

OFFICIAL COUNCIL PROCEEDINGS

January 3, 2012
7:00 p.m.

ROLL CALL

Present: Council Member Louderman, Hark, Draper, Mayor Pro Tem
Knickerbocker, Council Members Dobson, Barta and Mayor Hark –
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.

APPROVAL OF MINUTES

Closed Session Council Meeting – December 6, 2011
Regularly Scheduled Council Meeting – December 20, 2011

Motion was made by Council Member Dobson to approve the minutes of the Closed Session Council meeting that was held on December 6, 2011 and the last regular Council meeting that was held on December 20, 2011. Motion was seconded by Council Member Draper.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS Second Half – December, 2011

Motion was made by Council Member Barta to approve the payroll and claims for the second half of December, 2011. Motion was seconded by Council Member Draper.

Motion carried.

ROY G. HARK – MAYOR
Re: Approval of Appointments

Mayor Hark reminded Council of candidates presented at the last regular Council meeting for the various boards and commissions. These were:

MARK TWAIN HOME BOARD

- Diane Volkmer – Reappointment for a term to expire November, 2018

HANNIBAL CONVENTION AND VISITOR’S BUREAU

- Mark Grieshaber – Appointment for a term to expire September, 2016

He asked Council for their approval of these nominations. Motion was made by Council Member Louderman to approve the nominations. Motion was seconded by Council Member Draper.

Motion carried.

JAMES LEMON – CITY ATTORNEY

Re: Code Addition & Amendment – Chapter 15 Section 15-31 & 15-47

*Penalties for Suspension of Business License or Failure to Obtain Business License
(Bill No. 12-002, to follow)*

City Attorney Lemon presented the next item on the evening’s agenda, a Code addition and amendment to Chapter 15, Sections 15-31 and 15-47 regarding penalties for suspension of a business license or failure to obtain a business license. Lemon explained that the related Bill No. 12-002 was primarily designed to clean up the language in these sections of the City Code, but it also contained a slight revision of the bill previously distributed, since Council Member Louderman pointed out a situation that had been encountered needing clarification of business owner vs. employee. Lemon requested Council approval to give Bill No. 12-002 a first reading,

JEFF LAGARCE – CITY MANAGER

Re: Residential Flood Buyout Program – Real Estate Purchase Contracts (17)

(Resolution No. 1784-12, to follow)

City Manager LaGarce’s first of three agenda items was regarding Resolution No. 1784-12 that would approve real estate purchase contracts through the residential flood buyout program, with Council approval. He explained that recently, offers were tendered to seventeen property owners; all but three flood buyout applicants. He added that the agreement, used in these instances, is a template model from the SEMA handbook and each will include the property owner’s name and the agreed purchase amount.

Offers were made to the owners and confirmations are currently being received, with two parties declining, according to LaGarce, who requested Council approval of these contracts by approving Resolution No. 1784-12, to follow.

Re: DNR Brownfields/ Voluntary Cleanup Programs – Contract Amendment

Terracon Consultants, Inc.
(Resolution No. 1785-12, to follow)

City Manager LaGarce's next issue was regarding the DNR Brownfield's groundwater monitoring of the commercial flood buyout properties. LaGarce explained that, as a whole, the groundwater monitoring was proceeding very well, except for the Display Center property located at 929 Warren Barrett Drive. At this location, two contaminants have been identified. LaGarce has been informed that benzo(a)pyrene and benzo(b)fluoranthene in this area exceed target levels for ingestion, inhalation, and dermal contact. The consultant and DNR agree that two additional quarters of groundwater monitoring are required at this site. The consultant proposes \$2,500 for each subsequent monitoring event or \$5,000 total. The original contract for \$76,330 was approved in April, 2011 and Resolution No. 1785-12 would authorize the Mayor to execute a contract amendment agreement with Terracon Consultants, Inc. for the additional \$5,000. LaGarce recommended approval of this Resolution, to follow.

Re: Code Revision – Chapter 17, Article IV, Division 3, Section 193

School Zones
(Bill No. 12-001, to follow)

LaGarce explained that his final agenda item was regarding Bill No. 12-001, that addresses school zones. Currently, Chapter 17 of the Hannibal City Code states, "*no vehicle shall proceed through these zones at a speed greater than 15 mph*". He said this posed somewhat of a problem, in that it is not easy to slow from 30 mph to 15 mph; and, the concern is that this will create its own set of hazards. This issue has been the topic at Traffic Committee meetings and LaGarce, himself, has sought input from Police Chief Davis. A conclusion has been reached that any school zone speed limit should be consistent with prevailing traffic speeds of adjacent roadways. Each intersection in these areas would be examined, as well. For instance, a school zone of 15 mph may be appropriate on a 25 mph street, but a 15 mph school zone on a 45 mph street creates its own motorist hazards.

LaGarce recommended modifying the language of the Code to allow the Traffic Committee and Council to establish school zone speed limits and time restrictions for these limits. Signs would be posted, informing traffic of the school zone, the limits and the hours these limits will be enforced. As the zone is passed, a regular speed limit sign will be posted, marking the end of the school zone, according to the revised code. LaGarce said that Bill No. 12-001 would receive a first reading later, during the meeting, with Council approval.

Council Member Dobson said that he had spoken with Richard Dauma, a long-time Street Department employee, who Dobson believed had some very good ideas. He asked Council to recognize Mr. Dauma at this time and listen to his suggestions.

Dauma asked that Council not approach this issue blindly. He said that:

- It is the school's responsibility to approach the City (Form an ad hoc committee and develop a complete sidewalk program).
- Limits should be uniform, so that motorists immediately know that the speed limit is reduced and the lawful speed limit that is posted.
- An ad hoc committee could examine each school area, then make recommendations, alleviating some of the City's responsibility regarding this issue

Chief Davis, when asked, stated that the uniformity the City Manager referred to was from the Federal Government and only posting of signage and not actual speed limit that Dauma addressed. He said that, in regard to the recent Broadway 15 mph limit, he had spoken to the City Manager adding that, according to the City Code ALL school zones must be 15 mph. The speed zone on Highway 79 is in conflict with this existing City Code, causing a bit of enforcement problem. The purpose of the amended ordinance was to provide some sort of clarity since some are noncompliant with ordinances. Davis thought it important to note that all school zone issues addressed by the Traffic Committee in the past year had been initiated by citizen complaints.

Dauma's only concern was safety. He added that his job was to keep vehicles and pedestrians safe when they come together. He was not disagreeing with the statements made, but only believed that more opinions should be sought from schools and parents prior to revising the ordinance. He volunteered to be a participant in the process.

It was noted that the Traffic Committee's function is to handle issues such as this and to address concerns and input from citizens and the school. Mayor Pro Tem Knickerbocker commented that none of the opinions were in conflict. The purpose of the amendment was to allow the Traffic Committee to do their job. He added that, currently, the ordinance specifically states the limits, and by removing that, the Traffic Committee could make those determinations/recommendations, as appropriate. Dauma noted that the signage that the City Manager addressed was already in place.

Council Member Louderman commented that Dana Ruhl and a representative from Holy Family School were recently in attendance at a Traffic Committee meeting. They came to give some input regarding the issue at hand and ultimately made the decision to leave it to the City's discretion.

Council Member Dobson questioned the Chief regarding the accuracy of the statement, *If school is in session, but no children are present on the sidewalk, the school zone speed limit does not apply.* Davis replied that Dobson's statement would be correct if Bill No. 12-001 were approved.

Davis added that school's have some input when the school zone is adjacent to school property; however, since the Broadway school zone is not adjacent to the school, once the child leaves school property and is across the street, the school has limited input. This is causing some confusion. Issues frequently have enforcement issues because of this, according to the Chief. This is the purpose of Bill No. 12-001, getting an ordinance that allows the flexibility to try and make it more enforceable; yet, more powerful for the citizens.

Council Member Draper stated that the intent of the bill is to protect children and not to inconvenience motorists. He would like to see speed cameras at school zones. City Manager LaGarce agreed to research the feasibility of cameras in these areas.

City Attorney Lemon noted that about three months ago, an Eastern District case upheld the stoplight cameras in Missouri. He recommended that the City avoid 'speed based' issues, since there is no case-in-point, to date. He did not say that it could not be done, only that the 'speed based' cameras are more up-in-the-air than the red light cameras. Council Member Draper commented that when a person is driving a vehicle, his head should be on driving that vehicle.

Bill No. 12-001 would be given a first reading later, during the meeting, with Council approval.

JOHN HARK – EMERGENCY MANAGEMENT DIRECTOR
Re: Approval, Let Bids – Emergency Alert Notification System

Emergency Management Director John Hark came before Council to seek approval to initiate a sealed bidding process for an emergency alert notification system. Hark explained that subsequent to the flash flood of 2010, there was much controversy regarding the reasons why the public was not warned and why the tornado sirens were not utilized for this purpose. Hark stated that the tornado alarms were not in place for that purpose.

He offered, as an alternative, a county wide data system that would be handled through Marion County 911 and would ring all land-line phones. An opt-in for cell phones is also available and can be included. If this option is included, all land lines AND cell phones would ring in the event of a weather alert. Hark admitted that it would probably not be a perfect system and implementation would take time.

The committee has looked at various systems, according to the Emergency Management Director, and this seems to be the best choice, costing approximately \$13,700. The system will allow unlimited messaging with the National Weather Service. He added that the committee continues to explore various types of notification and made reference to Joplin's disaster, using them as an example. He admitted that a disaster, such as this, is his biggest concern.

Hark said that on July 10, 2010, at 4:33 a.m., the National Weather Service broadcast a flash flood warning for Marion County. The flash flood did not occur until 9:00 a.m. but all who had a weather radio heard it and was prepared. There are some flaws to the system, according to Hark, including the case where those without a telephone will fall through the cracks. He doesn't know of a system that is 100% guaranteed.

With this unlimited messaging system, Hark believes the City would have the option of notifying the public in various other events, such as a missing child or boil orders, etc. In the case of a boil order, the flexibility exists where all within a certain block could be alerted without making a city-wide alert. A State-wide emergency alert system is being developed and currently has some flaws. Hark believes this system will be up and productive in 3 – 5 years. In the interim, this system will be a valuable tool, in his opinion.

The City's cost to implement this system would total approximately \$8,300 per year, \$1,800 for the City of Palmyra and \$3,700 for the unincorporated portion of Marion County. Since Hark is unsure how many minutes will be sufficient for our needs, he would like to implement unlimited minutes at this time; however, since the contract is renewable on a yearly basis, Hark could revise the minutes from "unlimited" to a specific amount, such as "70,000 minutes" at contract renewal if he so desired. Hark asked Council authorization to let bids for this system that he hopes will be operational by the Spring, 2012.

Council Member Dobson commented that Linn County had severe storms and their warnings did not come in until after the storm. He questioned the amount of time to process 7,900 emergency calls (the number of telephones in Hannibal), if needed. Hark said that the amount of time would depend upon the length of the message. He stated that references had been requested from some of the suppliers and contact had been made with customers and other suppliers.

Mike Hall, the Director of 911, responded to a question by stating that there are a finite number of calls that the telephone company's central office can process in the local exchange. Their engineers, who had met with Hark, were optimistic; however, until testing is completed it is unknown whether it will take 20 minutes, 40 minutes or more time to process 7,000+ calls. Cellular notifications are believed to be much quicker and efficient than the land lines; however, these are dependent upon the entities involved to actively encourage and promote the system, seeking out individuals to register their cell phones to receive the emergency notifications.

Council Member Dobson thanked Mr. Hark for his efforts regarding this program and made a motion to approve his request to let bids for equipment. Council Member Louderman seconded the motion. Mayor Pro Tem Knickerbocker questioned the timeline regarding the bid process. Hark stated that he would notify the committee of Council's decision and begin working on the bid specifications. He anticipates completion of the specs and distribution within the next two weeks. He hopes the system will be operational by March, 2012.

Motion carried.

(Mayor Hark called a short recess, at this time. Then the meeting resumed.)

RESOLUTION NO. 1784-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SEVENTEEN (17) REAL ESTATE PURCHASE CONTRACTS FOR THE ACQUISITION OF RESIDENTIAL PROPERTY UNDER THE CITY OF HANNIBAL'S RESIDENTIAL FLOOD BUYOUT PROGRAM

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1784-12 and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1784-12 duly approved and adopted on this date.

RESOLUTION NO. 1785-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AMENDMENT WITH TERRACON CONSULTANTS, INC. IN THE AMOUNT OF \$5,000 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 Draper to have the City Clerk read Resolution No. 1785-12 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1785-12 duly approved and adopted on this date.

BILL NO. 12-001

**AN ORDINANCE AMENDING CHAPTER 17, ARTICLE IV, DIVISION 3, SECTION 193
OF THE HANNIBAL CITY CODE RELATIVE TO SCHOOL ZONES**

FIRST READING

Motion was made by Council Member Louderman to give Bill No. 12-001 a first reading. Motion was seconded by Council Member Barta.

Motion carried.

BILL NO. 12-002

**AN ORDINANCE AMENDING CHAPTER 15, BY ADDING SECTION 15-31,
PENALTIES FOR SUSPENSION OF BUSINESS LICENSE OR FAILURE TO OBTAIN A
BUSINESS LICENSE, AND BY AMENDING SECTION 15-47**

FIRST READING

Motion was made by Council Member Draper to give Bill No. 12-002 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

CLOSED SESSION
In Accordance with RSMo 610-021 (3)

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, sub-paragraphs three (3), admitting himself, rest of Council, City Manager LaGarce, City Attorney Lemon, City Clerk Vance and City Engineer Rees. Motion was made by Council Member Dobson to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Barta.

Roll Call

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

Motion carried.

ADJOURNMENT

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

Motion carried.