

OFFICIAL COUNCIL PROCEEDINGS

November 20, 2012
7:00 p.m.

ROLL CALL

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

Absent: -0-

CALL TO ORDER

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

INVOCATION

Council Member Louderman gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

Regularly Scheduled Council Meeting – November 6, 2012

Motion was made by Council Member Louderman to approve the minutes of the regularly scheduled Council meeting that was held on November 6, 2012. Motion was seconded by Council Member Hark.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

First Half – November, 2012

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

Motion carried. Mayor Hark recognized Jennifer Foster, of the Hannibal Jaycees, who wished to have Council approval of the Annual Christmas Parade. Foster claimed that she had submitted a special event application, but it was never received by the City Clerk's

office. City Clerk Vance noted that Foster had called her and had only inquired about the procedure. Since this was an annual event and Mayor Hark was familiar with the request, he entertained a motion to add her to the agenda. Motion was made by Council Member Hark to add Foster's request to the agenda. Motion was seconded by Council Member Louderman.

Motion carried. Foster explained that she had turned her parade permit into the Police Department for the Annual Toys for Tots Christmas Parade to be held on December 1, 2012 at 6:00 p.m. She added that all toys donated will remain within the community, going to the Douglas Community Center for the Adopt-a-Family Program.

Her second request regarded Council approval for the Annual Wing Ding to be held on January 26, 2013. She requested street closure the portion of the street adjacent to the Admiral Coontz Armory, under the overpass, to be used for cooking. This is similar to previous requests for this event. Parks Superintendent Andy Dorian commented that the City could not approve closure of the area under the overpass, since this should be done by MoDOT. Foster explained that a fire permit would need to be obtained before the date of the event, and assured Council that this would be done. Motion was made by Council Member Hark to approve Foster's requests. Motion was made by Council Member Louderman.

Motion carried.

GAIL BRYANT – DIRECTOR, HCVB
Re: Presentation – Hannibal Arts Council

HCVB Director Gail Bryant presented a Certificate of Appreciation to Michael Gaines, representing the Hannibal Arts Council at this time. She explained that this year's Autumn Folklife Festival was a huge success. She added that visitors from Pennsylvania, Oklahoma, Indiana and Texas, as well as other states, traveled to Hannibal specifically for this event. She commended Gaines and the Arts Council for all their effort in hosting and organizing the Festival for the past thirty-six years.

Gaines expressed his gratitude for this recognition and added that he had been a part of the event for nineteen of the thirty-six years. He recognized his staff, adding that the event could not have been organized without them. He also commended the various City departments for their assistance in continuing to make the events being held in Hannibal successful. He included in his praises the staff that made street improvements possible, the Mayor, Council, City Manager, City Clerk's office, Collector's office, Parks & Recreation Department, Street Department, Police Department, Fire Department, the City Engineer's office and the Visitor's Bureau, among other entities within the City.

Re: Grant Award Acceptance – Notice of Award
Missouri Division of Tourism
(Resolution No. 1866-12, to follow)

Bryant's second item on the agenda was a request for Council support in accepting a grant award from the Missouri Division of Tourism's Cooperative Marketing Program. She

explained that the application was submitted in August, 2012. As a result the City has been awarded a matching grant in the amount of \$5,000. This Notice of Award and acceptance will be completed with the approval of Resolution No. 1866-12, to follow. Bryant recommended approval of this resolution which would allow the Mayor to enter into an agreement with the Missouri Division of Tourism with regard to the award of this grant, to be used for additional advertising in the group and leisure travel markets.

ROY G. HARK – MAYOR
Re: Recommendation of Appointment

Mayor Hark made the following recommendation:

HANNIBAL TREE BOARD

- Kristy Trevathan – reappointment for a term to expire September, 2015

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

JEFF LAGARCE – CITY MANAGER
Re: Recommendation, Pigeon Removal Initiative
Big River Oil

City Manager LaGarce introduced the next item on the agenda, a recommendation with regard to the pigeon removal initiative. LaGarce explained that upon solicitation, four proposals were received for the pigeon removal, with the most favorable from Big River Oil Company. Their quote was \$5,500 for removal that would take approximately sixty days to complete. He recommended that a formal contract be included for approval at the next regular Council meeting.

In light of a recent telephone conversation with Big River, he suggested that an addendum be included with the quote. They explained that they had been in contact with a pigeon breeder/fancier who verbalized that they would take all the live pigeons that can be trapped. For this reason, the first choice of action will be to trap the pigeons and transport them to the breeder. Motion was made by Council Member Hark to approve the City Manager's recommendation. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Approval, Court Administrator Position Description Revision

City Manager LaGarce next item on the agenda was regarding the approval of a job description for the position of Court Administrator. LaGarce explained that job descriptions require two levels of approval and these levels include the City Manager and Council for an amendment to a department head's job description. This change would make the Court Administrator exclusively responsible to the City Manager. Staff recommends Council

approval of this amendment. Motion was made by Council Member Dobson to approve LaGarce's request. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

Re: Murphy Motor Property – Future Use Determination

City Manager LaGarce stated that, on November 7th, the City of Hannibal purchased the Murphy Motors property for \$220,000.00. The purchase was made for various reasons, including:

- To provide parking for motor coach busses
- To allow greater flexibility for Y-Men's pavilion
- To provide general downtown parking
- To provide a venue for holding some downtown events, to minimize street closure
- To be used as a downtown "fairgrounds" that is floodwall protected
- For the possible future resale of property to a high-impact developer, such as the theatre or the ball field
- To allow the City greater control of site conditions and aesthetic appeal in the Historic District, since public ownership would help dictate who the next user was, beyond the powers afforded by the zoning regulations.

LaGarce presented one option that the real estate committee envisioned when they recommended this purchase, a "Welcome Kiosk" and parking lot. Since closing on this property purchase a mere two weeks ago, LaGarce has been inundated with a number of requests, ranging from requests for the preservation of the existing structure to requests for sale to other interested buyers. He has asked each individual to submit a written proposal that have been forwarded to Council Members on a case-by-case basis.

City Manager LaGarce suggested that, since the City has a current process for sale of real estate, Council should determine if they wish to retain the property or place an advertisement for potential sale.

Option No. 1

If Council decides to retain the property; then, staff would begin working on a full development plan, including in-house demolition.

Option No. 2

If Council decides to advertise for potential sale, an advertisement would be placed, as per Section 2-4(d) of the City Code. LaGarce advised that no appraisal would be necessary.

If Option No. 2 is chosen, two weeks could be allowed, in order for all responders ample time to submit their proposals. Council would then seek the largest price in combination with the best proposal. During the December 4th Council meeting, each party of interest would be allowed 10 minutes for their presentation. At the close of the presentations,

Council could adjourn into Closed Session to discuss potential terms of sale, and all the related aspects of this sale.

Dobson commented that he had been in contact with a resident in his ward who is very interested in purchasing the building. He believes we owe it to the residents to hear their proposals. He is not inclined to lease the building, as had been the request of some individuals.

Mayor Hark stated that Council had been wrestling with this decision for about 6 weeks. He added that the City Manager had been attempting to dispose of a building that no one wanted; however, all of a sudden, everyone wants it now. Mayor Hark stated that he is not in favor of selling the building for any less the price that was paid at the time of purchase, and he is probably inclined to sell for more since there are costs involved, including sidewalks and appraisal fees. He continued by saying that the City had spent taxpayer money in good faith that this property would be made something special for the downtown area. His biggest concern is the failure of chosen buyer's business. If that should occur, the City is back at "square one".

Dobson suggested that the potential buyer would have written into the contract, 'the City would have first right of refusal for this property'. Mayor Pro Tem Knickerbocker commented that he agreed with the Mayor. He suggested one slight modification to the City Manager's recommendation since he didn't want to be flooded with worthless proposals. He suggested that Council should require parties of interest to submit their proposals in writing, which would then be reviewed in Closed Session. Those who will potentially be considered could be notified. Only those would be allowed to make a presentation before Council. Finally, Council would make their decision at that point in time. In Knickerbocker's opinion, it would not be necessary to have a hundred people presenting to Council, if that many wished to voice a proposal. He believed that it would be more efficient to have a review process so Council could only consider proposals that they would seriously accept.

Mayor Hark reiterated that he was not interested in leasing the property and Mayor Pro Tem Knickerbocker agreed. Council Member Lionberger commented that he wished to make sure the City departments who adjusted their budgets in order to provide the funds for purchase would receive reimbursement at the time of sale. Council Member Hark commented that the intention to secure that area, from the beginning, was to develop it into something greater than what it currently is; but it will take a very sound business plan and a demonstration of assets for him to even consider selling the property. In his forty-seven years, he has seen many businesses fail. He was approached by someone from Kansas City, recently, who asked where they could go to obtain additional tourist information for the area. Hark believes the kiosk that the City Manager rendered was an excellent option.

Council Member Dobson made a motion to publish and accept written proposals for the property, to be reviewed at the December 4th meeting. Those that are acceptable could then be invited to the following meeting. At the suggestion of Council Member Louderman, Council should exclude any leasing options; and, at the suggestion of Mayor Pro Tem Knickerbocker, since this was discussion for the *sale of real estate*, it should be held during Closed Session. Dobson made these amendments to the original motion. Then motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried. City Manager LaGarce requested that one member of Council review the advertisement before it was placed. Council Member Dobson agreed to review the advertisement. He stated that he had spoken with a gentleman whose proposal would fulfill all the City's needs.

Re: Series 2008-A Leasehold Bonds Refinancing – Financial Advisor & Bond Counsel Selection

*Financial Advisor – Joy Howard
Bond Counsel – Tom Cunningham
(Resolution No. 1865-12, to follow)*

LaGarce's final item was a request for Council approval of Resolution No. 1865-12, to follow, in regard to the refinancing the Series 2008-A Leasehold Bonds and subsequent selection of a financial advisor and bond counsel for same. Joy Howard, the City's Financial Advisor was in attendance. LaGarce explained that, given unbelievably low interest rates, staff had explored refinancing the 2008 revenue bonds. He added that refinancing means refunding and reissuing under more favorable circumstances. LaGarce said that the City has two options at this point. These are:

1. To reissue bonds with significantly lower payments, while matching our existing maturity schedule
2. To reissue bonds at current annual payments while retiring bonds several years early.

Either way, there would be a couple thousand dollars savings; and, according to LaGarce, staff recommends the "early retirement" approach. Currently, rates are very favorable, below 1%, with the estimated savings in the 240-270 range, depending on the rates. The cost to have Moody rate the City is approximately \$10,000 which is built into the bond issue and factored into the savings. If rates were to change drastically, then we would not refinance.

This option will be viable, regardless, and the City's goal is to shorten the length of time for the bonds. Tonight, with Council approval the resolution of intent would authorize the staff to complete the work to initiate the refinance, shortening two years from the bonds program, initiate another agreement with Ms. Howard and initiate another agreement with the Bond Counsel, Tom Cunningham. LaGarce concluded by saying that he was advised by Ms. Howard that now is the time to do this or run the bonds out as they are.

**MARK REES – CITY ENGINEER
Re: Approval, Handicap Parking Policy**

City Engineer Mark Rees presented a request, at the recommendation of the Traffic Committee, for Council approval of a Handicap Parking Policy. Rees explained that, during their recent meetings, the Traffic Committee has taken up the issue of streamlining and revising the policy requirements, taking into account what other communities are doing. No action from Council is needed, if they concur. City Manager LaGarce added that the original, proposed policy had a fee; however, the fee was removed since handicap parking spaces are not owned, or exclusive to an individual. He explained that the reason for the fee

had been a good one, since, if the City were to charge, it discourage those who are not really worthy from making a request. This new policy makes it actually easier for an applicant to obtain a parking permit, since the requirement for a ramp has been removed. They have also imposed a little more burden of proof that states if there is any other viable means of access on a property, the application can be denied.

JOHN HARK – DIRECTOR, EMERGENCY MANAGEMENT
Re: Request, Bid Waiver – Narrow Banding Outdoor Warning System

Emergency Management Director John Hark presented the next item on the agenda, a request to waive the bidding process for a narrow banding outdoor warning system. He handed out a quote for Global Technical Systems and explained that, under federal mandate the tornado sirens are radio activated, which means they must be narrow banded. Since the City's sirens are currently are not this upgrade is necessary.

Hark said that eight federal sirens were installed approximately 50 years ago. Several years ago, these were retrofitted to function with the new sirens that were being added. Making the changes to narrow banding, as required by January 1, 2013, is extremely necessary since failure to do this could result in fines totaling \$16,000 per day.

Hark requested that Council waive the bidding requirement, which would allow him to remain with the company that installed the eight newer sirens and retrofitted the eight original sirens. Cost of Option One, to update all sixteen sirens to narrow banding, will total approximately \$14,472.

He explained that Option Two is his preference, although it is considerably more expensive. This option includes the narrow banding at a cost of \$14,472, additionally further updating the eight original, federal sirens. If the bidding process is not waived, Hark would be required to write the specifications as comparable to a Whelan brand siren. He would prefer to remain with the Global Technical Systems since he has been working with them for the past ten years and is happy with their level of service. Blue Valley, the company who installed the original eight sirens was contacted twice in 2009; however, they declined to provide any maintenance since their sirens had been retrofitted with Whelan. The radios that are in the federal sirens aren't even made anymore.

Hark advised that \$38,000 was budgeted for this project; but, unfortunately, the Division of Homeland Security had cut funding by \$58,000, \$19,000 of which was ear-marked for siren upgrades. He said that \$35,912 would provide the narrow banding upgrade and retrofit all sirens which he prefers. Even though it is not critical, this option would include a talk back feature that would allow communication with the computer as opposed to dispatching an individual to check on a siren and would assist in creating a good, efficient system.

Since one-half of the \$38,000, or \$19,000, was to be provided by Homeland Security and that amount was not realized, the total budget amount for this project is now \$19,000. Council Member Dobson stated that the new sirens talk back to the EOC, a feature that the old sirens do not contain, but would simplify the process. Since sirens may or may not operate

properly, Dobson believes that this feature is needed. Mayor Pro Tem Knickerbocker agreed and added that it is even more necessary during an emergency situation.

City Manager LaGarce advised the money would be taken from the Street Department, because of excess funds caused by a vacant position that was not filled, or excess funds from the City wide cleanup. LaGarce added that, these two funds will more than cover the higher amount to be spent to retrofit all of the sirens. Motion was made by Council Member Dobson to approve waiving the bidding process and approve the more costly option that John Hark presented. Motion was seconded by Mayor Hark.

Motion carried.

DOUG WARREN – FINANCE DIRECTOR
Re: City Depository – Depository Contract & Pledge Agreement
U.S. Bank N.A.
(Resolution No. 1867-12, to follow)

Director of Finance Doug Warren presented the final agenda item, the approval of Resolution No. 1867-12, to follow, regarding the city depository and the depository contract and pledge agreement. Warren explained that recently, F&M Bank had indicated that they would be changing their business plan and asked that the City find another city depository by December 31st. Subsequently, ads and calls were placed with three banks responding. Two of these submitted proposals that were received and reviewed by a team of five individuals. This team performed evaluations focusing on seven separate points. In the banking world today, according to Warren, it equates to more pricing by unit of what you buy.

Warren said that there were numerous pages throughout the proposal; and, he did not personally vote. Those who completed voting evaluations included City Clerk Vance, City Collector Nelson and the BPW Finance Director. One bank, US Bank, scored significantly better than the other. Comparisons were made on 14 separate items. According to Warren, this will be a one year contract.

Our money is all in federal dollars, safe and collateralized. Ryan Rapp, of US bank, was present. Council Member Dobson questioned whether this change would include EFT and/or eliminating the use of paper checks. Warren responded that it could do this. He added that the City has the option to renew for two additional years. Warren then addressed the expense of converting and added that US Bank was offering a \$4,000 cash start-up fund to be used for new checks, deposit slips and any other supplies to be used to complete the conversion. Resolution No. 1867-12, to follow, would approve a contract with US Bank, as the City's depository and allow the Mayor to execute a depository contract and pledge agreement with same.

RESOLUTION NO. 1865-12

**A RESOLUTION APPROVING A DECLARATION OF OFFICIAL INTENT
RELATING TO THE REFUNDING IN ADVANCE OF MATURITY OF CERTAIN**

SERIES 2008-A LEASEHOLD REVENUE BONDS; AFFIRMING THE SELECTION OF A FINANCIAL ADVISOR AND BOND COUNSEL IN CONNECTION THEREWITH; AND PROVIDING FURTHER AUTHORITY

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1865-12 and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 1865-12 duly approved and adopted on this date.

RESOLUTION NO. 1866-12

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF HANNIBAL TO EXECUTE AND ACCEPT THE MISSOURI DIVISION OF TOURISM GRANT AWARD FUNDS IN THE AMOUNT OF \$5,000

Motion was made by Mayor Pro Tem Knickerbocker to have the City Clerk read Resolution No. 1866-12 and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 1866-12 duly approved and adopted on this date.

RESOLUTION NO. 1867-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF HANNIBAL AND U.S. BANK N.A. FOR THE PURPOSE

**OF PROVIDING BANK DEPOSITORY AND RELATED SERVICES TO THE CITY
OF HANNIBAL AND ALL COVERED ENTITIES**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1867-12 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 1867-12 duly approved and adopted on this date.

ADJOURNMENT

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

Motion carried.