

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, July 16, 2013
Council Chambers
7:00 p.m.**

ROLL CALL

Present: Council Members Dobson, Lionberger, Mayor Hark, Council Members Louderman, Hark and Locke - 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 Dobson led the Pledge of Allegiance to the Flag. Mayor Hark entertained a motion to excuse Mayor Pro Tem Knickerbocker, who was unable to attend the meeting. Motion was made by Council Member Dobson to excuse Mayor Pro Tem Knickerbocker, as requested by the Mayor. Motion was seconded by Council Member Locke.

Motion carried.

APPROVAL OF MINUTES Regularly Scheduled Council Meeting – July 2, 2013

Motion was made by Council Member Louderman to approve the minutes of the regularly scheduled Council meeting that was held on July 2, 2013. Motion was seconded by Council Member Hark.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – July, 2013

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

Motion carried.

ERVIN HARDER – N.E. MO SHELTERED WORKSHOP
Re: Sheltered Workshop Referendum
Recycling Program

Mr. Erv Harder, a Board Member for the Northeast Missouri Sheltered Workshop, came before Council to request that an increase of the current recycling fee be placed on the ballot. Harder presented a Power-Point and gave a brief history of the Sheltered Workshop, including their original mission statement, *“To provide a sheltered work environment for those persons deemed unemployable in the competitive marketplace”*, which was later changed to, *“To provide a business model where the developmentally disabled can provide a service or create a product for the community”*. After relocating to the new facility on Clinic Road it was decided that the mission statement needed to be enlarged to include, *“Provide a meaningful and compassionate environment for the clients to help themselves develop and maintain a sense of dignity and self-worth”*.

Harder explained that the Workshop:

- Recycles cardboard that is re-baled and sold
- Recycles aluminum and steel cans that are re-baled and sold
- Shreds paper products that is re-baled and sold

He added that the Workshop’s income is mainly from the baling and this is, for the most part, dependant on the market price of the aluminum, cans and paper that are sold.

Harder referenced a hand-out that was given to Council prior to the meeting, explaining that even though the Sheltered Workshop had a lot of equipment, it was old and required more maintenance than their current income could support. He stated that one of the trucks, used for picking up recyclables, is currently out of service because it needs a new motor, at a cost of \$2,000, which the Workshop does not have. He referenced other pieces of equipment that were also in need of repair, including the only working truck (a flatbed) that was an early 1970’s model.

Mr. Harder explained that the income they receive comes from:

- The sale of products and services
- Department of Secondary and Elementary Education, through Senate Bill 52, which still exists and set the stage for Sheltered Workshops to operate. (This provides approximately \$18/day per client, who works for six hours at the program.)
- A donation of \$.70 on the utility bill

The Workshop’s income in 2012, from the aforementioned sources, totaled \$248,000.00; however, their expenses totaled \$256,795.00, causing a deficit. This year’s deficit, added to the deficit of former years totaled approximately \$33,000.00; and, Harder stated that the Sheltered Workshop is making progress – in the wrong direction since money is lost each year. These figures are based on an audit conducted by Wade Stables.

Mr. Harder stressed that, currently, there is a workshop supervisor, who oversees operations on a part time basis with her husband. No employee, with the exception of the workshop supervisor makes a wage in excess of \$10.00/hour.

One thing that Harder found very distressing was that people throw trash into the recycling reciprocals; and, their personnel must take time to separate this trash from the recyclable materials. He added that 40 bales of trash were recently transported to the landfill, costing almost \$600.00 for disposal. He called attention to a trash container on the Power Point and added that it is filled once a week. The cost to dispose of the contents is \$350.00, which is \$350.00 worth of profit that is lost in performing the recycling. Trash is the major problem; but, another problem that exists is vandalism, according to Harder, who explained that people have even burned the recycling reciprocals.

If the recycling program were to close:

- There would be no city-wide recycling program, causing an increase of trash in the City
- There would be a loss of 40-50 jobs for people who depend on these jobs to bolster their self-worth and maintain their dignity
- There would be an added cost in relocating the disabled workers to nursing care or custodial facilities, totaling \$200-\$225 per day

In conclusion, Harder made a request to place a \$1.20 increase in the recycling fee, from \$.70 to \$1.90, to be collected by the Board of Public Works as a voluntary contribution on the November ballot. He asked for the City's support of this project and thanked Council for allowing him to speak on the Workshop's behalf.

It was noted that, originally, this intent was to place this issue on the August ballot; however, since the deadline for the August election was six weeks ago, that was not possible. If it is Council's pleasure, an ordinance could be presented at the August 6th Council meeting for a first reading, then would receive the second reading at the last meeting in August, to be held on August 20, 2013. Harder stressed that, without an infusion of funds, the Hannibal Sheltered Workshop will close.

Council Member Dobson asked to hear from BPW General Manager Bob Stevenson, regarding the collection of fees. First and foremost, Stevenson assured Council that the BPW fully supports the work of the Sheltered Workshop. Stevenson explained that the \$.70 fee had been collected by the BPW for several years; however, with the billing system that is in place, some Hannibal residents are not paying this fee. When this occurs, the system tracks this as non-payment of utilities, and when the nonpayment amount reaches an accumulative total of \$50.00, a utility disconnect is automatically triggered, unless a way is found to stop it. He added that the BPW would do whatever Council directed because they support the program; however, at the current time, they have no way of avoiding this particular outcome and if the fee is increased to \$1.90 this will be a more common occurrence. This will have to be addressed, but Stevenson admitted that he had no solution. He stated that the Board's current software does not have the capability to distinguish between utility payments and recycling fees. They are in the process of obtaining new software, but Stevenson was unaware whether the new software would have that capability.

Stevenson suggested two possibilities:

1. The City contract the County to collect these fees since they are already collecting taxes and they may have a better mechanism for this type of collection
2. The BPW continue to collect fees, which could be increased to \$2.00 instead of \$1.90 and the BPW retain \$.10 to offset the increased man hours for collection and distinction between utility non-payment and recycling non-payment

City Attorney Lemon clarified the statement that Mr. Stevenson had made regarding the “voluntary” fee. He advised that the recycling fee, according to the proposition passed by voters is NOT voluntary. He added that no ordinance was passed that provided for enforcement measures or stated what authority the BPW had in the event of non-payment. Lemon advised that, according to the Charter, Council could choose to assign this to the BPW since, under the City’s Charter, they have permission to give the Board authority over additional areas and recycling would be an appropriate area. It could be set up, by ordinance, giving the Board authority to consider recycling the same as any other utility. If necessary, Lemon advised, that nonpayment could also be enforced by filing a suit through City court.

He commented that he did have some concern with regard to the “additional contribution” as stated in the proposal, since he did not believe the City had the authority to do that. A specific fee can be put before the voters and if they approve it he believes the City would have the highest standard of approval. It has been said that this is an illegal fee; however, there is case law on point that specifically states that a recycling fee is an appropriate fee. He shared a specific case, coming out of St. Louis County that even though a recycling fee was not taken to the voters and had a third party doing recycling for them. This was still considered constitutional and they were allowed to charge the fee.

Stevenson reiterated that the Board has cases where citizens refuse to pay the recycling fee. In these instances, the Board has no policing authority to address this non-payment so the fee just accumulates on their bill. Lemon agreed that the BPW had no policing authority; however, the fee is not a voluntary fee, therefore, in cases such as these, an action could be filed against the non-payers in City court.

Council Member Dobson questioned the term “voluntary” fee, asking if the ballot language stated this amount as a “voluntary fee”. Lemon responded that it does not say “voluntary”, but only says, “Should a *fee* be charged?”

Council Member Locke commented that he was in favor of the recycling increase and questioned, “Who in the world would turn something like that down? It’s two bucks, for Heaven’s sake!” Council Member Lionberger agreed, adding that this helps to keep the community clean.

Mr. John Yancey asked if there were any other fees that are not voluntary, allowed to remain unpaid and not being enforced. City Attorney Lemon answered that he was unaware of anything on the City’s books, but he couldn’t give him an absolute “No” that these things don’t exist.

He added, “...if the question was, ‘Are there things that people just don’t pay?’, then the answer is, ‘Absolutely!’”

City Attorney Lemon continued by stating that there have been tax bills that have gone unpaid, as well as personal property taxes, some city stickers and dog licenses and there is a precedence for this type of nonpayment; however, there is nothing stating that it is styled

specifically as a voluntary contribution. There have been things in the past that certain people have refused to pay, according to Lemon, who questioned whether or not the instances were worth the cost of enforcement. Ultimately, determination of enforcement procedure is Council's decision. Lemon restated that there was no ordinance promulgated detailing penalty for non-payment of the recycling fee. He recalled that there was some discussion with regard to this issue but nothing was officially put into effect; therefore, according to the Charter and ordinances, the only recourse would be by filing an action in City court. It would not be beyond the scope of Council's power to set up an alternate enforcement procedure if they were to choose, according to the City Attorney. Stevenson was questioned with regard to the amount of people who refuse to pay; and his response was, "less than 100".

Council Member Louderman commented that he did not have a problem in placing the matter on the November ballot; however, not as a voluntary contribution. Lemon agreed, stating that he had a real concern about placing something voluntary on the ballot, because, in his opinion, it would put the City in a 'legal limbo'. He believed it should be on the ballot as a fee, only. Mr. Yancey concurred, and added that we have been 'volunteering' for a long time and this method is failing. He believes that it will require passage of an ordinance to enforce the collection of this fee.

Yancey asked to clarify the Sheltered Workshop's pay procedure for their employees, assuring Council that they operate under the Fair Labor Standards Act (FLSA). He added that each employee is required to undergo tests to determine how well they can perform and are paid commiserate of their abilities. If their ability to perform is at 50%, administration is required to know what the market rate is for sorting paper and they are paid accordingly.

Mayor Hark wholeheartedly endorsed this program and asked the City Attorney for his recommendation in placing this on the ballot. Lemon advised placing this item on the November ballot as a fee, the way it was originally done. Looking at case law, Lemon explained that the major issue would be whether or not the fee is reasonable related to the services rendered; however, taking this to a vote of the people, the issue will be taken out of that analysis anyway. Lemon suggested that if the ballot language were included, it should be specified that, if the issue passes the original \$.70 would be revoked and the new amount would go into effect as of that ballot issue. It should also be approved on a three-year cycle, as before. Otherwise, according to Lemon, the \$.70 fee will come off a year prior to the \$1.20 fee. This would also be clearer to the voters.

In response to a question from the Mayor regarding responsibility in paying for the election, City Manager LaGarce explained that the last time this was placed on the ballot, the Sheltered Workshop accepted responsibility for the election costs since the City had nothing on the ballot. Mayor Hark clarified that the City did not have anything on this ballot either and the City Clerk confirmed this and added that a normal election would range, in cost, from \$7,000.00 to \$10,000.00, depending on what issues are on the ballot.

In response to a question posed by the City Manager, regarding the yearly revenue that the \$.70 fee brought in, Harder responded that the current \$.70 fee brings in approximately \$64,000.00 per year. LaGarce projected that the amount would double their revenue, and added that, if the issue were to pass, they may have the funding to pay for the election; however, if it did not pass, this would be impossible.

Council Member Dobson inquired about the possibility of waiting until the April election when there are other issues on the ballot. Harder admitted that he understands the City's dilemma, but stated that he was unsure how long the Workshop could survive under the current funding.

A suggestion was made with regard to a 50/50 split of the election costs, and Mr. Yancey tentatively agreed, if monthly installments would be accepted; however, considering the fact that the Workshop does not even have \$2,000.00 available to repair the much-needed truck, he explained that they would not have \$3,500.00 for half of the election costs.

City Attorney Lemon stated that the people have voted twice that they want recycling; then, he respectfully suggested that Council should consider this a mandate that the people do want recycling. At that point, from a cost/benefit perspective Council must ask how much the cost would be to hire a third-party to provide this service. Is the City getting a bargain by utilizing the services of the Sheltered Workshop? If the answer to this question is yes then, according to Lemon, if the cost of the election is factored in, it would be counted as an appropriate and reasonable expense. Council Member Hark questioned whether or not \$6,000 was worth losing the jobs.

Mayor Hark made a motion to place the recycling fee increase on the November ballot. Motion was seconded by Council Member Dobson. It was discussed whether or not to include a penalty assessment. Mayor Hark directed City Attorney Lemon to create an ordinance to that effect. BPW General Manager Stevenson suggested that a portion be added relating to the trash issue, making this a penalty offense. Council Member Hark commented that it could be construed as illegal dumping.

Motion carried. Lemon suggested that the other ordinance, regarding trash dumping and non-payment, could be drafted and put into effect now, without waiting to the ballot issue to pass. All of Council agreed.

ROY G. HARK – MAYOR
Re: Approval of Appointments

Mayor Hark reminded Council of candidates presented at the last meeting for the Real Property Redevelopment Tax Increment Financing Commission and the Hannibal Library Board. These were:

REAL PROPERTY REDEVELOPMENT TAX INCREMENT FINANCING
COMMISSION

➤ **Mike Ginsberg – Reappointment for a term to expire June, 2017**

HANNIBAL LIBRARY BOARD

➤ **Pam Warfield – Reappointment for a term to expire June, 2016**

He asked Council for their approval of these nominations. Motion was made by Council Member Louderman to approve Mike Ginsberg's reappointment to serve on the Real Property Redevelopment Tax Increment Financing Commission for a term to expire in June, 2017 and Pam Warfield's reappointment to the Hannibal Library Board for a term to expire on June, 2016. Motion was seconded by Council Member Hark.

Motion carried.

Re: Recommendation of Appointment

Mayor Hark made the following recommendation:

HANNIBAL LIBRARY BOARD

- **Tom Prater – Appointment 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 6, 2013.

JEFF LAGARCE – CITY MANAGER

Re: Approval of Appointment

City Manager LaGarce reminded Council of a candidate presented at the last meeting for the Board of Adjustment. This was:

BOARD OF ADJUSTMENT

- **Sharon Colbert – Appointment for an unexpired term to expire July, 2014**

He asked Council for their approval of this nomination. Motion was made by Mayor Hark to approve Sharon Colbert's appointment to serve on the Board of Adjustment for a term to expire in July, 2014. Motion was seconded by Council Member Locke.

Motion carried.

Re: Recommendation of Appointment

Mayor Hark made the following recommendations:

PARK BOARD

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

These nominations will be considered for approval at the next regular Council meeting, to be held on August 6, 2013.

Re: Request, Set Special Called Council Meeting – Tuesday, July 30, 2013 – 5:30 p.m.
2008 Bond Refinance

City Manager LaGarce addressed Council with a request to schedule a Special Called Council meeting regarding the 2008 Bond refinance on Tuesday, July 30, 2013 at 5:30 p.m. LaGarce explained that the City has an opportunity to refinance its 2008 bonds which would save approximately \$162,000.00 and retire them a year early. Motion was made by Council Member Louderman to approve the City Manager's request to set this Special Called Council Meeting on July 30, 2013 at 5:30 p.m. Motion was seconded by Council Member Hark.

Motion carried.

BARRY LOUDERMAN – FOURTH WARD COUNCIL MEMBER

Re: Code Amendment, Chapter 3, Article III, Division 2

Liquor License

(Bill No. 13-015, to follow)

Fourth Ward Council Member Barry Louderman presented the next item on the agenda a code amendment to Chapter 3, Article III, Division 2 – Liquor License. Louderman reminded Council of the incident that recently occurred outside a local bar resulting in a death. He explained that, in looking at the liquor ordinance, the City has no ability to revoke a liquor license, only included in the ordinance is an over abundance of gray-area regarding what the City is or is not permitted to do. As a result of the findings, a meeting was held with Chief Davis, City Manager LaGarce, Mayor Hark and Council Member Louderman to determine what changes should be made to insure that bars and establishments selling liquor were aware that a liquor license in the City was a privilege and not a right.

Louderman stressed that Council wanted people in business to be successful and they also wanted people to go to the bar and have a good time, if they so chose; however, they wanted individuals to be responsible and bar owners to be responsible for what happens in their establishment. He added that the new ordinance did not target anyone, specifically; but, gave Council the ability revoke a business owner's liquor license in troubled situations, making them responsible for these situations when they occur in their establishment. Louderman added that, in the upcoming months, he intends to continue his review of the current liquor ordinance.

LEON WALLACE – STREET SUPERINTENDENT

Re: Bid Award Approval, SD/2013-01 - 2014 1-Ton Trucks (2)

Tom Boland Ford

Street Superintendent Leon Wallace recently completed the bidding process for two 2014 one-ton trucks, complete with flat bed, snow plow, hoist and hydraulics. Below are results of this process:

- **SD/2013-01** – Two 2014 1-ton trucks – Two bids were submitted, with the lowest bid submitted by Tom Boland Ford, in the amount of \$109,892.00

Wallace recommended that the bid be awarded to Tom Boland Ford, the low bidder for the 2014 trucks. Motion to approve Wallace's recommendations was made by Council Member Hark. Motion was seconded by Council Member Locke.

Motion carried.

MARK REES – CITY ENGINEER
Re: Airport Joint Repair – Aviation Project Consultant Agreement
Jviation, Inc.
(Resolution No. 1921-13, to follow)

City Engineer Mark Rees reminded Council that a new airport engineer had been selected; and, as a result the airport's current programs and priorities were reviewed. The new engineer, Jviation, Inc, has now made some suggestions that, in order to initiate the runway extension project, the airport layout plan needs to be revised. This will determine whether or not the runway is feasible, according to Rees.

He also explained that the FAA has requested that the taxi lanes be resealed; therefore, Jviation has submitted a fee and proposal, in the amount of \$18,851.72, to do the plans and construction documents for this project, Rees expressed his desire to proceed with this project and was seeking Council approval of Resolution No. 1921-13, to follow, that would allow him to do so.

ANDREW DORIAN – PARKS & RECREATION DIRECTOR
Re: Huckleberry Softball Field Renovations – Supplemental Engineering Contract
Poepping, Stone, Bach & Associates
(Resolution No. 1919-13, to follow)

Parks & Recreation Director Andy Dorian presented the next item on the agenda. He explained that his department is in the midst of the bidding process for improvements at Huckleberry Field; and, during the design phase of this project, a discussion was held regarding the addition of steps from the parking lot to the field. He stated that there are currently no steps and the only way to get to the ball field is down a steep grassy slope or a narrow roadway. Originally, railroad ties served as steps; however, were removed because of wear, and were never replaced. With the addition of a retaining wall, there will no longer be adequate access to the field; and, for that reason, Dorian and the Parks Department have decided to include the steps to the Huckleberry Softball Field Renovation Project.

Dorian requested approval of a supplemental agreement with Poepping, Stone, Bach & Associates in the amount of \$3,000 for this addition. He concluded by stating that his supplemental agreement would be approved with the approval of Resolution 1919-13, to follow.

PHYLLIS NELSON – CITY COLLECTOR
Re: Downtown TIF District Closure/Decertification – Legal Services
Armstrong Teasdale, LLP
(Resolution No. 1920-13, to follow)

City Collector Phyllis Nelson expressed the intent to close out the floodwall TIF, a project that was initiated in 1988. She explained that Armstrong Teasdale was currently in the process of closing the Stardust Munger District TIF/TDD and was also asked to close out the Downtown TIF District that had completed its prescribed timeline in 2012. They have sent an engagement letter, similar to the one approved by Council for the Stardust Munger District TIF/TDD, in the approximate amount of \$25,000. This would be completed with the approval of Resolution No. 1920-13, to follow, according to Nelson.

Re: Credit Card Machine Fees

The final item on the evening's agenda regarded the City's credit card machines, located in the Collector's Office and in the Parks & Recreation Department. City Collector Nelson explained that when the City was under contract with F&M Bank, they absorbed the monthly credit card fees; however, US Bank, our current banking facility, does not absorb these fees that average approximately \$3,600 per year. In speaking with the Board of Public Works, Nelson discovered that they are absorbing the credit card fees.

She explained that, since the Collector's Office no longer accepts tax payments, most credit card charges are for BPW utility bills. She added that, last year the City (collector) received \$24,456.00 from the Board for processing their utility payments. In considering the fees, the net amount received for this processing would be approximately \$20,000.00 if Council chooses to absorb the fees, like the BPW. In seeking solutions from other cities, Nelson found that most, either had a third party charge a "convenience fee", or were absorbing the credit card fees themselves. Nelson added that another option would be to discontinue use of the credit card machine, as was done by the County a few years ago. She did admit that the credit card machine is being used more, as time goes on. She asked Council for guidance with regard to the credit card machine issue.

City Attorney Lemon questioned the interpretation of the state statute with regard to the user fee. He commented that, even though some are interpreting the statute to imply that fees are not allowed, he doesn't interpret it in that way. He said that, according to the statute, the City can charge a user fee. The only thing that may prohibit this, according to Lemon, would be if the credit card agreement with US Bank prohibits it. He added that, frequently, VISA doesn't like these user fees; however, since the City is a municipality, they may not be opposed. He suggested that there is no reason why people should not pay a convenience fee for being allowed to use their credit card and that the Collector or the Finance Director could review the contract for any stipulations of this nature. Then Council would not have to decide whether or not to absorb these fees. The Collector offered to research this and return to the next Council meeting with this additional information. Council agreed.

RESOLUTION NO. 1919-13

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL ENGINEERING SERVICE AGREEMENT BETWEEN THE CITY OF HANNIBAL AND POEPPING, STONE, BACH & ASSOCIATES, INC. IN THE AMOUNT OF \$3,000 FOR THE ADDITION OF STEPS AT CHRIS WALTON FIELD IN HUCKLEBERRY PARK

Motion was made by Council Member Locke to have the City Clerk read Resolution No. 1919-13, and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1919-13, duly approved and adopted on this date.

RESOLUTION NO. 1920-13

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A JULY 1, 2013 ENGAGEMENT LETTER WITH ARMSTRONG TEASDALE, LLP FOR LEGAL SERVICES RELATED TO THE CLOSEOUT OF THE DOWNTOWN TIF PROJECT

Motion was made by Council Member Locke to have the City Clerk read Resolution No. 1920-13, 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 and Locke – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1920-13, duly approved and adopted on this date.

RESOLUTION NO. 1921-13

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND JVIATION, INC IN THE AMOUNT OF \$18,851.72 FOR THE PREPARATION OF PLANS TO REPAIR RUNWAY, TAXIWAY AND RAMP JOINTS AT THE AIRPORT

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1921-13, 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 and Locke – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1921-13, duly approved and adopted on this date.

BILL NO. 13-015

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

FIRST READING

Motion was made by Council Member Hark to give Bill No. 13-015 a first reading. Motion was seconded by Council Member Louderman.

Motion carried.

CLOSED SESSION

In Accordance with RSMo. 610-021 (1) & (2)

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph one (1) and two (2), admitting himself, rest of Council, City Manager LaGarce, City Attorney James Lemon, City Clerk Vance and City Engineer Rees. Motion was made by Council Member Louderman to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Locke.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Motion carried.

OPEN SESSION

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

Motion carried.

ADJOURNMENT

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

Motion carried.