

**OFFICIAL COUNCIL PROCEEDINGS**

**Tuesday, August 7, 2012  
7:00 p.m.**

**ROLL CALL**

**Present:** Mayor Hark, Council Members Louderman, Hark, Pro Tem Knickerbocker, Council Members, Dobson and Lionberger – 6

**Absent:** Council Member Draper – 1

**CALL TO ORDER**

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

**INVOCATION**

Reverend Linda Spaun gave the invocation.

**PLEDGE OF ALLEGIANCE**

Council Member Hark led the Pledge of Allegiance to the Flag. Motion was made by Council Member Louderman to excuse Council Member Draper. Motion was seconded by Council Member Hark.

Motion carried.

**APPROVAL OF MINUTES**

**Regularly Scheduled Council Meeting – July 17, 2012**

Motion was made by Council Member Louderman to approve the minutes of the regularly scheduled Council meeting that was held July 17, 2012. Motion was seconded by Council Member Dobson.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**

**Second Half – July, 2012**

Motion was made by Council Member Dobson to approve the payroll and claims for the

second half of July, 2012. Motion was seconded by Council Member Louderman.

Motion carried.

**JOHN LYNG – HISTORIC HANNIBAL MARKETING COUNCIL, INC.**  
**Re: Request, Street Closure - Freedom 5K**  
**(November 10, 2012)**

Mary Lynne Richards and Brenna McDermott spoke on behalf of the Freedom 5K run and the route that had been requested after which Council Member Louderman made the motion to approve the event. Motion was seconded by Council Member Hark.

Motion carried.

**REVEREND LINDA SPAUN – SCOTT’S CHAPEL UMC**  
**Re: Request, Street Closure – Block Party**  
*(September 8, 2012, 10:00 a.m. – 2:00 p.m.)*

Reverend Linda Spaun requested the that Hope Street be blocked from S. Griffith Street to S. Locust Street (1800 block) during the time requested for a neighborhood block party. Mayor Hark made the motion to approve the request. Motion was seconded by Council Member Hark.

Motion carried.

**JONNIE LAIN – CITIZEN**  
**Re: Request, Street Closure – Private Family BBQ**  
*(August 18, 2012 – 4:00 p.m. – 10:00 p.m.)*

Ms. Lain requested that 1711 Patchen Street be blocked from the alley to Vermont Street and barricades provided to a private family BBQ. Motion was made by Council Member Louderman to approve the request. Motion was seconded by Council Member Hark.

Motion carried.

**REGINALD SMITH & DENA PETERSON – JUICEZ & JAMZ**  
**Re: Paperwork Submittal**

Dena Peterson, Business Manager for Juicez & Jamz and Jammin’ Fashions spoke to the delay in acquiring a decision regarding a liquor license application that had been submitted in December 2011 to the Hannibal Police Department. Ms. Peterson stated that they had requested the status numerous times. She stated that there had been some

confusion in getting a clean criminal background check since the name Reginald Smith was a very common name. Police Chief Lyndell Davis was called to the podium to address this issue. Chief Davis said there had been a number of questions on the application that had been left blank and that it was hard to get in touch with Mr. Smith. Chief Davis had brought four officers to speak to the facts regarding the application and subsequent investigation that had taken place.

Sergeant Porter spoke of the problem with the catering application. The application was incomplete and no physical location and the lease owner Davidra Smith, etc., resulting in a new lease with Reginald Smith's name included being submitted to Lt. McHargue.

Lt. McHargue spoke with regard to Mr. Smith's statement that he had a fourteen year old felony. Lt. McHargue requested a copy; however, Mr. Smith later stated he was not convicted but had an ex-parte. NAACP was told to call Johnny Scott, who they had never heard of. Some information from Creve Couer was given which had nothing to do with pending or existing case.

Detective Nacke spoke regarding a previous conversation he had with a victim from St. Louis regarding an assault by Mr. Smith with an ax handle.

Officer Borgmeyer spoke, referencing an incident at Juicez & Jamz regarding underage drinking and indecent exposure.

After the four officers spoke at length about their investigations and lack of cooperation from Mr. Smith, Chief Davis spoke again. He stated that he has denied the liquor license request after reviewing all information collected by his staff and speaking to other law enforcement personnel. Chief Davis stated it was not a question of criminal background but of moral character.

Council Member Knickerbocker suggested this be brought to a close because the question before the Council had been answered by Chief Davis when he stated that the liquor license application had been denied. Mayor Hark stated he did not want it to appear as though we are not supporting the Police force. Council Member Knickerbocker stated he completely supports our Police Department and trusts that the right decision was made. Council Member Knickerbocker made the motion to conclude that the answer to Mr. Smith and Ms. Peterson's question had been answered and to move forward with the meeting. Motion was seconded by Council Member Louderman.

Motion carried.

**MIKE DOBSON – 2<sup>ND</sup> WARD COUNCIL MEMBER**  
**Re: Code Amendment, Chapter 2, Article I, Section 6**  
*Purchasing Provisions, Local Businesses*  
*(Bill No. 12-031, to follow)*

Council Member Dobson stated that there is now an injunction prohibiting the enforcement of Missouri's Excessive Unemployment Law, which will allow Illinois bidders to also bid on any projects the City of Hannibal offers. Council Member Dobson would like to use 63401 to determine local vendors when the bill comes before the council for a vote.

**JEFF LAGARCE – CITY MANAGER**  
**Re: Approval of Appointment**

City Manager LaGarce reminded Council of a candidate presented at the last regular Council meeting for the Park Board

**PARK BOARD**

- David Bleigh – re-appointment for a term to expire July, 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 Dobson.

Motion carried.

**Re: Recommendation of Appointments**

At this time City Manager LaGarce made the following recommendations:

**PARK BOARD**

- Greg Addison – appointment for a term to expire July, 2015
- Ann Lear – appointment for a term to expire July, 2015

This nomination will be considered for approval at the next regular Council meeting.

**Re: Commercial Flood Buyout Demolition – Demolition Contract A**  
*Diamond H Acquisition Corporation*  
*(Resolution No. 1839-12, to follow)*

City Manager LaGarce recommended Diamond H Acquisitions Corp. be awarded contract A for demolition of four commercial flood buyout properties. They were the low bid coming in \$85,482.00 lower than the next lowest bid of \$324,976.00.

**Re: Commercial Flood Buyout Demolition – Demolition Contract B**

*Niemann General Contracting  
(Resolution No. 1840-12, to follow)*

City Manager LaGarce recommended Niemann General Contracting be awarded Contract B in the amount of \$15,000 for the demolition of three commercial flood buyout properties. This was the lowest bidder for contract B.

**Re: Commercial Flood Buyout Demolition – Demolition Contract C**

*Sutton Enterprises  
(Resolution No. 1841-12, to follow)*

City Manager LaGarce recommended Sutton enterprises be awarded Contract C in the amount of \$62,500 for the demolition of five commercial flood buyout properties. Sutton Enterprises was the lowest bidder for contract C.

LaGarce mentioned to Council that the combined total of all three bid selection packages totaled \$107,006 below the total demolition budget. Backup funding from the Parks & Recreation Department will not be needed.

**Re: Amendment, Employee Guide to Success**

*Criminal Records  
(Resolution No. 1842-12, to follow)*

The City Manager stated that the Police Department discovered a small problem in the personnel manual. The manual currently states that an applicant cannot be hired if they have a felony conviction as an adult; or if they have pled guilty to a felony as an adult; however, this is problematic due to Suspended Imposition of Sentences (or SIS). If the SIS conditions imposed by a judge are fulfilled then the conviction is taken off the violator's record. This change in the personnel manual is designed to rectify this issue.

**Re: Code Amendment, Chapter 32, Article XI, Division 2, Section 446**

*Open-Air Farmers Market  
(Bill No. 12-030, to follow)*

City Manager LaGarce stated that currently this section of the code would prohibit outdoor retail sales and needed to be amended to allow the farmer's market in the H-1 Historic zoning district. This change would also define a farmer's market. The Planning and Zoning Commission voted unanimously to submit this to Council. Council Member Dobson stated that he was in favor of the current farmer's market because it was a class act, with entertainment and offering breakfast.

**GAIL BRYANT – DIRECTOR, HCVB**  
**Re: State Vendor Purchase Approval – Media Buys**  
*Hoffman-Lewis*

Gail Bryant, HCVB Director, stated that utilizing an outside advertising agency allows for all advertising invoices to be paid through one vendor which simplifies the process and gives additional benefit to research, advertising rates, oversight and tracking. She stated that she had solicited quotes from four others, with one declining and one that did not reply. The HCVB would like to request bid approval with the state vendor, Hoffman-Lewis for media buying in FY2013.

Council Member Louderman made the motion to accept Hoffman-Lewis for media buying for FY2013. Motion was seconded by Council Member Dobson.

Motion carried.

**MARK REES – CITY ENGINEER**  
**Re: Approval to Proceed, Stardust Extension Change Order No. 2**  
*Bleigh Construction*

City Engineer Rees explained that this change order was necessary because a Ralls County rural water line is in the way of the city's proposed storm sewer system. The proposed change order would relocate the rural water line to their easement and off of the city right-of-way. This is a request to accept in principal this change order for \$13,480.35 with a formal change order coming at a later date. Council Member Dobson questioned if this is something that Ralls County should pay instead of the city. After a brief discussion it was decided that it is appropriate for the city to pay this amount and get the project done.

Council Member Louderman made the motion to accept the change order. Motion was seconded by Mayor Hark.

Motion carried.

**Re: Main Street Sidewalk Historic Preservation Project – Form of Contract Agreement**  
*Bleigh Construction*  
*(Resolution No. 1844-12, to follow)*

The Council voted on July 17<sup>th</sup> to accept Bleigh construction bid of \$828,000.00 for the Main Street sidewalk and street improvements. MODOT has now reviewed and accepted Bleigh Construction as the successful low bidder.

**MIKE BENJAMIN – DEPUUTY FIRE CHIEF**  
**Re: Bid Award Approval, Administrative Building HVAC Replacement**  
*Schutjer Heating & Cooling*

Sealed bids were opened on July 31<sup>st</sup> to replace the existing HVAC unit at the Fire Department administrative building on Palmyra Road. The low bid was submitted by Schutjer Heating and Cooling. Mayor Hark made the motion to accept the low bid received from Schutjer Heating and Cooling to replace the HVAC unit at the administrative building. Motion was seconded by Council Member Hark.

Motion carried.

**Re: Approval, Declaration of Surplus Property & Trade – 1994 Jeep Cherokee**  
*Don Brown Chevrolet*

Mayor Pro Tem Knickerbocker mentioned that we did not need to declare this property as surplus but instead just authorize it to be used as a trade-in for the new vehicle. Motion was made by Council Member Dobson to authorize the vehicle to be traded to Don Brown Chevrolet. Motion was seconded by Council Member Hark.

Motion carried.

**Re: Bid Award Approval, 2012 Chevrolet Tahoe**  
*Don Brown Chevrolet*

Assistant Fire Chief Benjamin requested Council to approve the purchase of a 2012 Chevrolet Tahoe from State Vendor Don Brown Chevrolet. Motion was made by Council Member Louderman to approve this purchase. Motion was seconded by Council Member Hark.

Motion carried.

**DOUG WARREN – FINANCE DIRECTOR**  
**Re; Budget Amendment No. I – Capital Equipment Revenue & Expenditure**  
*(Resolution No. 1843-12, to follow)*

Finance Director Warren asked Council to authorize a budget amendment of \$50,000 which were unanticipated when the budget was prepared. This is a housekeeping measure and will have no cost effects on the City.

**RESOLUTION NO. 1839-12**

**A RESOLUTION ACCEPTING THE LOW BID OF DIAMOND H ACQUISITION CORPORATION IN THE AMOUNT OF \$239,494 FOR DEMOLITION OF FOUR**

**(4) COMMERCIAL FLOOD BUYOUT SITES KNOWN AS PACKAGE A, AND AUTHORIZING THE MAYOR TO EXECUTE A DEMOLITION CONTRACT, A NOTICE OF AWARD, AND A NOTICE TO PROCEED**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1839-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper – 1

Mayor Hark declared Resolution No. 1839-12, duly approved and adopted on this date.

**RESOLUTION NO. 1840-12**

**A RESOLUTION ACCEPTING THE LOW BID OF NIEMANN GENERAL CONTRACTING, INC. IN THE AMOUNT OF \$15,000 FOR DEMOLITION OF THREE (3) COMMERCIAL FLOOD BUYOUT SITES KNOWN AS PACKAGE B, AND AUTHORIZING THE MAYOR TO EXECUTE A DEMOLITION CONTRACT, A NOTICE OF AWARD, AND A NOTICE TO PROCEED**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1840-12, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper – 1

Mayor Hark declared Resolution No. 1840-12, duly approved and adopted on this date.

**RESOLUTION NO. 1841-12**

**A RESOLUTION ACCEPTING THE LOW BID OF SUTTON ENTERPRISES IN THE AMOUNT OF \$62,500 FOR DEMOLITION OF FIVE (5) COMMERCIAL FLOOD BUYOUT SITES KNOW AS PACKAGE C, AND AUTHORIZING THE MAYOR TO EXECUTE A DEMOLITION CONTRACT, A NOTICE OF AWARD, AND A NOTICE TO PROCEED.**

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper – 1

Mayor Hark declared Resolution No. 1841-12, duly approved and adopted on this date.

**RESOLUTION NO. 1842-12**

**A RESOLUTION AMENDING THE CITY OF HANNIBAL'S PERSONNEL MANUAL KNOW AS THE *EMPLOYEE GUIDE TO SUCCESS***

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1842-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper – 1

Mayor Hark declared Resolution No. 1842-12, duly approved and adopted on this date.

**RESOLUTION NO. 1843-12**

**A RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 BUDGET  
RELATIVE TO THE CAPITAL EQUIPMENT FUND IN THE AMOUNT OF  
\$50,000.00. CAPITAL EQUIPMENT REVENUE INCREASE \$50,000.00 AND  
CAPITAL EQUIPMENT FUND EXPENDITURE \$50,000.00 NET ZERO (0.00)**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1843-12, and call the roll for adoption. Motion was seconded by Mayor Hark.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper – 1

Mayor Hark declared Resolution No. 1843-12, duly approved and adopted on this date.

**RESOLUTION NO. 1844-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A  
CONSTRUCTION CONTRACT WITH BLEIGH CONSTRUCTION IN THE  
AMOUNT OF \$828,000.00 FOR THE CONSTRUCTION OF DOWNTOWN  
SIDEWALK AND STREET IMPROVEMENTS**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1844-12, and call the roll for adoption. Motion was seconded by Council Member Lionberger.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper – 1

Mayor Hark declared Resolution No. 1844-12, duly approved and adopted on this date.

**BILL NO. 12-029**

**AN ORDINANCE AMENDING CHAPTER 17, ARTICLE II, OF THE CODE OF THE CITY OF HANNIBAL, REGARDING THE TRAFFIC COMMITTEE FOR THE CITY OF HANNIBAL**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 12-029 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper – 1

Mayor Hark declared Bill No. 12-029 duly approved and adopted on this date.

**BILL NO. 12-030**

**AN ORDINANCE AMENDING CHAPTER 32, ARTICLE XI, DIVISION 2, SECTION 446 OF THE CODE OF THE CITY OF HANNIBAL REGARDING OPEN-AIR FARMERS MARKETS**

**FIRST READING**

Motion was made by Council Member Dobson to give Bill No. 12-030 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

**BILL NO. 12-031**

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE I, OF THE CODE OF THE CITY OF HANNIBAL BY ENACTING A NEW SECTION 6 RELATIVE TO PURCHASING PROVISIONS FOR LOCAL BUSINESSES**

**FIRST READING**

Motion was made by Council Member Dobson to give Bill No. 12-031 a first reading. Motion was seconded by Council Member Louderman.

**Roll Call**

**Yes:** Council Member Louderman, Mayor Pro Tem Knickerbocker, Council Member Dobson - 3

**No:** Council Members Hark, Lionberger and Mayor Hark - 3

**Absent:** Council Member Draper – 1

Motion to read failed.

**CLOSED SESSION**

***In Accordance with RSMo. 610-021 (2)***

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph two (2), admitting himself, rest of Council, City Manager LaGarce, City Attorney Louis Riggs, City Clerk Vance, HCVB Director Bryant and Parks Director Dorian. Motion was made by Council Member Hark to go into closed session, as directed by Mayor Hark. Motion was seconded by Council Member Lionberger.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper – 1

Motion carried.

**OPEN SESSION**

Motion was made by Council Member Louderman to return to open session at this time. Motion was seconded by Council Member Knickerbocker.

Motion carried.

## **ADJOURNMENT**

Motion was made by Council Member Louderman to adjourn meeting. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.