

# OFFICIAL COUNCIL PROCEEDINGS

June 19, 2012  
7:00 p.m.

## ROLL CALL

**Present:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**Absent:** Mayor Pro Tem Knickerbocker - 1

## 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 Lionberger led the Pledge of Allegiance to the Flag. Motion was made by Council Member Louderman to excuse Mayor Pro Tem Knickerbocker. Motion was seconded by Council Member Hark.

Motion carried.

*(At this time, City Attorney James Lemon joined the meeting.)*

## APPROVAL OF MINUTES

### Regularly Scheduled Council Meeting – June 5, 2012

Motion was made by Council Member Draper to approve the minutes of the regularly scheduled Council meeting that was held on June 5, 2012. Motion was seconded by Council Member Louderman.

Motion carried.

## APPROVAL OF PAYROLL AND CLAIMS

### First Half – June, 2012

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

Motion carried.

**SHARON MOORE/KIM WAELDER – LUTHER MANOR NURSING HOME**

**Re: Request, Fireworks Display**

*40<sup>th</sup> Anniversary Celebration – June 23, 2012*

Kim Waelder, on behalf of Luther Manor Nursing Home, presented the next item on the agenda, a request to have a fire works display as a part of their 4<sup>th</sup> Annual Independence Day Celebration and in conjunction to their 40<sup>th</sup> anniversary at Luther Manor. This event is scheduled for June 23, 2012. She added that the required permits had already been obtained from the Hannibal Fire Department. Motion was made by Council Member Louderman to approve Waelder's request. Motion was seconded by Council Member Hark.

Motion carried.

**EDDENA PETERSON – JUICEZ & JAMZ**

**Re: Request, Sale and Consumption of Alcohol in Central Park & Street Closure**

*Party in the Park – July 29, 2012 – 12:00 p.m. – 10:00 p.m.*

In Ms. Eddena Peterson's absence, Ms. Reta Rodgers, representing Juicez & Jamz, came before Council at this time to request approval to utilize Central Park on July 29, 2012 from 8:00 a.m. until 10:00 p.m. for the "Party in the Park" celebration. She also requested the assistance of the Street Department in providing barricades on 4<sup>th</sup> Street between Broadway and Central, and permission to have a licensed vendor, River City Billiards, to sell liquor for consumption on the premises during the event.

Rodgers explained that twenty-five employees would be enlisted to work at this event, including four for security purposes, and sixteen in charge of clean-up following the event. This event is in celebration of the one-year anniversary of the sports bar. Motion was made by Council Member Louderman to approve Peterson's request. Motion was seconded by Council Member Dobson.

Motion carried.

**FAYE DANT – JUNETEENTH CELEBRATION COMMITTEE**

**Re: Request, Street Closure**

*Juneteenth Celebration – June 23 & 23, 2012; 3p.m. – 10p.m. & 11a.m. – 6p.m.*

Ms. Faye Dant, of the Juneteenth Celebration Committee, came to Council with a request for their approval for use of the Y-Men's Pavilion, closure of Hill Street from the alleyway to the floodwall and provision of barriers for closed streets on June 22<sup>nd</sup> from 3:00 p.m. until 10:00 p.m. and June 23<sup>rd</sup> from 11:00 a.m. until 6:00 p.m., during the 15<sup>th</sup> Annual Juneteenth Celebration.

Dant explained that food and entertainment would be provided, but no alcohol would be available. Motion was made by Council Member Louderman to approve Dant's request. Motion was seconded by Mayor Hark.

Motion carried.

**MIKE ROBERTS – GENERAL CONTRACTOR**  
**Re: Bill No. 12-020, Local Bidder Preference Procedures**

Mr. Mike Roberts, a general contractor, came before Council with concerns, regarding the passage of Bill No. 12-020, detailing procedures for “Local Bidder Preference”. Roberts explained that he had a problem with this policy, since it only specifies bidders within the 63401 area as local bidders. He believed it was unfair that he would come to Hannibal and get 5% less than a local contractor only because he lived outside the city limits.

He added that this is a very serious matter, in his opinion, since he spent the last 25 years building his business from scratch. He asked if Hannibal could support itself with only sales tax from city residents. He commented that everyone in this “area” comes to Hannibal to shop, supporting this town.

Roberts believed that he would still bid on city projects but was aware that he will always be at a disadvantage in doing so, with passage of this bill. He also believed that the bidding process should be left as it was originally because he feared the proposed procedure would create a monopoly, allowing local contractors to bid whatever they wish. Roberts said that he, his wife and other area contractors have always supported this community, adding that the community has always pulled together in times of need.

Mr. Roberts suggested that Council consider the “local phonebook” as a determining factor which had listings of other area towns beside Hannibal, with the exception of Perry, MO. He also suggested that vendors located in Marion County or Ralls County be designated as “local” bidders.

Roberts concluded by saying that he did not believe there was a single person in the phonebook who did not consider himself/herself a local resident.

Mayor Hark thanked Roberts for his comments.

**CARL FLEEGEL – HEIMER CONSTRUCTION CO., Inc.**  
**Re: Bill No. 12-020, Local Bidder Preference Procedures**

Next, Carl Fleegel, Construction Project Manager of Heimer Construction Company, came before Council with similar concerns to those of Mike Roberts. Fleegel read the letter that he had previously submitted for the evening’s agenda. In it he indicated that:

- Heimer Construction was very concerned about Hannibal’s effort to revise the public bid evaluation policy and its intention to allow a preference procedure for “local” contractors within the 63401 zip code.
- Heimer considered themselves to be a part of the “local” community, doing construction work in the commercial sector for over 35 years even though, in view of the proposed criteria, they would be considered an “outside” bidder.
- Heimer employees, who live in Hannibal, Quincy, Palmyra and nearby villages, contribute to Hannibal’s economy through their purchases in Hannibal’s retail stores.
- Heimer’s concern was that the City’s proposed “local” bidder preference procedure will limit the willingness of “outside contractors to participate since all of their efforts

- to prepare a complete and accurate bid could be circumvented by any “local” contractor who, after seeing the low bid opened, would be willing to match or beat the “outside” price. In time, the process could no longer be labeled truly competitive, but rather, advantaged versus disadvantaged.
- If “outside” contractors decide to avoid participating in this process, the City could be left only with “local” contractors who may or may not submit marketplace competitive pricing for City projects, which could jeopardize the efficient use of taxpayer funds.
  - Heimer believed that the proposed change is not conducive to the spirit of competitive pricing, and opens the bidding process to unanticipated limitations; therefore, they respectively requested that this change NOT be approved.

Fleegel explained that the instigation of competitive rules was based upon a desire to protect public monies. The benefit was to eliminate any transparency, favoritism, nepotism or under-the-table dealings that may otherwise occur.

Guidelines were developed because out-of-town bidders could submit a low bid and the local entity could then come back and meet or beat, allowing for insider-trading. Fleegel stated that it was unrealistic to think that “local” bidders would buy more products locally, since it is a fact that current “local” contractors are buying products and services from Quincy, IL, St. Louis, MO., and even from the Internet. In conclusion, Fleegel suggested that all bidders quit whining, sharpen their pencils and abide by current guidelines.

Mayor Hark ask if anyone had additional comments and thanked Mr. Fleegel for voicing his concerns.

**GREG SUTTON – SUTTON ENTERPRISES**  
**Re: Re: Bill No. 12-020, Local Bidder Preference Procedures**

Mr. Greg Sutton, of Sutton Enterprises, addressed Council in favor of Bill No. 12-020, regarding the local bidder preference procedures. He commented that he, as well as other local contractors, pay personal property and real estate taxes to the City of Hannibal. According to Sutton, registration of vehicles sometimes cost \$2,000-\$4,000 more for Hannibal citizens.

He explained that, in the past, he had bid on jobs outside of the City of Hannibal and been in the same position as Roberts and Heimer Construction, he empathized with them but still believed there should be something in place with regard to a competitive edge for local bidders since they must pay additional money to stay in business, that non-local contractors do not pay. Without these procedures, the competitive edge belongs to outsiders.

Mayor Hark thanked Sutton for his comments and asked if anyone else wished to speak. Council Member Dobson commented that he was a “black & white” kind of guy who believed that the City should have a standard operating procedure, regarding bids. He added that the exact opposite occurred with the Stardust project, since the non-local bidder came in and won the bid, fair and square. Subsequently, pressure was applied by other contractors to award that bid, locally. The proposed procedure will even-up the playing field, allowing the City to have something in “black & white” to utilize.

City Manager LaGarce added that, with this procedure:

- The pyramid chart would be applied against the local bid and deducted from it. If then, it was the effective low bid due to that calculation the local bidder would have to agree to match the low bidder's price. If they are unable to match, it would still go to the next highest bidder. (This would not be a case of "peeking" then adjusting the bid. The City would be performing all calculations.)
- The bidder would have to be qualified to do the contracted work.
- If the bidding process results in only "local" bidders, there would be no need for calculations, according to the City Manager.

He added that, all in all, the edge is intended to be slight; this is not a huge edge, since the City did not wish to chase good contractors out of the market.

Mr. Sutton commented that this "edge" would offset the bidding because local contractors are paying local taxes; however, Roberts took issue with that statement by saying that contractors outside of the City pay sales taxes and do not consider themselves to be "outsiders", but instead, local contractors.

Council Member Dobson inquired whether or not Roberts paid local real estate & property taxes. Roberts responded that they did pay real estate taxes since he owns property in the City; however, his personal property taxes are not paid here and but they pay sales tax. He added that he just paid \$2,700-\$2,800 for a set of tires in Hannibal. Mr. Sutton argued, saying that he also purchased tires in Hannibal and paid real estate and personal taxes here, as well.

Mayor Hark stated that he understood both sides; then, added that the City was only trying to put something in writing to "level the playing field" so Hannibal would not be accused of being unfair.

City Attorney Lemon advised that he had a concern with regard to the reasonableness of using the 63401 zip code as a boundary, since not all within the 63401 zip code pay city real estate and personal taxes. LaGarce explained that the intent of using the 63401 zip code was to make the likeliest effort of putting Hannibal people to work or benefitting the Hannibal residents who are in the employ of one of these companies. The City Manager said that was the reasoning behind selecting this boundary, but assured Lemon that Council could set another boundary if they chose.

Mayor Hark asked Fleegel how many of Heimer's employees were Hannibal residents; and, Fleegel responded that, of their 45-50 employees, one-third lived in the 63401 zip code. Council Member Dobson explained that Heimer would, indeed, qualify as a "local" since 30% of their employees live within the City of Hannibal.

LaGarce clarified that in setting the boundaries, he did not consider who did or did not pay local taxes. He believed that any boundary that would be set by ordinance would be legal. City Attorney Lemon agreed, stating that in his opinion, the proposal was not illegal. His only concern was, in the event of a lawsuit, what would be the reasonable argument. He added that LaGarce had just addressed that issue.

Council Member Draper questioned the reasons for this amendment, since the Stardust project had worked like it was supposed to, i.e. all were informed, all knew the qualifications from the beginning and that a local bidder could usurp them if they came within a certain

percentage of it which they did. He clarified that he was not saying that the regulations should not be changed; he just wanted to know the justification for making the change.

Council Member Dobson stated that the justification for making this change was to have something in “black & white” because all were torn between awarding to the low bidder who was from out of town or awarding to the higher bidder who employs local people. After clearing up some confusion, regarding current bid-letting procedures and the reasoning behind the proposed bill, Mayor Hark questioned utilization of the 63401 zip code as a boundary for “local” bidders. After a brief discussion, Mayor Hark requested that additional consideration could be done when the bill was presented for a second and final reading later, during the meeting.

**ROY G. HARK – MAYOR**  
**Re: Approval of Appointments**

Mayor Hark reminded Council of two candidates presented at the last meeting for the Hannibal Library Board. These were:

HANNIBAL LIBRARY BOARD

- **Amber Baxter – reappointment for a term to expire June, 2015**
- **Pam Ginsberg – reappointment for a term to expire June, 2015**

He asked Council for their approval of these nominations. Motion was made by Council Member Louderman to approve Amber Baxter and Pam Ginsberg to serve on the Hannibal Library Board for terms to expire in June of 2015. Motion was seconded by Council Member Draper.

Motion carried.

**Re: Recommendation of Appointment**

Mayor Hark made the following recommendation:

HANNIBAL LIBRARY BOARD

- **Cindy Lovell – appointment for a term to expire June, 2014**

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

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

City Manager LaGarce reminded Council of a candidate presented at the last meeting for the Hannibal Board of Public Works. This was:

HANNIBAL BOARD OF PUBLIC WORKS

- **Bud Janes – reappointment for a term to expire July, 2016**

He asked Council for their approval of this nomination. Motion was made by Council Member Louderman to approve Bud Janes to serve on the Hannibal Board of Public Works for a term to expire in July of 2016. Motion was seconded by Council Member Dobson.

Motion carried.

### **Re: Recommendation of Appointment**

Because Jason Janes is leaving the community, his seat on the BPW Board will become vacant. City Manager LaGarce explained that he was requesting approval of Betty Anderson for an appointment of a two-year term to replace Jason Janes to this board. He added that Ms. Anderson, whose husband is the pastor of Calvary Baptist Church, serves as the Dean of Business and Finance at Hannibal LaGrange College. LaGarce gave an overview of the rest of Anderson's qualifications.

#### HANNIBAL BOARD OF PUBLIC WORKS

- **Betty Anderson – appointment for an unexpired term to expire July, 2014**

He asked that this nomination be considered for approval at the next regular Council meeting.

### **Re: Approval, Acceptance of Property Located in Flood Plain**

*902 Vermont Street – John Waack*

City Manager LaGarce explained that John Waack, of St. Louis, MO owns property located at 902 Vermont Street in Hannibal. He has recently been drafted by the Building Commission to make certain repairs to the structure on that property or to remove it. This property, as well as the property surrounding it, is in the flood plain.

LaGarce indicated that he had received a call from Waack, expressing his desire to remove the structure from this property; however, he did not wish to continue upkeep of this property. For that reason, he had asked the City Manager whether the City would be interested in accepting this property. Because of Waack's income level, this transaction would not qualify as a "peaceful transfer", a situation in which, as a last-ditch resort, a person transfers property to the City when they lack the finances needed to rehab. The City would then rehab and "flip" it to offset the demolition expense.

Since Waack is willing to remove the structure, LaGarce asked Council for their approval to accept this offering at such time as is appropriate, since it buffers City property in the flood plain. Acceptance of this property may provide opportunity to broaden future recreation space mandates for flood property. LaGarce added that he had taken this offer to the Building Commission, who had concurred that it would make sense to accept this property. Motion was made by Council Member Louderman to approve the City Manager's request to accept the property when deemed fit. Motion was seconded by Mayor Hark.

Motion carried.

### **MARK REES – CITY ENGINEER**

**Re: Request, Set Public Hearing – July 3, 2012 – 6:45 p.m.**  
*Rezone – Lot 17, Cruikshank Subdivision, Out Lot Twenty Nine*

*E-Commercial to A-One & Two Families  
(Sugar Maple Properties, LLC)*

City Engineer Mark Rees presented the next item on the agenda, a request to set a public hearing on July 3, 2012 at 6:45 p.m. Rees explained that a request had been received from Sugar Maple Properties, LLC, to rezone all of lot 17, in Cruikshank Subdivision of out lot 29 (known as Swan Street) in the City of Hannibal from E-Commercial to A-One & Two Family zoning. He added that this lot is currently vacant; however, Mr. Haycraft wishes to build a new home and current zoning does not allow for residential use. Motion was made by Council Member Louderman to approve Rees' request to set a public hearing on July 3, 2012. Motion was seconded by Mayor Hark.

Motion carried.

**Re: Municipal Refuse Dumpster Collection – Contract Agreement**  
*Allied Waste Services*  
*(Resolution No. 1828-12, to follow)*

City Engineer Rees asked for Council approval of a contract with Allied Waste Services. He explained that, recently, bids were let for the 2012/2013 municipal refuse dumpster collection. As a result, three bidders responded: Allied Waste Services, Sutton Disposal and Wamsley Disposal. Rees stated that this contract, when awarded is for municipal refuse collection beginning July 1, 2012 and ending June 30, 2013. The services shall be for a period of one year; however, shall be extendable in one-year increments for two additional years, through June 30, 2015. Allied Waste Services was the apparent low bidder, with the following bid:

- FY 2012-13 - \$2,026.90, plus a one-time charge for emptying a single dumpster of \$18.19/one yd, \$30.31/two yd and \$42.43/three yd.
- FY 2013-14 - \$2,227.35, plus a one-time charge for emptying a single dumpster of \$18.19/one yd, \$30.31/two yd and \$42.43/three yd.
- FY 2014-15 - \$2,338.71, plus a one-time charge for emptying a single dumpster of \$18.19/one yd, \$30.31/two yd and \$42.43/three yd.

Rees recommended award of the contract to Allied Waste Services and approval of Resolution No. 1828-12, to follow, that would authorize the Mayor to execute the contract.

**Re: Municipal Refuse Barrel Collection – Contract Agreement**  
*Sutton's Disposal*  
*(Resolution No. 1829-12, to follow)*

Next, Rees asked for Council approval of a contract with Sutton Disposal. He explained that, recently, bids were let for the 2012/2013 municipal refuse barrel collection. Bid packages were mailed to ten different trash hauling companies with only one response from Sutton Disposal. Rees stated that this contract, when awarded is also for municipal refuse collection beginning July 1, 2012 and ending June 30, 2013. These services shall be for a period of one year; however, shall be extendable in one-year increments for two additional years, through June 30, 2015, as well. Since Sutton was the only bidder, Rees' recommendation was to award the contract to that company with the bid, as follows:

- FY 2012-13 - \$10,200.300, plus a one-time charge for emptying all barrels at a time other than specified - \$100.00

- FY 2012-13 - \$10,200.300, plus a one-time charge for emptying all barrels at a time other than specified - \$100.00
- FY 2012-13 - \$10,200.300, plus a one-time charge for emptying all barrels at a time other than specified - \$100.00

He sought approval of Resolution No. 1829-12, to follow, that would authorize the Mayor to execute the contract with Sutton.

**Re: Acceptance, River Bluff Subdivision – First Addition**

*Everett Davis*  
(Bill No. 12-025, to follow)

Rees' final agenda item was for acceptance of the River Bend Subdivision, First Addition by approval of Bill No. 12-025, to follow. This bill is scheduled to receive a first reading with Council when it is revisited later, during the meeting. Rees explained that the Planning and Zoning Commission approved the preliminary plat on April 19, 2012 and recommended approval of the final plat on May 24, 2012. This request was initially made by Everett Davis who plans to build four apartment buildings, containing a total of 18 units, on one lot with the dedication of right-of-way to the City of Hannibal.

**JOEY BURNHAM – BUILDING INSPECTOR**

**Re: Old Baptist Cemetery Mowing – Contract Agreement**

*Simply Cut Lawns*  
(Resolution No. 1827-12, to follow)

Building Inspector Joey Burnham explained that, recently, his department had let bids for the 2012-13 Old Baptist Cemetery mowing; and, as a result of that process four bids were submitted and opened on June 6, 2012. He recommended the bid be awarded to Simply Cut Lawns, the apparent low bidder for this project with a total bid amount of \$2,250.00.

Council approval of Resolution No. 1827-12, to follow, would approve the award for this amount to Simply Cut Lawns and authorize the Mayor to execute a contract with this company for the 2012-13 Old Baptist Cemetery mowing project.

**DOUG WARREN – FINANCE DIRECTOR**

**Re: Approval, Bond Principal and Interest Payments**

Director of Finance Doug Warren presented the next item on the agenda, the approval of a bond principal & interest payment for the 2008 Street Bond Issue that is due on July 1<sup>st</sup>. This is only a house-keeping request, since money is not expended without prior Council approval. Warren requested this approval in order to make the payment by a bank wire transfer before July 1, 2012, since that is a Sunday. This payment will be expended from the upcoming (FY 2012/13) budget, according to Warren. Total amount to be paid is \$684,221.75 which is \$551,267.50 of the principal amount and \$132,954.25 in interest. Motion was made by Council Member Hark to approve Warren's request. Motion was seconded by Council Member Lionberger.

Motion carried.

**PHYLLIS NELSON – CITY COLLECTOR**  
**Re: F/Y 2012 General Fund Budget Amendment**  
*(Resolution No. 1830-12, to follow)*

City Collector Phyllis Nelson came before Council to present Resolution No. 1830-12, to follow, regarding amendments to the FY2012 General Fund Budget because of two unexpected expenses. These were:

- Acquisition of Bubba's parking lot
- Renovation of Council Chambers

She added that, additionally, the City had received more sales tax monies. Each of these items will change the bottom line of the current budget. She asked Council approval of this resolution that would authorize making these changes.

**BILL MADORE – FIRE CHIEF**  
**Re: Approval, Declaration and Donation of Surplus Equipment**

Fire Chief Bill Madore presented the next item on the agenda, a request for approval to declare surplus equipment for donation. He explained that Fire Department has auto extrication equipment and fire stream appliances that are no longer being utilized because the department has been able to equip all three stations with newer, safer technology, with the Assistance to Firefighters Grant Program.

Since this equipment is not compatible with the Fire Department's CORE Technology equipment from Holmatro, Madore requested Council approval to donate this equipment to the Marion County R-2 Fire Department. He referenced a letter from Fire Chief Kevin Ransom, who expressed a definite need for this surplus equipment. He is aware of the condition of this equipment and is prepared to service or repair it, as needed. He is also aware that acceptance of this equipment requires a signed hold harmless agreement with the City of Hannibal.

Madore added that Marion County R-2 is a department that relies on mutual aid with our neighboring communities; therefore, he believed that the City's mutual aid needs can be affected by this donation, as well. He recommended declaration of surplus and donation of equipment, including:

- 1 Holmatro hose reel with hydraulic hose
- 1 Holmatro spreader
- 1 Holmatro cutter
- 1 Holmatro hydraulic pump
- 2 large intake relief valves

Motion was made by Mayor Hark to approve Madore's request to declare surplus property and make donation of same to Marion County R-2 Fire Department. Motion was seconded by Council Member Hark.

Motion carried.

**ROBERT STEVENSON – BPW GENERAL MANAGER**

**Re: Safety Manual Approval**

*(Resolution No. 1831-12, to follow)*

Mr. Heath Hall, of the Hannibal Board of Public Works, presented the next item on the evening's agenda in place of BPW General Manager Robert Stevenson. This item was the approval of Resolution No. 1831-12 regarding acceptance/approval of the BPW Safety Manual.

Hall explained that the Board of Public Works is in the process of applying for the APPA Reliable Public Power Provider (RP3) award. Applications are scored on four main factors, including reliability, safety, work force development and system improvement. Achieving this award would bring value to the City and recognition to the HBPW as a reliable provider of utility services.

Part of the application process requires that both the Board and City Council approve and endorses the BPW Safety Manual. This manual was developed by HBPW staff, using OSHA, MIRMA and APPA source documents. Hall asked for Council approval of Resolution No. 1831-12, to follow.

**GAIL BRYANT – DIRECTOR, HCVB**

**Re: Adoption & Approval, Logo and Brand Identification**

HCVB Director Gail Bryant presented the new proposed logo and tagline for the City of Hannibal. She requested Council support by approving and adopting this logo for city-wide use as deemed fit by each department. The intention of this new logo is to develop a uniform message depicting the Hannibal community, especially in its promotional efforts. This will be formally introduced to the community at a press conference on July 19<sup>th</sup>, according to Bryant. Motion was made by Council Member Louderman to approve Bryant's request. Motion was seconded by Council Member Hark.

Motion carried.

**RESOLUTION NO. 1827-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND SIMPLY CUT LAWNS FOR 2012-2013 OLD BAPTIST CEMETERY MOWING, IN THE AMOUNT OF \$2250.00**

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1827-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Resolution No. 1827-12, duly approved and adopted on this date.

### **RESOLUTION NO. 1828-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AGREEMENT BETWEEN THE CITY OF HANNIBAL AND ALLIED WASTE SERVICES OF QUINCY FOR 2012-2013 MUNICIPAL REFUSE COLLECTION OF DUMPSTERS, IN THE AMOUNT OF \$2,026.90 WITH OPTIONS TO RENEW TWO (2) ADDITIONAL YEARS WITH RATES AS PROVIDED IN THE ATTACHED CONTRACT AGREEMENT**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1828-12, and call the roll for adoption. Motion was seconded by Council Member Draper.

Motion carried.

#### **Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Resolution No. 1828-12, duly approved and adopted on this date.

### **RESOLUTION NO. 1829-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AGREEMENT BETWEEN THE CITY OF HANNIBAL AND SUTTON'S DISPOSAL FOR 2012-2013 MUNICIPAL REFUSE COLLECTION OF BARRELS, IN THE AMOUNT OF \$10,200 WITH OPTIONS TO RENEW TWO (2) ADDITIONAL YEARS WITH RATES AS PROVIDED IN THE ATTACHED CONTRACT AGREEMENT**

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1829-12, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

#### **Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Resolution No. 1829-12, duly approved and adopted on this date.

**RESOLUTION NO. 1830-12**

**A RESOLUTION AMENDING THE FISCAL YEAR BUDGET 2012 RELATIVE TO THE GENERAL FUND FOR A SUPPLEMENTAL APPROPRIATION OF \$55,000 OFFSET BY THE 1% SALES TAX FOR THE EXPENDITURE LINE ACCOUNTS OF 10.23.725 AND 10.26.530**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1830-12, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Resolution No. 1830-12, duly approved and adopted on this date.

**RESOLUTION NO. 1831-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANNIBAL APPROVING AND ENDORSING THE BOARD OF PUBLIC WORKS SAFETY MANUAL FOR THE PURPOSE OF APPLICATION SUBMISSION INTO THE APPA RELIABLE PUBLIC POWER PROVIDER AWARD PROCESS**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1831-12, and call the roll for adoption. Motion was seconded by Council Member Draper.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Resolution No. 1831-12, duly approved and adopted on this date.

**BILL NO. 12-020**

**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**

**SECOND AND FINAL READING**

Motion was made by Mayor Council Member Dobson to give Bill No. 12-020 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Louderman. Mayor Hark suggested that Council should take another look at this bill before its approval and adoption.

**Roll Call**

**Yes:** Council Members Dobson and Louderman - 2

**No:** Council Member Lionberger, Mayor Hark, Council Members Hark and Draper - 4

**Absent:** Mayor Pro Tem Knickerbocker – 1

Motion to read failed. Council Member Draper commented that he believed that the idea behind this bill was a splendid one and he agrees with the concept. He added that, in his opinion, there is very little that needs to be done in order to make it acceptable to all parties concerned.

Council Member Hark stated that the intent of this bill was to prevent future political pressures in the awarding of bids. As Council Member Dobson had indicated, this bill would insure that all parties bidding on City project could know, up-front, what the rules were. Council Member Hark added that, with a bill such as this in place, Council may choose to award the bid to a local company; however, the definition of “local” has become somewhat skewed. (Hark was in favor of approving an amended version and explained that Council could never please everyone, so it was important to make an effort to do the best for the community and the best for the financial welfare for the City.)

Mayor Hark thanked Council Member Dobson for all his efforts with regard to this bill and made a suggestion to include all of Ralls and Marion County, as “local” bidders.

Council Member Louderman commented that bidders from Pike and Lewis County would not be happy; however, Mayor Hark responded that companies from Pike and Lewis County may or may not shop locally. He did believe that Marion and Ralls County shops in Hannibal.

Louderman argued, stating that with the specifications in the current bill, if 30% of a company’s employees live in the 63401 zip code, they would qualify as “local”. Council Member Hark reminded Council of the offering of equipment to a rural fire department by the Hannibal Fire Chief, as a community effort. He added that Council should use that same

application and offered to work on amending this bill, along with Council Members Dobson and Draper. All agreed to work on a revision. Motion was made by Mayor Hark to revisit this issue in two weeks at the next regular Council meeting. Motion was seconded by Council Member Hark.

Motion carried.

**BILL NO. 12-021**

**AN ORDINANCE VACATING AN ALLEY LYING BETWEEN LOTS 6, 7, 8, 9 AND 14 IN A.S. ROBARDS SUBDIVISION OF OUTLOTS 87 AND 88 IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**SECOND AND FINAL READING**

Motion was made by Council Member Dobson to give Bill No. 12-021 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Bill No. 12-021 duly approved and adopted on this date.

**BILL NO. 12-022**

**AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE CITY'S FINANCE DIRECTOR TO TRANSFER ALL SURPLUS FUNDS REMAINING IN THE SPECIAL ALLOCATION FUND FOR THE STARDUST-MUNGER-DIAMOND REDEVELOPMENT AREA TO THE APPLICABLE LOCAL POLITICAL SUBDIVISION COLLECTING OFFICER OR THE MARION COUNTY COLLECTOR IN ACCORDANCE WITH THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT; DISSOLVING THE SPECIAL ALLOCATION FUND FOR THE STARDUST-MUNGER-DIAMOND REDEVELOPMENT AREA; TERMINATING THE DESIGNATION OF THE REDEVELOPMENT AREA AND TERMINATING THE TAX INCREMENT FINANCING ASSOCIATED THEREWITH; AND AUTHORIZING FURTHER ACTIONS IN CONNECTION THEREWITH**

**SECOND AND FINAL READING**

Motion was made by Council Member Draper to give Bill No. 12-022 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Bill No. 12-022 duly approved and adopted on this date.

**BILL NO. 12-023**

**AN ORDINANCE TO PAY OFFICERS AND EMPLOYEES OF THE CITY OF HANNIBAL, MISSOURI FOR THE FISCAL YEAR 2012/2013**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 12-023 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 Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Bill No. 12-023 duly approved and adopted on this date.

**BILL NO. 12-024**

*(As amended)*

**AN ORDINANCE *approving the FY2012-3 Budget and* APPROPRIATING TO THE VARIOUS DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCIES OF THE CITY GOVERNMENT OF THE CITY OF HANNIBAL, MISSOURI FOR THE FISCAL YEAR ENDING JUNE 30, 2013**

**SECOND AND FINAL READING**

Mayor Hark entertained a motion to amend this bill, adding the phrase *approving the FY2012-3 Budget*. Motion was made by Council Member Dobson to amend Bill No. 12-024 as directed by Mayor Hark. Motion was seconded by Council Member Hark.

Motion carried. Motion was made by Council Member Louderman to give Bill No. 12-024, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

### **Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Bill No. 12-024, as amended, duly approved and adopted on this date.

### **BILL NO. 12-025**

#### **AN ORDINANCE APPROVING AND ACCEPTING THE PLAT OF RIVER BLUFF SUBDIVISION 1<sup>ST</sup> ADDITION, A SUBDIVISION LYING IN PART OF THE SOUTHEAST QUARTER OF SECTION 13 TOWNSHIP 57 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

#### **FIRST READING**

Motion was made by Council Member Draper to give Bill No. 12-025 a first reading. Motion was seconded by Mayor 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-paragraph three (3), 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 Mayor Hark.

### **Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Draper - 6

**No:** -0-

**Absent:** Mayor Pro Tem Knickerbocker – 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 Dobson.

Motion carried.

### **ADJOURNMENT**

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

Motion carried.