

OFFICIAL COUNCIL PROCEEDINGS

Tuesday, October 15, 2013
Council Chambers
7:00 p.m.

ROLL CALL

Present: Council Members Locke, 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 Hark led the Pledge of Allegiance to the Flag. Mayor Hark entertained a motion to excuse Mayor Pro Tem Knickerbocker from the meeting. Motion was made by Council Member Dobson and seconded by Council Member Hark, as directed by the Mayor.

Motion carried.

APPROVAL OF MINUTES Regularly Scheduled Council Meeting – October 1, 2013

Motion was made by Council Member Louderman to approve the minutes of the regularly scheduled Council meeting that was held on October 1, 2013. Motion was seconded by Council Member Hark.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – October, 2013

Motion was made by Council Member Hark to approve the payroll and claims for the first half of October, 2013. Motion was seconded by Council Member Locke.

Motion carried.

WENDELL & MARY GLANCE

**Re: Presentation, United States Flag on behalf of Major Shayna Thompson, MD
3rd Brigade, 1st Infantry Division – Afghanistan**

Wendell & Mary Glance introduced themselves; and, then stated their reason for coming before Council. Mrs. Glance began by explaining that their presentation was in response to an incident that occurred in Hannibal, July, 2013 – the burning of the American Flag on Lover’s Leap. She added that, even though this is “Small Town America” the effects of this action were felt 7,000 miles away. Glance stated that Shayna Thompson, the Glances’ daughter and a 2000 graduate of Hannibal High School, was in active military service in Afghanistan. Major Thompson, a medical doctor, serving as brigade surgeon with the 3rd Combat Brigade – 1st Infantry Division, heard about the incident and communicated it with her commander. In response, the commander ordered a special U.S. Flag be flown in Afghanistan for one month, in honor of the citizens of Hannibal, MO.

Mrs. Glance read a excerpt of Shayna’s letter:

Mayor Hark,

I recently read about the flag vandalism at Lovers’ Leap. As a Hannibalian, deployed to Afghanistan in support of Operation Enduring Freedom, I was discouraged. Nonetheless, I know the citizens of America’s Hometown are proud Americans and that patriotism gives me courage and determination to continue to serve. For every small child playing in his front yard and every adult sipping iced tea on their front porch, I stand guard. As a tribute to the upbringing that raised me as a patriot, please accept this flag, which has flown over Forward Operating Base Apache in Zabul, Afghanistan.

Respectfully,

*Major Shayna Thompson, MD
Combined Taskforce Duke Surgeon
Forward Operating Base Apache
Afghanistan*

And from Commander Bradley Meyers and Colonel William Oslo:

Combined Taskforce Duke, 3rd Brigade, 1st Infantry Division, dedicates this American Flag to the citizens of Hannibal, MO. On 27 July 2013, the soldiers of the Combined Taskforce Duke, 3rd Brigade, Combat Team One, Infantry Division, while in support of Operation Enduring Freedom, proudly flew this symbol of our great nation, the United States of America, in the face of our enemy, over Camp Apache, a remote base in the Austere rugged mountains and plains of Zabul Province, Afghanistan.

*Bradley Meyers, Command Sergeant Major
William B. Oslo, Colonel Infantry Commander*

On behalf of their daughter and the brave men and women of the 3rd Brigade, 1st Infantry in Afghanistan, the Glance's presented the flag, stating, "May God bless and keep our soldiers safe and may God bless America!"

Mayor Hark accepted the flag on behalf of the City of Hannibal, expressing his honor and heartfelt thanks for this gift. He sought Mr. & Mrs. Glance's preference in handling of their gift, whether it should be flown or displayed in a place of honor, alongside the certificate and letter, for future generations to see. (If the flag is flown, it will soon weather and fade, according to Mayor Hark). Pictures of Major Thompson were also presented, at this time.

ROY G. HARK – MAYOR
Re: Approval of Appointments

Mayor Hark reminded Council of a candidate presented at the last meeting for the Police & Firemen's Retirement Board. This was:

POLICE & FIREMEN'S RETIREMENT BOARD

- **Albert Higdon – Appointment for an unexpired term to expire December, 2016**

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

Motion carried.

MIKE DOBSON – 2nd WARD COUNCIL MEMBER
Re: Authorization, Main Street Project Asphalt & Overlay Extension
North Street (from 3rd to alleyway behind former Murphy Motors)

Second Ward Council Member Mike Dobson presented the next agenda item, authorization for an asphalt/overlay extension to the Main Street Project. He commented that the Main Street Project had shaped up, resulting in a very nice project to exhibit to the Hannibal citizens and tourists during the upcoming Folklife Festival. He explained that one major thoroughfare into the Main Street area, North Street, is in extreme need of repair; however, this was omitted for a number of reasons.

Dobson stated that he had inquired about the reason this was not included in the original project and suggested a cost estimate be sought to lay this asphalt, since the largest expense on these projects is mobilization and Chester Bross Construction is already in the area. He asked that Brian Chaplin, DPW Project Manager, share these results.

Chaplin explained that the area to be asphalted measures 500' x 40' and would require approximately 250 ton of asphalt. He added that Bross developed a cost estimate to lay the asphalt, which totaled:

- \$ 25.00/ton to lay asphalt

- \$ 7.00/ton to haul asphalt
- \$ 750.00 for tack coat (200 gallons)
- **\$7,500.00** to asphalt North Street from 3rd Street to the alley.

In response to a question posed by Mayor Hark, Chaplin stated that this street was currently concrete. Mayor Hark commented that upon observation, he found that North Street, from Main to the levee, is broken up. He questioned the result for asphaltting over this damage.

Chaplin responded that, when a street with damage is covered with asphalt, the cracks will be visible; and, within one season, cracks will be as bad as the current ones are. He stated that the street could be milled; however, he pointed out that the surface is river rock concrete similar to the asphalt built in the 1970's and unlike the limestone concrete that is currently utilized. Bross is opposed to milling since this procedure would probably damage the milling head.

He admitted that the street did need repair, but advised that he was unsure that asphalt was the answer. Ultimately, this was a decision to be made by Council, since asphalt is an option and it is a possible solution, to overlay this street.

Mayor Hark recalled that the reason this street was omitted from this project was because their intention was to return and repair it, as a concrete street. He added that North Street, as well as Broadway, was omitted from the original project. When asked whether results of the asphalt overlay would look worse than Palmyra Road, Project Manager Chaplin stated that the cracks in North Street were very bad. Even though the street can be asphalted, the reflection of the existing cracks will be noticeable in another season, according to Chaplin. He commented that it would be his choice to do repairs in concrete at a later date.

Mayor Hark was opposed to overlaying North Street, stating that, although he would prefer to have the street repaired, the project continued to grow, encompassing more and more area. He added that, ultimately, there must be a starting and stopping point. Hark said that much work had been done in the downtown area and the street looks very nice, but there are many other citizens that have streets they would like to have repaired.

Council Member Lionberger commented that, in driving through the Third Ward over the weekend, he observed various areas of concern. In his opinion, North Street should remain a concrete street, possibly replaced, as such; however, since there are so many streets throughout the City in need of repair, it was questionable when the budget would allow improvements to North Street.

In response to a question regarding whether or not North Street was included in the 5-Year Street Plan, City Engineer Rees responded that no concrete streets were included in the Plan since the intention was to catch up on the asphalt streets. Dobson believed that this was a way to make needed repairs for a small amount of money (\$7,500.00) since Bross was already working in this area, but several people pointed out that Bross would be working in Hannibal again.

Chaplin suggested that needed repairs to North Street could be completed at the same time Mark Twain Avenue is redone, in approximately two years; however, a question was posed whether or not North Street would last for two more years. It was then suggested that the plan be scaled back and to make repairs on the street from the North and Main intersection to

the flood wall, cutting the cost in half. Council Member Dobson made a motion to overlay the North and Main Street intersection to the floodwall (North Street). Council Member Lionberger seconded the motion.

Roll Call

Yes: Council Members Dobson and Louderman - 2

No: Council Members Locke, Lionberger, Mayor Hark and Council Member Hark - 4

Absent: -0-

Motion failed.

GAIL BRYANT, DIRECTOR - HCVB
Re: Bid Award Approval, Visitor Guide Layout & Design
BFM Graphics

HCVB Director Gail Bryant presented the next item on the agenda, a request for approval of a bid award for the 2014 visitor guide layout and design.

Bryant explained that three bids were received as the result of a recent legal notice ad and Request for Proposal distribution. Those bids were opened on September 26th. After bids were reviewed, the recommendation was to accept the lowest bid from BFM Graphics in the amount of \$1,995.00 for the layout and design of the 2014 Hannibal Visitor Guide. Motion was made by Council Member Louderman to approve the bid award as recommended. Motion was seconded by Council Member Locke.

Motion carried.

Re: Bid Award Approval, Visitor Guide Printing
Poole Communications

HCVB Director Bryant then requested Council bid award approval for the 2014 Visitor Guide printing. As the result of advertising and RFP distribution, three bids were received for this project. On September 26th these bids were opened, as well. Each bidder met all the requirements outlined in the RFP. As a result, staff recommended the bid be awarded to Poole Communications, the lowest bidder, in the amount of \$26,243.00.

Motion was made by Council Member Dobson to approve Bryant's request. Motion was seconded by Council Member Louderman.

Motion carried.

Re: Proposal, Molly Brown Home Operations
Hannibal History Museum Foundation – Ken & Lisa Marks

HCVB Director Bryant explained that the next item on the agenda was regarding the operations of the Molly Brown Home and Museum, which has been under the charge of the Convention and Visitors Bureau for the past 2-2 ½ years.

During this time, according to Bryant, the Museum has continued to operate at a loss; however, the current year the loss was approximately \$2,000 in comparison to 2012 when the Museum's loss was \$5,000, partially due to the necessity of installing a new air conditioning unit. Bryant pointed out that a three-member committee had been created to oversee the Molly Brown House/Museum and a president was appointed. The purpose of this committee is to research and review options to better promote the Museum so that it will no longer operate at a loss. She added that, because of the location, several entities that had been approached, but had expressed no interest in a partnership.

HCVB Director Bryant commented that research has also been conducted with regard to the possibility of relocating the structure. It was discovered that it would probably be necessary to disassemble the building and reassemble it at the new location. As it now stands, options are very limited for the HCVB to promote the Museum as an attraction; and, this endeavor has become very burdensome because of time and costs associated with its operation. It also places the HCVB in competition with other attractions in the community.

Recently an entity has made an offer whereby the City would enter into a lease agreement allowing this entity to assume the daily operations of the Molly Brown Museum; therefore, Bryant was requesting Council's consideration of this proposal. She advised that the committee had met with this entity and the City Attorney to decide whether or not this was an option that would be of benefit to the City. She called attention to the list of stipulations that had been recommended by the Molly Brown Committee and the HCVB Board. In conclusion, Bryant asked for Council approval to negotiate and possibly come to terms with this entity to oversee the daily operations, beginning in 2014.

Mayor Hark advised that, if this option was approved, the Dempsey's would want to take possession of their furniture from the Museum; however, City Attorney Lemon responded that he had discussed this issue with Mr. Dempsey and assured Council that according to the agreement, as long as the Molly Brown Home is being used as a museum. The contents would not be removed. He added that it would be Council's pleasure if they wished to return these items to the Dempsey's; however, they were given to the City, as a gift, with the only exception would be if the City ceased to use Molly Brown Home as a museum.

Mayor Hark stated that he was not in favor of putting additional funds into the building, since it had been a losing proposition from the beginning. The Mayor questioned the expectations of the City with regard to the lease agreement; and, added that the City had neither the workforce nor the money to fulfill the expectations of this entity. The HCVB Director responded that the whole intention in having someone else assume the daily operations was so that City Departments, such as HCVB, Parks & Recreation and Street Department, would no longer have the responsibility; however, she added that those stipulations must be put in terms of the agreement which they will be negotiating. She explained that the proposal is merely the entity's requests but it will be necessary to work out details and the City whole goal is to step-out, altogether.

According to City Attorney Lemon who attended some of the meetings, Ken and Lisa Marks believe they can operate the Museum and make a reasonable amount of profit, as well as

keeping the building maintained. He agreed that details still need to be ironed out which included the possibility of requiring a bond to insure that maintenance is continued. He added that, if terms could be negotiated that would be acceptable to the City, i.e., without expending cost or labor, the Board would be willing to turn over operations of the Molly Brown home/Museum. Mayor Hark agreed even though he was unsure how anyone would be able to make a profit.

Bryant assured the Mayor and Council that a number of stipulations, including the requirement for a surety bond, had been included in the Board's recommendations; and, both party's agreement to these stipulations would be the sole way that the Board would support this endeavor. The whole goal of these negotiations is to insure that the asset will be cared for. Motion was made by Council Member Louderman to table this request pending receipt of a concrete proposal. Motion was seconded by Mayor Hark and requested that the original contract between the City of Hannibal and the Dempsey's be reviewed before any action is taken.

City Attorney Lemon reiterated that, ultimately, it was Council's decision, even though according to the agreement, as long as the City was continuing to operate this property as a museum, the contents may be kept intact; however, if the property ceased to be operated as a museum, the contents would be returned to the Dempsey's. Mayor Hark called the question.

Roll Call

Yes: Council Members Locke, Lionberger, Mayor Hark, Council Members Louderman and Hark - 5

No: Council Member Dobson - 1

Absent: Mayor Pro Tem Knickerbocker – 1

Motion carried.

ANDY DORIAN, DIRECTOR – PARKS & RECREATION
Re: Community Pool Analysis, Phase I – Engineering Service Agreement
Poepping, Stone, Bach & Associates
(Resolution No. 1931-13, to follow)

Parks & Recreation Director Andy Dorian presented the next item on the agenda, approval of Resolution No. 1931-13, to follow, regarding Phase 1 on an engineering service agreement with Poepping, Stone, Bach and Associates for analysis of the Community Pool. He explained that the Pool is an aging infrastructure, and added that in 2003 the Parks Department completed a very significant upgrade that included the addition of three slides, spray features, pump house for new equipment, bathhouse renovations, as well as many other amenities. At that time, however, the concrete pool basin, the pipes or the filter system were not upgraded and are now at the end of their useful life. Dorian advised that these components have been in place since the early 1960's when the pool was originally constructed.

Dorian stated that there are no operating gauges on anything and, believed that the Pool is a liability since the City risks a catastrophic failure in the cast iron pipe system due to its age. He added that any failure of this pipe system would result in the closure of the Pool and could also result in serious injury to anyone in the pump room. He recommended performing an analysis to identify all areas of concern.

As a result of RFQ distribution, six proposals were received; and interviews were conducted with all six firms. Even though each firm did an excellent job during their presentation, Poepping, Stone, Bach & Associates and Waters Edge Design were chosen because the Parks Department believed these firms would be the best fit for this project. Dorian explained that his department has worked with Poepping, Stone, Bach & Associates a number of times and has always been happy with the results. Dorian and his staff liked Waters Edge Design because their specialty is renovation of pools like the Hannibal Pool, manufactured in the 1960-1970 time period; and, from a cost-standpoint, renovation would be the most desirable option. He advised that he did not want to complete \$1,000,000 of renovations only to discover that these would only last for ten additional years. For that reason, he suggested approval of an overall analysis of the entire structure, inside and outside, including core samples of the basin, plumbing tests on all the pipes. Water tests are currently being performed since several feet of water is lost each week and Dorian admitted that he was not sure where this was going.

After the analysis is completed, a report will be done with options detailing how to proceed. Dorian stated that, at that time, this will be presented to Council for their input. Regardless of the outcome, this project will be extremely expensive. He asked Council for their approval of a \$30,000 engineering agreement, \$15,000 of this amount would be for testing. Dorian did not know the entire cost of the testing, but assured Council that the total would not exceed the allotted \$15,000. With Council approval, a report should be forthcoming by Christmas, according to the Parks Director. In response to a question from Council, Dorian stated that, regardless of the analysis outcome, it will be necessary to replace the plumbing/pipes. Council approval of Resolution No. 1931-13, to follow, would authorize the Mayor to execute the engineering service agreement with Poepping, Stone, Bach & Associates for the community pool analysis, Phase I.

ROBERT STEVENSON – HANNIBAL BPW GENERAL MANAGER

Re: Approval, Special Call Council Meeting – Bond Sales

Tuesday, November 12, 2013 – 7:00p.m.

Heath Hall, on behalf of BPW General Manager Robert Stevenson, presented the final item on the evening's agenda, a request for approval of a special call Council meeting with regard to bond sales. Hall reminded Council that the BPW had recently gotten the bonding authority from the voters to sell water and sewer bonds. The reason for the Special Call, according to Hall, was to give a first reading to the approving ordinance for the sale of these municipal bonds. He briefly explained the process; and then he asked that a Special Call Council meeting be held on November 12, 2013 at 7:30 p.m. Prior to that date, the Board will review proposals and make a recommendation.

The BPW intends to make the bonds available for sale by the end of the 2013 calendar year. In order to meet the consultant's schedule and complete all prior tasks, the Special Call

meeting is necessary. He added that the actual time of the meeting could be adjusted as Council deemed fit.

Mayor Hark and Council Member Hark advised that they would be on vacation during that week and it would be necessary for them to return for the meeting on that date. Council Member Dobson stated that, as long as Mayor Pro Tem Knickerbocker was present and there was a quorum, the meeting could be held without all members. The question was posed, whether or not the members could attend the meeting electronically; however, City Attorney Lemon did not believe this was a viable option since the voters approved attendance, electronically, for the BPW Board Members, but there was nothing on the ballot that addressed this issue for Council. He said that Council may want to revisit this issue during a future election.

After a brief discussion regarding the proposed meeting time, motion was made by Council Member Louderman to approve a Special Call Council meeting on Tuesday, November 12, 2013 at 5:15 p.m. Motion was seconded by Mayor Hark.

Motion carried.

BILL NO. 13-022

AN ORDINANCE REZONING, A 2,452 SQUARE FEET +/-, MORE OR LESS, TRACT OF LAND LYING IN PART OF LOT 2 OF BLOCK 30 OF THE ORIGINAL TOWN, ALSO KNOWN AS 207 A. N 5TH STREET, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI, FROM E-COMMERCIAL TO B-MULTIPLE FAMILY ZONING DISTRICT AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY

SECOND AND FINAL READING

Motion was made by Council Member Dobson to give Bill No. 13-022 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 Locke, Dobson, Lionberger, Mayor Hark, Council Members Louderman and Hark – 6

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Bill No. 13-022 duly approved and adopted on this date.

BILL NO. 13-023

**AN ORDINANCE ADOPTING FINAL ENVIRONMENTAL COVENANTS
RELATIVE TO 322 SOUTH EIGHTH STREET, TO BE FILED WITH THE
MARION COUNTY RECORDER OF DEEDS, PURSUANT TO THE MISSOURI
DEPARTMENT OF NATURAL RESOURCES' BROWNFIELDS/VOLUNTARY
CLEANUP PROGRAM, FOR COMPLIANCE WITH PROVISIONS OF THE
COMMERCIAL FLOOD BUYOUT PROGRAM**

SECOND AND FINAL READING

Motion was made by Council Member Louderman to give Bill No. 13-023 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Bill No. 13-023 duly approved and adopted on this date.

BILL NO. 13-024

**AN ORDINANCE ADOPTING FINAL ENVIRONMENTAL COVENANTS
RELATIVE TO 400 SOUTH ELEVENTH STREET, TO BE FILED WITH THE
MARION COUNTY RECORDER OF DEEDS, PURSUANT TO THE MISSOURI
DEPARTMENT OF NATURAL RESOURCES' BROWNFIELDS/VOLUNTARY
CLEANUP PROGRAM, FOR COMPLIANCE WITH PROVISIONS OF THE
COMMERCIAL FLOOD BUYOUT PROGRAM**

SECOND AND FINAL READING

Motion was made by Council Member Locke to give Bill No. 13-024 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Bill No. 13-024 duly approved and adopted on this date.

BILL NO. 13-025

**AN ORDINANCE ADOPTING FINAL ENVIRONMENTAL COVENANTS
RELATIVE TO 700-02 SOUTH MAIN STREET, TO BE FILED WITH THE
MARION COUNTY RECORDER OF DEEDS, PURSUANT TO THE MISSOURI
DEPARTMENT OF NATURAL RESOURCES' BROWNFIELDS/VOLUNTARY
CLEANUP PROGRAM, FOR COMPLIANCE WITH PROVISIONS OF THE
COMMERCIAL FLOOD BUYOUT PROGRAM**

SECOND AND FINAL READING

Motion was made by Council Member Louderman to give Bill No. 13-025 a second and final reading and call the roll for adoption. Motion was seconded by Council Lionberger.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Bill No. 13-025 duly approved and adopted on this date.

RESOLUTION NO. 1931-13

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
ENGINEERING SERVICE AGREEMENT BETWEEN THE CITY OF HANNIBAL
AND POEPPING, STONE, BACH & ASSOCIATES, INC. FOR A LUMP SUM NOT
TO EXCEED AMOUNT OF \$30,000 FOR PHASE 1 COMMUNITY POOL
ANALYSIS**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1931-13, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Mayor Hark declared Resolution No. 1931-13, duly approved and adopted on this date.

At this time, Council publically thanked the Hannibal Police Officers for the fine job they did in apprehending the individuals that committed the heinous act at the Ayerco on Highway 36 and Shinn Lane.

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 and two (1 & 2), admitting himself, rest of Council, City Manager LaGarce, City Attorney James Lemon, City Clerk Vance, Parks Director Andy Dorian, City Engineer Mark Rees, Police Chief Lyndell Davis and Debbie Kendrick. Motion was made by Council Member Louderman to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Mayor Hark.

Roll Call

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

No: -0-

Absent: Mayor Pro Tem Knickerbocker - 1

Motion carried.

OPEN SESSION

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

Motion carried.

ADJOURNMENT

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

Motion carried.