

**OFFICIAL COUNCIL PROCEEDINGS**

**April 5, 2011  
7:00 P.M.**

**ROLL CALL**

**Present:** Mayor Pro Tem Knickerbocker, Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Lyng - 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 Hark led the Pledge of Allegiance to the Flag at this time.

**APPROVAL OF MINUTES  
Regular Council Meeting – March 15, 2011**

Motion was made by Council Member Hark to approve the minutes of the last regular Council meeting that was held on March 15, 2011. Motion was seconded by Council Member Louderman.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS  
Second Half – March, 2011**

Motion was made by Council Member Louderman to approve the payroll and claims for the second half of March, 2011. Motion was seconded by Council Member Barta.

Motion carried.

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

Mayor Hark made the following recommendation:

HANNIBAL HOUSING AUTHORITY  
Liz Swanson – Re-Appointment for a term to expire, April 2015

He declared that this nomination will be considered for approval at the next regular Council meeting.

**KEVIN KNICKERBOCKER – 1<sup>ST</sup> WARD COUNCIL MEMBER**  
**Re: Code Amendment – Chapter 3, Articles 1 & 3 – Consumption of Alcohol in Public**  
*(Bill No. 11-011, to follow)*

Mayor Pro Tem Knickerbocker presented the next item on the agenda, a code amendment of the Hannibal City Code, Chapter 3, Articles One and Three, regarding the consumption of alcohol in public. Knickerbocker explained that he had a report from the task force that was created for the purpose of defining these changes. He added that the task force have now completed their business and have submitted an ordinance to Council for a first reading. Knickerbocker said that the task force believes the language used in the ordinance, which was developed with the aid of the City Attorney, will insure that public alcohol consumption will be done in a fashion that will reflect well on the City of Hannibal. It will allow the opportunity for responsible business owners to do this in a positive way. He requested Council consideration of Bill No. 11-011, to follow.

**JEFF LAGARCE – CITY MANAGER**  
**Re: Request, Change Date of June 7, 2011 Council Meeting**

City Manager LaGarce explained that, on June 8<sup>th</sup>, the Missouri Highway Commission will be meeting in Hannibal, adding that the Commission has twelve meetings each year, six at MoDOT headquarters in Jefferson City, MO and six in various communities in their jurisdiction. The Hannibal Chamber of Commerce have attempted to secure a Missouri Highways and Transportation Commission meeting for several years, according to LaGarce, and according to tradition, on the evening prior to the meeting, the host community holds a reception which allows the MHTC Commissioners to meet local leaders and the community can showcase themselves.

Since the night of this reception is the date of the regular scheduled Council Meeting, the Mayor and Council Members would be unable to attend. With Council approval, City Manager LaGarce suggested that the regularly scheduled Council Meeting on Tuesday,

June 7, 2011 be moved to Monday, June 6, 2011, allowing the City's formal ambassadors to welcome the Commissioners at the reception on Tuesday.

Motion was made by Mayor Hark to approve LaGarce's request. Motion was seconded by Council Member Dobson.

Motion carried.

**Re: Request, Designation of Acting City Manager – Angelica N. Vance**

The City Manager explained that, from Friday, April 15<sup>th</sup> through Sunday April 24<sup>th</sup>, he would be on vacation. He sought Council approval to appoint City Clerk Angelica Vance as acting City Manager during that time because of her qualification and his high level of confidence in her ability. Motion was made by Mayor Hark to approve LaGarce's request. Motion was seconded by Council Member Louderman.

Motion carried.

**Re: Environmental Consulting Site Cleanup, Commercial Flood Buyout – Standard Form of Agreement  
Terracon Consultants  
(Resolution No. 1718-11, to follow)**

LaGarce's third item on the agenda was regarding the commercial flood buyout property. He explained that it was his intention to move five of these sites through DNR's (i) Brownsfields and (ii) Underground Storage Tanks Programs to obtain an affordable solution for clearance of these contaminated properties. As a result, three have been placed in the Brownsfields program, one will undergo DNR's Leaking Underground Storage Tank Program and the remaining property will enter both programs, having both soil and petroleum-based contaminants. Because of these findings, there are five properties, but six environmental studies.

As a requirement, the City must employ an environmental consultant for both programs. This consultant prepares acceptable work plans on the City's behalf, pursuant to environmental cleanup law, which are reviewed by DNR. LaGarce recommended approval of Resolution No. 1718-11, to follow enlisting Terracon Consultants, Inc. to complete this lengthy process. He explained, in detail, the steps that Terracon would be required to take. This Resolution would approve a contract with Terracon, in the amount of \$76,330, to consult on the City's behalf through the DNR environmental programs.

**Re: Property Purchase – 907 Fulton Avenue – Real Estate Purchase Agreement & General Warranty Deed  
Hannibal School District  
(Resolution No. 1720-11, to follow)**

The City Manager's final agenda item was a carry-over from last December, and regarded the purchase of property known as 907 Fulton Avenue, from the Hannibal School District. Proposed cost of this property to the City is \$10.00 and would be accepted for the purpose of providing/maintaining public vehicular access.

LaGarce explained that in 1992, the School Board purchased property on Fulton Avenue to provide side and rear access to homes located there. Prior to that time, according to the City Manager, the only access was through the school property. In 1993, following this purchase, the structure located on 907 Fulton was razed, by the District, and it was replaced with a street connecting Fulton Avenue and an alley running behind the 900<sup>th</sup> block.

Now, realizing their ownership, the School District is requesting the transfer of this property to the City. LaGarce added that Staff recommends approval of Resolution No. 1720-11, to follow, that would authorize the Mayor to execute a real estate purchase agreement and General Warranty Deed relative to this property, located at 907 Fulton Avenue.

**ANGELICA N. VANCE – CITY CLERK**  
**Re: Wireless Services and Devices – Service Agreement**  
*US Cellular*  
*(Resolution No. 1716-11, to follow)*

City Clerk Angelica Vance presented the next item on the agenda, recommendation of a service agreement with US Cellular for wireless services and devices. Execution of this two-year contract by the Mayor would be approved with the approval of Resolution No. 1716-11, to follow.

Vance explained that the implementation and approval of this agreement would provide designated departments and officials the continuation of current services. She added that US Cellular, being an awarded, Missouri State Prime Vendor, has agreed to provide monthly wireless service to the City at a rate of \$22.49 per line, and offers the opportunity to purchase enhanced equipment at a discounted rate.

**MARK REES – CITY ENGINEER**  
**Re: Bid Award Approval, 185 Foot Radial Property Searches**  
*Wells Abstract & Accurate Land Title*

City Engineer Mark Rees presented his first item on the agenda regarding a request for a bid award approval to Wells Abstract and Accurate Land Title. Rees explained that bids were recently solicited and accepted to perform 185 foot radial property searches. These searches, according to Rees, would allow a grandfathering exemption for certain properties with regard to a new ordinance restricting the parking of certain vehicles in residential areas. Since the bid process resulted in a tie between the two companies for

low bid, both were accepted as the successful low bidder. He stated that it would ultimately be up to each property owner to choose the company to perform the property search. Motion was made by Council Member Louderman to approve City Engineer Rees' recommendation. Motion was seconded by Council Member Barta.

Motion carried.

**Re: Request, Street Closure – Highway 61 & Pleasant/West Ely Intersection**

Rees explained that MoDOT is progressing with their design of the Highway 61 and Pleasant Street/West Ely Road intersection. Since the staging of construction will be extremely difficult with the flow of traffic, they have made a request that the City allow an extended closure of this intersection for a thirty day period to allow completion of this construction project. City Engineer Rees made a recommendation to approve their request, since he believes that this will allow for safer and faster construction. MoDOT will plan, advertise detours and mark them properly. In response to a question posed, Rees responded that he believes construction will begin in July and completion will be 60-90 days from the beginning date. Traffic will reopen after the 30 day period, with Council approval. Motion was made by Council Member Louderman to approve MoDOT's request. Motion was seconded by Council Member Hark.

Motion carried.

**Re: 2011 Mill & Overlay Project – Contract & Change Order No. 1**

*Chester Bross Construction  
(Resolution No. 1717-11, to follow)*

Next Rees explained that his next item on the agenda regarded the 2011 Mill and Overlay Project. He added that Council had previously accepted the bid from Chester Bross Construction as the successful low bid of \$625,677; however, the bid was \$25,677.00 over budget. According to the City Engineer, with the effects of a harsh winter, several areas of distressed pavement have emerged. In order to reduce the project cost and also to incorporate these recent problem areas, three streets were added to the original project and 13 streets were deducted. Rees stated that the omitted streets would be overlaid in a future project.

The net result from the additions and omissions is a reduction of \$31,332.09 to the total project, reducing the cost of the contract to \$594,344.91. Rees concluded by recommending that Council authorize the Mayor to enter into a contract on behalf of the City, with Chester Bross Construction in the amount of \$625,677.00 and execute Change Order No. 1 for the \$31,332.09 reduction. This would be accomplished with the approval of Resolution No. 1717-11, to follow.

**Re: Airport Terminal Project – Supplemental Agreement No. 1**

*Bleigh Construction  
(Resolution No. 1721-11, to follow)*

City Engineer Rees explained that bids for the Airport Terminal Project came in slightly high; therefore, he requested that the City's consultant/architect, Architecnics, complete some value engineering.

The first reason to use this has occurred, since the need has arisen for relocation of a communication wire that is in conflict with the proposed terminal. DPW has reviewed Supplemental Agreement No. 1, according to Rees, and recommended approval of Resolution No. 1721-11, to follow, regarding this Supplemental Agreement.

**Re: Safe Routes to School Program – Grant Application**

*Missouri Department of Transportation  
(Resolution No. 1719-11, to follow)*

City Engineer Rees, asked Brian Chaplin, his assistant, to present his final agenda item, approval of a grant application for the MoDOT Safe Routes to School Program. Chaplin explained that the application was for a 100% funded grant, which if awarded would fund the placement of a sidewalk from Hannibal Middle School along Palmyra Road to the Riverview Park entrance, approximately 4,000 feet. Temporary construction easements will be sought, if approved. In response to a question by Council Member Barta, Chaplin responded that the City should be notified within approximately six months regarding approval of the grant, with construction commencing by next spring.

He noted that residents have not yet been contacted; however, DPW has teamed up with Cochran, who has agreed to assist with the application process. The deadline for submittal is April 15, 2011. Resolution No. 1719-11, to follow, would approve the application process.

**LEON WALLACE – STREET SUPERINTENDENT**

**Re: Request, Bid Award Approval**

*Sale of 2000 Street Sweeper  
CB Equipment*

Street Superintendent Leon Wallace explained that the Street Department had recently let bids for the sale of the 2000 Street Sweeper; and, as a result, two companies submitted bids for the purchase. Wallace made the recommendation to approve the sale to CB Equipment, the highest bidder in the amount of \$4,980.00. Motion was made by Council Member Hark to approve Wallace's recommendation. Motion was seconded by Council Member Barta.

Motion carried.

**RESOLUTION NO. 1716-11**

**A RESOLUTION AUTHORIZING THE TWO (2) YEAR CONTINUATION OF SERVICE AGREEMENTS BETWEEN THE CITY OF HANNIBAL AND US CELLULAR FOR WIRELESS PLANS AND ENHANCED EQUIPMENT OPTIONS FOR DESIGNATED CITY DEPARTMENTS AND OFFICIALS**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1716-11, and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Resolution No. 1716-11, duly approved and adopted on this date.

**RESOLUTION NO. 1717-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND CHANGE ORDER NO. 1 BETWEEN THE CITY OF HANNIBAL AND CHESTER BROSS CONSTRUCTION FOR A NET AMOUNT OF \$594,344.91 FOR THE SPRING 2011 MILL AND OVERLAY PROJECT**

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1717-11, and call the roll for adoption. Motion was seconded by Council Member Hark. Council Member Lyng questioned whether or not the pending lawsuit with Chester Bross had been resolved. Mayor Hark responded that it had not yet been resolved.

Motion carried.

**Roll Call**

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

**No:** Council Member Lyng - 1

Mayor Hark declared Resolution No. 1717-11, duly approved and adopted on this date.

**RESOLUTION NO. 1718-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TERRACON CONSULTANTS, INC. IN AN AMOUNT OF \$76,330 FOR ENVIRONMENTAL CONSULTING SERVICES RELATIVE TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES BROWNFIELDS/VOLUNTARY CLEANUP PROGRAM AND LEAKING UNDERGROUND STORAGE TANK PROGRAMS**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1718-11, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Resolution No. 1718-11, duly approved and adopted on this date.

**RESOLUTION NO. 1719-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A GRANT APPLICATION FOR THE SAFE ROUTES TO SCHOOL PROGRAM IN THE AMOUNT OF \$249,957.60 TO CONSTRUCT A SIDEWALK ON PALMYRA ROAD FROM HANNIBAL MIDDLE SCHOOL TO RIVERVIEW PARK**

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1719-11, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Resolution No. 1719-11, duly approved and adopted on this date.

**RESOLUTION NO. 1720-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE PRUCHASE AGREEMENT AND GENERAL WARRANTY DEED WITH THE HANNIBAL SCHOOL DISTRICT IN THE AMOUNT OF TEN DOLLARS FOR THE PURCHASE OF 907 FULTON AVENUE TO BE USED FOR PUBLIC TRANSPORTATION ACCESS PURPOSES**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1720-11, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Resolution No. 1720-11, duly approved and adopted on this date.

**RESOLUTION NO. 1721-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF HANNIBAL AND BLEIGH CONSTRUCTION FOR THE CONSTRUCTION OF THE AIRPORT TERMINAL**

Motion was made by Mayor Pro Tem Knickerbocker to have the City Clerk read Resolution No. 1721-11, and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Resolution No. 1721-11, duly approved and adopted on this date.

**BILL NO. 11-008**

**AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 16, ARTICLE V, OF THE CODE OF THE CITY OF HANNIBAL, RELATIVE TO MIND ALTERING SUBSTANCES**

**SECOND AND FINAL READING**

Motion was made by Mayor Pro Tem Knickerbocker to give Bill No. 11-008 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Bill No. 11-008 duly approved and adopted on this date.

**BILL NO. 11-009**

**AN ORDINANCE OF THE CITY OF HANNIBAL, AMENDING CHAPTER 17, ARTICLE IX, RELATIVE TO RED LIGHT ENFORCEMENT SIGNAGE**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 11-009 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Bill No. 11-009 duly approved and adopted on this date.

**BILL NO. 11-010**

**AN ORDINANCE AMENDING CHAPTER 19, ARTICLES I AND II OF THE HANNIBAL CITY CODE RELATIVE TO KEEPING OR PARKING CERTAIN COMMERCIAL VEHICLES AND CONSTRUCTION OR COMMERCIAL-GRADE EQUIPMENT AT OR UPON RESIDENTIAL PROPERTY**

**SECOND AND FINAL READING**

Motion was made by Council Member Barta to give Bill No. 11-010 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Bill No. 11-010 duly approved and adopted on this date.

**BILL NO. 11-011**

**AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 3, ARTICLE I AND ARTICLE III RELATIVE TO CONSUMPTION OF ALCOHOL IN PUBLIC**

**FIRST READING**

Motion was made by Council Member Dobson to give Bill No. 11-011 a first reading. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

## **ADJOURNMENT**

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

Motion carried.