

**NOTICE OF PUBLIC MEETING
COUNCIL AGENDA**

**October 19, 2010
7:00 p.m.**

Present: Council Members Council Members Louderman, Hark, Lyng,
Mayor Pro Tem Knickerbocker and Council Members Dobson,
Barta and Mayor Hark - 7

Absent: -0-

CALL TO ORDER

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

INVOCATION

Mayor Pro Tem Knickerbocker gave the invocation.

PLEDGE OF ALLEGIANCE

Council Member Barta led the Pledge of Allegiance to the Flag.

**APPROVAL OF MINUTES
Regular Council Meeting – October 5, 2010**

Motion was made by Council Member Louderman to approve the minutes of the last regular Council meeting that was held on October 5, 2010. Motion was seconded by Council Member Hark.

Motion carried.

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

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

Motion carried.

STEPHEN VANHOUTEN – LOAFERS CAR CLUB

Re: Request, Street Closure – Loafers Car Show

(May 7, 2011 – 6a.m. - 4p.m.)

Mr. Stephen VanHouten, representing the Loafer's Car Club, requested Council approval to close Main Street from Broadway to North Street. Cars will be angled on both sides of Main this year to allow passage of emergency vehicles down the center of the street, if needed. Alleyways and side streets will not be utilized. The request was for the purpose of hosting the Loafer's Annual Car Show. Motion was made by Mayor Pro Tem Knickerbocker to approve VanHouten's request for street closure. Motion was seconded by Council Member Hark.

Motion carried.

JEFF LAGARCE – CITY MANAGER

Re: Residential Flood Buyout Program – Hazard Mitigation Grant Agreement & Funding Approval

*State of Missouri Emergency Management Agency
(Resolution No. 1686-10, to follow)*

City Manager Jeffrey LaGarce presented his first of two items on the evening's agenda, his request for Council approval of the hazard mitigation grant agreement and funding for the residential flood buyout program. LaGarce explained that, after twenty-one months, the City has been awarded the residential flood buyout grant. According to LaGarce, the total project cost for this flood buyout, consisting of twenty-three (23) flood-prone residential properties and three (3) vacant lots, is \$994,810. 75%, or \$746,108, will be funded through FEMA/SEMA. LaGarce continued by saying that the remaining 25%, or \$248,702, is the City's portion that will be funded through the Community Development Block Grant (CDBG).

The residential flood buyout program will go through the same basic steps as the commercial flood buyout program, then all structures on the acquired properties will be demolished and open public recreation spaces will be restored. LaGarce requested approval of a hazard mitigation grant agreement with the State of Missouri Emergency Management Agency. Resolution No. 1686-10, to follow, would authorize the Mayor to execute this agreement, if approved.

LaGarce noted that there is one additional document that is required, which will be presented at the next Council meeting for approval. In the meantime, specs are being prepared for appraisals and appraisal review. He added that the State of Missouri recently called, offering funding to have the Regional Planning Commission perform the grant related paperwork.

Re: Commercial Flood Buyout Environmental Services – Supplemental Agreement

*Terracon Consultants, Inc.
(Resolution No. 1687-10, to follow)*

LaGarce stated that his next item on the agenda was a change order. He said that part of the flood buyout process involves conducting environmental investigations on each site to test for the possibility of historic uses or adjacent uses that may have caused contamination.

On August 17th, a contract was awarded to Terracon Consultants, Inc. for this testing on commercial flood buyout properties. As a result, fifteen (15) properties were clear of any possibility of contamination; however, ten (10) were not. Those ten properties had to undergo additional site assessments, resulting in five being problematic, four cleared and one property the result is still unknown.

On this particular property, located at 500 South Main Street, the consultant made four (4) bores; however a fifth could not be completed because of the existence of a large concrete plate or solid bedrock (actual reason is still unknown).

Terracon must now subcontract with a drilling company who will operate a high-powered drill to make this final core and allow the Terracon personnel to obtain the final water sample. This 5th bore must be ascertained, since a junk yard is located adjacent to this site. This was not anticipated in the original bid, nor in the contract; therefore, a change order in the amount of \$2,500 is requested, based on a follow-up proposal provided by Terracon. Terracon did indicate that this happens on very rare occasion but can happen. They also indicated that they could have bid the project with a high-powered bid, originally, but that bid would have been much higher, in the \$50,000 to \$60,000 range.

If approved, LaGarce explained that the cost will be borne by Community Development Block Grant (CDBG), who agreed in advance to the necessity of this additional expense. LaGarce concluded by stating that the entire twenty-five (25) properties are on-hold until the extent of damage can be determined for these ten (10) properties.

Resolution No. 1687-10, allowing the Mayor to execute this change order will be revisited later, during the meeting for approval, according to City Manager LaGarce.

LYNDELL DAVIS – CHIEF OF POLICE
Re: State Vendor Purchase Approval, Police Vehicles (9)
Don Brown Chevrolet

Chief Davis explained that during the month of September, the Hannibal Police Department requested price quotes from two local vehicle dealers and one state bid contractor for eight police package vehicles and one unmarked police package vehicle. As a result, only one bid was received. This bid, from the State Bid Contractor, Don Brown Chevrolet, totaled \$278,484, for the purchase of these vehicles. Davis noted that the quoted amount included the reduction for trade-ins and insurance reimbursement for a police vehicle damaged in the flash flooding near Bear Creek in July.

Chief Davis stated that all the vehicles being traded have in excess of 100,000 miles and are becoming expensive to maintain, as well as unreliable for emergency response.

If approved, every marked police vehicle will be equipped with video camera capabilities, and will be purchased utilizing the lease purchase agreement with US Bank. According to Davis, a total of three payments would be made, with the first payment already budgeted for in the current FY2010-2011 Budget. He added that a savings of over \$9,200 will be recognized over the course of the next three years than was previously estimated in the current five-year Capital Improvement Plan. This savings is largely attributed to the favorable interest rates, state bid pricing and volume purchasing of the vehicles.

Davis concluded by saying that, if this purchase is approved by Council, the police vehicles being traded in will have the two-way radios removed and transferred to the Street Department with the only cost being for the removal and installation into their vehicles. This will save the City a significant amount that would be required for the purchase of radios for the Street Department in order for them to be narrowband compliant in the future.

Council Member Dobson inquired if it was typical to switch the contents of the vehicles out when trading is done. Davis explained that when contents are switched, they may be fine for the first three years; however, after that they become unreliable. Referencing the emergency equipment, Davis commented that it is much more critical for an officer's radio to work correctly than it is for the radio of a Street Department employee. It is essential to have reliable, updated equipment for emergency response. As time goes on, equipment becomes more advanced and technical, for that reason, it has been the decision of the department to utilize the most updated equipment. This has been the practice since 2001, according to the Chief.

Dobson inquired about the deadline for P25 compliant radios. Davis responded that the narrowband is what will affect his department, the fire department and the street department. He added that the new radios are narrowband compliant and have been for several years. Dobson stated that the P25 would advance the capabilities to a digital signal from an analog and asked if that was in the department's foreseeable future. Davis explained that probably this would not be a change in the near future, since the change would be cost prohibitive, or \$5,000 per car. Motion was made by Council Member Louderman to approve Chief Davis; request. Motion was seconded by Council Member Hark.

Motion carried.

MARK REES – CITY ENGINEER
Re: Request – Bid Waiver, City Hall Boiler Repair
Peter's Heating and Air

City Engineer Mark Rees first item on the agenda was request for a bid waiver regarding the repair of the City Hall boiler, performed by Peter's Heating and Air Rees explained that the boiler quit working last spring, but the repairs were postponed until the end of the fiscal year. With the recent onset of cold weather, he instructed his staff to have Peter's make the repair, totaling \$2,200, placing a strain on the City Hall budget.

Even though he believed that he got value for the services, he did not obtain the required quotes since he assumed that Peter's had a maintenance contract with the City covering these repairs. For that reason, he now requested Council waive the bid requirements on these repairs so that Peter's invoice for services rendered could be paid.

Rees assured Council that this would not happen again. Motion was made by Council Member Dobson to approve Rees' request. Motion was seconded by Council Member Hark.

Motion carried.

Re: Request – Bid Waiver, Manchester Tank Electrical Updates

Rees explained that his second request was for another bid waiver. He added that approximately three months ago General Mills, the City's tenant at the Manchester Tank

Building, requested splitting the cost for some electrical updates at that facility. Subsequently, a contractor was hired by General Mills and the work was performed to their specifications. The City's share of this work is half of \$5,716.00. Rees asked that Council waive the bid requirement and allow DPW to reimburse General Mills for half of these improvements.

Motion was made by Mayor Pro Tem Knickerbocker to approve Rees' request. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Warren Barrett Drive Overlay Project – Contract Agreement

Magruder Paving, LLC

(Resolution No. 1685-10, to follow)

Rees reminded Council that approximately one year ago a decision was made to overlay a portion of Warren Barrett Drive that is quickly on the decline. On October 12th, sealed bids were opened in Council Chambers. Two companies submitted bids, with the apparent low bidder being Magruder Paving, LLC with a bid amount totaling \$71,577.00. The Department of Public Works FY 2010-11 budget includes an appropriation of \$125,000 for this overlay from Maple to Main Street.

Rees explained that there was a time element involved, since their desire was to complete the project before the onset of winter. He and his department recommended Council approval of awarding this bid and also approval of the contract with Magruder by approving Resolution No. 1685-10, to follow, which would authorize the Mayor to execute the contract in the amount of \$71,577.00. With Council approval, Magruder has agreed to begin work on Thursday. Council Member Louderman questioned whether or not the contractor was having trouble getting asphalt for Paris Gravel Road overlay and asked if that were true. Rees responded that the two local asphalt companies are making a different type of mix; however, Magruder has a temporary plant outside of town; therefore he believes that asphalt would be available to the City.

Louderman asked what needed to be done in order to get asphalt from the other vendors. Rees responded that the yearly cost for asphalt from Bross is \$59.00/ton and the bid for asphalt, compacted in place, is \$49.00/ton from Magruder for Warren Barrett Drive. Magruder indicated that they would hold to that price if we chose. They would provide asphalt at \$49.00 per ton, to lay with our own crews.

Rees said that he was shooting for next week or as soon as this could be scheduled, when asphalt is being complete again. At any rate, Rees said that he would like to get the potholes covered over before winter, since construction can not be done on Paris Gravel Road at this time. In response to questions regarding the bidding process, it was noted that the bid limit is \$4,800 before bids must be let.

City Attorney James Lemon advised that impending, inclement weather makes this an emergent condition; therefore, Rees could request waiving the bidding process so that the project could commence. LaGarce question whether this could be done immediately, since two additional weeks would be lost if Council waited until November 2nd to make a decision.

Lemon advised that it would be necessary to make a motion to include this on the evening's agenda. Motion was made by Council Member Hark to take matters up immediately, as an emergency measure, to purchase asphalt from Magruder for \$10 less per unit, because of the

other vendor's inability to produce the needed material. Motion was seconded by Council Member Barta.

Street Superintendent Leon Wallace suggested that we allow Magruder Paving to provide the asphalt for Paris Gravel Road, as well, since they can provide AND lay it for \$10.00 less than the City can purchase it from the other vendor. In response to Wallace's suggestion, Rees stated that he was unsure whether Magruder could provide the asphalt for both projects, but assured Council that he would ask them if that were a possibility.

Mayor Pro Tem Knickerbocker suggested that, since there is currently a Resolution to be approved regarding Warren Barrett Drive, this Resolution could be amended to include Paris Gravel Road, if needed.

City Attorney Lemon did not advise changing the Resolution in this way, stating that other potential bidders could argue that they would have given a lower bid if they had known that it was being bid in that way. Rees agreed with Lemon, adding that the process is complicated and fearing that the City may be getting in too deep if this option was chosen. Mayor Hark noted that Council had a motion and a second, regarding the possibility of waiving the bidding process for the purchase of asphalt from Magruder Paving, as an emergency measure, because of the possible onset of inclement weather, and because of the other vendor's inability to produce the needed material.

Mayor Pro Tem Knickerbocker asked Rees what his anticipated cost for material. Rees responded that he was unsure of the cost, possibly \$5,000 - \$7,500 for the 200 foot stretch of road, from Veterans Road to Bleigh's entrance (He stated that this was merely a wild guess).. Knickerbocker clarified that this was for the 'repair of infrastructure, which has a much higher bid limit; therefore Council would not have to approve, exceeding the bid limit, only approval of the use of non-bid material at a lower cost.

City Attorney Lemon was asked to comment and he stated that, from a practical standpoint, the only person in a position to complain would be the vendor and they have already advised that they are unable to provide the product.

Roll Call

Yes: Council Members Council Members Louderman, Hark, Mayor Pro Tem Knickerbocker and Council Members Dobson, Barta and Mayor Hark - 6

No: Council Member Lyng - 1

Absent: -0-

Motion carried. City Manager LaGarce asked Rees to inform Council regarding the unit pricing of Warren Barrett. Rees explained that the way these construction projects are normally administered is:

1. Quantities are estimated (Square yards of milling placed with contractor who places a unit price for that)
2. The Department specifies what they want (i.e.: 2 inches pf product)
3. Calculate tonnage
4. Extend prices and total

5. Arrive at a base bid to compare to each contractor
6. Project is bid.

In doing these calculations, according to Rees, there is a chance to end up with a few extra ton of material, such as happened with the Palmyra Road Project.

LaGarce added that this is not a lump sum amount, only a unit price, which is also done in every other city that was contacted. As these cities indicated, if your goal is a lump sum, the project will be ruined. This is the industry standard, according to the City Manager.

RESOLUTION NO. 1685-10

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AGREEMENT BETWEEN THE CITY OF HANNIBAL AND MAGRUDER PAVING, LLC IN THE AMOUNT OF \$71,577.00 FOR THE WARREN BARRETT DRIVE OVERLAY PROJECT

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1685-10, and call the roll for adoption. Motion was seconded by Council Member Hark

Motion carried.

Roll Call

Yes: Council Members Council Members Louderman, Hark, Lyng, Mayor Pro Tem Knickerbocker and Council Members Dobson, Barta and Mayor Hark - 7

No: -0-

Mayor Hark declared Resolution No. 1685-10, duly approved and adopted on this date.

RESOLUTION NO. 1686-10

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE HAZARD MITIGATION GRANT AGREEMENT AND FUNDING APPROVAL BETWEEN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI, AND THE STATE OF MISSOURI EMERGENCY MANAGEMENT AGENCY RELATIVE TO THE RESIDENTIAL FLOOD BUYOUT PROGRAM

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1686-10, and call the roll for adoption. Motion was seconded by Mayor Hark

Motion carried.

Roll Call

Yes: Council Members Council Members Louderman, Hark, Lyng, Mayor Pro Tem Knickerbocker and Council Members Dobson, Barta and Mayor Hark - 7

No: -0-

Mayor Hark declared Resolution No. 1686-10, duly approved and adopted on this date.

RESOLUTION NO. 1687-10

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL AGREEMENT FOR SERVICES WITH TERRACON CONSULTANTS, INC., IN THE AMOUNTS OF \$2,500 TO PERFORM ENVIRONMENTAL SERVICES AT 500 SOUTH MAIN STREET RELATIVE TO THE COMMERCIAL FLOOD BUYOUT

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1687-10, and call the roll for adoption. Motion was seconded by Council Member Hark

Motion carried.

Roll Call

Yes: Council Members Council Members Louderman, Hark, Lyng, Mayor Pro Tem Knickerbocker and Council Members Dobson, Barta and Mayor Hark - 7

No: -0-

Mayor Hark declared Resolution No. 1687-10, duly approved and adopted on this date.

BILL NO. 10-034

AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 4, SECTION 4-106, RELATING TO DANGEROUS DOGS

SECOND AND FINAL READING

Motion was made by Council Member Dobson to give Bill No. 10-034 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Louderman.

Roll Call

Yes: Council Members Council Members Louderman, Hark, Lyng, Mayor Pro Tem Knickerbocker and Council Members Dobson, Barta and Mayor Hark - 7

No: -0-

Mayor Hark declared Bill No. 10-034 duly approved and adopted on this date.

CLOSED SESSION
In Accordance with RSMo. 610-021 (1) & (2)
Litigation
Acquisition, Real Estate

Mayor Hark explained that, at this time, they would not go into closed session since the interested party had asked to withdraw.

ADJOURNMENT

Motion was made by Mayor Pro Tem Knickerbocker to adjourn. Motion was seconded by Mayor Hark.

Motion carried.

CLOSED SESSION
In Accordance with RSMo. 610-021 (1) & (2)
Litigation
Acquisition, Real Estate

ADJOURNMENT