESOLUTION NO. 1693-10

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE NORFOLK SOUTHERN CORPORATION IN THE ANNUAL AMOUNT OF \$300 FOR PUBLIC ROADWAY USE OF WABASH AVENUE

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1693-10, and call the roll for adoption. Motion was seconded by Council Member Louderman. Council Member Louderman agreed with Council Member Lyng that we should not approve this but attempt to negotiate, instead.

Motion failed.

Roll Call

Yes: Council Member Barta - 1

No: Council Member Dobson, Mayor Hark, Council Members Louderman, Hark and Lyng – 5

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1692-10, failed. Council Members directed City Attorney Lemon and City Manager LaGarce attempt further negotiations with the Railroad.

RESOLUTION NO. 1694-10

A RESOLUTION ACCEPTING THE PROPOSAL OF TERRACON CONSULTANTS, INC. IN AN AMOUNT NOT-TO-EXCEED \$15,610 TO PERFORM ASBESTOS AND LEAD INSPECTION SERVICES FOR TWELVE COMMERCIAL FLOOD BUYOUT PROPERTIES AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1694-10, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Lyng – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1694-10, duly approved and adopted on this date.

BILL NO. 10-036

AN ORDINANCE OF THE CITY OF HANNIBAL PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD, TUESDAY, APRIL 5, 2011 FOR THE PURPOSE OF ELECTING COUNCIL MEMBERS OF THE FIFTH AND SIXTH WARDS

FIRST READING

Motion was made by Council Member Louderman to give Bill No. 10-036 a first reading. Motion was seconded by Council Member Dobson.

Motion carried.

BILL NO. 10-037

AN ORDINANCE AMENDING THE CITY OF HANNIBAL CODE, CHAPTER 12, ARTICLE II, DIVISION 1, SECTION 12-30 RELATING TO THE DISCHARGE, REMOVAL AND TERM LIMITS OF THE CHIEF OFFICER OF THE FIRE DEPARTMENT

FIRST READING

Motion was made by Council Member Dobson to give Bill No. 10-037 a first reading. Motion was seconded by Mayor Hark. Council Member Lyng asked the purpose of this bill; and Council Member Louderman reiterated that this bill would remove the 'impeachment' language from the code and would place the Chief under the authority of the Fire Board. According to Louderman, if this amendment is approved, the Fire Chief would then be subject to the same hire and fire procedures as all other City employees

Motion carried.

BILL NO. 10-038

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE II, SECTION 12-25 OF THE CODE OF THE CITY OF HANNIBAL, RELATING TO THE HANNIBAL FIRE DEPARTMENT PROMOTIONAL QUALIFICATIONS AND MERIT SYSTEM

FIRST READING

Motion was made by Council Member Louderman to give Bill No. 10-038 a first reading.
Motion was seconded by Council Member Barta.

Motion carried.

BILL NO. 10-039

**AN ORDINANCE AMENDING CHAPTER 12, ARTICLE III, OF THE CODE OF THE
CITY OF HANNIBAL, RELATING TO FIRE CODE PERMITTING**

FIRST READING

Motion was made by Council Member Louderman to give Bill No. 10-039 a first reading.
Motion was seconded by Council Member Barta.

Motion carried.

BILL NO. 10-040

**AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 15,
ARTICLE VI, SECTIONS 15-179 THROUGH 15-212 THUS ELIMINATING THE
CITY VEHICLE LICENSE TAX**

FIRST READING

Motion was made by Council Member Lyng to give Bill No. 10-040 a first reading. Motion was seconded by Council Member Dobson. Council Member Lyng asked Council to consider giving this bill a first reading and allow him an opportunity to address any of their concerns.

Roll Call

Yes: Council Member Dobson, Mayor Hark, Council Members Louderman, Hark and Lyng – 5

No: Council Member Barta - 1

Absent: Mayor Pro Tem Knickerbocker - 1

Motion carried.

CLOSED SESSION
In Accordance with RSMo. 610-021 (1), (2) & (3)
Litigation
Real Estate
Employee Personal Information

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraphs one (1), two (2) and three (3), admitting himself, rest of Council, City Clerk Vance, City Attorney James Lemon, Deputy Clerk Graves, City Manager Jeff LaGarce and City Engineer Rees. Motion was made by Council Member Louderman to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Hark.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Lyng – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Motion carried.

OPEN SESSION

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

Motion carried.

ADJOURNMENT

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

Motion carried.