

**NOTICE OF PUBLIC MEETING
COUNCIL AGENDA**

**Tuesday, September 20, 2011
7:00 p.m.**

ROLL CALL

Present: Council Members Louderman, Hark, Draper, Mayor Pro Tem Knickerbocker, Council Members Dobson and Barta and Mayor Hark - 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 Dobson led the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

Regularly Scheduled Council Meeting – September 6, 2011

Motion was made by Council Member Draper to approve the minutes of the last regular Council meeting that was held on September 6, 2011. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

First Half – September, 2011

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

Motion carried.

DEBBIE HIGBEE ROBERTS – HANNIBAL HIGH SCHOOL

Re: Request, Street Closure – Hannibal Band Day

(Tuesday, October 11, 2011 3:00 p.m. – 5:00 p.m.)

Ms. Debbie Higbee Roberts, on behalf of the Hannibal High School, came before Council to request permission for the approval of the Band Day Parade event, scheduled for October 11, 2011 from 3:00 p.m. until 5:00 p.m. Ms. Roberts explained that the event would be in conjunction with the 63rd Annual Hannibal Band Day. The request was similar to past requests for this event, according to Roberts. Motion was made by Council Member Dobson. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

ROY G. HARK - MAYOR

Re: Recommendation of Appointments

Mayor Hark made the following recommendations. These were:

HANNIBAL AIRPORT COMMISSION

- John Ortwerth – Reappointment for a term to expire September, 2014
- John Grossmeier – Reappointment for a term to expire September, 2014

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

JEFF LAGARCE – CITY MANAGER

Re: Amendment, Main Street Sidewalk Program – Project Boundary Description

(Bill No. 11-020, to follow)

City Manager LaGarce presented Bill No. 11-020, an amendment to the project boundary description for the Main Street Sidewalk Program. He explained that updated estimates had recently been received for the plain concrete sidewalk option that increase the project cost considerably (4x4 concrete panel option, the most affordable). He added that, after many meetings between the engineers, architects and staff, the decision has been made to reduce the project scope, since the City can only build what it and the property owners can reasonably afford.

According to LaGarce, Staff recommends the project boundary be reduced as detailed in Bill No. 11-020, to follow, beginning at North Street (Mark Twain Statue) and continuing down both sides of Main Street to Broadway. He requested Council approve a first reading for this Bill.

Re: Brownfields/Voluntary Cleanup Program – Standard Form of Agreement
Terracon Consultants
(Resolution No. 1755-11, to follow)

LaGarce recommended that Council adopt Resolution No. 1755-11 which would approve an environmental consulting agreement with Terracon Consultants for DNR’s site clearance programs. The proposed agreement, according to LaGarce, will achieve the following:

- Waste Disposal
- Site Characterization Reports
- Soil Excavation Coordination and Testing
- Quarterly Groundwater Monitoring
- Closure Reports
- Well Abandonment

He added that this is the largest part of the final phase to gain environmental clearances of the five (5) contaminated flood properties.

LaGarce noted that the CDBG will not allow Terracon to perform the actual soil excavation. Instead, the City will bid that service and Terracon will work with the selected excavation contractor. He added that he is currently working on specs for this bid process. During the soil excavation, Terracon will:

- Screen excavated soil with hand held equipment, insuring that “hotspot” soil concentrations are removed to a required level
- Coordinate proper disposal of excavated soil
- Oversee backfilling of excavations with clean soil

Total cost of the environmental consulting agreement with Terracon Consultants, Inc. if approved by Resolution No. 1755-11, to follow, would be \$80,750.

Re: Amendment, Residential Flood Buyout Policy – Voluntary Buyout Policy
(Resolution No. 1757-11, to follow)

LaGarce explained that this item was merely a housekeeping measure. He said that last year the City had adopted a voluntary buyout policy for residential site acquisition, as required by SEMA. The standard SEMA template had a one acre limit, which was adopted in the City’s policy.

LaGarce stated that several of the sites exceed one acre, with one, in particular being narrow, but extending three acres long (into a wooded area). For this reason, the Mark Twain Regional Council of Governments, with SEMA’s consent, recommended that the City amend its Voluntary Flood Buyout Policy to increase the acreage cap from one (1) acre to three (3) acres. This amendment would be adopted with the approval of Resolution No. 1757-11, to follow, according to City Manager LaGarce.

Re: Compensation Provision, Future Annexations – Annexation Amendment
Hannibal Rural Fire Protection District
(Resolution No. 1758-11, to follow)

The City Manager's final item on the evening's agenda was regarding an annexation agreement with the Hannibal Rural Fire Protection District for compensation provisions following municipal annexation of former territory of the Hannibal Rural Fire Protection District. This is a requirement of Missouri State Statute RSMo 321.322.

LaGarce explained that, pursuant to the law, City Council previously approved an \$884 payment to the Hannibal Rural Fire Protection District in May 2011 for prior annexations, dating back to 2001. At that time, they also requested that an agreement be developed between the two entities for future annexations.

This agreement, drafted by the City Attorney, with a few revisions, based on current situations. According to LaGarce, it was submitted to the Hannibal Rural Fire Board two months ago and during their September meeting, they gave their approval.

The City Manager explained that, essentially, this requirement is designed to ease the revenue shock of the rural fire districts when property is annexed into cities. This agreement contains two options:

1. Five separate payment years in percentages of 100%, 80%, 60%, 40% and 20% of property tax revenue that would have otherwise been received, absent annexation.
2. Lump sum payment following annexation taking 300% of the base tax value at annexation (100% + 80% + 60% + 40% + 20%) then adding 10% to allow for presumed 2% growth in assessed values to occur in each year of the forthcoming five years. (Total of 310% of the base tax value at annexation.) This option would lock in the annexation value.

ANDY DORIAN – DIRECTOR, PARKS & RECREATION

Re: Request, Bid Award Approval - Mason Sand Hauling

Mike Cook Trucking

Andy Dorian, Director of Parks and Recreation stated that he had recently let bids for hauling the mason sand to be used in the construction of the sand volleyball courts. As a result, two bids were received with Mike Cook Trucking submitting the lowest bid of \$5.35/ton or \$4,815 for transportation of 900 tons of mason sand.

Dorian explained that earlier in the day, Mr. Cook had contacted his office informing Dorian that he had suffered a back injury that would prohibit him from honoring his commitment; therefore, Dorian recommended accepting the bid from Lomax Trucking, the next lowest bidder at \$600.00/ton or \$5,400. Motion was made by Council Member Barta to approve Dorian's recommendation. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Tree Resource Improvement & Maintenance Grant Program – Cooperative Agreement

*Missouri Department of Conservation
(Resolution No. 1756-11, to follow)*

Dorian presented his next item on the agenda a Tree Resource Improvement & Maintenance (T.R.I. M.) Grant cooperative agreement with the Missouri Department of Conservation to be approved by Resolution No. 1756-11. Dorian explained that his department had applied for the T.R. I. M. grant in the Spring 2011 and on September 7th, received a letter stating that the application was successful. The project's total cost is estimated at \$10,250 for the removal of ten (10) dead and hazardous trees in Riverview Park. The Department of Conservation's share will be \$8,200 and the remaining balance will be taken from the Parks & Recreation Budget, Park Maintenance Line Item, according to Dorian.

He asked Council to approve Resolution No. 1756-11, to follow, that would authorize the Mayor to execute the cooperative agreement with the Missouri Department of Conservation to receive this grant funding.

MARK REES – CITY ENGINEER

Re: Tract of Land Vacation – Hillcrest Subdivision

(Bill No. 11-018, to follow)

City Engineer Mark Rees presented the first of five items that he had placed on the agenda, a request to give Bill No. 11-018 a first reading later, during the meeting. Rees explained that during a recent Planning & Zoning a recommendation was made to approve a request by Apostolic Holiness Church to vacate right-of way near Hillcrest Subdivision. There is a plan, stated at the P&Z meeting to return and subdivide that land, then re-establish a right-of-way in the area. All commissioners were in favor of the request.

Re: Safe Route to School Sidewalk Program – Program Agreement

*Missouri Highways and Transportation Commission
(Bill No. 11-019, to follow)*

Rees explained that, previously, the City was awarded a Safe Routes to School Grant to build a sidewalk on Palmyra Road from the High School to Orchard Point. He said that this was only a housekeeping step and added that MoDOT gave him a "template" of an ordinance they wished to have approved, so that the City's agreement with them could be enacted.

Rees advised that he had advertised to obtain a consultant on this project and those are due at the end of September. (These are 100% grants administered by MoDOT.) He requested Council approval of Bill No. 11-019, regarding this process.

Re: Hannibal Municipal Airport Fuel Card Reader – Contract Agreement

R. L. Hoener

(Resolution No. 1759-11, to follow)

Rees' next item on the agenda was a request of approval of Resolution No. 1759-11 which would also approve a contract with R.L. Hoener for purchase of a fuel card reader to be used at the Hannibal Municipal Airport. Rees explained that the current fuel card reader was not providing the needed services. One major flaw was that it will not accept aviation multi-serve cards. As a result, fuel could not be sold after business hours. There were also other compatibility problems encountered; therefore, sealed bids were let and received. The result of this process, according to Rees, was receipt of four bids.

As per the new FBO contract that was recently approved, following installation of the new card reader fuel sale responsibilities will be transferred to the FBO.

Rees noted that \$20,000 was budgeted for this purchase, with bids coming in favorably, which will allow additional equipment to be added to the fuel station, specifically, a hose extension and reel.

Council Member Dobson inquired whether or not Rees had any guarantee that all cards would work with the new reader to avoid future problems similar to those now being experienced. Rees responded that during the recent airport meeting, specs had been distributed and this topic was discussed. At that time, all were in agreement that the card reader would be compatible, according to specs.

In response to a question posed, Rees responded that R.L Hoener bid of \$15,929.33 was not the lowest bid. The low bid of \$13,652.00 was submitted by Newmayer Equipment Co, located in the St. Louis area. Because of the distance, there was some concern regarding response time involved with future service calls. During this discussion, it was also noted that during the past 1 – 1 ½ years, Hoener has continued to provide an exceptional quality of service. For these reasons, the airport committee recommended that Hoener's bid, the second lowest bid, be accepted. Rees added that the difference between these two bids was only about \$2,000 and both were considerably under the budgeted amount. Rees added that Hoener also has a second hand, unused hose reel and a market for the card reader that is currently installed. Those were added benefits that were considered during the selection process.

In response to a question posed by Council Member Barta, Rees admitted that, unfortunately, he did not know the expected life-span of the new card reader. Mayor Pro Tem Knickerbocker pointed out that, according to bid specs, the City is not required to accept the lowest bid, only the lowest, **acceptable** bid; therefore, the City is permitted to take these additional benefits into account in making the selection.

City Engineer Rees recommended that Council approve Resolution No. 1759-11, to follow, regarding the contract agreement for purchase of a fuel card reader with R.L. Hoener Co.

Re: Approval, Surplus Property Declaration – Non-Directional Beacon

Rees requested Council approval to declare surplus property of the non-directional beacon, which has been decommissioned because it is an outdated navigational device and has been out of service for an extended amount of time. He explained that there is not much residual value except for the poles that are attached. Rees said that, with Council approval, this item would be liquidated, through bids or trash. He indicated that MoDOT had given the City permission to remove it approximately 1-1 ½ years ago and has since been replaced by GPS equipment.

The City Attorney advised that, if Council declares surplus property, it must be offered by the bidding process. In the event that no one bids, it can then be disposed of as the department sees fit. Motion was made by Mayor Pro Tem Knickerbocker to declare the non-directional beacon as surplus property, to be offered for bids. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Approval, Surplus Property Declaration – Fuel Card Reader

City Engineer Rees advised Council that the fuel card reader that he was requesting be declared as surplus property had considerable value, possibly as much as \$5,000. This amount would offset the \$15,000+ to be spent on the new fuel card reader; so, following the declaration, if approved, this item would be offered by sealed bids. Motion was made by Council Member Dobson to declare the fuel card reader as surplus property. Motion was seconded by Mayor Hark.

Motion carried.

LEON WALLACE – STREET SUPERINTENDENT

Re: Bid Award Approval, Rotary Cutter/Brush Hog

Grandview Nursery

Street superintendent Leon Wallace informed Council that he had recently let bids for a new rotary cutter/brush hog; and, as a result, two bidders responded. His recommendation was to accept the bid of the lowest bidder, Grandview Nursery.

Mayor Pro Tem Knickerbocker made a motion to award the bid for the purchase of a rotary cutter/brush hog to Grandview Nursery for a total bid amount of \$4,799.00. Motion was seconded by Council Member Hark.

Motion carried.

Re: Approval, Surplus Property – Brush Hog

Wallace also requested permission from Council to sell the old brush hog to a local scrap yard; however, as City Attorney Lemon previously advised, this equipment must be offered by sealed bids. If no bidders were forthcoming, the item could subsequently be scrapped.

Motion was made by Council Member Louderman, to declare the brush hog as surplus property and offer it to be purchased through a sealed bidding process. Motion was seconded by Mayor Hark.

Motion carried.

HEATH HALL – BOARD OF PUBLIC WORKS
Re: Request, Street Closure – Public Utilities Week
Thursday, October 6, 2011 – 2p.m. – 8p.m.

Mr. Heath Hall, representative of the Board of Public Works, came to Council to request the closure of North 4th Street from Broadway to Center Street during an event to be held on Thursday, October 6, 2011 from approximately 2:00 p.m. until 8:00 p.m. This is to celebrate the local event, Public Utilities Week in conjunction with the American Public Power Celebration. Hall explained the celebration, to be held in Central Park, is designed to promote publicly-owned municipal utilities. Scheduled events will include truck demonstrations, give-aways, prizes and entertainment for families and children. Motion was made by Council Member Dobson to approve Hall's request. Motion was seconded by Council Member Draper.

Motion carried.

RESOLUTION NO. 1755-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TERRACON CONSULTANTS, INC. IN AN AMOUNT OF \$80,750 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 Barta to have the City Clerk read Resolution No. 1755-11, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 1755-11, duly approved and adopted on this date.

RESOLUTION NO. 1756-11

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 \$8,200 THROUGH THE *TREE RESOURCE IMPROVEMENT AND MAINTENANCE (TRIM)* GRANT PROGRAM

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1756-11, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 1756-11, duly approved and adopted on this date.

RESOLUTION NO. 1757-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED VOLUNTARY FLOOD BUYOUT POLICY IN-ACCORDANCE WITH STATE EMERGENCY MANAGEMENT AGENCY PROVISIONS

Motion was made by Mayor Pro Tem Knickerbocker to have the City Clerk read Resolution No. 1757-11, and call the roll for adoption. Motion was seconded by Council Member Draper.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 1757-11, duly approved and adopted on this date.

RESOLUTION NO. 1758-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE HANNIBAL RURAL FIRE PROTECTION DISTRICT ESTABLISHING COMPENSATION PROVISIONS RELATIVE TO FUTURE ANNEXATIONS

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1758-11, and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

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

Abstain: Council Member Dobson - 1

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 1758-11, duly approved and adopted on this date.

RESOLUTION NO. 1759-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND R L HOENER FOR THE PURCHASE AND INSTALLATION OF A NEW FUEL CARD READER AT THE HANNIBAL MUNICIPAL AIRPORT IN THE AMOUNT OF \$15,929.33

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1759-11, and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 1759-11, duly approved and adopted on this date.

BILL NO. 11-017

AN ORDINANCE FIXING AND ADOPTING THE RATE OF TAXATION FOR THE YEAR OF 2011 AND LEVYING TAXES THEREFORE

SECOND AND FINAL READING

Motion was made by Council Member Louderman to give Bill No. 11-017 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Draper.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Bill No. 11-017 duly approved and adopted on this date.

BILL NO. 11-018

**AN ORDINANCE VACATING A TRACT OF LAND LYING IN PART OF
HILLCREST SUBDIVISION IN THE CITY OF HANNIBAL, MARION COUNTY,
MISSOURI**

FIRST READING

Motion was made by Council Member Dobson to give Bill No. 11-018 a first reading.
Motion was seconded by Council Member Barta.

Motion carried.

BILL NO. 11-019

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT
BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION FOR FUNDING OF A “SAFE ROUTES TO
SCHOOL” SIDEWALK ON PALMYRA ROAD**

FIRST READING

Motion was made by Council Member Hark to give Bill No. 11-019 a first reading. Motion
was seconded by Council Member Dobson.

Motion carried.

BILL NO. 11-020

**AN ORDINANCE AMENDING ORDINANCE 4549 RELATIVE TO THE PROJECT
BOUNDARY DESCRIPTION FOR THE MAIN STREET SIDEWALK PROJECT**

FIRST READING

Motion was made by Council Member Dobson to give Bill No. 11-020 a first reading.
Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

CLOSED SESSION
In Accordance with RSMo. 610-021 (1) and 2

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraphs one (1) and two (2), admitting himself, rest of Council, City Manager LaGarce, City Attorney James Lemon, City Clerk Vance, Parks Director Dorian, Building Inspector Burnham and Public Works Director Rees. Motion was made by Council Member Hark to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Barta.

Roll Call

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

No: -0-

Absent: -0-

Motion carried.

OPEN SESSION

Motion was made by Mayor Pro Tem Knickerbocker 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 Mayor Pro Tem Knickerbocker.

Motion carried.