

OFFICIAL COUNCIL PROCEEDINGS

**April 19, 2011
7:00 P.M.**

ROLL CALL

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 Barta led the Pledge of Allegiance to the Flag at this time. Motion was made by Council Member Dobson to excuse Mayor Pro Tem Knickerbocker from the meeting. Motion was seconded by Council Member Hark.

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting – April 5, 2011

Motion was made by Council Member Louderman to approve the minutes of the last regular Council meeting that was held on April 5, 2011. Motion was seconded by Council Member Hark.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – April, 2011

Motion was made by Council Member Dobson to approve the payroll and claims for the first half of April, 2011. Motion was seconded by Council Member Louderman.

Motion carried.

ROY G. HARK – MAYOR
Re: Approval of Appointment

Mayor Roy Hark reminded Council of candidate presented at the last regular Council meeting for the Hannibal Housing Authority. This was:

HANNIBAL HOUSING AUTHORITY

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

He asked Council for their approval of this nomination. Motion was made by Council Member Louderman to approve this nomination. Motion was seconded by Council Member Hark.

Motion carried.

DENA ELLIS – MARK TWAIN HOME FOUNDATION

Re: Request, Alcohol Sales/Consumption Public Property – Music Under the Stars

Thursday, June 2 – September 1, 2011 – 6:00 p.m. – 9:00 p.m.

Since Dena Ellis, representative of the Mark Twain Home Foundation, was not present, the City Clerk explained her request to Council, regarding permission to allow the sale and consumption of alcohol during the summer events known as the “Music Under the Stars”. The sale of alcohol, if approved, would take place on the Boyhood Home Gardens at these events, similar to past practice and would take place, according to schedule every Thursday beginning June 2, 2011 and continuing until September 1, 2011. The City Clerk noted that a certificate of insurance was on file in the Clerk’s office, as well as the hold harmless document. Motion was made by Council Member Barta to approve Ellis’ request. Motion was seconded by Council Member Dobson.

Motion carried.

JENNIFER FOSTER & RHONDA STEVENSON – HANNIBAL JAYCEES

Re: Requests, Use of City Owned Property; Street Closures; Waiver of Carnival License Fees; Fireworks Display – 56th Annual National Tom Sawyer Days

June 30 – July 4, 2011

Jennifer Foster introduced herself and Rhonda Stevenson, the Chairpersons for the National Tom Sawyer Days Celebration, and explained their requests. Foster informed Council that the Celebration was scheduled to begin on Thursday, June 30th and continue through Monday, July 4th, 2011, adding that their request was for use of the same locations that were utilized during last year’s celebration. She reminded Council that the fireworks display was launched from lovers leap during the previous year and her request was that this area be used for that purpose again this year. For that reason, the request included closure of the Lover’s Leap area beginning Sunday, July 3rd and continuing through Tuesday, July 5th. Parade is scheduled for July 4th and the event will again include a street carnival, beginning June 27th and leaving July 5th, of which Foster requested fee waiver from Council. She added that, in the past, there were issues with HNB Bank, assuring Council that Bank traffic would remain open.

Requests were also made for street closures of Bird Street to North Street from July 2nd through July 4th since she noted that occasionally during last year's event, the barricades were ignored and people drove around them and through the activities that were occurring. To avoid future unsafe situations, Foster explained that during a meeting with Police Chief Davis, he suggested streets be closed for the entire duration of the festival.

Foster's request also included the closure of the alleyway from Bird Street to Hill Street from June 30th through July 4th, to be used for Tanyard Garden and the Mud Volleyball Tournament, to allow patrons to walk between these two events with open beverages.

Foster assured Council that all possible problems had been discussed and solutions had been agreed upon with business owners in the downtown area.

In response to a question from Council, Foster also requested "NO PARKING" on Broadway from Midnight, July 4th until the conclusion of the parade around noon. She also requested that sale of alcoholic beverages on City property, across from Tanyard Gardens, assuring Council that the bands, performing in the parking lot (Tanyard Gardens) would be fenced in. Details would be worked out with Chief Davis, prior to the event. Motion was made by Council Member Barta to approve Foster and Stevenson's requests. Motion was seconded by Council Member Hark.

Motion carried.

BILL WEBBER – KIWANIS CLUB OF HANNIBAL

Re: Request, Street Closures – 35th Annual Samuel L. Clemens Arts & Crafts Festival

July 2 – July 4, 2011

Mr. Bill Webber, representing the Kiwanis Club of Hannibal came before Council with a request to use Central Park for the 35th Annual Samuel L. Clemens Arts & Crafts Festival to be held July 1-4, 2011. He requested the use of the parking spaces on the west side of Fourth Street from Center Street to Broadway on July 1st and also requested the closure of 4th Street from Center to Broadway from July 2nd through July 4th. Webber added that the spaces were already sold out and there is currently others on the waiting list. He noted that he had made similar requests to Council for the past 15 years.

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

Motion carried.

ANGELICA N. VANCE – ACTING CITY MANAGER/CITY CLERK

Re: Residential Flood Buyout Program City's 25% Match – Funding Approval and Grant Agreement

*Missouri Department of Economic Development
(Resolution No. 1722-11, to follow)*

City Clerk Angelica Vance presented the next item on the agenda, an item falling under the City Manager “realm of duty” and regarded an approval of Resolution No. 1723-11 in relation to the State of Missouri’s announcement of a 25% funding match for the City’s Residential Flood Buyout Project. If this resolution is approved, it would authorize the Mayor to execute the necessary grant agreements with the Missouri Department of Economic Development. Vance explained that there had been a misunderstanding in the beginning where the funding announcement fell short of the City’s initial grant request; however, since then, they have contacted City officials and have committed to recapture the shortfalls. Approval of this Resolution was recommended when Resolution No. 1722-11 was revisited for a reading, later, during the meeting.

Re: Plan Document Amendment, Policemen & Firemen Retirement Plan – City Contributions and Employee Contributions

(Resolution No. 1723-11, to follow)

The City Clerk’s next order of business was in regard to the Police & Fire Retirement Fund. She reminded Council that the fund has been decreasing in value for the past five years. She added that, currently, it has a tremendous board that continues to work extremely hard in its efforts to rebuild the fund to a more acceptable status of 70%. Many ideas have been discussed and changes have been made in the past five years.

She continued by presenting the board’s most recent idea that had gotten approval from the State of Missouri and the fund’s IRS attorney. The board proposed an increase in the employee contributions from 9.5% of payroll to 12% of payroll. Both the Police and Fire Departments have done unofficial polls of the members; according to those polls, the consensus is that they wish to do whatever is necessary to regain stability of the fund. Vance noted that, with the downfall in the market, the fund lost over \$3 Million. She added that this amount has now been recouped, but no extra has been gained, to date.

The second portion of Vance’s request was in regard to the employer’s portion of the total contribution. Vance continued by suggesting that the City refrain from reducing the City’s share of contributions in any year unless the fund has reached an 80% funded ratio. Currently, the plan has a funding ratio of 39.8%. If this request is approved, with the approval of Resolution No. 1723-11, to follow, the City will be contributing 24.6% of payroll this year and will not be allowed to fall below that percentage until this fund reaches an 80% funding ratio.

Vance explained that the P&F Retirement Fund was placed on the State of Missouri’s “Watch List” because of the five-year decrease in the plan’s funding status. When this happens, the State can exercise its option to re-direct funds for the plan. This is done by redirecting a portion of the City’s sales tax into the plan. In order to avoid remaining on this list, the plan must attain a funding status of, at least, 70%.

The City Clerk concluded by stating that, based upon the proposed increase in employee contributions alone, this will generate additional revenue of approximately \$87-\$88,000 during the 2011/12 fiscal year. Factoring in overtime, the plan could realize approximately \$100,000 in additional revenue. It costs about \$1.2Million to pay the funds retirees each year; this amount would cover retiree payroll for about one month.

In response to a question posed, Vance responded that she would not have a projection regarding the 2011 funded ration percentage at this time, since the actuary is completed in February each year. She added that the City officially was removed from the "Watch List" because of the slight increase in funded ratio last year; however, the fund is still under their eye. She hopes, with this increase in funds to raise the ratio to 40% on the next actuary.

MEGAN RAPP – HCVB, INTERIM DIRECTOR
Re: Request, Bid Waiver – Advertising Agency
Hoffman Lewin

The next item on the agenda was presented by Megan Rapp, the HCVB Interim Director, and regarded a request for a bid waiver. Rapp detailed a number of benefits in utilizing the expertise and research capabilities of the advertising agency of Hoffman Lewin. She explained that, during phone interviews with three media companies, the marketing committee received the following quotes:

- MMG – 15%
- Poole – 15%
- Hoffman Lewin – 6%

Which means if HCVB were to spend \$100,000 in advertising, MMG and Poole's portion would be \$15,000, whereas Hoffman Lewin would charge \$6,000? She added that since Hoffman Lewin is on the state bid list, having already passed state requirements, and since HCVB have already solicited other bids via email and have found Hoffman Lewin to be the lower of the three, her request was for Council approval to waive the sealed bidding process and allow Hoffman Lewin as the advertising agency for HCVB through FY 2012. Rapp also explained that, as the ad agency of record for the State of Missouri, the fact that they would be placing some of the City's advertising may give Hannibal more 'front of mind consciousness' when they design and plan the State's advertising. Motion was made by Council Member Dobson to approve Rapp's request. Motion was seconded by Council Member Barta.

Motion carried.

LEON WALLACE – STREET SUPERINTENDENT
Re: Request, Bid Waiver – Guardrail Damage
James Drew Corporation

Street Superintendent Leon Wallace explained that a section of guardrail was damaged during an accident on Warren Barrett Drive in February of this year. This was the fault of the driver of the pickup truck that caused the damage. State Farm Insurance Company, the driver's insurance, covered the entire cost of repairs, which totaled \$13,817.47.

Wallace explained that, because the damage to the guardrail presented a safety issue, repairs were made quickly. Two contractors were called for price quotes, with the low bid being submitted by James Drew Corporation. This company was enlisted to make the needed repairs. Wallace requested Council approval for this bid waiver so the company can receive their payment. Motion was made by

Council Member Barta to approve Wallace's request. Motion was seconded by Council Member Dobson.

Motion carried.

MARK REES – CITY ENGINEER
Re: Paris Gravel Road Improvement – Change Order No. 1
Chester Bross Construction
(Resolution No. 1724-11, to follow)

City Engineer Mark Rees presented his only item on the agenda regarding a request for approval of Change Order No. 1 of the Paris Gravel Road Improvement contract. Rees explained that this was a good change order because in preparation to begin the reconstruction of Paris Gravel Road from Veteran's to Highway 61, the contractor made some value-engineering suggestions. Rees agreed with these changes that saved the City a substantial amount of money, and included a reduction of non-essential drainage improvements. These reductions totaled \$53,638.00, which will bring the project back in line with the budget, according to the City Engineer. He recommended approval of Resolution No. 1724-11, instituting Change Order No. 1 of the Paris Gravel Road Improvement contract with Chester Bross Construction.

JOEY BURNHAM – BUILDING INSPECTOR
Re: Approval, Re-Zoning Moberly Street

City Building Inspector Joey Burnham presented the final item on the evening's agenda, regarding a request for approval to re-zone Moberly Street. Burnham explained that he had recently been approached by a citizen inquiring about building a residence on Moberly Street. Upon Burnham's explanation that the property was zoned industrial and that residential buildings could not be built in that zone, the citizen asked about getting a variance or the possibility of re-zoning the property. Burnham agreed to research his request and contact him when he had an answer.

After extensive research, Burnham is of the opinion that, since all of Kenwood Street is already zoned B-Multiple Family beginning in the alley between Moberly Street and Kenwood, this zone should have included Moberly Street, as well. Apparently it has always been residential.

Burnham requested Council approval to start procedures to re-zone the area from 29th Street to the Altorfer property line on Moberly Street and from the alley separating Kenwood Street and Moberly Street to the north bank of Bear Creek to Zone B-Multiple Family, excluding the corner lot on the north side of Moberly at Stephens Street. He added that he believes this re-zoning would be beneficial to the residents of that area and to the City since there are few open lots on which homes can be built. Motion was made by Council Member Louderman to approve Burnham's request. Motion was seconded by Mayor Hark.

Motion carried.

RESOLUTION NO. 1722-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A FUNDING APPROVAL AND GRANT AGREEMENT WITH THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE CITY OF HANNIBAL'S TWENTY-FIVE (25%) PERCENT STATE MATCH TOWARD THE RESIDENTIAL FLOOD BUYOUT PROGRAM

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1722-11, and call the roll for adoption. Motion was seconded by Council Member Barta.

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. 1722-11, duly approved and adopted on this date.

RESOLUTION NO. 1723-11

A RESOLUTION AMENDING THE CITY OF HANNIBAL, MISSOURI POLICEMEN AND FIREMEN RETIREMENT FUND, SECTION 2.01 "CITY CONTRIBUTIONS" AND SECTION 2.02 "EMPLOYEE CONTRIBUTIONS" AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1723-11, 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. 1723-11, duly approved and adopted on this date.

RESOLUTION NO. 1724-11

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER
NUMBER 1 BETWEEN THE CITY OF HANNIBAL AND CHESTER BROSS
CONSTRUCTION IN THE AMOUNT OF A \$53,638.00 DEDUCTION FOR THE PARIS
GRAVEL ROAD IMPROVEMENT PROJECT EXTENDING FROM VETERAN'S ROAD TO
HWY 61**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1724-11, 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. 1724-11, 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***

SECOND AND FINAL READING

Motion was made by Council Member Dobson to table Bill No. 11-011 for approximately one month. Motion was seconded by Council Member Louderman.

Motion carried.

CLOSED SESSION

In Accordance with RSMo. 610-021 (1)

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 Attorney James Lemon and Acting City Manager/City Clerk Vance. Motion was made by Council Member Dobson to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Barta.

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 Louderman.

Motion carried.

ADJOURNMENT

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

Motion carried.