

OFFICIAL COUNCIL PROCEEDINGS

March 6, 2012
7:00 p.m.

ROLL CALL

Present: Council Members Dobson, Barta, 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 Dobson led the Pledge of Allegiance to the Flag. Motion was made by Council Member Draper to excuse Mayor Pro Tem Knickerbocker. Motion was seconded by Council Member Barta.

Motion carried.

APPROVAL OF MINUTES

Closed Session Meeting – November 15, 2011

Closed Session Meeting – February 21, 2012

Regularly Scheduled Council Meeting – February 21, 2012

Mayor Hark explained that the minutes for the regularly scheduled Council meeting, dated February 21, 2012 was not available, due to illness. Motion was made by Council Member Louderman to approve the minutes of the Closed Session that was held on November 15, 2011 and February 21, 2012. Motion was seconded by Council Member Barta.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
Second Half – February, 2012

Motion was made by Council Member Louderman to approve the payroll and claims for the second half of February, 2012. Motion was seconded by Council Member Hark.

Motion carried.

KEVIN MURPHY – Y MEN’S CLUB
Re: Request, Street Closure & Open Consumption of Alcohol
Down by the River – 5/11, 6/8, 7/13, 8/10 & 9/14 – 3:00 p.m. – Midnight
Mud Volleyball – July 2 – 9, 2012

Mr. Kevin Murphy, on behalf of the Y Men’s Club, came to Council seeking approval regarding two separate requests. The first request was for permission to block streets for the upcoming *Down by the River* concerts. This request included Council approval for alcohol sales at these events. Scheduled dates of the *Down by the River* events are: May 11th, June 8th, July 13th, August 10th and September 14th, 2012.

Murphy also made a request regarding approval of street closure for the Mud Volleyball Tournament to be held July 2nd through July 9th, 2012 and to allow alcohol sales for this event, as well. He assured Council that all paperwork had been completed, at this time.

Motion was made by Council Member Louderman to approve Murphy’s requests. Motion was seconded by Council Member Dobson.

Motion carried.

DENA ELLIS – MARK TWAIN HOME FOUNDATION
Re: Request, Alcohol Sales & Open Consumption
Music Under the Stars – Thursdays, June 7-September 6, 2012 – 5:00 p.m. – 9:00 p.m.

Since Dena Ellis, representative of the Mark Twain Home Foundation, was not present, the City Clerk explained her request to Council, regarding permission to allow the sale and consumption of alcohol during the summer events known as the “Music Under the Stars”. The sale of alcohol, if approved, would take place on the Boyhood Home Gardens at these events, similar to past practice and would take place, according to schedule every Thursday beginning June 7, 2012 and continuing until September 6, 2012. Motion was made by Council Member Dobson to approve Ellis’ request. He commented that this was a wonderful event. Motion was seconded by Mayor Hark.

Motion carried

ROY G. HARK - MAYOR
Re: Formation/Appointment, Bidding Process Committee

Mayor Hark explained that it was his intention to appoint members for the formation of a new committee, the Bidding Process Committee. The following members were appointed by Hark:

- Council Member Richard Draper
- Council Member James Hark
- Council Member Michael Dobson

Motion was made by Council Member Barta to approve the formation and appointment of the Bidding Process Committee as directed by Mayor Hark. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Appointment, Bicentennial Commission

Next, Mayor Hark appointed members of the Bicentennial Commission, indicating that Council Member Barta had a desire to co-chair this commission, adding that Mayor Pro Tem Knickerbocker also wished to be included. His appointment was, as follows:

- Council Member Barta, Co-chairman
- Mayor Pro Tem Knickerbocker
- Council Member Louderman

Motion was made by Council Member Draper to approve the appointments as directed by Mayor Hark. Motion was seconded by Council Member Hark.

Motion carried.

JEFF LAGARCE - CITY MANAGER
Re: Parking Lot Use – Temporary License Agreement
Berger Properties, LLC
(Resolution No. 1801-12, to follow)

City Manager LaGarce explained that Resolution No. 801-12, to follow, if adopted and approved would approve a temporary license agreement for the use of the parking lot beside City Hall. This agreement was initiated by the owner Mr. Bob Berger, of Berger Properties, LLC (formerly White Star Laundry). LaGarce added that Mr. Berger has no objection to employee or public parking on this lot; however, he wished to rid himself of unwanted liability resulting from this issue. He recommended the adoption of this Resolution and the related temporary license agreement with Berger Properties, LLC for use of this lot, at no

cost to the City. There was a brief discussion regarding the hours of use, as set forth in the contract.

Re: Acquisition, East Church Street Property – Real Estate Purchase Contract

Larry Markley

(Resolution No. 1804-12, to follow)

LaGarce stated that his second agenda item was regarding a real estate purchase for the acquisition of a piece of property owned by Mr. Larry Markley. He explained that since the subject property, located on East Church Street, was not included in the Commercial Flood Buyout sites, the City negotiated the sale of this property adjacent to Bubba's Restaurant, based on the appraised, fair market value of \$40,000. He recommended Council approval of Resolution No. 1804-12, to follow, authorizing the Mayor to execute a real estate purchase contract with Mr. Markley in the amount of \$40,000 for the acquisition of this property.

Re: Amendment, Payroll Ordinance – Municipal Judge Salary

F/Y 2012-13; 2013-14 & 2014-15

(Bill No. 12-012, to follow)

Next, LaGarce presented Bill No. 12-012, to follow, amending the Payroll Ordinance regarding the Municipal Judge's salary. LaGarce explained that, typically, the Municipal Judge contacts him each year because any salary changes must occur before the new officer is sworn in. Recently, LaGarce spoke with Judge Cruse; and, together they negotiated the judge's salary for the upcoming three fiscal years. LaGarce detailed these proposed changes to be approved with approval of Bill No. 12-012. These were:

- Fiscal Year 2012-13 \$22,000
- Fiscal Year 2013-14 \$23,100
- Fiscal Year 2014-15 \$24,300

Council Member Hark voiced concerns with the proposed amounts, commenting that the amount of \$22,000 represents a 4.76% increase for the Fiscal Year 2012-13. He reminded Council that the City employees received a 1% raise for FY2011-12 and no raise for FY2010-11.

Hark added that the projected raise of \$23,100 for Fiscal Year 2013-14 represents another 5% increase and \$24,300 for Fiscal Year 2014-15 represents a 5.2% increase. These amounts represent almost 15% increase in the Judge's salary over the next three years; and, according to Hark, other City employees are not afforded this type of compensation. Although he understands the desire to pay the Judge a good salary; however, Hark pointed out these negotiations were completed after the filing date for reelection was closed. Hark believes that the person(s) filing for that office should have an understanding regarding the amount of salary. He added that upon checking with the State of Missouri the salary for the Rolla, MO Municipal Judge with duties similar to the City of Hannibal is \$15,000, annually.

Hark said that his reservations had nothing to do with Judge Cruse, adding that he had been an asset to that position; however, since the beginning of these increases in 2006, the Municipal Judge's salary, if this bill is adopted, will increase by approximately 80%. No one else has realized a raise, such as this and Hark does not believe approving these increases is in the City's best interest. Council Member Dobson agreed.

LaGarce responded by saying that, if Council could agree on Municipal Judge salary figures for the next three fiscal years, the bill could be amended, and a first reading could still be completed later in the meeting.

ANGELICA N. VANCE – CITY CLERK

Re: Amendment, Employee Guide to Success – Section III, Pay & Benefits, Paid & Unpaid Leave

*Family and Medical Leave Act
(Bill No. 12-010, to follow)*

City Clerk Angelica Vance presented an amendment to the Employee Guide to Success. Section III, Pay & Benefits, Paid and Unpaid Leave, regarding the Family and Medical Leave Act. Vance explained that these changes for being enacted in order that the City could comply with federal requirements. She added that the following changes, which are industry standard, will be effective immediately upon adoption and approval. These changes were:

- Employee required to give ample notice to City when not due to an emergency
- Employee to provide medical certification in a timely manner
- City may exercise its right to seeking second and third opinions when necessary (at the expense of the City)
- Employee required to use all accrued sick time **CONCURRENTLY** with FMLA
- City may exercise its right to ask for re-certification of the FMLA condition every 30 days
- City may exercise the right to determine a leave is FMLA qualified regardless of whether the employee requested it or not. Written notification must be given to employee pinpointing the day the “clock” started regarding FMLA leave.
- **Military Caregiver Leave:** The City must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 **workweeks** of **unpaid** leave during a “single 12-month period” to care for the service member.

Vance explained that Bill No. 12-010, to follow, would be given a first reading, later in the meeting, with Council approval.

PHYLLIS NELSON – CITY COLLECTOR

Re: County Tax Collection – Contract

*Marion County Commission
(Resolution No. 1803-12, to follow)*

City Collector Phyllis Nelson came before Council with a request for their approval of a contract with Marion County Commission for the future collection of real estate, personal and vehicle registration taxes from City of Hannibal residents who reside in Hannibal. She explained that after some computation of figures, she believes that it will be a win-win situation for the City and the County, as well. Marion County has upgraded their collections software; therefore, the Collector's Office would also have to upgrade in order to remain compatible with Marion County's new software, which would be a very costly endeavor for the City. Marion County has the additional leverage to collect delinquent taxes, especially personal taxes, since these must be paid before vehicle plates will be issued, according to Nelson.

Council Member Dobson questioned whether this would require a reduction in Collection personnel. Nelson responded that there would be no reduction at this time. She added that she had spoken to the City Manager regarding the redistribution of duties. The possibility does exist that a reduction may occur in years to come, but at the current time, the department is already to a skeleton staff. This change would be approved with the approval of related Resolution No. 1803-12, to follow.

MARK REES – CITY ENGINEER

Re: Stardust Extension Road Construction Project – Agreement

*Bleigh Construction Company
(Resolution No. 1802-12, to follow)*

In City Engineer Rees' absence, City Manager LaGarce presented the next two items listed under the City Engineer's name, the first being an agreement with Bleigh Construction Company for the Stardust Extension Road Construction Project.

LaGarce explained that during the previous Council meeting, held on February 21st, 2012, Council chose to award the Stardust Extension Project to Bleigh Construction. LaGarce now presented Resolution No. 1802-12, to follow, that would approve this contract with Bleigh, in the amount of \$979,432.12. LaGarce was not aware of the project's start date, but explained that the contract called for a 230 day contract period. Since this is mainly virgin ground there will not be many utilities or other detours.

Re: Airport Terminal Construction Project – Amendment #4

*Missouri Highways and Transportation Commission
(Bill No. 12-011, to follow)*

The second agenda item under the City Engineer's name was a request for approval of an amendment to the Airport Terminal Construction Project. The final portion of this project, according to City Manager LaGarce will begin in the Spring, fairly soon with a break in the weather. Missouri Highways & Transportation Commission, the entity providing the grant funding, released funding awards for the various phases of the project, and this is the 4th Phase. They require that this be done in the form of an ordinance. The ordinance if approved and adopted will approve the standard agreement between the City of Hannibal and

Missouri Highways & Transportation Commission (MoDOT) to accept the remainder of this grant funding. With Council approval, Bill No. 12-011, to follow, accepting this funding from MoDOT will receive a first reading.

ANDY DORIAN, DIRECTOR – PARKS & RECREATION
Re: Purchase Approval, Pool Chemicals
Westport Pools

Parks and Recreation Director Andy Dorian presented the final item on the evening's agenda, Council approval for the purchase of pool chemicals from Westport Pools. Dorian explained that sealed bids were recently opened for the upcoming season's pool chemicals. One bid was submitted from Westport Pools, St. Louis, MO in the total amount of \$7,356.24. He recommended Council approval of this bid.

Motion was made by Council Member Louderman to approve Dorian's recommendation. Motion was seconded by Council Member Hark.

Motion carried.

RESOLUTION NO. 1801-12
(As amended)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY LICENSE AGREEMENT WITH BERGER PROPERTIES, LLC FOR CITY USE OF A PARKING LOT LOCATED ON THE FORMER WHITE STAR LAUNDRY PROPERTY

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1801-12, as amended, and call the roll for adoption. Motion was seconded by Council Member Hark. Council wished to amend the existing contract to extend hours of use to one hour after the close of City Hall, or 6:00 p.m.

Motion carried.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Draper – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1801-12, as amended, duly approved and adopted on this date.

RESOLUTION NO. 1802-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACT BETWEEN THE CITY OF HANNIBAL AND BLEIGH CONSTRUCTION IN THE AMOUNT OF \$979,432.12 FOR THE STARDUST EXTENSION ROAD CONSTRUCTION PROJECT

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1802-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Draper – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1802-12, duly approved and adopted on this date.

RESOLUTION NO. 1803-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND THE MARION COUNTY COMMISSION FOR THE PURPOSE OF COLLECTION OF CITY TAXES TO INLCUDE START UP FEES OF \$2,000 AND WITH HOLDING OF 1.5% OF CURRENT TAXES AND 1% OF DELINQUENT TAXES COLLECTED

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1803-12, and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Draper – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1803-12, duly approved and adopted on this date.

RESOLUTION NO. 1804-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE CONTRACT WITH LARRY MARKLEY IN THE AMOUNT OF \$40,000 FOR THE ACQUISITION OF PROPERTY ON EAST CHURCH STREET LOCATED NEAR THE FORMER BUBBA'S RESTAURANT

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1804-12, and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Draper – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1804-12, duly approved and adopted on this date.

BILL NO. 12-007

AN ORDINANCE AMENDING THE BID LIMITS IN ACCORDANCE TO SECTION 9.13 (b) OF THE CITY OF HANNIBAL CHARTER

SECOND AND FINAL READING

Motion was made by Council Member Draper to give Bill No. 12-007 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Louderman.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Draper – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Bill No. 12-007 duly approved and adopted on this date.

BILL NO. 12-008

**AN ORDINANCE AMENDING CHAPTER 17, ARTICLE IX. – AUTOMATED
ENFORCEMENT OF TRAFFIC REGULATIONS**

SECOND AND FINAL READING

Motion was made by Council Member Barta to give Bill No. 12-008 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Dobson.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Draper – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Bill No. 12-008 duly approved and adopted on this date.

BILL NO. 12-009

**AN ORDINANCE AMENDING CHAPTER 15, DIVISION 2, BY ADDING SECTION
15-56, ITINERANT OR TEMPORARY VENDORS**

SECOND AND FINAL READING

Motion was made by Council Member Dobson to give Bill No. 12-009 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Draper.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Draper – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Bill No. 12-009 duly approved and adopted on this date.

BILL NO. 12-010

AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING THE EMPLOYEE'S GUIDE TO SUCCESS, SECTION III, PAY AND BENEFITS, PAID AND UNPAID LEAVE AS IT PERTAINS TO THE POLICY UNDER THE FAMILY AND MEDICAL LEAVE ACT (FMLA)

FIRST READING

Motion was made by Council Member Hark to give Bill No. 12-010 a first reading. Motion was seconded by Council Member Barta. Council Member Draper had some concern regarding abuse of this benefit; however, the City Clerk addressed these concerns by stating that there were certain measures in place to prevent this occurrence.

Motion carried.

BILL NO. 12-011

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE AMENDMENT #4 BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION COMMITTING THE REMAINDER OF THE GRANT FUNDS OF \$228,000 WITH A CITY MATCH OF \$12,000 FOR THE NEW AIRPORT TERMINAL CONSTRUCTION PROJECT

FIRST READING

Motion was made by Council Member Louderman to give Bill No. 12-011 a first reading. Motion was seconded by Council Member Draper.

Motion carried.

BILL NO. 12-012

**AN ORDINANCE AMENDING THE PAYROLL ORDINANCE OF THE CITY OF HANNIBAL ESTABLISHING THE SALARY FOR THE MUNICIPAL JUDGE FOR FISCAL YEARS 2012-2013, 2013-2014, AND 2014-2015
(As amended)**

FIRST READING

Motion was made by Council Member Draper to give Bill No. 12-012 a first reading, as amended. Motion was seconded by Council Member Hark. After a short discussion, regarding the terms that the law required, regarding the Judge's salary, City Attorney Lemon advised that Council could set the salary however they wished, since he knows of no law prohibiting their proposal. Council agreed to amend Bill No. 12-012 to read:

For the term of office beginning May 1, 2012, the salary for the position of Municipal Judge shall be increased by the same percentage as that of general employees of the city, and shall be similarly determined from year-to-year with the adoption of the annual city budget.

Council Member Draper amended his motion. Council Member Hark also amended his second.

Motion carried.

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 Barta to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Hark.

Roll Call

Yes: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Hark and Draper – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Motion carried. City Clerk Vance was absent from the Closed Session, due to illness.

OPEN SESSION

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

Motion carried.

ADJOURNMENT

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

Motion carried.

ADJOURNMENT