

**OFFICIAL COUNCIL PROCEEDINGS
PUBLIC HEARING**

**September 4, 2012
6:45 p.m.**

CALL TO ORDER

At 6:45 p.m., the appointed time, Mayor Hark called the public hearing to order.

**DOUG WARREN – DIRECTOR OF FINANCE
Re: 2012 Property Tax Rates**

Finance Director Doug Warren stated that the reason for the public hearing was to consider the 2012 property tax levy, required to be re-evaluated each year. He explained that this year the tax rate was increasing as calculated by the Missouri State Auditor, certifying a total tax rate ceiling of \$1.1414 per \$100 of assessed value from \$1.1410 per \$100 of assessed value that was calculated last year. He added that this amount was staff's recommendation for 2012, totaling a 4/100 of a cent increase over last year's levy. He continued by saying that the tax levy is broken down into three parts. These are:

➤ General Revenue	-	\$0.7332 per \$100 of assessed value
➤ Library	-	0.2795 per \$100 of assessed value
➤ <u>P&F Retirement</u>	-	<u>0.1287 per \$100 of assessed value</u>
TOTAL	-	\$1.1414 per \$100 of assessed value

He said that he would answer any questions from the public at this time.

PUBLIC COMMENTS

Mayor Hark asked if there were any questions or comments from those in attendance. No one voiced any questions or concerns.

ADJOURNMENT

There being no comments for or in opposition to the proposed 2012 Ad Valorem Property Tax Rates, Mayor Hark adjourned the public hearing.

**OFFICIAL PROCEEDINGS
REGULAR COUNCIL MEETING**

**September 4, 2012
7:00 p.m.**

ROLL CALL

Present: Council Members Draper, Dobson, Lionberger, Mayor Hark, Council Members Louderman and Hark – 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 Lionberger gave the invocation.

PLEDGE OF ALLEGIANCE

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

Motion carried.

**APPROVAL OF MINUTES
Regularly Scheduled Council Meeting – August 21, 2012**

Motion was made by Council Member Draper to approve the minutes of the regularly scheduled Council meeting that was held August 21, 2012. Motion was seconded by Council Member Louderman.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
Second Half – August, 2012

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

Motion carried.

JEAN MCBRIDE – MARION COUNTY HEALTH DEPARTMENT
Re: Request, Street Closure – 8th Annual Halloween Parade
(Saturday, October 27, 2012 – 6:00 p.m. -8:00 p.m.)

Ms. Jean McBride, of the Marion County Health Department, explained that it was time for the 8th Annual Marion County Health Department's Halloween Parade, scheduled for Saturday, October 27, 2012. Each year, this mile walk is held for kids and adults in costume, to promote physical activity and nutrition. She stressed that candy was not included in the parade since they strive to encourage healthy snacks and safety. She asked Mayor Hark to lead the parade and requested Council permission be given for street closure to hold this annual event. All required paperwork has been submitted, according to McBride. Council Member Dobson made a motion to approve her request. The motion was seconded by Council Member Hark.

Motion carried.

STEPHEN VAN HOUTEN – LOAFERS CAR CLUB
JAY THORPE – LOAFERS CAR CLUB
Re: Request, Street Closure – Spring 2013 Car Show
(Saturday, May 11, 2013 – 5:00 a.m. – 5:00 p.m.)

Mr. Jay Thorpe was in attendance and asked Council's permission to close and have use of the following streets for the 18th Annual Loafers Club Car Show to be held on May 11, 2012. The areas will need to be blocked from 5:00 A.M. to 5:00 P.M. on this date.

- Main Street from the intersection of Broadway to the intersection of North Street
(With an opening for HNB Bank Drive-In)
- Center Street from the alley west of Main Street to the alley east of Main Street
- Bird Street from the alley west of Main Street to the alley east of Main Street
- Hill Street from the alley west of Main Street to the alley east of Main Street

He indicated that he had spoken to City Engineer Mark Rees, with regard to possible street construction and was advised that snow fence may be in place. Thorpe added that the Club would work around any sidewalk and/or street construction that may be happening during that time. He stated that he had been working with Superintendent Wallace from the Street Department, who would be providing barricades. Since cars are angle-parked, there will be

ample room for passage of emergency vehicles, if the need arises. Council Member Louderman made motion to grant the request. Council Member Hark seconded motion.

Motion carried.

BOB BURDITT – AMERICAN LEGION #55
JOHN BELL – AMERICAN LEGION #55
Re: Request, Discharge Firearms within City Limits – Turkey Shoot
(Saturdays, September, October & November – 12:00 p.m. – 4:00 p.m.)

Mr. Bob Burditt, representing the American Legion Post #55, presented the next request to Council. He was seeking Council approval to waive City Code, prohibiting the discharge of firearms within city limits, in order to hold a Turkey Shoot, on Saturdays in September, October and November, between the hours of 12:00 p.m. and 4:00 p.m.

Mr. Burditt explained that, in an attempt to offer more activities at the Legion Post as was offered in previous years, the Turkey Shoot is an event that members are interested in offering again, during the fall months, utilizing shot guns.

Mayor Hark quoted City Code, Section 16-156, which read,

No person shall discharge a firearm of any kind except under the following circumstances:

- 1) While a duly commissioned Police Officer.*
- 2) While on duty in a military corps and under orders of the commander thereof.*

He suggested that they contact the POP's Club for the use of their facility. Mr. Burditt responded that, currently, they were utilizing that facility for an event using rifles, but they had not been contacted for permission to use shotguns. Mayor expressed Council's concern that if permission is granted to the American Legion, others will seek permission to shoot firearms within the City, as well. He asked Council for their recommendations.

In response to a question posed by Council Member Dobson, Burditt explained that there were only two residences located in the area that the Turkey Shoot would be held; however, with regard to the noise ordinance, they would be willing to utilize a larger area. He added that the Legion was attempting to keep it down low for the sound barrier, adding that they would use large bales of hay as a back-drop and barrier.

City Attorney Lemon advised that the ordinance is pretty clear-cut; however, it is the Council's ordinance and, since the restriction is not in the Charter, Council has the right to issue a waiver if they see fit.

Burditt noted that the Legion's Sergeant of Arms would be supervising the event and he explained the specific details:

- Only one shotgun would be discharged at a time.
- Low velocity shell – being shot at a paper target

➤ Shooting during daylight hours only

Council Member Dobson asked the City Attorney whether the ordinance could be amended, permitting certain organizations to hold turkey shoots, etc., which would be clearer to avoid possible future problems. He suggested this would be a better option than simply granting a waiver for this event. In response, the City Attorney explained that there is a two-fold issue with the ordinance, safety and noise; and, doing a one-time waiver would probably be a narrower exception than amending the ordinance to allow certain entities permission. In this case, Council would be further opening it up for future problems. As prosecutor, his preference is to grant a one-time waiver, if Council is so inclined. Police Chief Davis also responded to questions posed by Council.

Council Member Hark said that many times Council has gotten into trouble by deviating from rules that are in place and “step in the mess”. That being said, he believed Council could look at special exceptions on a case-by-case basis with the Police and the neighborhood being informed of the event’s details. He questioned Chief Davis, regarding his tactical training in different exercises/neighborhoods when different types of equipment are being used. Since the noise may be cause for alarm, he asked whether or not people were sent out informing residents in these areas of the events to avoid numerous calls to the station. Chief Davis affirmed these statements. Council Member Hark suggested granting the special exception, pending changes in the ordinance to establish criteria; whereas, Council can make exceptions on a case-by-case basis, per Council’s pleasure.

Council Member Hark made a motion to grant a waiver to the American Legion in order to hold the Turkey Shoot, pending amendment to the ordinance. Council Member Hark and Council Member Lionberger were asked to collaborate on drafting an amended ordinance. Motion was seconded by Council Member Lionberger. Mayor Hark requested that the American Legion contact the neighbors and make them aware of the upcoming events. It was clarified that the Sergeant of Arms was military. Generally the shotguns that are used for these events are 20, 12 and 16 gauge, according to Mr. Burditt.

After discussion, the motion carried.

DEBBIE HIGBEE ROBERTS – HANNIBAL HIGH SCHOOL

Re: Request, Street Closure – Hannibal Band Day

(Tuesday, October 9, 2012 – 3:00 p.m. – 5:00 p.m.)

Ms. Debbie Higbee Roberts, on behalf of the Hannibal High School, came before Council to request permission for the approval of the Band Day Parade event, scheduled for October 9, 2012 from 3:00 p.m. until 5:00 p.m. She explained that the event would be in conjunction with the 64th Annual Hannibal Band Day. The request was similar to past requests for this event, according to Roberts. Motion was made by Council Member Louderman. Motion was seconded by Council Member Hark.

Motion carried.

DENA PETERSON – JUICEZ & JAMZ
Re: Appeal, Liquor License Denial

Ms. Dena Peterson, representing Juicez & Jamz, came before Council to appeal the City's decision to deny their application for a liquor license. She reminded Council of her appearance at the previous Council meeting because after submitting their liquor license application last December, they were required to wait until August for an answer to their request. She expressed concern with the "picture" painted by Chief Davis of the Juicez & Jamz owner, Mr. Smith's, moral character; and, for that reason, she sought another hearing with Council.

Peterson proceeded to elaborate on one particular situation, a 2007 altercation involving an employee that had been mentioned by Davis. This employee, who had a severe drug addiction, had offered to go to treatment for help with his addiction and returned to work for Mr. Smith. Smith fed and clothed this man who had been abandoned by his parents. Later, the altercation occurred because he was found to be stealing money from the collection agency. (He was having customers, who owed money to the company, send payments directly to him instead of sending them to the collection agency.) Smith had to pay back the stolen money. She added that no one denied the allegations of Chief Davis, who failed to give details of the events to Council. Peterson added that a statement was made, "Mr. Smith had to turn himself in"; however, she noted this never occurred because charges were never filed, since he voluntarily made a statement. For these reasons, she requested that Council reconsider the earlier decision to not issue a liquor license. She clarified that the license that Juicez & Jamz was requesting was for weekends only.

Peterson explained that the company had showcased many "famous personalities" over the past year, since they have opened, adding that outside, bonded security personnel has been employed to control the crowds as much as possible. She admitted that they had not been perfect over the past year, as Mr. Smith's moral character is not perfect; however, he has grown as a person and business man. They have no intention of increasing the business hours, since they reside in St. Louis and are only here on weekends. She added that clientele must be 18 years old to be admitted.

When asked, Chief Davis stood firm with regard to his earlier recommendation to deny the liquor license since nothing has happened to alter his decision; and, according to Davis, the issue of "male dancers" or the business' lack of cooperation was not even addressed. Peterson countered that she had not wanted to waste Council's time, and only focused on the reason for the denial, Smith's moral character. She added that, with regard to the male dancers, those charges were dropped.

A question was posed, "Did he have the male dancers there?" (Peterson affirmed this.); and "Were the fully nude?" (Peterson denied this.)

Mayor Hark expressed his overwhelming disappointment in the decisions made with regard to this business. He added that he had cut the ribbon when the business was opened and he was proud that they had opened. He commented that he had even approached various churches about sending their youth to participate, since it was to be a wholesome, youth-oriented environment. Then he saw information and pictures on Facebook that shocked him.

Since he had been told there would be no profanity, baggy pants, etc., he wanted to know what had happened to change that. Peterson admitted that they began to cater to their customers, as opposed to closing down.

City Attorney Lemon advised that Peterson had misstated a fact since the charges against Mr. Smith had not been dropped or dismissed but amended from “Indecent Exposure” to a different charge, primarily because Smith did not take *his* clothes off. He continued by saying that he had spoken to the responding officers who assured him the dancers were “fully nude, male dancers”.

At this, Mayor Hark asked if there was a motion to override Chief Davis’ decision. Council Member Dobson addressed Ms. Peterson and stated that she needed to speak with Chief Davis, since Council was not there to override his decisions. He said it is the Chief’s job to look at all the evidence; and, since Council has not seen this evidence, they must trust his word. Council upheld the Chief’s decision.

ROY G. HARK – MAYOR
Re: Approval of Appointments

Mayor Hark reminded Council of two candidates presented at the last regular Council meeting for the Hannibal Convention & Visitor’s Bureau. These were:

HANNIBAL CONVENTION & VISITOR’S BUREAU

- **Linda Colebred – reappointment for a term to expire September, 2017**
- **Bob Gilstrap – reappointment for a term to expire September, 2017**

He asked Council for their approval of these nominations. Motion was made by Council Member Louderman to approve the Mayor’s nominations. Motion was seconded by Council Member Hark.

Motion carried. He then reminded Council of a candidate presented at the same Council meeting for the Employee Benefit Trust Board. This was:

EMPLOYEE BENEFIT TRUST BOARD

- **Sue Lewis – appointment for a term to expire May, 2015**

He asked Council for their approval of this nomination. Motion was made by Council Member Louderman to approve Mayor Hark’s nomination. Motion was seconded by Council Member Draper.

Motion carried.

JEFF LAGARCE – CITY MANAGER
Re: 1107 Carr Street Demolition - Contract
For Him Salvage
(Resolution No. 1851-12, to follow)

City Manager LaGarce reminded Council that the purchase of 1107 Carr Street was treated differently than the other Residential Flood Buy-out purchases because it was regarded as commercial property by FEMA, who failed to pay because of that, since this program was designated for residential property only. He added that, later, the City had found a way to fund the acquisition/demolition with state funds.

Bids were recently let for demolition of this structure; \$8,000 was originally allocated for the project. Of the two bids received, the low bid was \$5,500.00, submitted by For Him Salvage, owned by a local resident, David Jones. LaGarce added that Mr. Jones' references had been checked and found to be in good standing. The CDBG has also approved; therefore, LaGarce stated that Staff recommends approval of Resolution No. 1851-12, accepting the low bid of For Him Salvage in the amount of \$5,500.00 for demolition of 1107 Carr Street and authorizing the Mayor to execute a demolition contract, Notice of Award and Notice to Proceed.

As a side note, LaGarce stated that the Tree Board will be meeting and, according to a calculation that was done, 578 trees can be added to that site if the project is approved.

DOUG WARREN – DIRECTOR OF FINANCE
Re: 2012 Tax Levy
(Bill No. 12-033, to follow)

Director of Finance Doug Warren reminded Council of the earlier public hearing that had been held. He explained that with Council approval the 2012 tax levy would increase 4/10 of a cent. Three tax entities are affected: General Revenue, Library and Police & Fire Retirement fund. Warren recommended approval of the related Bill No. 12-033, which is scheduled for a first reading later during the meeting, with Council approval.

ANDY DORIAN – PARKS & RECREATION DIRECTOR
Re: Bid Award Approval, 1 Ton 4 Wheel Drive Truck
Poage, Chrysler, Dodge, Jeep

Parks & Recreation Director Andy Dorian presented the next request to Council, the approval of a bid award for the purchase of a one-ton, four-wheel drive truck to Poage Chrysler, Dodge, Jeep. Dorian explained that recently bids were let for this purchase. As a result, three bids were received, with the lowest bid of \$25,516.00 coming from Poage Chrysler, Dodge, Jeep.

Dorian stated that, \$20,000 had originally been budgeted for this vehicle, which will include a hoist, making the purchase price of \$25,516.00 over-budget by \$5,516.00. Two factors contributed to this overage:

- A recommendation from Knapheide to increase the size of the hoist, because of issues with the last hoist not having enough power for certain jobs
- The trade-in price allowed for the 2008 F250 was lower than expected

The overage will be covered by the cost-savings realized in the purchase of a backhoe (the next item on the agenda). Dorian and the Parks & Recreation Department recommended the low bid of \$25,516.00 submitted by Poage Chrysler, Dodge, Jeep, for the purchase of a 2012 1-Ton Dodge Ram 4x4 Truck with a hoist be approved. Motion was made by Council Member Dobson to approve this purchase. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Bid Award Approval, Backhoe Loader
Altorfer, Inc.

Parks & Recreation Director Dorian explained that the Parks Department recently let bids for the purchase of a new backhoe and on August 24th the one sealed bid that was submitted, was opened. This bid was from Altorfer, Inc. in the amount of \$88,725.00. He recommended approval of this bid for the purchase of a Cat 420F Backhoe Loader.

Over the last few years, according to Dorian, the Department's need for a backhoe has risen sharply with the increase of property and project sizes. He expressed the Parks Department's desperate need for this piece of equipment and added that the increase of projects had lead to borrowing the Street Department's backhoe on numerous occasions, an inconvenience to both departments. Director Dorian added that, since \$100,000.00 was budgeted for this piece of equipment and the total bid cost was \$88,725.00, the cost savings of \$11,275.00 will more than cover the overage attributed to the purchase of the 1-Ton Dodge Ram 4x4 that Council had approved, earlier. Motion was made by Council Member Louderman to approve this bid from Altorfer, Inc in the amount of \$88,725.00 for the purchase of a Cat 420F Backhoe Loader. Motion was seconded by Council Member Hark.

Motion carried.

Re: Flood Buy-Out Property Park Development – Engineering Services Agreement
Klingner & Associates
(Resolution No. 1853-12, to follow)

Dorian stated that in working on the next phase of the flood buy-out/park development, Phase 2-Conceptional and Preliminary Design, the Parks Department will be working with Council, the Park Board and the public to glean ideas for the various locations.

The Parks Department requested and received "Request for Qualifications" from several firms with experience in park development; and, subsequently, chose Klingner & Associates because of their significant experience in development of parks in Quincy and the surrounding areas. Dorian and the Parks Department recommended that Council approve

Resolution No. 1853-12, to follow, that would also approve an engineering services agreement with Klingner & Associates for the lump sum not-to-exceed \$12,700.00 for services related to the development of the flood buy-out properties. He added that the FY2012-13 Parks & Recreation budget included \$150,000.00 for the development of these properties.

MARK REES – CITY ENGINEER
Re: Summer 2012 Mill & Overlay Project – Contract Agreement
Bross Construction
(Resolution No. 1852-12, to follow)

City Engineer Mark Rees presented the next item on the agenda, Resolution No. 1852-12, regarding a contract agreement with Bross Construction for the Summer 2012 Mill & Overlay Project. Rees explained that Bross Construction was the successful low bidder at the last regular Council Meeting held on August 21, 2012; however, at that time, Council agreed to add Hill Street from St. Mary's Avenue to Central to the original contract, adding \$35,000.00 to the original cost.

He recommended Council authorize the Mayor to enter into a contract between the City of Hannibal and Chester Bross Construction in the amount of \$349,220.00 for the Summer 2012 Mill & Overlay Project by approving Resolution No. 1852-12, to follow.

Re: Traffic Committee Recommendations

City Engineer Rees explained that, at the request of the Holy Family School Principal, Joy Hayward, the Traffic Committee, during their meeting the previous week had made the following recommendations:

- Addition of a raised crosswalk to be installed on the 100 block of South Maple, between the playground and school. This would be constructed by Street Department employees and would function like a speed table. Essentially an elevated crosswalk for children, but also a recognized instrument in the city's relatively new Traffic Calming Policy
- Placement of stop signs on Church Street at the intersection of South Maple, stopping Church Street traffic.

Council Member Hark questioned the request for stop signs to be placed on Church Street; but, Rees explained this addition would help children (and adults) cross the street to the parking lot when church and school get out.

Hark commented that he had an issue with the placement of stop signs on Church Street since this was a thoroughfare, and in 1½ blocks another stop sign exists. He suggested that the Traffic Committee consider making this block of South Maple one-way. Rees responded that this option had been discussed but it was determined this would cause problems, including problems with the nearby Shell Station, in that it would likely filter more commercial traffic

through the surrounding residential neighborhood. He said that he did not believe a stop sign would cause as much harm as the safety it would provide.

Discussion continued with other concerns, including:

- Concern regarding the wall, owned by the church, as well as a dumpster, that obstructs the view at the intersection on Church Street.
- Addition of the elevated walkway would raise the pedestrians, making them more visible to oncoming traffic
- Addition of the stop sign would slow traffic, allowing them to make the turn.
- Placement of the raised crosswalk – midway on the block (located in between two regular crosswalks)
- Cost of the crosswalk – Estimate of \$600.00 in materials plus nominal fee for stop signs.

Council Member Lionberger expressed his concerns, stating that he drove in this area each day and traffic continues to get worse. He fears that this area will be hazardous for cars in the winter that will get stuck on the hill when stopped. It was also pointed out that the wall adjacent to the intersection is too tall and needs to be trimmed down since it sticks up two - three feet higher than the grade.

LaGarce suggested that the Street Department could install the raised crosswalk and revisit the stop sign placement at a later date. Motion was made by Council Member Hark to proceed with installation of the raised crosswalk and evaluate its effects for the next 90 days. Motion was seconded by Council Member Dobson. Council Member Lionberger suggested the possibility of restricting parking on Maple Avenue. Mayor Hark called the question.

Roll Call

Yes: Council Members Draper, Dobson, Lionberger and Hark - 4

No: Council Member Louderman - 1

Absent: Mayor Pro Tem Knickerbocker – 1

Abstain: Mayor Hark - 1

Motion carried to proceed with installation of the raised crosswalk and evaluate its effects for the next 90 days.

RESOLUTION NO. 1851-12

A RESOLUTION ACCEPTING THE LOW BID OF “FOR HIM SALVAGE” IN THE AMOUNT OF \$5,500 FOR DEMOLITION OF 1107 CARR STREET RELATIVE TO THE FLOOD PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE A

DEMOLITION CONTRACT, A NOTICE OF AWARD, AND A NOTICE TO PROCEED

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1851-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Resolution No. 1851-12, duly approved and adopted on this date.

RESOLUTION NO. 1852-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND CHESTER BROSS CONSTRUCTION IN THE AMOUNT OF \$349,220.00 FOR THE SUMMER 2012 MILL AND OVERLAY PROJECT

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1852-12, and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Resolution No. 1852-12, duly approved and adopted on this date.

RESOLUTION NO. 1853-12

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
ENGINEERING SERVICE AGREEMENT BETWEEN THE CITY OF HANNIBAL
AND KLINGNER & ASSOCIATES IN THE AMOUNT OF \$12,700**

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1853-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Knickerbocker – 1

Mayor Hark declared Resolution No. 1853-12, duly approved and adopted on this date.

BILL NO. 12-033

**AN ORDINANCE FIXING AND ADOPTING THE RATE OF TAXATION FOR THE
YEAR OF 2012 AND LEVYING TAXES THEREFORE**

FIRST READING

Motion was made by Council Member Dobson to give Bill No. 12-033 a first reading.
Motion was seconded by Council Member Louderman.

Motion carried.

ADJOURNMENT

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

Motion carried.