

## OFFICIAL PROCEEDINGS OF CITY COUNCIL MEETING

August 6, 2013  
Council Chambers  
7:00 p.m.

### ROLL CALL

**Present:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark, Locke and Mayor Pro Tem Knickerbocker - 7

**Absent:** -0-

### CALL TO ORDER

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

### INVOCATION

Reverend Linda Spaun gave the invocation.

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF MINUTES Regularly Scheduled Council Meeting – July 16, 2013

Motion was made by Council Member Louderman to approve the minutes of the regularly scheduled Council meeting that was held on July 16, 2013. Motion was seconded by Council Member Lionberger.

Motion carried.

### APPROVAL OF PAYROLL AND CLAIMS Second Half – July, 2013

Motion was made by Council Member Locke to approve the payroll and claims for the second half of July, 2013. Motion was seconded by Council Member Dobson.

Motion carried.

**MIKE O'CHELTREE - HHMC**  
**Re: Request, Street Closures**  
*Twain on Main – May 24-25, 2014*

Mr. Mike O'Cheltree, representing the Historic Hannibal Marketing Council, came before Council at this time, seeking approval of street closure during an event, Twain on Main Festival (formerly the River Arts Festival), to be held on May 24-25, 2014. Requests were:

1. Closure and use of Main Street - from Broadway to North Street
2. Road closure beginning on Friday evening, May 23, 2014, for setup
3. Road closure for event on Saturday and Sunday, May 24-25, 2014

This request was similar to the request made for previous years' events. Motion was made by Council Member Louderman to approve O'Cheltree's request. Motion was seconded by Council Member Hark.

Motion carried.

**LINDA SPAUN – SCOTT'S CHAPEL UNITED METHODIST CHURCH**  
**Re: Request, Street Closures**  
*Annual Block Party – September 7, 2013, 10 a.m. – 2 p.m.*

Reverend Linda Spaun requested that Hope Street be blocked from South Griffith Street to South Locust Street (1800 block) during the time requested for The Annual Neighborhood Block Party. Council Member Lionberger made the motion to approve the request. Motion was seconded by Council Member Locke.

Motion carried.

**RON RANEY – LOAFERS CAR CLUB**  
**Re: Request, Street Closures**  
*Fall Cruise – September 14, 2013 – 3 p.m. – 9 p.m.*

Mr. Ron Raney, representing the Loafer's Car Club, requested Council approval of their annual event known as the Fall Cruise, to be held on September 14, 2013, from 3:00 p.m. until 9:00 p.m. Raney explained that, in the past, the event had taken place at the Huck Finn Shopping Center; however, currently a new tenant at this location had refused to approve their request. He requested Council approval to hold the event that normally included 150 to 175 participants, on three sides of Central Park, including:

- 4<sup>th</sup> Street, from Broadway to Center Street
- Broadway, from 4<sup>th</sup> Street to 5<sup>th</sup> Street
- 5<sup>th</sup> Street, from Center to Broadway

Included was a request for the City to provide barricades. Mayor Hark suggested that Raney contact Fifth Street Baptist Church to make sure there was no conflict on that date. Motion

was made by Council Member Dobson to approve Raney's request. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**GEORGE WALLEY – NORTHEAST MISSOURI ECONOMIC  
DEVELOPMENT COUNCIL  
Re: Business Plan Update, Air Ambulance**

Mr. George Walley of the Northeast Missouri Economic Development Council presented the next item on the agenda, a business plan update for air ambulance. Walley explained that a number of individuals in the community had been diligently working on this plan for the past several months, and had recently been in contact with an air ambulance firm who has the desire to establish a new location in the immediate area. He added that the facility would be based at the Hannibal Airport, and would include crew quarters, a helicopter and three (3) professionals: a pilot, a nurse and a mechanic. The facility would operate on a twenty-four (24) hour per day basis. Currently, this company has two other locations in Missouri.

Because the company is operating on a very tight time schedule, many of the details are being worked out by Walley and Mike Barron and their plan is to make a final presentation at the August 20<sup>th</sup> or September 3<sup>rd</sup> Council meeting, to seek Council approval for the contract and resolution securing a temporary location at the airport. Walley advised that the company intends to construct a permanent hanger at a later date. He commented that he is excited at this proposal that would add an additional safety feature in the community, as well as provide six to nine high quality jobs, locally.

In response to a question posed by Council Member Dobson, Walley assured Council that details are being negotiated to provide for a time frame, regarding the placement of a permanent structure at the airport, since it is not favorable for the service to be located in a temporary structure for several years. Walley added that the intent is to move them into a permanent facility within a year.

The temporary structure is a professional double wide, located next to the new terminal in order that it can tie into the new septic system and Ralls County water line. He added that the permanent home would likely be located on the south side of the airport in the new hanger area where there is additional security and protection; however, this temporary location is the fastest way possible to get them into operation at the airport. Walley assured Council that a contract would be negotiated and brought before Council for approval at a later date.

**ROY G. HARK – MAYOR  
Re: Approval of Appointment**

Mayor Hark reminded Council of a candidate presented at the last meeting for the Hannibal Library Board. This was:

## HANNIBAL LIBRARY BOARD

### ➤ **Tom Prater – Appointment for a term to expire June, 2016**

He asked Council for their approval of this nomination. Motion was made by Council Member Louderman to approve Tom Prater's appointment to serve on the Hannibal Library Board for a term to expire on June, 2016. Motion was seconded by Council Member Lionberger.

Motion carried.

### **Re: Recommendation of Appointment**

Mayor Hark made the following recommendation:

## HANNIBAL MUNICIPAL ASSISTANCE CORPORATION

### ➤ **Jon Obermann – Reappointment for a term to expire June, 2016**

This nomination will be considered for approval at the next regular Council meeting, to be held on August 20, 2013.

## **JEFF LAGARCE – CITY MANAGER**

### **Re: Approval of Appointments**

City Manager LaGarce reminded Council of two candidates presented at the last meeting for the Park Board. They were:

## PARK BOARD

- **Quintin Heaton – Reappointment for a term to expire July, 2016**
- **Emily Frank – Appointment for an unexpired term to expire July, 2014**

He asked Council for their approval of this nomination. Motion was made by Council Member Locke to approve Quintin Heaton's reappointment to serve on the Library Board for a term to expire in July, 2016 and Emily Frank's appointment to serve on the Library Board for a term to expire in July, 2014. Motion was seconded by Council Member Hark.

Motion carried.

### **Re: Property Purchase Proposal, 314-18 Broadway**

*Ronald Bricker*

City Manager LaGarce explained that, on July 24<sup>th</sup>, Mayor Hark had received a letter from Ronald Bricker, the Project Coordinator for Bricker Excavating & Demolitions, regarding the property located at 314-318 Broadway, which Bricker now owns. The purpose of the letter was to ascertain whether the City would be interested in purchasing this property. LaGarce commented that parking is at a premium but so is City funding. Ultimately, this is a decision to be made by solely Council.

Mayor Pro Tem Knickerbocker stated that, in his opinion, any time an offer, such as this, is presented, it should be discussed in closed session, since real estate is a closed session issue, according to the Sunshine Law. Motion was made by Mayor Pro Tem Knickerbocker to continue this discussion during closed session in two weeks. Motion was seconded by Council Member Locke.

Motion carried.

**JAMES LEMON – CITY ATTORNEY**

**Re: November, 2013 Municipal Election – Proposition 1**

*Northeast Missouri Sheltered Workshop Recycling Fee Increase*

*(Bill No. 13-017, to follow)*

Mr. Louis Riggs, appearing on behalf of City Attorney Lemon in his absence, presented the next item on the agenda. Riggs explained that, per Lemon's instruction, Proposition One (1) had been prepared, as directed by Council, to place the issue of an increase in recycling fees on the November 2013 ballot. Bill No. 13-017, designed to accomplish this would be given a first reading later, during the meeting, with Council approval.

**Re: Code Amendment, Creation Chapter 27, Article III**

*Recycling*

*(Bill No. 13-018, to follow)*

Riggs also presented Mr. Lemon's second item on the agenda. He explained that Bill No. 13-018, to follow, if approved, would clarify some of the issues which have arisen over time on the recycling program. If approved this bill would amend the City Code by adding **Article III – Recycling** to Chapter 27, entitled **Solid Wastes**. Dobson posed a question to Mr. Riggs, regarding whether, in his opinion, this would clarify the requirement to pay this recycling fee. Riggs responded that this was one of the areas that should be clarified by this bill. He believed it addresses this issue, making the fee a required payment. It also places the collection of fees under the authority of the BPW. With Council approval, Bill No. 13-018 would be given a first reading later, during the meeting.

**PHYLLIS NELSON – CITY COLLECTOR**

**Re: Update, Credit Card Machine Fees**

City Collector Phyllis Nelson explained that, to date, she had only been able to find little information on credit card machines; and, that she been in communication with two companies that stated the use fees for credit cards would be passed on to the customer. The first, GovTeller, a third party credit card machine company who was highly recommended, would charge \$1.50 for any amount of \$50.00 or less. For amounts in excess of \$50.00 the fee would be on a percentage basis (2.49% of the transaction cost). According to Nelson, all charges would be passed on to the customer. If GovTeller was utilized, the initial set up would be the only cost to the City, since GovTeller would incorporate their system using the City's current equipment.

Another company that Nelson had contacted would charge 2.85% of the transaction cost to each customer, as well as monthly and annual fees to the City.

Finance Director Doug Warren this had been in recent contact with Joel Booth of F&M Bank and set up a meeting scheduled for August 12<sup>th</sup>, Nelson requested that Council approve postponing any decision until the next meeting in order to obtain additional information with regard to this issue. Mayor Pro Tem Knickerbocker stated that it would be helpful to get as much information as possible before making a decision; and, since there was not a requirement for a decision at this time, there was no need to table. He suggested that this item merely be added to the next agenda for further discussion.

**DOUG WARREN – FINANCE DIRECTOR**  
**Re: Audit Services – Professional Services Contract**

*Wade Stables P.C.*

*(Resolution No. 1923-13, to follow)*

Finance Director Doug Warren explained that bids had been let for auditing services, resulting in one respondent. Wade Stables submitted a bid with an audit amount that is exactly 3% greater than the cost of last year's audit. Warren recommended Council approval to accept this bid and added that the City is aware of Wade Stable's quality of work since it has been performed in past years, flawlessly. If approved by Resolution No. 1923-13, to follow, this professional services contract with Wade Stables P.C. would include, for the cost of \$42,745.00, the Library Fund, the Board of Public Works and all City funds in the audit.

**Re: 2010 Build America Bonds Debt Reserve Fund Investment – Corporate Resolution**

*Sterne Agee Financial Services, Inc.*

*(Resolution No. 1924-13, to follow)*

Warren's second item on the agenda was the presentation of Resolution No. 1924-13, to follow. He explained that, with regard to the outstanding 2010 Build America Bonds, a portion is included that is set aside for debt reserve. This means that these dollars from the original bonding amount are never allowed to be spent on the various projects. Instead this amount, \$340,000.00, is held by the Trustee to be used, in the event of default, to make the bond payments on the City's behalf.

The Trustee had these dollars invested in a money market fund that was earning 0.01% or \$34.00 per year; however, Warren noted that he was recently made aware the City has the option of directing where this money is to be invested. As a result, the reserve is now invested, as he instructed them to do, and are invested as follows:

- One two-year Federal National Management Association Promissory Note in the amount of \$113,000 with an annual interest rate of 0.375%
- One three-year Federal Home Loan Bank Bond in the amount of \$108,119.55 with an annual interest rate of 1.625%
- One five-year Private Export Funding Corp in the amount of \$118,404.00 with an annual interest rate of 1.875%

These are solid investments that are written into the bond indenture; and, Warren advised that the City will now be able to earn reasonable rates in this investment, averaging 0.97% which will yield approximately \$3,300.00 per year.

Warren stated that the City Manager or the Director of Finance would make the recommendation after consultation with Arbitrage Management or Sterne Agee. He informed Council that he would need signature authority to trade these issues off, since Arbitrage Management and Sterne Agee have requested that the City give clear guidance on who can direct the investment of dollars in the Debt Service Fund. The bond language only states that the “City” may invest. He recommended that the same basics be used as for check signing: the Mayor or Mayor Pro Tem and the City Clerk or the Deputy Clerk; and, that Council approve Resolution No. 1924-13, to follow.

**MARK REES – CITY ENGINEER**

**Re: MS4 Implementation, Phase 2 – Engineering Service Agreement**

*Poepping, Stone, Bach & Associates*

*(Resolution No. 1925-13, to follow)*

City Engineer Mark Rees presented the next request for approval of Resolution No. 1925-13, regarding an engineering service agreement with Poepping, Stone, Bach & Associates for the MS4 implementation, mandated by EPA and administered by the Department of Natural Resources. Rees explained that the current Phase Two, of five phases to be completed over the next five years, is budgeted in the DPW Budget under Surveying and Professional Services. The fee proposed by PSBA for the project is \$10,000.00; and this phase of the project will entail:

- Mapping Stormwater on the GIS
- Updating the City’s Illicit Discharge penalties

Rees recommended acceptance of the proposal from Poepping, Stone, Bach & Associates, and authorizing the Mayor to execute this contract.

**RESOLUTION NO. 1923-13**

**A RESOLUTION AUTHORIZING AND APPROVING A CONTRACT  
WITH WADE-STABLES P.C. FOR AUDIT SERVICES FOR THE CITY  
OF HANNIBAL INCLUDING LIBRARY AND BOARD OF PUBLIC  
WORKS IN THE  
AMOUNT OF \$42,745 (CITY \$26,265, BPW \$16,480)**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1923-13, and call the roll for adoption. Motion was seconded by Council Member Locke.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark, Locke and Mayor Pro Tem Knickerbocker - 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1923-13, duly approved and adopted on this date.

**RESOLUTION NO. 1924-13**

**A RESOLUTION AUTHORIZING AND APPROVING MAINTAINING ONE OR MORE ACCOUNTS WITH STERNE AGEE FINANCIAL SERVICES, INC. AND AUTHORIZING WHO MAY BY SIGNATURE MAY MAKE CHANGES TO SAID ACCOUNT(S)**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1924-13, and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark, Locke and Mayor Pro Tem Knickerbocker - 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1924-13, duly approved and adopted on this date.

**RESOLUTION NO. 1925-13**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICE AGREEMENT BETWEEN THE CITY OF HANNIBAL AND POEPPING, STONE, BACH AND ASSOCIATES, INC IN THE AMOUNT OF \$10,000.00 FOR ENGINEERING WORK ON PHASE 2 OF THE 2013 MS4 PERMIT**

Motion was made by Council Member Locke to have the City Clerk read Resolution No. 1925-13, 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, Locke and Mayor Pro Tem Knickerbocker - 7

**No:** -0-



**Absent:** -0-

Mayor Hark declared Resolution No. 1925-13, duly approved and adopted on this date.

**BILL NO. 13-015**  
*(as amended)*

**AN ORDINANCE REPEALING CHAPTER 3, ARTICLE III, DIVISION 2 OF THE  
HANNIBAL CITY CODE AND REPLACING IT WITH A NEW CHAPTER 3,  
ARTICLE III, DIVISION 2 INVOLVING THE ISSUANCE AND ADMINISTRATION  
OF LIQUOR LICENSES AND MATTERS RELATING THERETO**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 13-015, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

Council Member Dobson questioned whether these regulations applied to the all liquor licenses, regardless of whether they were permanent or temporary. City Clerk Vance was asked to clarify the permanent vs. temporary license issue.

Vance stated that, under the State of Missouri Statutes, there is no requirement for not-for-profit agencies to obtain a city liquor license; however, they are required to submit, to the State, a letter from the city that affirms there is no requirement for obtaining a liquor license. With this in mind it was determined that, as recourse for a non-profit agency should they receive numerous citations for peace disturbance, the liquor letter could be denied.

Louderman explained that, according to James when this issue was broached, any unfavorable behavior should be addressed in a separate ordinance. He assured Council that he is currently working on an ordinance to address this issue and the same rules would apply to temporary license holders and to permanent license holders alike.

Dobson stated he was also bothered by the statement, “*nuisance activity means any of the following activities engaged-in by persons associated with a premise which have been substantiated by law enforcement personnel*”. He questioned Council, stating that, with regard to something, such as peace disturbance or assault, people are presumed innocent until proven guilty; therefore, if a person is never found guilty or charges filed, is the bar not subject.

A brief discussion took place. During this time, Council Member Louderman gave an explanation and included various instances where the police were dispatched to break up a fight. He explained the Police response based upon an outcome where:

- All parties involved decide not to press charges
- An outside party makes the complaint
- The bar owner makes the complaint

Dobson responded that, since Louderman’s explanation was not included in the ordinance, but only discussed with the bar owners during the recent meeting, then Council had no assurance that this will be the procedure now and in the future.

Chief Davis clarified the word *substantiate* by saying that this provision is included, in the event that false calls are made by someone. He added that the definition of *reasonable measures* means *the premise owner, operator, manager, employee or agent shall report to law enforcement personnel when it becomes known to them that nuisance activities occurred at their premises and they shall fully cooperate with law enforcement personnel investigating such nuisance activities. In addition they shall take the necessary action to attempt to prevent such nuisance activity from reoccurring by either banning the violator from the premises, the hiring of security personnel or other reasonable remedy.* Davis stated that, if these steps are taken, the offense shall not be held against the bar owner. He also stated that some bar owners plan to get together and ban certain patrons.

Mayor Pro Tem Knickerbocker commented that, since this revision, he had spoken to several liquor license holders downtown and he addressed their concerns. A meeting took place and resulted in positive productivity on both sides.

The question was called and the motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark, Locke and Mayor Pro Tem Knickerbocker - 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 13-015, as amended, duly approved and adopted on this date.

**BILL NO. 13-016**

**AN ORDINANCE APPROVING THE ISSUANCE BY HANNIBAL MUNICIPAL ASSISTANCE CORPORATION OF ITS \$2,285,000 PRINCIPAL AMOUNT OF LEASEHOLD REVENUE REFUNDING BONDS SERIES 2013 (CITY OF HANNIBAL, MISSOURI, LESSEE); AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS; MAKING CERTAIN FINDINGS AND DETERMINATIONS; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS AND THE EXECUTION OF THE DOCUMENTS APPROVED HEREIN**

**SECOND AND FINAL READING**

Motion was made by Council Member Dobson to give Bill No. 13-016 a second and final reading 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, Locke and Mayor Pro Tem Knickerbocker - 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 13-016 duly approved and adopted on this date.

**BILL NO. 13-017**

**AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013 TO ALLOW HANNIBAL VOTERS TO CONSIDER APPROVAL OF A RECYCLING FEE OF \$1.90 PER MONTH TO BE APPLIED TO EACH RESIDENTIAL UTILITY BILL FOR THE PURPOSE OF FUNDING THE COMMUNITYWIDE RECYCLING WHICH IS OPERATED BY THE NORTHEAST MISSOURI SHELTERED WORKSHOP**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 13-017 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

**BILL NO. 13-018**

**AN ORDINANCE CREATING CHAPTER 27, ARTICLE III, OF THE CODE OF THE CITY OF HANNIBAL, ADOPTED JANUARY 19, 1988, AND EFFECTIVE JANUARY 19, 1988 RELATIVE TO RECYCLING**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 13-018 a first reading. Motion was seconded by Council Member Dobson.

Motion carried.

## **ADJOURNMENT**

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

Motion carried.