

NOTICE OF PUBLIC HEARING

October 16, 2012
6:30 p.m.

CALL TO ORDER

At the appointed time, Mayor Hark called the meeting to order.

JAMES LEMON – CITY ATTORNEY

Re: Natural Gas Franchise Agreement – Liberty Energy (Midstates) Corporation

In the absence of City Attorney Lemon, Mayor Hark called upon the representatives from Liberty Energy, Mr. Steve Green.

Mr. Green introduced himself and gave his credentials. He explained that he was the Manager of Communications and Marketing for Liberty Energy Corporation and had 30 years of experience in the natural gas business. He added that, out of 30 years, all but six had been in with Midstates. As the Manager of Public Affairs, Green said that he has grown to like Midstates' cities and customers.

Atmos did an excellent job of customer service; and, he was excited when Liberty Utilites were going to be purchasing them. Liberty's CEO stated that he wanted a customer, who was observing a storm, to be able to call Liberty and have the representative on the other end seeing the same storm. Green continued by saying that Liberty has strong a customer service philosophy. Liberty encourages its employees to be involved in the community. Liberty allows every employee three days each year to participate in some type of community service. Liberty tracks and monitors these activities to ensure they are being done.

Liberty plans to open the office for more customer service. Currently there are only two things the Liberty office cannot do:

- Take payments
- Sign up new customers

These services will be provided in the future. Receipt of payments will be begin gradually, since security is more of an issue today than what it has been in the past.

Green explained that Liberty became the owner of the Atmos Energy companies located in Missouri, Illinois and Iowa; and, currently, when a customer calls he is still speaking with Atmos representatives, since Liberty is still in the process of development. After Liberty completes their development process, callers will then speak with a local representative. Green said that, occasionally, during peak periods, when all phones are tied-up and after a certain number of rings, a call may roll-over to the next, nearest Liberty Office for service.

Previously, Liberty Energy Corporation's attorney's made official notification with the City of the sale. During this time it was discovered that the franchise was due to expire in 2013; therefore, green wished to address this issue with Council, as well.

Mayor Hark appreciates the fact that calls will be answered locally and is in favor of more personal service for the public. Green agreed, and added that he believed a local representative would have more empathy for the customer.

PUBLIC COMMENTS

A question was posed regarding the phone number. Mr. Green responded that the system would be set up to utilize one number, likely an 800 number; however, the computers would determine the origin of the call and forward it to the appropriate office. In response to a question with regard to the possibility of Liberty maintaining a local office, he assured those in attendance that they would have an office located on Industrial Drive. They would increase the number of employees working at this location as the workload increases. In the last 5 years, the local system has been extensively upgraded. He added that over 100,000 feet of mains have been run and over 1,000 services have been replaced for customers in the community.

LaGarce noted two changes that the City would request be written into the franchise agreement. These were:

- The section that requires Liberty to pay the 5% transfer fee needs to be stricken since there is an ordinance that requires this, as well. (Mr. Green admitted that the wrong agreement had been forwarded.)
- A provision for the local service office provision should be written into the agreement. Green responded that, although he did not have a problem with this request, he did not believe this would be necessary since they currently maintain an office here.

He reiterated that Liberty Energy is community minded; and added that an insert was included with the first billing in August. One side of the insert was a "Welcome", and the other side was a photograph of the Tom & Huck statue to reassure the public of Liberty's intent to be involved, locally.

City Manager LaGarce advised that he had received an email from City Attorney Lemon earlier, stating that it may be necessary to table the bill. LaGarce was not sure this would be necessary and added that the City Attorney could address this issue later, when he arrived.

ADJOURNMENT

There being no additional comments with regard to the Natural Gas Franchise Agreement with Liberty Energy (Midstates) Corporation, Mayor Hark adjourned the public hearing.

OFFICIAL PROCEEDINGS OF THE REGULAR COUNCIL MEETING

October 16, 2012
7:00 p.m.

ROLL CALL

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

Absent: Council Member Draper – 1

CALL TO ORDER

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

INVOCATION

Council Member Lionberger gave the invocation.

PLEDGE OF ALLEGIANCE

Council Member Hark 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 Dobson.

Motion carried.

APPROVAL OF MINUTES

Closed Session – August 7, 2012

Closed Session – October 2, 2012

Regularly Scheduled Council Meeting – October 2, 2012

Motion was made by Council Member Louderman to approve the minutes of the closed session meetings, held on August 7 and October 2, 2012 and the minutes of the regularly scheduled Council meeting that was held on October 2, 2012. Motion was seconded by Council Member Hark.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half – October, 2012

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

Motion carried.

MIKE BATTLES – AMERICAN LEGION
Re: Request, Street Closure – Veterans Day Parade
November 10, 2012 – 10:00 a.m. – 1:00 p.m.

Mike Battles, representing the American Legion and the American Legion Riders came before Council with a request for approval of street closure during the Annual Veterans' Day Parade to be held on November 10, 2012. He requested the closure of Broadway from 10th Street to Main and Main Street from Broadway to North Street, including all cross streets along the parade route. Motion was made by Council Member Hark to approve this request. Motion was seconded by Council Member Louderman. After a brief discussion regarding the possibility of sidewalk construction on Main street and alternate plans, Mayor Hark called the question.

Motion carried.

ROY G. HARK – MAYOR
Re: Approval of Appointment

Mayor Hark reminded Council of a candidate presented at the last regular Council meeting for the Hannibal Municipal Assistance Corporation. This was:

HANNIBAL MUNICIPAL ASSISTANCE CORPORATION

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

He asked Council for their approval of this nomination. Motion was made by Council Member Louderman to approve the Mayor's nomination. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

Re: Recommendation of Appointment

Mayor Hark made the following recommendations:

EMPLOYEE BENEFIT TRUST BOARD

- Matt Lay – appointment for a term to expire May, 2013

HANNIBAL TREE BOARD

- Eric Happekotte – reappointment for a term to expire September, 2015

MARK TWAIN HOME BOARD

- Kristy Trevathan – reappointment for a term to expire November, 2019

He added that these nominations will be considered for approval at the next regular Council meeting.

JAMES LEMON – CITY ATTORNEY

Re: Natural Gas – Franchise Agreement

Liberty Energy (Midstates) Corp.

(Bill No. 12-034, to follow)

City Attorney James Lemon explained that at his office, earlier in the day, and at the public hearing that was held prior to the regular Council meeting, the Liberty representative, Mr. Steve Green, said that Liberty does plan to have the local office staffed and have people answering phones. He assured Lemon that calls would not roll over to a distant location but will be handled locally. The franchise agreement, according to the City Attorney, is a standard form that Liberty utilizes and is very similar to the previous franchise agreement. They have, however, requested a change in this agreement, which relates to the franchise fee. They would like that section completely stricken since the City has an ordinance that requires this, as well. Lemon explained that he had not had an opportunity to review the requested change at this time. Lemon said that Council could give a first reading to this bill, making the amendment, if so desired, for the final reading.

Mayor Pro Tem Knickerbocker would also like to address a requirement to maintain a local office as well, keeping it in final form. The franchise fee of 5% is not challenged, it is just a matter of form.

JEFF LAGARCE – CITY MANAGER

Re: Solution to Pigeon Flocks

City Manager LaGarce explained that, recently, he had met with the USDA to discuss their approach for addressing the pigeon flocks as a public health issue. They explained that they use pellet guns to startle the birds and drive them away from unwanted areas instead of poisons. After discussing options, LaGarce and Dobson believe that the City Council should select the first proposal from Reliable Pest Control; since the USDA option takes many weeks and the option offered by Reliable produces much quicker results.

The approach that was discussed with Reliable was a corporate approach. There is however, an issue of birds falling from the sky. LaGarce believed that, after traps were baited, the City could enlist employees to address the “fall-out” so it would not become a secondary safety hazard. He noted that the baited traps were also a less expensive approach, \$3,200.00, compared to USDA’s approach at \$6,700.00.

Dobson interjected that Reliable's eight-week program totaled \$3,560.00. He detailed the procedure:

- The City would be responsible for meeting with the property owners, to gain access to the eight chosen properties.
- For the first four weeks, Reliable would pre-bait all eight traps, putting corn out to get the flock used to having the corn.
- On the fifth week, Reliable would pre-bait six traps and begin putting out the poison on the two remaining traps.
- Each week, thereafter, they would place poison on two additional stations.

It would be the City's responsibility to inform the public, through the media, of its actions and the purpose of these actions with regards to the pigeon population and the health and safety issues. Included would be contact information for anyone who observes a sick or dead bird for pick-up. Dobson explained that he has worked with Reliable, through his employer, for many years and this is how his company deals with the pigeon issues. Since he is comfortable with Reliable and since the other option takes much longer, Dobson recommended choosing Reliable's option.

LaGarce suggested that he contact Reliable to give them a verbal approval to begin this process; then, return with a Contract to be approved and signed during the next Council meeting. Council Member Dobson added that there is a 28-day service after the initial process. He made a motion to have the City enter into a six-month contract with Reliable in order to get the pigeon population under control; then, re-visit the problem, possibly using a different control method to save costs after that time. Motion was seconded by Council Member Hark.

Council Member Dobson pointed out the health risks to citizens, adding that there may also be instances of property damage from feces on roof tops and cars. He pointed out other risks, as well, including the occurrence of dried feces in attics that may become airborne, possibly being ingested into lungs. Dobson said that pigeons are also carriers of e. coli. This is an ongoing problem for the City and the citizens that Council is attempting to resolve.

Motion carried.

Re: Real Estate Acquisition, 408-422 North Main – Commercial & Industrial Real Estate Sale Contract
J A Properties LLC
(Resolution No. 1860-12, to follow)

City Manager LaGarce introduced Resolution No. 1860-12 that, if approved, would authorize the Mayor to execute a real estate purchase agreement with J.A. Properties in the amount of \$222,000 for property located at 422 North Main, previously known as Murphy Motors.

Studies were done, prior to making the decision to recommend purchase of the property; and, according to LaGarce, this is the last large flood wall protected areas in downtown. Possible public uses for the property and the basis for recommendation of this purchase were:

1. To provide parking for motor coach tour buses. (Currently this opportunity is non-existent.)
2. To provide greater flexibility for Y-Men's Pavilion events. (Possibly avoiding future conflicts.)
3. To provide additional downtown parking, in general.
4. To provide a venue for holding downtown events versus the streets (Possibly alleviate street conflict with local businesses.)
5. To provide an area for the construction of a kiosk, a "Gateway" (or "Front Door") to the Historic District, including welcome signage, information on area merchants, restaurants and points of interest. For tourists coming down Mark Twain Avenue from Highway 36/72, this would be the first place they would see.
6. To provide the potential to a high-impact developer for a North Main anchor.
7. To provide greater control of site condition and appeal in the Historic District.

If approved, Resolution No. 1860-12, to follow, would authorize the execution of real estate contracts and closing documents. Closing would tentatively be on November 7th, with the claim included on the November 6th meeting agenda.

Re: Downtown Sidewalk Program – Change Order No. 2
Bleigh Construction
(Resolution No. 1861-12, to follow)

Resolution No. 1861-12, if approved, would authorize Change Order No. 2 in the amount of \$26,312, according to City Manager LaGarce, who added that this change order is very complex. There is and always was an interest to have festival boxes placed at the foot of each tree opening. These would allow the downtown trees to be lit during the Christmas season and also allow appliances to be used during special events. The caliber of the electrical system to be installed is not such to accommodate refrigerators or beer trucks.

Even though the original sidewalk plans included the festival boxes, when the project was bid the architect had other intentions. This was in the plans; however, the contractor did not pursue this component being in the plans since he thought it had been eliminated with a bid addendum. Council Member Dobson recognized the elimination of this when he made a visit to the site.

Even though he did not like change orders, the City Manager explained that this is the one chance to do it and do it right. Since some of the concrete has already been poured, the proposal provides for alternative methods in these areas that are already completed. On the remaining areas, the GFCI boxes would be located at the tree.

LaGarce made it clear, in light of the power outage that occurred earlier in the day, that these are not high powered electrical outlets that will cause problems. These are receptacles that the public may use, but are not designed take coffee pots, microwaves, etc at the same time. Tree lighting would not cause a problem; however, a fish fryer could. In the past, temporary metered services were set up for those purposes and this process will continue. Change Order No. 2 would be approved with the approval of Resolution No. 1861-12, to follow. s

The City Manager explained that he had previously authorized an internal change order, Change Order No. 1, on Friday morning, following the agenda deadline, since it was needed to continue work on the project. This change order was regarding the replacement of the memorial pavers. The amount was well below the 5% margin; however, \$131.00 in excess of the \$4,600 Change Order limit as set out by ordinance. Total amount of Change Order No. 1 was \$4,731.00. LaGarce explained that there was no opportunity to contact Council Members and they had expressed a desire to keep the project going. Mayor Hark and the City Manager both signed Change Order No. 1.

GAIL BRYANT – HCVB DIRECTOR
Re: Bid Award Approval, 2013 Visitor Guide Layout & Design
Next 2 Nothing Design

Gail Bryant, the Convention and Visitor's Bureau Director, presented the next item on the agenda, a request for approval of a bid award for the 2013 visitor guide layout and design.

Bryant explained that two bids were received as the result of a recent legal notice ad and an RFP requesting bids. Those bids were opened on October 2nd. After bids were reviewed by the CVB marketing Committee, the recommendation was to accept the lowest bid from Next 2 Nothing Design in the amount of \$3,660.00 for the layout and design of the 2013 Hannibal Visitor Guide. Motion was made by Council Member Dobson to approve the bid award as recommended. Motion was seconded by Council Member Louderman.

Motion carried.

PHYLLIS NELSON – CITY COLLECTOR
Re: 2012 Budget Amendment No. 2 – General Fund

City Collector Phyllis Nelson explained that the memo attached to the meeting agenda was correct; however, the resolution that was distributed was not. She requested that Council table this agenda item regarding approval of the 2012 General Fund Budget Amendment No. 2. Nelson indicated that she would be returning at the next regular Council meeting in November to present the corrected item for approval.

DOUG WARREN – FINANCE DIRECTOR
Re: Code Amendment, Chapter 2, Article IV, Division 1, Section 211
Credit Card Use Policies & Procedures
(Bill No. 12-035, to follow)

Finance Director Doug Warren reminded Council of the discussion that occurred two weeks ago at the last regular Council meeting regarding procurement or credit cards. Currently, there is an ordinance detailing City credit cards and their use. Since this ordinance is not very “tight”, Warren had requested that Council approve the removal of the language in that ordinance and replace it with a referral to the City’s policy manual that will be amended with the newly created Procurement Card Policy. With Council approval of Warren’s request, this will be a tighter and better policy, with more control. According to Warren, this new policy will set rules and regulation for procurement cards, including their corresponding credit use, exposure and discipline for abuse, waste, fraud and personal use of cards.

According to the proposed policy:

- The City Manager would determine who shall receive cards, amount of credit issued, and what the cards may be used for.
- The City Clerk would be responsible for initiating removal of privileges to anyone who abuses card use
- Department Heads will give direction to their employees regarding card use
- Employees will be responsible for understanding the rules and regulation and following those with regard to card use

Warren was pleased to report that there had been no misuse at this time; however, this is merely a good type of policy. Bill No. 12-035, to follow, if approved would initiate this policy. With Council approval this bill will receive a first reading later in the meeting.

LYNDELL DAVIS – POLICE CHIEF
Re: Bid Award Approval, Boiler System
Peters Heating & Air Conditioning

Police Chief Lyndell Davis explained that the Hannibal Police Department recently accepted sealed bids for the replacement of its hot water boiler system. Sealed bids, from two responding bidders, were opened on October 1, 2012. Davis recommended approval to accept the lowest bid, submitted by Peters Heating and Air Conditioning, in the amount of \$16,190.00 for the removal of the old boiler system and the installation of a new system. Funding for this improvement is available in the current FY2012/13 budget, in the department’s capital improvement line. Davis added that the current system is thirty-six years old and is beyond its recommended work life; and, one of the department’s current three boilers is no longer operational. For these reasons, he intends to proceed immediately with this project before any severe winter weather arrives if Council approves his request.

Motion was made by Council Member Hark to approve Chief Davis’ request. Motion was seconded by Council Member Louderman.

Motion carried.

RESOLUTION NO. 1859-12

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 Louderman to table Resolution No. 1859-12 at this request of City Collector Nelson. Motion was seconded by Council Member Lionberger.

Motion carried.

RESOLUTION NO. 1860-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE CONTRACT WITH JA PROPERTIES, LLC IN THE AMOUNT OF \$220,000 FOR THE ACQUISITION OF 422 NORTH MAIN STREET IN HANNIBAL

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1860-12 and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Draper – 1

Mayor Hark declared Resolution No. 1860-12 duly approved and adopted on this date.

RESOLUTION NO. 1861-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER IN THE AMOUNT OF \$26,312 WITH BLEIGH CONSTRUCTION RELATIVE TO FESTIVAL BOX INSTALLATION FOR THE DOWNTOWN SIDEWALK PROGRAM

Motion was made by Council Member Lionberger to have the City Clerk read Resolution No. 1861-12 and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Draper – 1

Mayor Hark declared Resolution No. 1861-12 duly approved and adopted on this date.

BILL NO. 12-034

**AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF HANNIBAL, TO
LIBERTY ENERGY (MIDSTATES) CORP., ITS SUCCESSORS AND ASSIGNS,
THE RIGHT TO FURNISH, SELL AND DISTRIBUTE GAS TO THE CITY AND TO
ALL PERSONS, BUSINESSES AND INDUSTRIES WITHIN THE CITY AND THE
RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN,
OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID CITY ALL
FACILITIES REASONABLY NECESSARY TO FURNISH, SELL AND
DISTRIBUTE GAS TO THE CITY AND TO ALL PERSONS, BUSINESSES AND
INDUSTRIES WITHIN THE CITY AND IN THE TERRITORY ADJACENT
THERE TO AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS
AND OTHER PUBLIC PLACES AS MAY BE NECESSARY, AND FIXING THE
TERMS AND CONDITIONS THEREOF.**

FIRST READING

Motion was made by Council Member Louderman to give Bill No. 12-034 a first reading.
Motion was seconded by Council Member Hark.

Motion carried.

BILL NO. 12-035

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 1, SECTION
211 OF THE HANNIBAL CITY CODE REGARDING THE USE OF CREDIT
CARDS AND FURTHER ENACTING POLICIES AND PROCEDURES THEREOF**

FIRST READING

Motion was made by Council Member Dobson to give Bill No. 12-035 a first reading. Motion was seconded by Council Member Hark.

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 Angelica Vance. Motion was made by Council Member Louderman to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Hark.

Roll Call

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

No: -0-

Absent: Council Member Draper – 1

Motion carried.

OPEN SESSION

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

Motion carried.

ADJOURNMENT

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

Motion carried.