

**NOTICE OF PUBLIC MEETING  
COUNCIL AGENDA**

**August 21, 2012  
7:00 p.m.**

**ROLL CALL**

**Present:** Council Members Hark, Draper, Mayor Pro Tem Knickerbocker, Council Members, Dobson, Lionberger, Mayor Hark and Council Member Louderman – 7

**Absent:** -0-

**CALL TO ORDER**

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

**INVOCATION**

Council Member Lionberger gave the invocation.

**PLEDGE OF ALLEGIANCE**

Council Member Draper led the Pledge of Allegiance to the Flag.

**APPROVAL OF MINUTES**

**Regularly Scheduled Council Meeting – August 7, 2012**

Motion was made by Council Member Draper to approve the minutes of the regularly scheduled Council meeting that was held August 7, 2012. Motion was seconded by Council Member Hark.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**

**First Half – August, 2012**

Motion was made by Council Member Louderman to approve the payroll and claims for the first half of August, 2012. Motion was seconded by Council Member Draper.

Motion carried.

**MARY SHORT – HISTORIC HANNIBAL MARKETING COUNCIL, INC**

**Re: Request, Street Closure – 5<sup>th</sup> Annual Twain on Main**

*(May 24-27, 2013)*

Ms. Mary Short, representing the Historic Hannibal Marketing Council, came before Council at this time, seeking approval of street closure during an event, Twain on Main Festival (formerly the River Arts Festival), to be held on May 24-27, 2013. Requests were:

1. Main Street - from Broadway to North Street
2. Road closure beginning on Friday evening, May 24, 2012, for setup

This request was similar to the request made for last year's event. Motion was made by Council Member Louderman to approve Short's request. Motion was seconded by Council Member Dobson.

Motion carried.

**JENNIFER FOSTER – HANNIBAL JAYCEES**

**Re: Request, Street Closure – Zombie 5k Run/Walk**

*(Saturday, October 20, 2012 – 3:00 p.m. – 5:00 p.m.)*

Jennifer Foster, representing the Hannibal Jaycees, came before Council with a request for approval of street closures during the proposed Zombie 5k Run/Walk event to be sponsored by her organization. Foster explained that the Jaycees had recently secured a new location for National Tom Sawyer Days and the Haunted House, a very popular event.

The Zombie 5k Run/Walk is only one of a number of events being planned to raise money for covering the additional expense to keep this new facility. Foster added that if approved this event would be held on the same weekend as the Folklife Festival; however, it would occur during the evening hours, beginning at 4:00 p.m.; whereas, the Folklife Festival would be held during the day. A Pumpkin Run for the children would start at 3:00 p.m. Motion was made by Council Member Louderman to approve Foster's request. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**ROY G. HARK – MAYOR**

**Re: Recommendation of Appointments**

Mayor Hark made the following recommendations:

HANNIBAL CONVENTION & VISITOR'S BUREAU

- **Linda Colebred – reappointment for a term to expire September, 2017**
- **Bob Gilstrap – reappointment for a term to expire September, 2017**

EMPLOYEE BENEFIT TRUST BOARD

- **Sue Lewis – appointment for a term to expire May, 2015**

The Mayor added that these nominations will be considered for approval at the next regular Council meeting.

**JEFF LAGARCE – CITY MANAGER**

**Re: Approval of Appointments**

City Manager Jeff LaGarce reminded Council of two candidates presented at the last regular Council meeting for the Park Board.

PARK BOARD

- **Greg Addison – 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 LaGarce's nomination. Motion was seconded by Council Member Hark.

Motion carried. He then asked Council for their approval of another appointment.

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

Motion was made by Council Member Louderman to approve this nomination. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**PHYLLIS NELSON – CITY COLLECTOR**

**Re: Code Amendment, Chapter 15, Article 1, Division 1, Section 15-24**

*Penalty for Delinquent License Fees and Taxes*

*(Bill No. 12-032, to follow)*

Phyllis Nelson, City Collector, explained that on August 7<sup>th</sup>, notice had been received that House Bill 1504 had been passed, and would be effective on August 28, 2012. This Bill will limit the interest and penalty that the City can charge for delinquent business licenses. Nelson added that the current amount of penalty charged is 10%, combined. According to Bill 1504, in order to be in compliance with the state, the penalty for business license will be lowered to 5% and the interest rate for sales tax will be whatever the state determines each year, currently this is 3%. She asked for an emergency reading for Bill No. 12-032, to

follow, since this change will be effective prior to the next Council meeting. This change will require passage by 2/3 vote.

**GAIL BRYANT – HCVB DIRECTOR**  
**Re: Molly Brown Birthplace & Museum – Easement**  
*Bluebird Network, LLC*  
*(Resolution No. 1845-12, to follow)*

The next agenda item, a request for approval of Resolution No. 1845-12, to follow, was presented by Gail Bryant, Director of the Hannibal Convention & Visitors Bureau. Resolution No. 1845-12, with Council approval, would allow an easement across the newly acquired property at the Molly Brown Birthplace and Museum, located at 600 Butler Avenue to complete installation of the Bluebird Network, LLC's fiber optic cable. According to Bryant, Bluebird's specific request was for a 10 foot easement just south of the current Molly Brown Museum fencing. Verbiage has been reviewed and approved by the surveyor and the City Attorney and the HCVB staff recommends granting the easement to the Bluebird Network.

**MARK REES – CITY ENGINEER**  
**Re: Saturn & Lunar, Intersection Improvements – Supplemental Agreement**  
*Poepping, Stone, Bach & Associates, Inc*  
*(Resolution No. 1848-12, to follow)*

City Engineer Mark Rees presented the next item on the agenda, a request for approval of Resolution No. 1848-12, to follow, which would approve a supplemental agreement with Poepping, Stone, Bach & Associates with regard to the Saturn and Lunar intersection improvements. Rees explained that this was needed because of a past chipseal failure at this intersection

Now, Poepping, Stone, Bach & Associates has prepared a set of plans to improve this intersection, which will include some drainage work (storm sewers) that is outside the scope of the City Street Department's normal construction activities. For this reason, Rees requested Council approval to enter into this agreement for the development of construction documents so that his Department can advertise for competitive bids. Resolution No, 1848-12, if approved would approve and accept a supplemental agreement, in the amount of \$11,500.00, allowing PSBA to produce plans and specifications for the proposed work.

**Re: Oak Street, Right-of-Way – Contract**  
*Poepping, Stone, Bach & Associates, Inc*  
*(Resolution No. 1849-12, to follow)*

City Engineer Rees also asked for approval of Resolution No. 1849-12, to follow, that would approve a contract with Poepping, Stone, Bach & Associates, Inc. for the Oak Street right-of-way. He explained that it had been brought to his attention by a landowner, Joe Haines, that Oak Street, from Grape Street to the alley may have been constructed on his property. Haines had been working with the City for a number of years to remedy this situation.

Rees added that after further investigation, he still had some questions; and, for that reason, he was asking for Council approval to allow the City to enter into this contract with PSBA for a scope of work that would include an investigation and solution to this problem. He suggested that a title search may be all that is needed, but the scope of work may also include appraisal of the property and preparation of a right-of-way plat, as well. Cost of this contract, if approved, would be \$5,800.00 plus the cost of an appraisal. The DPW recommended approval of Resolution No. 1849-12, to follow, that would authorize the Mayor to enter into this contract.

**Re: Bid Award Approval – 2012 Mill and Overlay Project**  
*Bross Construction*

The next agenda item was an approval of a bid award to Bross Construction for the 2012 Mill and Overlay Project. Rees stated that the Department of Public Works advertised and received bids for a contract to mill and overlay a package of streets, including: Market Street, Paris Gravel Road, Bird Street, Melgrove, Hamlin Heights and Brookside. Three bids were received with Bross being the lowest bidder in the amount of \$314,220.00. He recommended Council approval to accept Bross Construction for this project and had considered requesting that Council allow Bross to proceed with the contract work. Rees admitted that he was attempting to speed-up the process, but decided that it would not be a good idea to begin work without a contract or insurance in place.

City Attorney Lemon explained that, under state law, Bross Construction would be the party at risk if something went wrong and no contract was in place; therefore, the City could allow them to begin work if they were willing to do this. (Rees clarified that Bird Street to St. Mary's was the portion of this project that would be milled down to concrete and overlaid, probably taking one or two days to complete.)

After some discussion, Rees withdrew his request to allow Bross to begin work on the project prior to obtaining a signed contract. Motion was made by Council Member Louderman to award this bid to Bross Construction. Motion was seconded by Council Member Hark.

Motion carried.

**Re: Change Order Request – 2012 Mill & Overlay Project, Hill Street**  
*Bross Construction*

Rees' next order of business was a request for Council approval of a change order that would add Hill Street to the contract with Bross Construction for the 2012 Mill & Overlay Project. He explained that Council Member Dobson had been instrumental in the process that led to this change order since he recognized an opportunity to improve Hill Street on the north side of the new Mark Twain School. He advised that the overlay of this street would add approximately \$35,000 to the current cost of the mill and overlay project.

Rees said that, should the Council be interested in pursuing this opportunity, the contractor would be instructed to make these additional improvements and a formal change order would be brought before Council for approval in the near future. Motion was made by Council

Member Dobson to approve the addition of Hill Street by change order. Motion was seconded by Council Member Hark.

Motion carried.

**Re: Bid Award Approval/Contract, 2012-13 City Wide Cleanup**  
*Allied Waste Services*  
*(Resolution No. 1850-12, to follow)*

Rees informed Council that the Department of Public Works recently advertised for bids, with regard to the 2012-13 City Wide Cleanup Project. As a result, only one bid was submitted, from Allied Waste Services. Cost estimate is:

<b><u>Refuse Collection</u></b>	<b><u>Bid</u></b>	
Refuse collection and disposal	\$255.00/Ton	
State Disposal Fees	3.61/Ton	
<u>Environmental Fees</u>	<u>7.50/Ton</u>	
Refuse collection and Disposal Total	\$266.11/Ton	
Total cost for 230 Tons (estimated amt of Refuse)		<b>\$61,205.30</b>
<b><u>Tire &amp; Appliance Collection</u></b>	<b><u>Bid</u></b>	
Tire hauling and disposal	\$450.00/Load	
Appliance hauling and disposal	\$ 0.00/Load	
(Bid at no cost, Contractor holds salvage rights)		
Battery collection	\$ 0.00/Load	
<u>(Collected at no cost, Contractor holds salvage rights)</u>		
Total cost for 5 loads of tires (estimated amt)		<b>\$ 2,250.00</b>
<b>TOTAL ESTIMATED PROGRAM COST</b>		<b><u>\$63,455.30</u></b>

Rees reminded Council that \$75,000 had been appropriated in the FY 2012-2013 Budget for the City Wide Cleanup Project. Resolution No. 1850-12, to follow, would approve the City Wide Cleanup scheduled for October 13, 2012. Staff recommends approval of this contract to Allied Waste.

**JOEY BURNHAM – CITY BUILDING INSPECTOR**  
**Re: Demolition Bid Award – Contract Agreement**  
*Sutton Enterprises*  
*(Resolution No. 1846-12, to follow)*

In the Building Inspector's absence, Chuck Anderson, the Assistant Building Inspector, presented the next two agenda items. The first item was a request for approval of Resolution No. 1846-12, to follow, that would award a demolition bid to Sutton Enterprises and authorize the Mayor to execute a contract for same. Anderson explained that properties, located at 1413 Henry and 1728 Broadway were condemned and scheduled for demolition. As a result of the sealed bidding process, two bids were submitted and on August 14, 2012,

these bids were opened. The Building Inspector's Office recommended the bid be awarded to Sutton Enterprises, the lowest bidder, in the amount of \$18,000.

**Re: Demolition Bid Award – Contract Agreement**

*Amer-Yenom LLC*

*(Resolution No. 1847-12, to follow)*

Anderson also presented a request for approval of Resolution No. 1847-12, to follow, that would award a demolition bid to Amer-Yenom, LLC and authorize the Mayor to execute a contract for same. He explained that properties, located at 1800 Chestnut and 1419-21 Market Street were condemned and scheduled for demolition. As a result of the sealed bidding process, three bids were submitted and on August 14, 2012, these bids were also opened. The Building Inspector's Office recommended this bid be awarded to Amer-Yenom, LLC, the lowest bidder, in the amount of \$21,300.

**DOUG WARREN – DIRECTOR OF FINANCE**

**Re: Request, Set Public Hearing – September 4, 2012 – 6:45 p.m.**

*2012 Tax Levy*

Finance Director Doug Warren presented the last item on the agenda, his request for Council approval to set a public hearing on September 4, 2012 at 6:45 p.m. for the purpose of the 2012 tax levy. Warren explained that all property assessments have been completed by Marion & Ralls County and the State Auditor's Office has calculated the tax ceilings. The 2012 Hannibal tax ceiling prescribes a levy of \$1.1430/\$100 of assessed value, which is \$.0002 greater than the tax ceiling in 2011 (\$1.1410/\$100 of assessed value).

Motion was made by Council Member Louderman to approve Warren's request. Motion was seconded by Council Member Dobson.

Motion carried.

**RESOLUTION NO. 1845-12**

**A RESOLUTION FOR THE CITY OF HANNIBAL TO GRANT AN EASEMENT TO  
THE BLUEBIRD MEDIA GROUP ACROSS THE MOLLY BROWN BIRTHPLACE  
& MUSEUM PROPERTY**

Motion was made by Council Member Hark to have the City Clerk read Resolution No. 1845-12, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1845-12, duly approved and adopted on this date.

**RESOLUTION NO. 1846-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT  
FOR DEMOLITION OF CONDEMNED PROPERTY LOCATED AT 1413 HENRY  
AND 1728 BROADWAY BETWEEN THE CITY OF HANNIBAL AND SUTTON  
ENTERPRISES**

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1846-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1846-12, duly approved and adopted on this date.

**RESOLUTION NO. 1847-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR  
DEMOLITION OF CONDEMNED PROPERTY LOCATED AT 1800 CHESTNUT  
AND 1419-21 MARKET BETWEEN THE CITY OF HANNIBAL AND AMER-  
YENOM LLC**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1847-12, and call the roll for adoption. Motion was seconded by Council Member Lionberger.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1847-12, duly approved and adopted on this date.

**RESOLUTION NO. 1848-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF HANNIBAL AND POEPPING, STONE, BACH AND ASSOCIATES, INC IN THE AMOUNT OF \$11,500.00 FOR THE DESIGN OF INTERSECTION IMPROVEMENTS AT SATURN AND LUNAR**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1848-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1848-12, duly approved and adopted on this date.

**RESOLUTION NO. 1849-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND POEPPING, STONE, BACH AND ASSOCIATES, INC IN THE AMOUNT OF \$5,800.00 FOR THE PREPARATION OF A RIGHT-OF-WAY ON OAK STREET AT GRAPE AVENUE**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1849-12, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1849-12, duly approved and adopted on this date.

**RESOLUTION NO. 1850-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ALLIED WASTE SERVICES FOR COLLECTION AND DISPOSAL SERVICES RELATIVE TO THE CITYWIDE CLEANUP PROGRAM ON OCTOBER 13, 2012**

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1850-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1850-12, duly approved and adopted on this date.

**BILL NO. 12-030**

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

**AIR FARMERS MARKETS**

**SECOND AND FINAL READING**

Motion was made by Council Member Dobson to give Bill No. 12-030 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Lionberger.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 12-030 duly approved and adopted on this date.

**BILL NO. 12-032**

**AN ORDINANCE AMENDING CHAPTER 15, BY AMENDING ARTICLE I, DIVISION 1, SECTION 15-24, PENALTY FOR DELINQUENT LICENSE FEES AND TAXES**

**EMERGENCY READING**

Motion was made by Council Member Dobson to give Bill No. 12-032 an emergency reading and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 12-032 duly approved and adopted on this date.

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

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph one (1), admitting himself, rest of Council, City Manager LaGarce, City Attorney James Lemon and City Clerk Vance. Motion was made by Council Member Hark to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Louderman.

**Roll Call**

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

**No:** -0-

**Absent:** -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 Dobson to adjourn the meeting. Motion was seconded by Council Member Louderman.

Motion carried.