

Official Council Proceedings

January 18, 2011
7:00 p.m.

ROLL CALL

Present: Mayor Hark, Council Members Louderman, Hark, Lyng, Mayor Pro Tem Knickerbocker, Council Members Barta and Dobson - 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 at this time.

APPROVAL OF MINUTES Closed Session Minutes – December 21, 2010 Regular Council Meeting – January 4, 2011

Motion was made by Council Member Dobson to approve the minutes of the last regular Council meeting that was held on January 4, 2011 and the Closed Session minutes for December 21, 2010. Motion was seconded by Council Member Hark.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – January, 2011

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

Motion carried.

BRENT TAYLOR – HANNIBAL LANDLORDS GROUP
Re: Bi-Annual Inspections – Non-owner Occupied Dwellings

Mr. Brent Taylor, representing the Hannibal Landlord's Group, came before Council regarding the bi-annual inspections of non-owner occupied dwellings. Mr. Taylor, who is the owner of Taylor Properties, was accompanied by forty-two (42) landlords who represented over 780 properties in Hannibal. Taylor said that the evening's presentation was described as a "full court press attack"; however, he assured Council that this was NOT an attack, as they would discover, but "government in action". He added that this is what City government is all about, a chance to meet together, talk about problems and work on solutions, adding that both groups probably have the same goals: safety of citizens and preservation of land and property values.

With this said, Taylor proceeded with a power-point presentation. As his power-point began, he questioned why there were separate ordinances for owner occupied dwellings and non-owner occupied dwellings, contending that both groups should adhere to the same codes, since safety is equally important to all types of property and their owners. He said that building codes and their special requirements are in place *'for public health, safety and general welfare of the people of the City of Hannibal and for the preservation of land value and buildings throughout the City'* (excerpt taken from the City Code).

Taylor explained that the City already had building codes in place for all property owners in Hannibal and should enforce existing building codes to all residential properties. He read a letter signed by forty-two landlords and suggested that this letter be distributed to Mayor Hark, City Manager LaGarce and Council following the meeting. In it, this group of Hannibal landlords voiced a 'strong and united opposition to the Hannibal, Missouri, city ordinance concerning non-owner occupied dwellings, in particular, Section 7-305.

Taylor continued by saying that on May 18, 2010, Judge Jackson of the Marion County Circuit Court ruled on a case, City of Hannibal vs. Stine, finding the Section 7-305 of this ordinance 'an unconstitutional violation of the U.S. Constitution and the Missouri Constitution. Furthermore, this ordinance unfairly targets landlords with property inspections and building codes that are enforceable for all property owners in the City of Hannibal and under existing ordinances and building codes'. Taylor added that it was their stand that this ordinance could not and should not be enforced by the City of Hannibal, based upon this ruling. He included court documents, as a matter of public record, and explained that Eric Bond of Palmyra appeared in Court and represented the City. Mr. Stine represented himself.

Taylor agreed that the City has a large and growing number of deteriorating properties, but he does not believe this problem is caused only by the landlords. He cited examples of rental and owner-occupied properties with his power-point presentation. Among them were properties located on Broadway Extension, Chestnut, Hope, Gordon, Spruce, Bird, Center, Hazel and Pleasant Streets; St. Mary's and Grand Avenues; and in the vicinity of the South Side.

A specific example that Mr. Taylor included in his presentation was regarding a property on Bird Street, the landlord recently added a new front porch and steps; however, during inspection it was deemed unsafe by the City, and failed to pass, because of the absence of railings on the top of the garage.

He continued by showing a property on Grand Avenue, three blocks from the Bird Street property, that has railings on the garage, but the top of the garage is accessed by a side step and from the back yard, but poses a safety threat, since there are no hand rails in these two areas. A similar situation exists on a property located on Crescent Drive. Both were owner occupied properties. Taylor questioned why these two owner-occupied properties were not held to the same standards as the rental property, located on Bird Street. The owner on Bird Street had to install hand-rails in order to pass inspection; however, the other two properties, approximately three blocks away did not have to install hand-rails. Each is entitled to equal protection, under the law. Taylor continued citing examples during his power-point presentation.

He showed a property on Park Avenue that had been condemned, by the City, on May 27, 2010, and questioned, "What happens now?"

The current city ordinance, concerning maintenance of non-owner occupied dwellings, according to Taylor, has been ruled unconstitutional by the courts because it unfairly targets landlords. The City already has ordinances and building codes that apply to all property owners. Taylor does not believe that the City can not fairly and effectively enforce the ordinance because of the lack of an accurate landlord database. He stated that you cannot manage something when you don't know what you are managing.

Lastly, Taylor said that there is a current 'check and balance' system in place. Tenants can request inspection by the City Building Inspector at any time they believe the property is unsafe.

Charles Stine was approved to comment and he noted that the existing ordinances that are in effect, Section 7-116, are very detailed and apply to all dwellings in the City of Hannibal and not only landlords.

Mayor Pro Tem Knickerbocker asked City Attorney Lemon about the court case in question, that Mr. Taylor had cited.

City Attorney Lemon explained that, at the time of this case, he had an ongoing case with Mr. Stine and did not believe it was appropriate to handle a case against him, personally, at that time; therefore, Mr. Bond was appointed by the court to represent the City. The ruling of the case was a dismissal without prejudice. In order for a judgment of the court to be binding, it needs to be a final judgment, and that would mean *with* prejudice. This was not. City Attorney Lemon could have re-filed this case if he had not had a conflict, at that time. No formal ruling has been made making the City's ordinance unconstitutional. Even though Lemon disagreed with Mr. Stine's argument, he did not believe his arguments were inappropriate.

His argument is that under the equal-protection clause, all parties are entitled to equal protection of the law and that only requiring occupancy certificates of rental property is a violation of the equal protection clause. Although, Lemon believes this is a valid argument; he does not believe it is a correct argument. Even though these ordinances treat people differently, since rental property 'invites' others into the home, it is then not only protection of the property owner, but also the protection of others that cannot protect themselves. He did search and found cases on the point that it is allowable to have ordinances that treat rental properties differently than owner-occupied properties. He concluded by saying that the case needs to be ruled by a Judge.

Mr. Stine rebutted that he believes that this case had a binding ruling by the court, even though it was not a final judgment. After a somewhat heated discussion, Mayor Pro Tem Knickerbocker suggested that the appropriate place to argue this point would be in the court.

**JOHN RAVENSCRAFT – HANNIBAL NEIGHBORHOOD IMPROVEMENT
COMMITTEE**

Re: Bi-Annual Inspections – Non-owner Occupied Dwellings

Mr. Bob Yapp, appearing on behalf of the Hannibal Neighborhood Improvement Committee, in place of Mr. John Ravenscraft, also spoke with regard to the bi-annual inspections of non-owner occupied dwellings. Mr. Ravenscraft decided not to speak after receiving multiple telephone calls, threatening to boycott his business if he were to speak with regard to this issue.

Mr. Yapp explained that he had previously come before Council regarding an ordinance that was approved on September 17, 2002, but had never been enforced. This ordinance was modeled after a similar ordinance of Moberly, MO, since the model was reasonable and had been tested in court, way above a Missouri 10th Judicial Circuit Associate Judge. He added that this type of ordinance has held up in court, from coast to coast.

Yapp commented that he, too, was a landlord and he followed the law, making application to the City for inspection, adding that, in his opinion; it is a fair and reasonable process.

He disagreed that the ordinance was unconstitutional, saying that a local judicial circuit associate judge does not have the ability to make a final judgment as to whether something violates the U.S. Constitution. Since there are many lawyers above that court, he does not agree that this is the final decision.

Landlords are businesses, according to Yapp, who has been a landlord for thirty-seven (37) years. He stated that he has owned hundreds of units and has collected income from them. He has expenses and computes depreciations, performing all the tasks that any other business performs. He makes profits or losses every year. He believes that landlords are held to a higher standard than single family ownership.

Yapp stated that the City does have problems with the failure to enforce some of the codes that have been approved. He added that the City does a really good job with the inspections and the inspectors performing this job are a really good group of people. Environmental inspections have gone really well. Inspectors are going before the municipal judge on a constant basis to clean-up the City.

Mr. Yapp, speaking to the landlord's group, stated, "The bottom line is: I'm you! And you may not like the fact that the City is enforcing an ordinance, called a rule of law, and it is...one of the weakest ordinances I have seen in the country. And what's really good about it is there's tenant responsibility, in this ordinance, as well as landlord responsibility."

He stated that this ordinance is one of the few that he has ever seen, as a landlord, that account for both. For that reason, Yapp believes it is very important that the City continues with this and hopes Council will agree.

Mayor Pro Tem Knickerbocker directed his comments to Joey Burnham, the City Building Inspector. Knickerbocker stated that Council was aware of problems with non-owner occupied dwellings, as well as owner occupied dwellings. He said that the City's Building Commission addressed issues that were brought before them. He asked Burnham if the inspector's followed-up on these issues that were brought to their attention, and whether or not the offenders were sent notices to appear in court after they have failed to correct violations. ,

Burnham assured Knickerbocker that these issues were, indeed, addressed and were being enforced, to the best of their ability. Knickerbocker questioned that, since the City has increased the inspector capacity in the past couple of years, has the Building Inspection improved in the enforcement.

Burnham stated that enforcement has improved, adding that the Building Commission meets the first Monday of each month and addresses violations; however, some items take almost a year to correct, since some individuals are unable to correct mistakes for various reasons. In those cases, the City must step in and take action, utilizing the budget that has been previously approved. He admitted that the department does give individuals plenty of time to correct these violations, if they are making an attempt.

He suggested that any concerned citizen could come to the Building Commission meetings, since they are open to the public, and added that there are many pages of violation that are being undertaken. There has definitely been much improvement to the rental inspection program, recently.

City Manager LaGarce stated that since its implementation in July, 2009, the City now carries an overall compliance rate of approximately 86%. He admitted that there are always outstanding non-compliances; in fact the program was predicated on these. These are dwellings that did not pass inspection and are awaiting repairs, then re-inspection. LaGarce commented that, as of December 31, 2010, total program compliances totaled 764.

He continued by explaining that, since July 1, 2009, 415 homes have been brought into compliance with this program. These are homes that did not comply with minimum housing codes on July 1, 2009. According to LaGarce, today, because of this program the City averages 23 newly compliant homes each month. He added that this program has been extremely effective, with early compliance rates of 70-75%, rising, recently to the high 80% range.

LaGarce believes this is in-part, due to improved standard of living also due to neighborhood quality. The overall goal of the program is to identify non-compliant homes and bring them into compliance.

Mayor Pro Tem Knickerbocker, being a former member of the Building Commission, commented that they had dealt with the owner occupied residences upon occasion and if those individuals are not compliant, the City ultimately ends up with a house, which is an expense and a tax-payer burden. The Building Commission does its best, trying to get those people into compliance, because if they don't, then the City buys a house, and pays for it to be demolished. The tax-payers foot that bill.

Knickerbocker recognized that there are many good landlords in Hannibal, who work diligently in keeping up their residences; however, some landlords do not. For that reason, he believes the inspection process is necessary. He agreed with Mr. Yapp, noting that the big difference between owner occupied dwellings and non-owner occupied dwellings is that rental property is a business and businesses are inspected when they go into operation. These have to comply with city codes and they have to maintain that compliance. Businesses are also charged license fees; however, landlords are not charged a business license fee.

Ken Taylor, a landlord in attendance, commented that he had spent close to \$3,000 per year in inspection fees, but Kroger gets their business inspections for free. Mayor Pro Tem

Knickerbocker responded that his point was landlords are not charged license fees; therefore, are treated differently than other businesses.

In conclusion, different entities and different ways of doing things are treated differently. Owner occupied residences are treated differently than tenant occupied residences. The landlord business is treated differently than the Pizza Hut business, according to Knickerbocker.

Mr. Bob Yapp asked to add a comment. He stated that owner occupied homes are NOT businesses, landlords are businesses. The cost for these business inspections is \$1.15/month per unit. He added that no tenant on the face of the planet would complain about having to pay an additional \$1.15 per month to have their home inspected for basic health and safety.

Taylor commented that if he has to pay for inspection he wants all to pay for inspections, as well. Yapp responded that he was 100% in agreement with that statement, adding that the City Building Inspection Department has worked extremely hard on this project. They have already inspected over 2/3 of what is estimated as 2,500 rental units in the City, if a landlord has not yet had his rental property inspected, he is breaking the law, at this point, and needs to come forward to apply for a permit, since the law says that is what he must do. The Building Inspector's must develop a database, that takes time, but they are working on this. City staff started with the biggest targets, such as Mr. Taylor, but in truth, they have to start somewhere. Yapp added that in spite of his history of butting heads with the Joey Burnham, the Building Inspector, he had to give Joey and his staff credit for getting out there and doing the inspections.

Mr. Stine commented that he was not opposed to the inspections; however, he was opposed to this particular ordinance, since he feels it is unfair to landlords. He added that there is already an existing set of ordinances, aside from Section 7-116, that talks about dwellings and does not discriminate between owner occupied and landlord/tenant. It details the different standards that should apply to all housing and that is what everyone should be interested in.

Mayor Hark agreed with Mr. Stine, but added that the Building Commission is attempting to identify the owner occupied homes and bring them into compliance as quickly as possible. He explained that the City Code forbids unsafe properties from being left open, so the Commission is beginning by making sure these properties are boarded up. Until funds are available, the City must find people to rehab these properties. If this is not done, then these properties must be demolished, using City and taxpayer's funding.

Mr. Stine responded that he understood the Mayor's point; however, was adamant that rental property inspections should be set aside and instead, refer to Section 7-116 which is non discriminative in regard to the inspection of ALL dwellings, not just non-owner occupied.

Mayor Pro Tem Knickerbocker stated that Counselor Lemon should respond to Mr. Stine's statement that EVERY dwelling should be subject to an inspection. He said that in speaking of business residences or tenant occupied dwellings, the City has the ability to differentiate, not discriminate, between these. He suggested that there may be a constitutional issue regarding searches and inspections of private property and going into citizen's homes without probable cause.

Ken Taylor suggested that, if the Board of Public Works hooks up utilities in a dwelling, the City could require an inspection first. This could be a requirement for ANY house within the City. He contended that this could solve the problem for everyone. He is opposed to disrupting someone's home, waiting until the properties become empty. He explained that he had inspected

approximately ½ of his properties in this manner and has personally attended to the inspections, never having had the building inspector come and inspect.

Council Member Dobson clarified that should Mr. Taylor's property become empty four times in one year, he would not be opposed to inspect the property each time. Brent Taylor responded that, because this is a two-year process, if a tenant moves from a property in six months, the inspection is still valid; therefore, a copy of the current occupant permit can accompany the lease and be given to the new tenant. The tenant could present this paperwork to the Board of Public Works in order to have the utilities turned on. He commented that this procedure had been voiced to the Building Inspector, who agreed that this was a great idea.

Council Member Louderman asked if Taylor was advocating that the City keep these inspections for two years. Taylor agreed, adding that, when the rental inspection expires, it is up to the City to re-inspect. Knickerbocker argued that, should utilities be turned on and a tenant remain for 15 years, the property would only have one inspection in 15 years.

Mr. Joe Noonan asked to speak, and then said that if utilities were kept in the owner's name, no inspection would be needed.

Mayor Hark asked City Attorney Lemon to review the Sections of the City Code that Mr. Taylor and Mr. Stine referenced and give Council feedback. It was suggested a Landlord Commission be designated, where citizens can sit down and negotiate some solutions.

Mayor Hark asked the opinion of Bob Yapp and he responded, "That is what he loves about Hannibal, everyone working together." He added that since the City has an existing ordinance that he believes is working very well, he is unsure what this will accomplish.

Mayor Hark suggested that the two groups could meet and discuss these issues, then, collectively bring concerns to Council. It was decided that Mr. Yapp and Mr. Taylor could meet and discuss the issues at hand.

City Manager LaGarce advised that the Board of Public Works had twice denied the City's request to comply with submitting an inspection before turning on utilities. He believed that all parties should be aware of this point.

ROY G. HARK – MAYOR
Re: Recommendation of Appointments

Mayor Hark made the following recommendations:

**REAL PROPERTY REDEVELOPMENT TAX INCREMENT FINANCING
COMMISSION**

- David Jackson – reappointment for a term to expire December, 2014

LANDMARKS AND MONUMENT BOARD

- Frank Salter – reappointment for a term to expire January, 2014

MU EXTENSION COUNCIL

- Al Pabst – reappointment for a term to expire February, 2013

These nominations will be considered for approval at the next regular Council meeting.

JEFF LYNG – 6TH WARD COUNCIL MEMBER

Re: Bill No. 10-040 Amendment – Eliminating City Vehicle Sticker/Tag (2nd Reading)

Council Member Lyng proposed an amendment to Bill No. 10-040, eliminating city vehicle stickers. Lyng suggested the elimination of the city stickers and motorcycle tags, while retaining the \$5.00 vehicle fee. He stated that the ordinance currently in effect requires vehicle owners to register vehicles and the city collector to issue certificates of registration. Failure to register carries a criminal penalty, according to Lyng. With the approval of Bill No. 10-040, citizens will still be required to pay the vehicle fee and obtain their certificate of registration; however, will not be required to affix a sticker or tag to the registered vehicle.

Provisions being deleted are:

- Section 15-183 – Requirement for the transfer of stickers
- Section 15-184 – Requirement for metal motorcycle tags
- Section 15-186 – Requirement for \$3.00 auto dealer registration and \$.25 license plates
- Section 15-187 – Requirement for the issuance of stickers and placement upon auto windshields

When asked, Counselor Lemon explained that he had reviewed the ordinance and his recommendation was to strike the first two **WHEREAS**’, but leave the third **WHEREAS**.

Lemon noted that there was no historical basis for the first **WHEREAS** (*the current city vehicle license tax has not been adjusted for inflation within the last forty-five years*). Regarding the second **WHEREAS** (*revenue from the city vehicle license tax as not been deposited into a special fund and used only for street purposes as required by the Hannibal City Code*), Lemon explained that this point was previously addressed by a different Council and the method by which the funds are handled were deemed appropriate. It was determined that Council would amend the bill when presented for a second and final reading, by striking the first two **WHEREAS**’.

JEFF LAGARCE – CITY MANAGER

**Re: Request, Set Public Hearings - Code Amendment, Chapter 19, Articles I & II
Keeping or Parking Certain Commercial Vehicles & Construction or Commercial Grade
Equipment at or upon Residential Property**

- *Wednesday, January 26, 2011 – 6:00 p.m.*
- *Wednesday, February 2, 2011 – 6:00 p.m.*
- *Wednesday, February 9, 2011 – 6:00 p.m.*

City Manager LaGarce reminded Council that, at the January 4th Council Meeting, a bill restricting commercial vehicles and equipment from being parked or kept in residential neighborhoods was tabled. It was requested, at that time, to schedule public hearings and obtain public input and perfect the draft bill.

The City Manager recommended scheduling these public hearings to be held January 26, 2011 at 6:00 p.m., February 2, 2011 at 6:00 p.m. and February 9, 2011 at 6:00 p.m. in Council Chambers. Motion was made by Council Member Louderman to approve the City Manager's request. Motion was seconded by Council Member Barta.

Motion carried.

LEON WALLACE – STREET SUPERINTENDENT
Re: Request, Reclassification of Asset to Surplus for Disposal
Salt Spreaders (2)

Street Superintendent Leon Wallace presented the next item on the agenda, a request for reclassification of two salt spreaders from asset to surplus in order to clear the way for disposal of these units as soon as possible. This will facilitate housekeeping of the Street Department lot and property.

Wallace explained that these two units, purchased in 1988 and 1999, are rusted out and beyond repair. Motion was made by Mayor Pro Tem Knickerbocker to reclassify these two items from asset to surplus, as per the request by Wallace. Motion was seconded by Council Member Louderman.

MARK REES – CITY ENGINEER
Re: Bear Creek Redevelopment Feasibility Study

City Engineer Mark Rees presented the next agenda items; Bear Creek Redevelopment Feasibility Study is the first of these items. Rees explained that the Department of Public Works has been assessing the Bear Creek flooding issues for the past 18 months. A comprehensive plan was adopted, during the recent flood buyout process that called for buffers around the City's streams which, Rees agreed, was a good idea.

About 1 ½ years ago, Paul Munger, a former professor of Rees' from Rolla, approached him inquiring what could be done regarding stimulus funding. Rees mentioned Bear Creek, the improvements thereto, and its redevelopment and the possible acquisition of properties. Since there was no budget for this project, ideas were only tossed around but nothing much was accomplished.

Recently they became aware that BASF was working through some issues with the Department of Natural Resources and is in a position to help with funding a feasibility of Bear Creek. He referenced Council's copies of the boards containing conceptions and ideas that he, with the aid of three different consulting firms have drawn up.

With Council's approval of allowing BASF to fund this feasibility study, DPW could look into several different ideas. He added that, included in Council's packet was a draft white paper Paul Munger developed last September, which contained some of the ideas that had been discussed. Subsequently, in November, Rees wrote an email that started laying the foundation for what might be a request for proposals. He listed several points that he thought should be accomplished by a feasibility study. These were:

- To identify any additional un-owned parcels, necessary to dredge or widen channels of Bear Creek

- To construct sediment pools, necessary to catch and keep sediment and debris from river
- To recreate wetlands for Army Corps of Engineers – possibly including a nature path that explains to people ‘Why Build a Wetland’, etc.
- To create bicycle and/or multi-use trails
- To identify environmental conscious agencies to aid in funding this type of project

Rees was seeking Council approval to proceed with the feasibility study. Council Member Louderman commented that we need to control Bear Creek better and continued that if someone is willing to fund this study, it should definitely be done.

Council Member Barta questioned if BASF would essentially fund and hire for the study. Rees responded that Barta’s statement was correct.

Motion was made by Council Member Louderman to give Rees approval for this study. Motion was seconded by Council Member Dobson. City Manager LaGarce interjected that two months earlier, a property became available. Since this property was not in the flood buyout and the City is not in the real estate business, this property was not purchased. This feasibility study would make these property purchases a City initiative. In light of that, the City could purchase properties such as this. He noted that all flood buyouts are voluntary and priced together.

Motion carried.

Re: Approval, 5 Year Street Maintenance Plan

Next, Rees introduced the proposed Five-Year Street Maintenance Plan and explained that this plan would deploy \$600,000 of the City’s 1/2 cent sales tax per year. He reminded Council of the draft that he had distributed recently, for their review. He complimented his current and former staff for all the work that had been done, measuring and grading of streets, developing and painting maps to make the scheme.

He advised that this five-year maintenance plan actually covers 4 years, or five fiscal years and includes a spring and fall overlay next year which could amount to ten miles of overlaid street. This will be done, if the budget will allow. Included in this plan is the intention to pave every street rated 5 or less at its completion. Rees asked for acceptance of this plan, in concept, and allowing his Department to advertise for the spring (2011) overlay.

Mayor Pro Tem Knickerbocker questioned how much was budgeted for the spring overlay and Rees responded that \$600,000 had been budgeted.

Council Member Barta questioned what mechanism he was using to review the PASER ratings. Rees responded that he believed it was realistic to review these ratings every 2-3 years. He added that Chuck Anderson and Missouri Petroleum performed the first PASER ratings which are now slightly over one year old. He added that was a very good snapshot of the condition of the streets when this was done.

Rees explained that when a street is constructed or improved, it is graded at that time and his database is updated. He notes the date because, even if the street degrades faster than it should, he believes it is still fair to consider the other similarly-rated streets before returning to that street for remedial action. Almost all are scheduled with two years and most definitely within three years. He continued to share his plan for various streets in the future and the reasoning behind these plans. He concluded by saying that his plan is to get the asphalt streets under control

before working on the concrete streets, since concrete does not degrade as quickly as the concrete does. Motion was made by Council Member Louderman to approve the 5-year street maintenance plan as presented by City Engineer Rees. Motion was seconded by Council Member Barta.

Motion carried.

Re: Approval, Highway 61 & West Ely Road/Pleasant Street Project Timeline

Rees explained that the Department of Public Works has been working with representatives from MoDOT to construct intersection improvements at Highway 61 and West Ely/Pleasant. The project was originally planned to be designed in 2009 and constructed in 2010, subsequently revised to commence construction in May 2011 with contract completion in November 2011. MoDOT would like to revise the construction schedule to accommodate some affected owners who are regarding the upcoming tourist season. They would like to delay the project until July 2011 and requested that this change be brought before Council for their approval.

With Council approval, the DPW will submit a letter to MoDOT agreeing to the new schedule. Motion was made by Council Member Dobson to approve this request. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

Re: Airport Terminal Building – Amendment #3
Missouri Highways & Transportation Commission
(Bill No. 11-002, to follow)

Rees' next item on the agenda regarded the 3rd amendment of the airport terminal contract with Missouri Highways and Transportation Commission. He explained that the reason for this amendment was because of a request made by MoDOT to extend the project time period to December 31, 2011 for construction of the airport terminal. Rees stated that he believes this is a fair request and included the MoDOT standard agreement form for Council consideration. He added that per MoDOT's requirement this will be done in the form of an ordinance. Bill No. 11-002, with Council's approval will receive a first reading later, during the meeting.

Re: Commanche Avenue Stormwater Runoff Improvements – Change Order
Bleigh Construction
(Resolution No. 1701-11, to follow)

The City Engineer explained that he had a change order regarding the Commanche Avenue Stormwater Runoff Improvements that were completed by Bleigh Construction. During the construction, several changes had to be ordered to properly construct the project, most notably the sanitary sewer conflicts that occurred along the entire length of the storm sewer. Rees commended the Board of Public Works and Bleigh Construction since, throughout this entire process, they were both very helpful in solving this problem by providing men and materials for low or no cost.

As a result, Commanche Avenue is a patchwork of extensive utility cuts so the DPW has decided to eliminate the patching from the current contract, reducing the project amount by \$10,041.02. This accounts for the requested Change Order.

Rees added that his intention is to mill and overlay the entire street in the spring, in conjunction with the 2011 Spring Overlay Project. The cost of the mill and overlay is estimated to be \$20,870.00.

DPW recommends approval of Resolution No. 1701-11, to follow, which would approve the change order for the \$10,041.02 under-run of the Bleigh Contract; subsequently, incorporating the mill and overlay of the entire street into the Spring 2011 Overlay Project.

Re: Stardust Drive Extension – Professional Services Agreement

Cochran

(Resolution No. 1703-11, to follow)

City Engineer Rees shared good news regarding the Stardust Drive Extension Project, explaining that the plans were delivered on time and on budget, earlier in the evening. In acquiring the right-of-way, it was discovered that a property would be split into two parcels. He stated that the Public Works Department would like to place this minor subdivision on the Planning & Zoning agenda for approval.

Cochran has submitted a proposal to do the surveying and plat preparation for a fee of \$6,450.00. Resolution No.1703-11, to follow, will allow the Mayor to execute this contract with Cochran, if approved.

ANDY DORIAN – PARKS & RECREATION DIRECTOR

Re: 2010-11 TRIM Grant Award – Cooperative Agreement

Missouri Department of Conservation

(Resolution No. 1702-11, to follow)

Andy Dorian, the Director of the Parks & Recreation Department, presented the final item on the evening's agenda, the 2010-11 TRIM Grant Award. He explained that the P&R Department has been awarded a TRIM Grant from the Missouri Conservation Department for the last couple of years. In the spring of 2010 a grant application was again submitted for the removal of dead and declining trees and the pruning of identified trees in Riverview and Nipper Parks. (These trees were identified in the 2005 and 2007 tree studies of both parks.)

Dorian continued to explain that on August 11, 2010, he received a letter from the Department of Conservation stating that the application was successful. The amount awarded was \$9,750 for the project estimated to cost \$13,000. He commented that the balance will be taken from the Parks Maintenance line item.

Dorian said that this is the fourth consecutive year that the Parks & Recreation Department has been successful in obtaining this reimbursement grant, which has allowed them to speed up the process of removing identified hazardous trees from our City parks. He recommended approval of Resolution No. 1702-11, to follow, that would authorize the Mayor to execute this cooperative agreement between the Missouri Department of Conservation and the Hannibal Parks and Recreation Department.

RESOLUTION NO. 1701-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER WITH BLEIGH CONSTRUCTION DEDUCTING THE AMOUNT OF \$10,041.02 TO CONSTRUCT STORMWATER RUNOFF IMPROVEMENTS RELATIVE TO COMANCHE AVE

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1701-11, and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1701-11, duly approved and adopted on this date.

RESOLUTION NO. 1702-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE AGREEMENT BETWEEN THE CITY OF HANNIBAL, PARKS AND RECREATION DEPARTMENT AND THE MISSOURI DEPARTMENT OF CONSERVATION FOR THE PURPOSE OF RECEIVING GRANT FUNDING IN THE AMOUNT OF \$9,750 THROUGH THE *TREE RESOURCE IMPROVEMENT AND MAINTENANCE (TRIM)* GRANT PROGRAM

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1702-11, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1702-11, duly approved and adopted on this date.

RESOLUTION NO. 1703-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF HANNIBAL AND COCHRAN IN THE AMOUNT OF \$6,450.00 FOR SURVEYING SERVICES RELATIVE TO STARDUST DRIVE EXTENSION CONSTRUCTION PROJECT

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1703-11, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1703-11, duly approved and adopted on this date.

BILL NO. 11-002

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE AMENDMENT #3 BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION EXTENDING THE PROJECT TIME PERIOD TO DECEMBER 31, 2011, FOR COMPLETION OF THE AIRPORT TERMINAL BUILDING

FIRST READING

Motion was made by Council Member Louderman to give Bill No. 11-002 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

BILL NO. 10-040
(as amended, amended)

AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 15, ARTICLE VI, SECTIONS 15-183 THROUGH 15-187 THUS ELIMINATING THE CITY VEHICLE STICKER/TAG AND RETAIN THE LICENSE TAX

SECOND AND FINAL READING

Motion was made by Council Member Hark to give Bill No. 10-040 a second and final reading, as amended, amended, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Roll Call

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

No: -0-

Mayor Hark declared Bill No. 10-040, as amended, amended, duly approved and adopted on this date.

BILL NO. 11-001

AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 5, 2011, TO ALLOW HANNIBAL VOTERS TO CONSIDER AN AMENDMENT TO THE CHARTER OF THE CITY OF HANNIBAL TO PROVIDE FOR THE ABOLISHMENT OF THE FIRE BOARD, AND TRANSFER OF AUTHORITY TO THE CITY MANAGER

SECOND AND FINAL READING

Motion was made by Council Member Dobson to give Bill No. 11-001 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Barta.

Roll Call

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

No: -0-

Mayor Hark declared Bill No. 11-001 duly approved and adopted on this date.

ADJOURNMENT

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

Motion carried.