

Official Council Proceedings

September 18, 2012
7:00 p.m.

ROLL CALL

Present: Mayor Pro Tem Knickerbocker, Council Members Dobson, Lionberger, Mayor Hark and Council Member Louderman – 5

Absent: Council Members Draper and Hark – 2

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 Members Draper and Hark. Motion was made by Council Member Louderman to excuse Council Members Draper and Hark. Motion was seconded by Council Member Dobson.

Motion carried.

APPROVAL OF MINUTES

Regularly Scheduled Council Meeting – September 4, 2012

Motion was made by Council Member Louderman to approve the minutes of the regularly scheduled Council meeting that was held September 4, 2012. Motion was seconded by Council Member Dobson.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

First Half – September, 2012

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

Motion carried.

ROY G. HARK – MAYOR
Re: Introduction – Firefighter Alex White

Mayor Hark asked Fire Chief Bill Madore to come forward and introduce Alex White, the Fire Department's newest probationary firefighter, who began his career with the Hannibal Fire Department on September 17th. Madore added that White is currently working on his Fire Science Degree at John Wood Community College. Alex's grandfather is a retired Assistant Chief with the HFD. Madore asked that Alex be welcomed aboard.

CINDY LIVESAY – BOARD OF PUBLIC WORKS
Re: Request, Street Closure – 2nd Annual Family Fun Night
(Thursday, October 4, 2012 – 3:00 p.m. – 8:00 p.m.)

Robert Stevenson, BPW General Manager, presented the next agenda item, a request for street closure in place of Cindy Livesay, who was unable to attend. Stevenson explained that the Hannibal Board of Public Works planned to hold their 2nd Annual Family Fun Night on Thursday, October 4, 2012, from 3:00 p.m. until 8:00 p.m. He added that this year's celebration would be similar to the one held last year.

This celebration will have a "fair" atmosphere in Central Park which will include truck rides, various demonstrations of the utility equipment, free hotdogs, drawings, give-a-ways, prizes, games and lots of fun for the entire family. This event is open to the public, according to Stevenson. Closure of North 4th and North 5th from Broadway to Center Street was requested. Motion was made by Council Member Dobson, who added that he had attended the previous year and commented that it was a great event. Motion was seconded by Council Member Louderman.

Motion carried.

STEVE AYERS – RENAISSANCE HANNIBAL
Re: Request, Street Closure – Downtown Hannibal Art Fair
(June 14 – 16, 2013 – 5:00 p.m. Friday – 6:00 p.m. Sunday)

Mr. Steve Ayers, representing Renaissance Hannibal, came before Council with a request to hold an event, Downtown Hannibal Art Fair on Friday, June 14th through Sunday, June 16th, 2013. With Council approval, this would take place on North Main Street, between Broadway and North Street, requiring the closure of this portion of Main Street. Ayers clarified that the original request only specified the closure of Main; however, he modified his request to include the closure of alleys intersecting North Main between 3rd Street and the Floodwall. Motion was made by Mayor Hark to approve Ayers' request. Motion was seconded by Council Member Louderman.

Motion carried.

BOB BURDITT – AMERICAN LEGION #55

Re: Clarification, Discharge Firearms within City Limits – Turkey Shoot

Mr. Bob Burditt, representing the American Legion Post #55, came before Council in order to clarify the details of an approval that was sought during an earlier Council Meeting. He reminded Council that the original request was granted; however, he was informed that there may have been some confusion regarding details of this event, known as the Turkey Shoot. He gave the following information. This event will:

1. Be open to the public.
2. Have no loaded weapons except on the firing range and ammunition will be provided and chambered by a Legion member.
3. Only allow contestants who have a valid Missouri Conservation hunting license.
4. Allow participants under the age of 18, only if they have passed and been certified by a Missouri approved safety course.
5. Not allow or tolerate any alcohol on the firing range during the contest.
6. Be supervised by American Legion Members.

Burditt went on to say that there would be NO ALCOHOL, and the only loaded gun would be the one on the firing range. He also wanted to make sure everyone realized that there would only be “one shell (of low-grade caliber) by one person”. Mayor Hark thanked Burditt for coming and clarifying details of the event.

JEFF LAGARCE – CITY MANAGER

Re: Mark Twin Boyhood Home Request, Sidewalk Assessments

City Manager LaGarce reminded Council of a request made by Dr Cindy Lovell, of the Mark Twain Boyhood Home Foundation, that the City waive the Foundation’s sidewalk assessments. The request for a waiver was made because of the additional responsibility that the Foundation must bear to remove and replace dedication stones outlying its properties. The paver stone removal would cost the museum \$14,000; this would be in addition to the City’s sidewalk assessment of \$13,000.

At that time, Council asked staff to examine the paver portion of the Foundation’s expenses and directed them to bid this project out to possibly cover this expense, as opposed to granting a waiver. Since this is a very labor-intensive project and subject to prevailing wage laws, the City’s bid was \$38,000, or almost three-times the cost that the Museum would incur to complete this project. As a result, LaGarce requested that the Museum proceed with this project for their original cost of \$13,600; therefore, the original request is now the current issue.

Since the City Attorney has determined that sidewalk assessments cannot be waived, LaGarce questioned whether or not the City was willing to pay a portion of the Boyhood Home & Museum’s sidewalk assessment.

Dr. Lovell explained that, since the Boyhood Home/Museum is considered a non-profit organization, the prevailing wage laws do not apply. For this reason, the Foundation is able

to have the pavers removed at \$13,600, which is being completed at this time. She again asked Council for the City's assistance with the cost of the sidewalk assessments.

Mayor Pro Tem Knickerbocker commented that the arrangement between the City and the Mark Twain Boyhood Home/Museum Foundation has always been a partnership. He added that the City has service contracts and fees to the Hannibal Nutrition Center and other civic agencies that provide services to citizens; however, the Foundation is providing a service to the City by managing City property at no charge. For this reason, he believed that the City should pay the assessment. Council Member Dobson suggested that the City make a donation of \$13,600 for the sidewalk assessment.

City Attorney James Lemon advised that:

1. By statute, the City is not allowed to waive an assessment unless it can be proved that it was an error; therefore, the assessment cannot be waived.
2. According to the Missouri Constitution, a government entity is not allowed to pay money for a 3rd party project.

Lemon advised that Case law suggests, if the government entity is doing something for a public purpose, then there are ways this can be done. One example he gave was the money BPW contributes from the late fees in order to assist citizens with their utility bills. Structuring the funds in a way such as this would be allowable, according to Lemon. Mayor Hark suggested that the sidewalk could be considered, since it is City property, thus, City sidewalk. Lemon clarified with Mayor Pro Tem Knickerbocker that the payment for maintaining the City's properties would be a one-time payment without any future guarantee of payment, advising that he would be most comfortable with this option.

Next, the issue of payment amount was discussed. City Manager LaGarce stated that the assessments were only an estimate, since the exact amount would not be apportioned out until the project is completed and certified; however, the estimated cost at this time was approximately \$13,000. Motion was made by Mayor Pro Tem Knickerbocker to enter into an agreement with Mark Twain Boyhood Home/Museum Foundation for a one-time property management fee totaling \$13,600. Motion was seconded by Council Member Dobson.

Motion carried.

MARK REES – CITY ENGINEER
Re: Marion Street General Warranty Deed – Quit Claim Deed
Dino Wilson
(Resolution No. 1855-12, to follow)

City Engineer Mark Rees presented Resolution No. 1855-12. If approved, this resolution would fix a problem that was created in 2005. Rees explained that, at that time, an amended General Warranty Deed was executed by Mayor Hark to convey five tracts of land running along side of Marion Street to Harry & Sherry Perkins. Subsequently, the Perkins sold these tracts to Dino Wilson. When the title search was being researched by Mark Twain Title Company, it was discovered that a portion of the land was not conveyed correctly. The error

involved the omission of a decimal point in the legal description. Rees explained that executing a Quit Claim Deed would correct the error in the description, adding that this tract of land is of no use to the City of Hannibal. He recommended executing a Quit Claim Deed to Dino Wilson by approving Resolution No. 1855-12, to follow.

ANDY DORIAN – PARKS & RECREATION DIRECTOR
Re: Bid Award Approval, Spooner Creek Playground Equipment
All Inclusive Rec

Parks & Recreation Director Andy Dorian came before Council requesting approval of a bid award for the Spooner Creek playground equipment. Dorian explained that on September 12th bids were opened. Of the three bids submitted, Dorian recommended approval for the lowest bid of \$20,593.20 from All Inclusive Rec. Dorian added that the equipment, installed in the late 1980s, was the oldest in the Park Department's inventory and at the end of its useful life. MIRMA, the City's insurance company, had some safety issues with the equipment; and, since repairs were not possible, a decision was made for replacement.

Director Dorian added that \$25,000 was included in the Parks Department FY 2012-13 Budget for the purchase of new playground equipment. Motion was made by Council Member Louderman to approve Dorian's request. Motion was seconded by Mayor Hark.

Motion carried.

BOB STEVENSON – BPW GENERAL MANAGER
Re: Electric Service Full Requirements Agreement – First Amendment
Ameren Energy Marketing Company
(Resolution No. 1856-12, to follow)

BPW General Manager Bob Stevenson presented the next item on the agenda, a request for approval of Resolution No. 1856-12, regarding the power supply contract with Ameren Energy Marketing Company. He explained that an opportunity had been presented to the Board, to extend their future power supply contract that would begin in 2015, by adding five additional months to the end. This would extend the contract expiration date from December 2016 to May 2017, which coincides with the fiscal year of MISO, bringing all parties to an advantage with simplicity of paperwork and administration time.

Stevenson added that the offer is to extend that contract at the same price for the additional five months. He recommended approval of this extension, adding that a slight downside to this decision exists. The risk in this extension is that the power supply market could decline, causing the BPW to pay more for power than necessary. Stevenson advised that he believes the risk is low since this price is less than what is currently being paid and the benefit of having a stable wholesale price for another six months is probably worth this risk. Since the Board does not meet until after Council and Ameren would need a signed contract by 9:00 p.m. on September 19th, he was asking approval of Resolution No. 1856-12, to follow, assuming that the Board would approve it at their meeting.

Re: BPW Quarterly Report

Stevenson explained that Council had asked for periodic updates to advise them of important Board issues and bring them up to speed with regard to the Board's activities. In an effort to improve communications between the BPW and Council, Stevenson said that this report was the first of the reports that he would be submitting on a quarterly basis. He reported on the following items:

- Sewer System – The Board is currently dealing with DNR, regarding numerous issues, some potentially very expensive. All but one item are considered unfunded mandates.
- Wastewater Treatment - Among other issues, the Board is still in negotiation with DNR for renewal of the wastewater treatment plant's operating permit that has been expired for almost two years. The life extension work is not mandated, but it is prudent that this be done since the equipment is 30+ years old and could go down at any time. Approximate cost to upgrade would be approximately \$5,000,000.
- Setting Priorities – Stevenson advised of an upcoming meeting with DNR staff in order to request their assistance in setting priorities since, currently, the Board cannot afford to do all of the mandates that are being imposed.
- Communications Campaign - He took the opportunity before Council and the media to re-emphasize that these were unfunded mandates that were being forced upon the BPW, who does not have a choice but were doing their best to keep costs as low as possible. At some point the Board will have to comply and that seems to be a difficult message to convey. He commended City Manager LaGarce for his assistance in planning a 12-week communications campaign designed to educate the ratepayers about the nature of the problems faced by the Board of Public Works. These issues, according to Stevenson, are complicated; however, LaGarce has created an outline to explain it all in small manageable bites. Stevenson admitted that an avenue for this campaign had not yet been chosen, since bill stuffers aren't generally read; therefore, letters, ads, direct mailings, letters to the editor or presentations to various community groups may be used.
- Public Power Week – The Board will be hosting a week-long celebration of Public Power Week, a nationwide event sponsored by American Public Power Association (APPA) to remind everyone of the merits of having a municipality-owned utility system. Many of the 2,000 municipal utilities across the nation will be hosting similar events the same week. Because the HBPW also has water and sewer services, the name has been changed to Public Utilities Week.

In response to a question posed, regarding the estimated cost per family/household per year Stevenson responded by stating that his worst case estimate would be about 75% increase in both water and sewer rates if money was borrowed to complete all mandates next year and interest paid for the next 20 years. He added that if the HBPW were allowed to delay projects, the Board's hope and intention would be to cover these with cash. (Rates would cover the capital investments each year, the interest bill on this set of projects completed now would be almost ½ of the total price.) If interest costs can be avoided, then \$60,000,000 would have to be covered by rates and not \$90,000,000+ (\$42,000,000 in interest costs alone). Stevenson advised that the Board has predicted a 10% increase in water and sewer rates next year and another 10% increase in water and sewer rates the following year. After that time, their projections indicate that rate increases will taper off to 3-5% per year.

BRIAN CHAPLIN – DPW PROJECT MANAGER

Re: Approval, Auctioneer Services

Yancey Auction Services

City Clerk Angelica Vance presented the next items for DPW Project Manager Brian Chaplin, who was unavailable. The City is again planning an auction to dispose of surplus property and the Department of Public Works sought quotes from two local auctioneers, DeLaPorte Auction Services and Yancey Auction Services. According to Vance, Mr. DeLaPorte advised that he was unavailable and did not return a quote. Mr. Yancey advised that he would be available and more than willing to provide the auctioneer services. His fee would be \$800.00 which would include his auction staff (clerk, cashier and “ring man”), as well as, multiple ads in local newspapers. Staff recommended approval of Yancey Auction Services as the auctioneer for the 2012 City Auction that was to be held on September 29, 2012 at 9:00 a.m. in the Admiral Coontz Armory.

Earlier today Mr. Yancey called and informed the DPW that if he was approved, there would be a scheduling conflict; therefore, the original scheduled date of September 29th would not be available and an alternative date would need to be chosen. Vance requested Council approval for Mr. Yancey to provide his auction services. Motion was made by Council Member Dobson to approve Yancey Auction Services to provide auction services during the 2012 City Wide Auction (date to be determined later). Motion was seconded by Council Member Louderman.

Motion carried.

Re: Approval, Declaration of Surplus Property

City Clerk Vance advised Council that attached to the Council agenda was a listing of items the various City Departments were requesting to be deemed surplus property that would be included in the 2012 City Wide Auction. Motion was made by Council Member Louderman to declare all listed items as surplus property, to be sold at the 2012 City Wide Auction. Motion was seconded by Council Member Lionberger.

Motion carried.

RESOLUTION NO. 1855-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED FOR THE ACQUISITION OF PROPERTY PREVIOUSLY CONVEYED TO HARRY AND SHERRY PERKINS TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION, FURTHERMORE CONVEYING TO DINO WILSON

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1855-12, and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

Yes: Mayor Pro Tem Knickerbocker, Council Members Dobson, Lionberger, Mayor Hark and Council Member Louderman – 5

No: -0-

Absent: Council Members Draper and Hark – 2

Mayor Hark declared Resolution No. 1855-12, duly approved and adopted on this date.

RESOLUTION NO. 1856-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ELECTRIC SERVICE FULL REQUIREMENTS EXTENSION AGREEMENT BETWEEN THE CITY OF HANNIBAL, BOARD OF PUBLIC WORKS AND AMEREN ENERGY FROM 2012-14 THROUGH MAY, 2017

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1856-12, and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

Roll Call

Yes: Mayor Pro Tem Knickerbocker, Council Members Dobson, Lionberger, Mayor Hark and Council Member Louderman – 5

No: -0-

Absent: Council Members Draper and Hark – 2

Mayor Hark declared Resolution No. 1856-12, 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

SECOND AND FINAL READING

Motion was made by Council Member Louderman to give Bill No. 12-033 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

Yes: Mayor Pro Tem Knickerbocker, Council Members Dobson, Lionberger, Mayor Hark and Council Member Louderman – 5

No: -0-

Absent: Council Members Draper and Hark – 2

Mayor Hark declared Bill No. 12-033 duly approved and adopted on this date.

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, City Clerk Angelica Vance, Police Chief Lyndell Davis and Lieutenant John Zerbonia. 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: Mayor Pro Tem Knickerbocker, Council Members Dobson, Lionberger, Mayor Hark and Council Member Louderman – 5

No: -0-

Absent: Council Members Draper and Hark – 2

Motion carried.

OPEN SESSION

Motion was made by Council Member Dobson to return to open session at this time. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

ADJOURNMENT

Motion was made by Council Member Dobson to adjourn the meeting. Motion was seconded by Council Member Lionberger.

Motion carried.