

OFFICIAL COUNCIL PROCEEDINGS

May 17, 2011
7:00 P.M.

ROLL CALL

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

Absent: -0-

CALL TO ORDER

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

INVOCATION

Council Member Draper gave the invocation.

PLEDGE OF ALLEGIANCE

Council Member Louderman led the Pledge of Allegiance to the Flag. At this time, Council Member Barta requested an addition to the agenda, regarding a bid waiver for the cost of cleanup at the Molly Brown Home. Motion was made by Council Member Louderman to make this addition to the agenda. Motion was seconded by Council Member Hark.

Motion carried. Council Member Barta explained that, during the cleanup process at the Molly Brown Home, it had taken somewhat longer than anticipated to identify some existing problems. For this reason, it was estimated that the total cost for cleanup would exceed bid limits by \$700 to \$1,000. The company assisting in this cleanup is Servpro of Hannibal; and this would merely be an increase in the original amount with this same company. Council Member Dobson inquired where the additional funds would be coming from. City Manager LaGarce responded that the total would still fall below the project's budgeted amount, adding that if all went as planned the attraction would be opened on May 28th. Motion was made by Council Member Draper to approve the request to waive the bidding process for this work. Motion was seconded by Mayor Hark.

Motion carried.

APPROVAL OF MINUTES
Regular Council Meeting – May 3, 2011

Motion was made by Council Member Hark to approve the minutes of the last regular Council meeting that was held on May 3, 2011. Motion was seconded by Council Member Draper.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half – May, 2011

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

Motion carried.

DAVID MCCOLLUM – HANNIBAL HIGH SCHOOL
Re: Requests, Street Closure & Barricades – Hannibal High School Graduation
(May 19, 2011 – 6:45 p.m.-8:30 p.m.)

Ms. Shelia Tuley, Hannibal High School Assistant Principal, came before Council on Mr. McCollum's behalf with a request that Brookside, from McMasters Avenue to Edgewood, be shut down from 6:45 p.m. until 8:30 p.m. on Thursday, May 19, 2011 for the graduation commencement ceremony at Hannibal High School. She also requested that barricades be provided to close the street at McMasters, Edgewood and Greenway for this purpose. Motion was made by Council Member Louderman to approve Tuley's request. Motion was seconded by Council Member Hark.

Motion carried.

ROY G. HARK – MAYOR
Re: Recommendation of Appointment

Mayor Hark made the following recommendations:

HANNIBAL LIBRARY BOARD

- Jeanie Powers – Re-appointment for a term to expire June, 2014
- John M. Hark – Appointment for a term to expire June, 2014

Mayor Hark explained that these appointments would be considered for approval at the next regular Council meeting.

JEFF LAGARCE – CITY MANAGER
Re: Approval of Appointment

City Manager Jeff LaGarce reminded Council of a candidate presented at the last regular Council meeting for the Board of Adjustment. This was:

BOARD OF ADJUSTMENT

- Robert Saxbury – Re-appointment for a term to expire May, 2016

He asked Council for their approval of this nomination. Motion was made by Mayor Hark to approve this nomination. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

Re: Recommendation of Appointments

City Manager Jeff LaGarce made the following recommendations:

BOARD OF ADJUSTMENT

- Jerry Irick – Appointment for a term to expire May, 2015

HANNIBAL BOARD OF PUBLIC WORKS

- Dr. Erv Harder – Reappointment for a term to expire July, 2015

LaGarce explained that the seat on the Board of Adjustment became vacant upon the loss of Board Member Harold Volkmer. Irick, an alternate with this board, would now be appointed to serve the remaining four years of Volkmer's five year appointment. These appointments would be considered for approval at the next regular Council meeting.

Re: Request, CWC 2011-12 Budget Work Session

Wednesday, May 25, 2011 – 6:00 p.m.

City Manager LaGarce requested that Council set a work session on Wednesday, May 25, 2011, at 6:00 p.m. The purpose of this meeting would be to discuss the FY2011-12 Budget. He added that the City's budget is a tax-based budget, not an accounting based budget. Motion was made by Council Member Dobson to approve the City Manager's request. Motion was seconded by Council Member Barta.

Motion carried.

Re: Request, Set Public Hearing – 2011-12 Fiscal Year Budget

Monday, June 6, 2011 – 6:30 p.m.

City Manager LaGarce requested that Council set the budget public hearing for June 6, 2011, at 6:30 p.m. After the hearing, during the regular Council Meeting a first reading would be given to the bills regarding this budget year. Motion was made by Council Member Barta to approve LaGarce's request. Motion was seconded by Council Member Louderman.

Motion carried.

Re: MoDOT Restructuring Plan

City Manager LaGarce explained that the Missouri Department of Transportation has made the decision to restructure. This is partly due to the economy, but mostly due to workload. MoDOT believes it is no longer in need of this large organization for a 21st Century transportation agency.

In these plans is the reduction of 135 state facilities, including 111 maintenance facilities. It is MoDOT’s intention to reduce their existing ten (10) district offices to seven (7) and to retain Hannibal’s District Office (to be called Northeast District). Paula Gough will continue as District Engineer, according to LaGarce.

The June Highway Commission meeting will occur on June 8th in Jefferson City, MO. Originally the meeting was to be held in Hannibal, MO; but, because many Missourians will undoubtedly attend to hear information on MoDOT’s restructuring plan, a topic for the evening, it was decided to hold it in a more centralized location. LaGarce added that he would be attending this meeting (where he tentatively will be a speaker). He requested that Council vote, in support of MoDOT’s method of realignment, so that this can be conveyed to the Commission at that time.

LaGarce noted that Macon is making a plea for the Northeast District Office (in lieu of Hannibal). Their argument is that Macon is a more central location. Hannibal will also be represented at the meeting to support the proposed realignment “as-is”. Motion was made by Council Member Dobson to allow LaGarce to convey Hannibal’s support of MoDOT’s restructuring plans. Motion was seconded by Mayor Hark.

Motion carried.

Re: Compensation Proposal for Hannibal Rural Fire Protection Agency

LaGarce explained that there is a requirement in the Missouri State Statutes whereas cities with a population between 2,500 and 65,000 must compensate rural fire districts for any lost revenues for a period of five years following an annexation. LaGarce said that he had tentatively made an agreement with the Hannibal Rural Fire District to research the past ten years, dating from January 1, 2001, for these annexations. As a result, eight annexations were found to be completed during this period. They were:

<u>Year</u>	<u>Ordinance No.</u>	<u>Property</u>
2003	4242	Highway 36 – Abel’s Quick Stop
2003	4243	9028 County Road 412
2003	4250	West Ely Road Property
2005	4324	S&D Warehouse (3 properties)
2007	4413	Highway W & Veteran’s Road
2007	4422	10 Shawnee
2007	4423	11 Lady Sioux
2008	4486	Lady Sioux (5 properties)

Compensation for a total of fourteen properties was proposed in descending increments of 100%, 80%, 60%, 40% and 20% using 2010 assessed valuations. The Hannibal Rural Fire Protection District has a tax

levy of \$0.15 per \$100 of assessed valuation; and, using this formula, graduated out, the total amount owed to the Rural Fire District has been computed as \$884.87.

City Attorney Lemon questioned if there was to be a written agreement with the Hannibal Rural Fire District. LaGarce responded that currently there was no written agreement. Lemon suggested that one be developed to prevent any additional claims in the future. Motion was made by Mayor Pro Tem Knickerbocker to approve this plan and put it into writing. Motion was seconded by Council Member Barta.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Hark, Draper, Mayor Pro Tem Knickerbocker and Council Member Barta – 6

Abstain: Council Member Dobson – 1

No: -0-

Absent: -0-

Motion carried.

Re: Approval, Authorization Letter to F&M Bank
Hannibal Baseball

The City Manager’s final item on the agenda was a request for Council approval, allowing him to send a letter to F&M Bank stating that the City of Hannibal has no objection to F&M Bank selling property/baseball assets held by the bank. The following conditions would be attached to this authorization:

- The judgment against the City regarding the stadium irrigation system is satisfied
- The purchaser of the stadium lease is an entity capable of operating a summer collegiate baseball operation and approved by the Prospect League for same

LaGarce stressed the importance of this letter to assist the bank in completing this transaction. Mayor Pro Tem Knickerbocker clarified that there are a number of owners and that some ownership could change hands; however, nothing would change for the City. Motion was made by Council Member Louderman to approve the City Manager’s request. Motion was seconded by Council Member Barta.

Motion carried.

PHYLLIS NELSON – CITY COLLECTOR
Re: Request, 2010-2011 Budget Adjustments

City Collector Phyllis Nelson presented the next request, to make adjustments for the last ninety (90) days, to the 2010-2011 City Budget. She explained that this is a normal process that is approved by

Council at the close of each fiscal year. She added that money would only be moved across expenditure lines. She assured Council that money would not be moved between funds without prior Council approval. Motion was made by Council Member Louderman to approve Nelson's request. Motion was seconded by Council Member Barta.

Motion carried.

Re: Request, 2007 Delinquent Personal Tax Write-off

The City Collector explained that this was also a yearly request from her department, permission to write-off the 2007 delinquent personal taxes, totaling \$19,888.05. She added that this amount, which constitutes delinquent personal property taxes for 777 people, may decrease before the actual write-off date of June 30, 2011. These will be uncollectable after that date, according to State Statutes.

The Collector stated that attempts had been made to resolve these delinquent accounts by alternative means, but those attempts had been unsuccessful, to date. A decision was recently made to abstain from using City Stickers for collection, which has somewhat handicapped collection efforts. Motion was made by Mayor Pro Tem Knickerbocker to give the City Collector the authorization to write-off the 2007 delinquent taxes. Motion was seconded by Council Member Barta. It was clarified that this motion has absolutely nothing to do with turning the tax collection over to the county, but is strictly to write-off the 2007 year delinquent personal taxes.

Motion carried.

MARK REES – CITY ENGINEER

Re: Recommendation for Removal of Undesirable Vegetation from Levee

Army Corp of Engineers

Rees explained that the Army Corp of Engineers inspects the City's levee on a regular basis. In several of the resulting reports, they have requested that any undesirable vegetation be removed from the levee. In general, the request is for removal of all trees greater than 2" in diameter on the levee and within 15 feet of the toe of the levee system.

Rees stated that there are options; however, they are complicated and expensive. In response to a question, he estimated that there are about 20 – 30 trees of the 2" to 4" variety, nothing big, noting that removal could be accomplished with City forces, including the Street Department and the Parks Department at very little cost. He said that even though the requirement was for removal of trees greater than 2" in diameter, trees 1 ½" in diameter will be 2" very soon.

Since the threat of this activity has caused some concern to the public, Rees brought the request before Council for consideration and approval.

He added that Staff had recommended Council allow City forces to remove this vegetation and bring the levee system into compliance with USACOE regulations. Rees' desire was that removal be done before the next inspection so he could show a cleaner report at that time.

After some discussion, Motion was made by Council Member Dobson to approve Rees' request to comply with the Corp of Engineers' request and remove the offending trees on the levee. Motion was seconded by Council Member Draper.

Motion carried.

Re: Update, Warren Barrett Drive Repairs & Enhancement

City Engineer Rees presented his update on the Warren Barrett Drive repairs and enhancements. He explained that last fall Warren Barrett was overlaid by Magruder Paving. Since that time, there has been a significant amount of pavement failure witnessed and documented, resulting in much dissatisfaction from the City. At the present, Magruder is very interested in solving the problems with this street.

Rees stated that he had devised a tentative compromise or solution which would solve a couple of problems at once. Upon completion of the project last fall, various people expressed their disappointment that the shoulders of the street had not been paved. Rees explained his decision was mainly geared toward providing structure to this street so that it would hold up under loaded cement trucks. His intention was to return at a later time and add an engineered curb and gutter grade, as budget would allow.

Now the street must be repaired; therefore, in addition to the pavement remedy, according to Rees, repairs would include paving of the shoulders. Specifically, Rees's staff would identify all trouble areas which Magruder would fix at their own expense; they would also overlay the entire length of Warren Barrett Drive with 1" BP-2 asphalt, sharing the expense with the city. At the same time Magruder would pave the shoulders, as well, which would be paid in its entirety by the City. The approximate cost to the City is \$53,150.30. He would prefer to use these funds in another area; however, he stressed the need to have this road hold up for years to come. This process is fairly satisfactory to Magruder who are at least agreeable in principle. He asked for Council's blessing to pursue this course of action and make a formal offer to Magruder.

City Attorney Lemon questioned whether or not this process would include striping, since there are bicycle lanes on this street. There was some concern regarding possible liability resulting from the failure to restripe. Rees responded that the cost did not include this, but agreed that it should, he added that it may be accomplished with City forces.

After a lengthy discussion, Motion was made by Council Member Louderman to allow Rees to proceed with this process. Motion was seconded by Council Member Hark.

Motion carried.

Re: Update, Palmyra Road Repairs

Rees explained that Palmyra Road was also overlaid last fall by the same contracting company, Magruder Paving. Since that time, there has been several pavement failures discovered and documented on this street, as well. This has resulted in additional dissatisfaction from the City. Magruder disagrees that the failure in this pavement is as extensive as reported by Rees and his staff. A representative from Magruder was invited to the Council Meeting; however, no one was in attendance.

Magruder would like to mill out the bad spots and patch them, with a good clean patch, but Rees believes that any remedy should leave the street in a new condition, not patched. Rees is also concerned regarding the long-term performance of the overlay, if it does not receive a surface treatment. Rees suggested several options, in order of preference:

- Option #1 – Complete mill and overlay of Palmyra Road
- Option #2 – 1” BP-2 overlay, after repair of the pavement failures
- Option #3 – Chip-seal or slurry-seal after repair of pavement failures (This option was immediately rejected by Council)

He added that he could not, in good conscience, recommend a solution that would leave a patchwork surface. Mayor Hark agreed that the City paid for a good quality road and that is what they want. Council Member Louderman suggested that the problem spots be repaired and then the entire road be overlaid with 1” BP-2 overlay; and Mayor Pro Tem Knickerbocker agreed that would be an acceptable option. Council Member Dobson suggested that the desired repairs be put in writing and Rees agreed.

Rees restated that Magruder was not convinced this was necessary for Palmyra Road and asked to have additional back-up during his meeting with Magruder. Mayor Hark reminded Rees that he had recently been a part of a conference call to Magruder where the City’s dissatisfaction was expressed. Rees agreed that Magruder seemed more than willing to make needed repairs at that time. Louderman believed that Magruder should appear at the next Council meeting on June 6th for further discussion of Palmyra Road solutions. All agreed and Rees was to express their desire to Magruder.

Re: Spring 2011 Mill & Overlay – Change Order No. 2
(Resolution No. 1728-11, to follow)
Chester Bross Construction

Rees’ final item on the evening’s agenda was in regard to a small change order to the Spring 2011 Mill & Overlay Project. He explained that during the inspection and observation of certain project streets, it was determined that along the edge, curb and gutter, the stability of the sub-grade is not good enough to adequately support paving equipment requiring repair and resulting in an increase of \$72,081.36. He continued by saying that, in order to pay for needed repairs, the DPW is deleting six (6) streets that were to be overlaid under the original contract. This will result in a decrease of \$71,858.00. The end result will be a change order increase in the amount of \$223.36.

The Department of Public Works recommends Council approval of Resolution No. 1728-11, to follow, regarding the Spring 2011 Mill & Overlay Project, Change Order #2, with Chester Bross Construction.

ANDREA COPENHAVER – P&R RECREATION SUPERVISOR
Re: Request, Street Closure & Barricades – Power Pull
(June 17, 2011 – 6:00 p.m.-12:00 a.m.)

Andrea Copenhaver, the Recreation Supervisor of the Parks & Recreation Department, made a request that Council allow the closure of Warren Barrett between 4th Street and Main Street on June 17th, from 6:00 p.m. until 12:00 a.m. The purpose of this closure would be to hold the first Power Pull, sponsored by the Parks & Recreation Department.

She explained that this be a competition where each individual would manually pull a pickup truck as far as they could during a 30 seconds time period. Mike Hein of Hannibal Custom Processing would be serving food. MIRMA, the City's insurance carrier, has been contacted and has approved the event. Motion was made by Mayor Hark to approve Copenhaver's request. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

RESOLUTION NO. 1728-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHAGE ORDER NO. 2 BETWEEN THE CITY OF HANNIBAL AND CHESTER BROSS CONSTRUCTION FOR A NET AMOUNT OF \$223.36 FOR THE SPRING 2011 MILL AND OVERLAY PROJECT

Motion was made by Mayor Pro Tem Knickerbocker to have the City Clerk read Resolution No. 1728-11, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1728-11, duly approved and adopted on this date.

BILL NO. 11-012

AN ORDINANCE REVISING THE GOVERNING STRUCTURE OF THE HANNIBAL FIRE DEPARTMENT AND ABOLISHING THE FIRE BOARD OF THE CITY OF HANNIBAL BY REPEALING CHAPTER 12, DIVISION 2-FIRE BOARD OF THE CHARTER OF THE CITY OF HANNIBAL AND AMENDING SECTION 4.09 OF THE CHARTER SETTING FORTH NEW GOVERNING PROVISIONS

SECOND AND FINAL READING

Motion was made by Council Member Dobson to give Bill No. 11-002 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

Roll Call

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

No: -0-

Mayor Hark declared Bill No. 11-012 duly approved and adopted on this date.

CLOSED SESSION
In Accordance with RSMo 610-021 (9)

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph nine (9), admitting himself, rest of Council, City Manager LaGarce, City Attorney James Lemon, Deputy City Clerk Graves and Deputy Fire Chief Benjamin. Motion was made by Council Member Barta to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Mayor Pro Tem Knickerbocker.

Roll Call

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

No: -0-

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 Hark.

Motion carried.

ADJOURNMENT

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

Motion carried.

