

Official Council Proceedings

October 2, 2012
7:00 p.m.

ROLL CALL

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

Absent: Council Member Draper – 1

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 Lionberger led the Pledge of Allegiance to the Flag. At this time, Mayor Hark entertained a motion to excuse Council Member Draper. Motion was made by Council Member Louderman to excuse Council Member Draper. Motion was seconded by Council Member Hark.

Motion carried.

APPROVAL OF MINUTES Regularly Scheduled Council Meeting – September 18, 2012

Motion was made by Council Member Louderman to approve the minutes of the regularly scheduled Council meeting that was held September 18, 2012. Motion was seconded by Council Member Lionberger.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS Second Half – September, 2012

Motion was made by Council Member Dobson to approve the payroll and claims for the second half of September, 2012. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

GAIL BRYANT – DIRECTOR, HCVB
Re: Recognition by American Queen – City of Hannibal

Convention and Visitors Bureau Director Gail Bryant announced that the City of Hannibal had recently been recognized by the American Queen Riverboat. She explained that, upon its 2012 inaugural landing in Hannibal on September 2nd, Captain John Sutton presented the Mayor with a portion of the American Queen's rope, a piece of steamboat history. The Mayor plans to hang this in his office in City Hall, according to Bryant.

Re: Announcement, Governor's Ambassador of the Year – Cindy Lovell

Bryant also announced that, during the Governor's Conference for Tourism last month, Ms. Cindy Lovell was recognized as the Ambassador of the Year for her continued dedication to tourism in Hannibal and the State of Missouri. According to Bryant, this honor has been bestowed upon a local person for two years in a row.

Mayor Hark expressed his gratitude to Bryant for the fine job she had done with regard to the riverboats. Mayor Pro Tem Knickerbocker also acknowledged the efforts of the HCVB in promoting Hannibal, pointing out the recent performance of the Concord Singers in Downtown Hannibal. Knickerbocker had represented the Mayor at this event, since Hark had been unable to attend because of another civic obligation.

ROY G. HARK – MAYOR
Re: Recommendation of Appointment

Mayor Hark made the following recommendation:

HANNIBAL MUNICIPAL ASSISTANCE CORPORATION

- Jack Herring – reappointment for a term to expire June, 2015

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

JEFF LAGARCE – CITY MANAGER
MICHAEL DOBSON – 2nd WARD COUNCIL MEMBER
Re: Pigeon Removal

City Manager LaGarce explained that he had recently been contacted by Council Member Dobson, as well as a private citizen, regarding the volume of pigeons in Hannibal's downtown area. Since Council Member Dobson had 15 years of prior experience in dealing with this issue through his employer, a large processing facility where one of his duties involves overseeing the pest-control operation, he offered to conduct additional research.

LaGarce said that he had also met with another company that does this type of eradication. During this meeting, a number of concerns arose that he shared with Council Member Dobson; and, as a result, Dobson did additional photo research to identify alternative ways of flock removal from the populated areas of the community. The City Manager then turned discussion over to Council Member Dobson for additional clarification.

Dobson explained that a baiting system is used whereby corn, treated with a poison known as Avatrol, is used in 2x2 containers that are placed on selected rooftops. Quickly after the corn is ingested, the birds will die. He added that their corporate facility is located in a largely residential area where residents had major objections to this type of pest control, citing instances where birds dropped from the sky. At that time an alternative method was sought.

Dobson added that there was an alternative method that was now being used. Conducted by the USDA Wildlife Services located in Springfield, IL, this method involved a crew traveling from Springfield, IL. When he contacted them, they expressed a willingness to come to Hannibal and give the City a quote for the cost of their services. He explained that they use different methods to contain the pigeon population, including pellet guns, harassment, traps and nets; and, USDA personnel would recover most of the dead pigeons as part of their service. Since this is an ongoing problem, there is an option to include training of the City's animal control officers by the USDA. In this way they could take over the program after the completion of eradication; and, maybe retain some bait boxes. Dobson commented that the USDA will not participate in the bidding process, since they will not compete against private enterprise.

According to Council Member Dobson, now Council has a choice in how to deal with the current pigeon population by using a baiting program or by using a more citizen-friendly program. During the time of discussion, Dobson pointed out that another concern was regarding secondary mortality that he believed had been somewhat exaggerated. He explained that a 100-pound dog would have to ingest approximately sixteen pigeons to have any effect.

Dobson stated that his preference would be to meet with the USDA. Mayor Hark and various other Council Members agreed that meeting with the USDA was a good idea. Cost wise, Dobson explained that Reliable Pest Control's cost for an 8-week program (baiting 8 separate rooftop locations) would total \$3,680.00. City Manager LaGarce added that the total yearly cost to the City would be approximately \$9,600.00. Council Member Dobson agreed to contact the USDA to obtain additional information.

Re: Request, Set Public Hearing – Liberty Energy (Midstates) Corp.

*Natural Gas Franchise Agreement
(October 16, 2012 – 6:30 p.m.)*

City Manager LaGarce explained that Liberty Energy (Midstates) Corporation recently acquired Atmos Energy. Since that time, City Attorney James Lemon has been working with them in negotiating a new franchise agreement. According to City Charter, a public hearing must occur before any new franchise is considered. He requested Council approval to set a public hearing for this purpose on October 16, 2012 at 6:30 p.m. Mayor Hark commented that he believes the company should maintain a local office in order to address concerns and problems from local residents and citizens. Lemon explained that, when a public hearing is

set, Liberty intends to have a representative in attendance to address concerns. Motion was made by Council Member Louderman to set this public hearing. Motion was seconded by Council Member Hark.

Motion carried.

Re: Mark Twain Legacy Sites – Service Agreement

*Mark Twain Home Foundation
(Resolution No. 1858-12, to follow)*

LaGarce introduced Resolution No. 1858-12 that, if approved would authorize Mayor Hark to execute a one-time service agreement in the amount of \$13,600 with Mark Twain Home Foundation, as discussed at the last Council meeting. He recommended approval of this resolution, to follow.

JOEY BURNHAM – BUILDING INSPECTOR

Re: Voluntary Transfer Property Acquisition – 313 Bird Street

*Nancy O'Brien
(Resolution No. 1854-12, to follow)*

Building Inspector Joey Burnham presented the next item on the agenda, a request for approval of Resolution No. 1854-12, to follow. Burnham explained that, some time ago, the City had approved an ordinance adopting a program for the voluntary transfer and acquisition of condemned properties. Recently, the City had been offered a house located at 313 Bird Street by its owner, Nancy O'Brien, through this program. Since Ms. O'Brien does not have the means to remedy the condition of this structure and bring it up to City Code standards, the Building Commission has recommended the City's acceptance of this property. In response to a question posed, Burnham explained that there is an individual interested in rehabilitation of this property.

DOUG WARREN – DIRECTOR OF FINANCE

Re: Credit Card Use Policy

Director of Finance Doug Warren came before Council to discuss the City's current credit card use policy. He explained that 1% of all purchases are now being done, using this method of purchasing. According to Warren the current policy is loose because it gives too much latitude regarding the various types of credit that may be sought by any of the City's eleven departments. Warren suggested that he return with an ordinance that would rescind the current credit card use policy and define a new one. He suggested that, included in the new policy:

- The Director of Finance would make procurement of credit and credit cards that offer the best options for the City
- The City Manager would control the disbursement of cards, the amount of credit issued and details of their use

- The City Clerk would oversee and initiate any removal of credit/charging privileges

New cards could be restricted to items, such as lodging, food, or fuel.

Warren agreed that the prudent credit card use by departments is essential to the daily functions of the City for procurement where no other credit has been established, procurement via the internet, small purchases, travel for training and updates of law, continuing education of professional and health, safety and policing. He pointed out that, to his knowledge, this privilege had not been abused; however, an updated policy would give administration better and tighter control.

MARK REES – CITY ENGINEER

Re: Stardust Drive Extension Project – Change Order No. 2

Bleigh Construction

(Resolution No. 1857-12, to follow)

City Engineer Mark Rees explained that he had returned to finish the business that had been discussed at a previous Council meeting with regard to Change Order #2 of the Stardust Drive Extension Project in the amount of \$16,774.92. He explained that the changes were slightly different than previously discussed. At the earlier meeting, the change order addressed the relocation of 750 feet of Ralls County water line; however, since that time, two unexpected items have surfaced. These include:

- Installation of a blow-off pipe on their line
- Removal of mud and replacement of rock during installation

Rees advised that the work has already been completed and recommended Council approval of Resolution No. 1857-12, to follow that would approve this change order with Bleigh Construction.

Council Member Dobson questioned why the City was financing installation of the cleanout for Ralls County Water. Rees admitted that the City was installing this fitting; however, this was being done during the process of installing the remainder of the relocations.

Dobson addressed the likelihood of cost-sharing this expense with Ralls County Water; but, the City Engineer responded that Ralls County made it clear they would not be interested in this option and offered alternative ways to assist. Those suggestions were not successful. Rees continued by saying that he sympathized with Dobson's line of questioning and he was not sure why the City doesn't have people who own facilities within its right-of-way to relocate on their own, but he admitted that it was a neighborly thing to do. Doing this also speeds up the project, since the City does not have to wait on an individual to complete this work.

Mayor Hark reminded Rees of an earlier conversation regarding this project. During that time, it was conveyed that, if the City had elected to argue this point, the project could have been delayed. Dobson understood but pointed out that he did not want to see this decision set a precedence for future projects.

Rees agreed and added that the cable company had requested significant payments for moving their facility; however, during further discussion, Rees pointed out that they were using the City's right-of-way. Ultimately, they decided to move on their own.

In conclusion, Rees said that Ralls County's line was in the way of the project and their request was not an unusual one to make. If it had been, his recommendation would have been much different.

City Manager LaGarce suggested that, notwithstanding this issue, the City sit down with Ralls County Water's Board Chairman and Director in the next few weeks to discuss these areas of concern, going forward. Since other utilities are taking care of their own issues, he believes the City should seek cooperation with Ralls County, as well.

City Attorney James Lemon made one point that he believed Council should consider before taking a hard-line stance. Since Ralls County Water acquired their right-of-way prior to the City acquiring its right-of-way, there may be some question that the City be legally obligated to fund these changes. He also pointed out that Ralls County Water is the City's largest water customer from the BPW Water Treatment Plant.

RESOLUTION NO. 1854-12

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A GENERAL WARRANTY DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 313 BIRD STREET BELONGING TO NANCY O'BRIEN

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1854-12, 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 Mayor Pro Tem Knickerbocker – 6

No: -0-

Absent: Council Member Draper – 1

Mayor Hark declared Resolution No. 1854-12, duly approved and adopted on this date.

RESOLUTION NO. 1857-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 2 BETWEEN THE CITY OF HANNIBAL AND BLEIGH CONSTRUCTION IN THE AMOUNT OF \$16,774.92 FOR THE STARDUST EXTENSION PROJECT

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1857-12, 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 Mayor Pro Tem Knickerbocker – 6

No: -0-

Absent: Council Member Draper – 1

Mayor Hark declared Resolution No. 1857-12, duly approved and adopted on this date.

RESOLUTION NO. 1858-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT WITH THE MARK TWAIN HOME FOUNDATION IN THE AMOUNT OF \$13,600 FOR THE OPERATION, MAINTENANCE, AND UPKEEP OF THE MARK TWAIN LEGACY SITES OWNED BY THE CITY OF HANNIBAL

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1858-12, 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 Mayor Pro Tem Knickerbocker – 6

No: -0-

Absent: Council Member Draper – 1

Mayor Hark declared Resolution No. 1858-12, duly approved and adopted on this date.

CLOSED SESSION

In Accordance with RSMo. 610-021 (2)

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph two (2), admitting himself, rest of Council, City Manager LaGarce, City Attorney James Lemon and City Clerk Angelica Vance. Motion was made by Council Member Louderman to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Mayor Pro Tem Knickerbocker.

Roll Call

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

No: -0-

Absent: Council Member Draper – 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 Hark.

Motion carried.

ADJOURNMENT

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

Motion carried.