

# Official Council Proceedings

November 2, 2010  
7:00 p.m.

**Present:** Council Members Hark, Lyng, Dobson, Barta, Mayor Hark and Council Member Louderman- 7

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

Motion carried.

## APPROVAL OF MINUTES Regular Council Meeting – October 19, 2010

Motion was made by Council Member Louderman to approve the minutes of the last regular Council meeting that was held on October 19, 2010. Motion was seconded by Council Member Barta.

Motion carried.

*(At this time, City Attorney Lemon entered the proceedings.)*

## APPROVAL OF PAYROLL AND CLAIMS Second Half – October, 2010

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

Motion carried.

**LYNDELL DAVIS – CHIEF OF POLICE**  
**Re: Gratitude & Appreciation – Cattle Roundup Crew**

Police Chief Davis stated that his purpose for appearing before Council was to present letters of appreciation from the Hannibal Police Department to two members of the Hannibal community and one individual from the Bowling Green area. He reminded those in attendance of the incident occurring the past week that required members from his department to become temporary cowboys. Davis continued that his options were extremely slim, at that time, since the only equipment to be used was a rifle and a taser, neither was an acceptable choice.

There were a couple of young animals, weighing approximately 700-800 pounds that were loose in the city, as a result of an accident, and were not afraid of people or vehicles. Davis recognized Mr. Bruce Smith, Ms. Dawn Smith and Mr. Harold Schmidt and asked them to come forward.

Davis recalled that in mere seconds from the time they appeared on the scene astride horses with ropes in tow, the animals were captured and under control. He then read the letters of appreciation and presented them to the recipients, thanking them again for their assistance.

**ROY G. HARK – MAYOR**  
**Re: Recommendations of Appointment**

Mayor Hark made the following recommendation:

MARK TWAIN HOME BOARD

- Dorothy Davidson – Reappointment for a term to expire November, 2017

This nomination will be considered for approval at the next Council meeting, to be held on November 27, 2010.

**JEFF LAGARCE – CITY MANAGER**  
**Re: Payment Request, DNR Brownfields Voluntary Cleanup Program**

City Manager Jeffrey LaGarce presented his first item on the evening's agenda, regarding DNR's Brownfields Voluntary Cleanup Program. This program deals with environmentally problematic properties by performing a full review and preparing a recommendation for the property. DNR would then forward a Letter of Agreement to the City, which would be adopted.

Following the adoption, DNR would meet with the City and its consultant, Terracon, to present specific options for mitigation. The choice of these options dictates cleanup timeline and costs. The whole purpose of this program is to obtain a "No Further Action Letter" from DNR, which is needed in order to move forward with flood buyout acquisition.

LaGarce explained that, on October 28, 2010, he met with CDBG, DNR and Terracon representatives in Jefferson City to develop an action plan for mitigating the Commercial Flood Buyout properties that pose concern. All parties recommended the City's enrollment into the DNR's Brownfields Voluntary Cleanup Program.

With Council approval, the City would submit a 4-page program application for each problem site, along with a \$1,000 down-payment for each of the six properties or \$6,000, which would cover the cost of extensive DNR reviews for each one. LaGarce added that DNR would reimburse the City for all unused down-payment funds and, ultimately, the CDBG program will reimburse all of the City's costs for this program. Motion was made by Mayor Hark to approve the payment of \$6,000. Motion was seconded by Council Member Louderman.

Motion carried.

**Re: Main Street Sidewalk Project – Removal, Reconstruction and Assessment of Property Owners**

*(Bill No. 10-035, to follow)*

During the July 6<sup>th</sup> Council Meeting, City Council approved the scope of work/project area for the Main Street Sidewalk Project, according to the City Manager. The language of the project area was drafted into an ordinance which requires two readings. The purpose of the ordinance is to create the project, formally establish its boundary, authorize preparation of plans and specifications, and declare official intent to use special assessments to negate the funding gap.

At the completion of the work, the City Attorney will draft a second ordinance that will authorize special assessments. LaGarce added that in addition to the initial \$118,750 MoDOT Enhancement Grant to construct new sidewalks along Main Street, an additional Enhancement Grant totaling \$67,000 was recently awarded, as well.

LaGarce and staff recommended approval of the Main Street Sidewalk Project Bill, No. 10-035, to follow.

**Re: Certified Local Government Designation – Local Government Certification Agreement**

*Missouri Historic Preservation Officer – Missouri Department of Natural Resources  
(Resolution No. 1688-10, to follow)*

LaGarce's next item on the agenda was request for approval of Resolution No. 1688-10, to obtain Certified Local Government status, a program overseen by the Missouri State Historic Preservation Office (SHPO).

This designation, if approved would allow the City to access a host of historic preservation training opportunities for HDDC board members and various other officials, as well. It would also present the availability of exclusive CLG member grants, typically 60/40 grants.

LaGarce assured Council that reporting and other diligence requirements are minimal, and the program has 'no strings attached'. The City may walk away at any time.

He recommended adoption of Resolution No. 1688-10, to follow, authorizing the Mayor to execute the Local Government Certification Agreement with the SHPO for designation as a Certified Local Government.

**Re: Voluntary Flood Buyout Policy for Residential Acquisition**

*(Resolution No. 1689, to follow)*

The City Manager's final item on the evening's agenda was regarding the Residential Flood Buyout Program. Resolution No. 1689-10, presented for approval this evening, would adopt a standard, FEMA approved, voluntary flood buyout policy for residential acquisition. Adoption of a policy is a requirement of the grant funding, according to LaGarce. This policy addresses the following:

- Acquisition Priorities
- Open Space Assurance Statement
- Eligibility Requirements
- General Buyout Policy
- Fair Market Value Determination
- Duplication of Benefits
- Buyout Categories
- Relocation Assistance Categories
- Environmental Considerations

LaGarce explained that this resolution would set priorities in the event that funding becomes scarce, regarding the twenty-six (26) properties being acquired. This would identify which property would be purchased in which order. Priorities might include properties that are most flood-impacted, giving priority to owner occupied properties, over vacant lots and lots adjacent to already acquired properties having priority. The entire agreement has been reviewed with no objection, according to the City Manager. He added that staff recommended adoption of Resolution No. 1689-10, to follow, authorizes the Mayor to execute the City of Hannibal Voluntary Flood Buyout Policy for the Residential Flood Buyout Program.

**JOEY BURNHAM – BUILDING INSPECTOR**

**Re: Approval, Emergency Demolition – 1225 Market Street**

Interim Fire Chief Bill Madore presented the agenda item, since the City Inspector was unavailable. He referenced a memo from Joey Burnham, the City Building Inspector, regarding a structure located at 1225 Market Street that has experienced a partial collapse. He added that this structure has been on the Building Commission's agenda for quite some time.

In his opinion and the opinion of the Building Inspector, the structure is an imminent threat and poses a safety risk. He sought Council approval for the demolition of this property. He explained that, during a Building Commission meeting the previous evening, to demolish this property, since the property owner, Wayne Pafford has not done this. There is a residence approximately 10 feet behind the partially-collapsed structure that is in the 'collapse-zone'.

Madore also explained that samples are currently out for asbestos testing at the present time; and, depending on the results, determination will be made regarding how the contractor will proceed. He added that, as he understands the situation, the building is to the point that a 'wet demolition' may be needed.

Madore related to Council the results of phone bids that were conducted, earlier in the day by the Building Inspector. His recommendation was the approval of Martin Construction with a bid amount totaling \$18,700. With Council approval, the structure would be razed this week.

Motion was made by Council Member Barta to approve the recommendation of the Building Inspector and the Fire Chief. Motion was seconded by Council Member Dobson. Council Member Dobson inquired whether a 'wet demolition', if needed, would be priced differently.

Madore responded that, in talking to the Building Inspector, it was his understanding that the quote for demolition would not change the \$18,700 - \$20,000 quote (taking into regard an added expense for removal of the wet debris). Madore stated that the property poses such a threat that, regardless of the cost, the building must come down. City Manager LaGarce agreed with Madore, stating that it was his intent to advise Council that this had already been accomplished, but was unable to be done because of the asbestos provision.

Council Member Lyng questioned whether the City would have any recourse to getting the cost reimbursed from the property owner, Mr. Pafford. City Attorney Lemon responded with two options:

- Charges could be filed against the owner in City Court – seeking restitution for the demolition charges
- Placing a Demolition Lien against the property

The City Attorney commented that he would prefer filing in City Court, since the property owner is clearly in violation of the city ordinance with regard to keeping a nuisance.

Motion carried.

### **RESOLUTION 1688-10**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LOCAL GOVERNMENT CERTIFICATION AGREEMENT WITH THE MISSOURI STATE HISTORIC PRESERVATION OFFICER RELATIVE TO ACHIEVING A CERTIFIED LOCAL GOVERNMENT DESIGNATION FOR THE CITY OF HANNIBAL**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1688-10, and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

#### **Roll Call**

**Yes:** Council Members Hark, Lyng, Dobson, Barta, Mayor Hark and Council Member Louderman- 7

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1688-10, duly approved and adopted on this date.

**RESOLUTION NO. 1689-10**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A VOLUNTARY  
FLOOD BUYOUT POLICY IN-ACCORDANCE WITH STATE EMERGENCY  
MANAGEMENT AGENCY PROVISIONS**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1689-10, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

**Yes:** Council Members Hark, Lyng, Dobson, Barta, Mayor Hark and Council Member Louderman- 7

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1689-10, duly approved and adopted on this date.

**BILL NO. 10-035**

**AN ORDINANCE AUTHORIZING THE REMOVAL, RECONSTRUCTION, AND  
ASSESSMENT OF PROPERTY OWNERS FOR THE RECONSTRUCTION OF  
CERTAIN SIDEWALKS ADJACENT TO MAIN STREET**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 10-035 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

**CLOSED SESSION**

*In Accordance with RSMo. 610-021 (1)  
Litigation*

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph one (1), admitting himself, rest of Council, City Manager Jeff LaGarce, City Attorney James Lemon and City Clerk Vance and City Engineer Mark 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 Hark, Lyng, Dobson, Barta, Mayor Hark and Council Member Louderman- 7

**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 Louderman.

Motion carried.

### **ADJOURNMENT**

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

Motion carried.