

# OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, January 21, 2014  
Council Chambers  
7:00 p.m.**

## ROLL CALL

**Present:** Council Members Hark, Dobson, Lionberger and Mayor Hark - 4

**Absent:** Council Member Locke, Mayor Pro Tem Knickerbocker and Council Member Louderman - 3

## CALL TO ORDER

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

## INVOCATION

At this time, 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 and Council Members Locke and Louderman 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 – January 7, 2014**

Motion was made by Council Member Hark to approve the minutes of the regularly scheduled Council meeting that was held on January 7, 2014. Motion was seconded by Council Member Lionberger.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**First Half – January, 2014**

Motion was made by Council Member Dobson to approve the payroll and claims for the first half of January, 2014. Motion was seconded by Council Member Hark.

Motion carried.

**KARA VIOREL – HANNIBAL YMCA**  
**Re: Request, Temporary Ban of No Parking – Brookside Drive**  
*(February 7-9, 2014 – Tom & Becky Swim Invitational)*

Ms. Kara Viorel, representing the Hannibal YMCA, presented the next item on the agenda, a request for a temporary ban of the *No Parking* restrictions on Brookside Drive during their Tom & Becky Swim Invitational at the YMCA. The YMCA will be hosting approximately 600 swimmers and their families for this annual event on February 7 - 9, 2014. She stated that, to accommodate the amount of attendees, the YMCA had spoken to the School District and had secured the High School parking lot. They would also be using the adjacent church parking lot for overflow, adding that the church lot would be unavailable for parking on Sunday, February 9<sup>th</sup>, so Viorel requested Council approval for this temporary ban of the *No Parking* restrictions on the south side of Brookside Drive. She admitted that she was aware of the past problems that had surfaced because of former request approvals. Because of these issues, Viorel assured Council that the YMCA would be distributing flyers to all of the neighbors, giving them a heads-up. Motion was made by Council Member Dobson to approve Viorel's request. Motion was seconded by Council Member Lionberger.

Motion carried.

**BILL MADORE – FIRE CHIEF**  
**Re: Introduction, Fire Fighter Sean McHargue**

Deputy Fire Chief Michael Benjamin, on behalf of Chief Madore, came forward and introduced Sean McHargue, the Fire Department's newest probationary firefighter, who began his career with the Hannibal Fire Department in December, following the resignation of another firefighter. Benjamin added that McHargue is a graduate of Hannibal High School and is a life-long resident of the City. The Deputy Chief asked that Sean be welcomed aboard. Mayor Hark, on behalf of Council, welcomed McHargue and expressed his pleasure that another hometown young man remain in the community and make their careers here.

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

Mayor Hark reminded Council of a candidate presented at the last meeting for the Landmarks and Monuments Board. This was:

## LANDMARKS AND MONUMENT BOARD

### ➤ **Frank Salter – Reappointment for a term to expire January, 2017**

He asked Council for their approval of this nomination. Motion was made by Council Member Hark to approve Frank Salter's appointment to the Landmarks and Monuments Board for a term to expire January, 2017. Motion was seconded by Council Member Dobson.

Motion carried.

## **JEFF LAGARCE – CITY MANAGER**

### **Re: Approval of Appointment**

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

## HANNIBAL PARK BOARD

### ➤ **Kevin Rushing – Appointment for an unexpired term to expire January, 2015**

He asked Council for their approval of this nomination. Motion was made by Council Member Dobson to approve Kevin Rushing's appointment to the Hannibal Parks Board for a term to expire January, 2015. Motion was seconded by Council Member Lionberger.

Motion carried.

### **Re: Recommendation, Mark Twain Avenue Upgrade**

The City Manager presented the next item on the agenda, a recommendation for the Mark Twain Avenue upgrade. LaGarce explained that MoDOT would be overlaying Mark Twain Avenue in 2015 and they had developed a list of schematics for improvements, over and above the overlay, that might be of interest to the City. This was presented sometime last September or October; and, since the City liked these improvements, MoDOT was going to provide some estimates for the City's costs.

MoDOT presented three components:

- Parking Lanes – Placed on the urban portion of 3<sup>rd</sup> Street - \$35,000, which the City was already committed to spend in 2015 for overlay in that area.
- Ten Foot Use Path – Placed on the south side of Mark Twain Avenue - \$110,000.00. In speaking with the Parks Director, LaGarce decided to advise against this component because of the cost and since MoDOT's upgrade already includes five foot sidewalks on both sides of the road and separate bicycle routes on the pavement. A recommendation may be made to increase the sidewalk width from five feet to six feet, at an estimated cost of \$22,000 per side.

- Decorative Lighting – Totaling \$325,000. Negotiations with MoDOT for conduit to be done by their contractor are currently being done. Since LaGarce is making a recommendation to apply the City’s STP – Small Urban Funding of \$202,000 to this project a gap of only \$123,000 remains, which the Board of Public Works agreed, two hours ago, to fund the difference in order to erect the lighting.

According to LaGarce, a separate option exists to withhold a portion of the STP funding for the Shinn Lane design; however, at the current time there has been no traffic study and the roadway must be reclassified before it is eligible for STP funding. At this point, LaGarce asked Council for feedback on whether or not they were in favor of this project, as presented and if anyone was interested in increasing the proposed sidewalks from five to six feet.

Mayor Hark was in favor of the five foot to six foot upgrade if all details could be worked out. Council Member Hark expressed his support for the project, provided the revenue source is available, but voiced his opposition to any additional long term debt. LaGarce responded by stating that this project would not indebt the City since the \$202,000 is a credit the MoDOT district office received in proportion to the respective cities, so the City of Hannibal could use these funds for this particular project, if we so desire.

With this in mind, Council Member Hark thought it would be advantageous for the City to inform the public that these funds were available and no funding would be required from taxpayers. LaGarce explained that there weren’t too many streets eligible for which this money would be made available. Council Member Dobson added that the money is made available for certain MoDOT right-of-ways and could not be used for the street to someone’s residence.

Council Member Lionberger just wanted assurance that, during these tough times, taxpayers would not be held responsible for providing additional tax dollars for this project. He also wanted to know that the money was there, with these MoDOT funds (Small Urban Funding). LaGarce responded that \$35,000 would be coming from the Street Budget (Lane Overlay), which, he indicated, really makes sense.

Council Member Dobson stated that it was an appropriate expenditure for MoDOT funds since this road is a “pathway” to the downtown tourist attractions; and, what the public sees in their trip to this area is important. He voiced his support of this project.

Council Member Hark asked whether this could be the perfect time to correct North Street, off of 3<sup>rd</sup> Street, to which LaGarce responded, that it could. Then, Council Member Dobson noted that this overlay project was the same as what had come up previously. At that time, according to Dobson, they had indicated they were not in favor of doing an overlay on North Street, but a replacement. City Engineer Mark Rees stated that he did not believe there was ever a plan to rebuild, but noted that asphalt streets should have a higher priority than concrete ones. Rees indicated that there was an aesthetic importance for North Street, because of its location. During the discussion, Council agreed that this would be the right time to correct North Street.

In regard to the five foot versus six foot sidewalk option, Parks Director Andy Dorian suggested that the City request that MoDOT bid this with both available options to determine the cost difference between the two widths. This could then be approved at a later date.

LaGarce explained that the next issue deals with the right-of-way, itself. It has recently been discovered that one-half of the right-of-way is owned by the City and the other one-half is owned by MoDOT. The City's portion is on the business side of the north side of Mark Twain Avenue. He advised that, originally this was a narrow street; however at some point, MoDOT acquired an additional right-of-way, possibly when the bridge was erected in the 1930's the street was widened. From that time MoDOT has owned the south half and the City has owned the north half and this was never merged. Since MoDOT is not supposed to overlay City or county streets, the process becomes more complicated.

MoDOT has now offered to deed their portion of the right-of-way to the City, which is the undeveloped side; then, proceed with the project completion.

There is some concern with this option since the right-of-way goes up the hill quite a bit in various places. Some areas are grassy hills, not tree-covered, that would require mowing and maintenance; but the largest issue is the potential landslides from soil or trees. LaGarce stated that the City is not well-equipped to deal with landslides, reminding Council of the landslide that occurred across a Parks trail last summer. As a result, the decision was made to abandon the trail, instead of attempting clean-up. According to City Manager LaGarce, he would like to schedule meeting with MoDOT's District Engineer to discuss any questions or ideas that Council may have.

Mayor Hark have concerns, explaining that he had also spoken with Street Superintendent Wallace who indicated that he would be unable to contend with any falling trees in this area. He reminded Council of the Bin Wall on Grand Avenue that was obtained by the City some years ago, adding that soon after this was acquired, problems started to occur. Soon thereafter, it was necessary for the City to purchase property on top of the hill to alleviate the problem. Hark stated his concern that the City may have similar problems on Mark Twain Avenue. He assured Council and the City Manager that he was in favor of this project; however, is not willing to endorse something that could cost a considerable amount of money in the future.

Council Member Hark agreed, saying that decisions that are currently being made could have long-term effects, even twenty years from now. He added that the City does not have the proper equipment to handle, or even clear, a landslide if it were to occur. Council would be in favor of meeting with MoDOT's District Engineer to negotiate and possibly find a resolution.

City Manager LaGarce suggested that the City maintain Mark Twain Avenue, including plowing the snow. In turn, MoDOT would overlay and retain the Right-of-Way. Street Superintendent Wallace indicated that this was not a feasible alternative since the City does not have enough material to maintain the current amount of streets. LaGarce and Mayor Hark agreed that there could be additional options that could be negotiated during the upcoming meeting.

## **Re: Request, Union Negotiation Task Force**

City Manager LaGarce advised that he expected to get a proposal from the Fire Department Union very soon. This being the first post-Fire Board negotiation, he requested that Council initiate a Union Negotiation Task Force, consisting of three (3) Council Members. Mayor Hark entertained a motion to place Council Members Louderman, Locke and Hark on the Task Force to serve with City Manager LaGarce. Motion was made by Council Member Dobson to place Council Member Louderman, Council Member Locke and Council Member Hark on the Union Negotiation Task Force with the City Manager. Motion was seconded by Council Member Lionberger.

Motion carried.

## **Re: Downtown Hannibal Street Tree Survey – Contract Agreement**

*Davey Resource Group  
(Resolution No. 1940-14, to follow)*

City Manager LaGarce explained that in the Fall of 2013, prior to the spending freeze, the Hannibal Tree Board applied for a TRIM Grant. The City of Hannibal was awarded this grant last October or November; and, is designed to do a tree inventory study in the area with the largest and oldest trees. The City Manager listed six reasons why this would be a good project. The study would:

1. Provide an accessible database and mapping system for inclusion of the City's website
2. Allow the City to identify disease inventories and take adequate measures
3. Provide a method of identifying hazardous trees for removal
4. Enable Hannibal to develop, improve and promote urban forestry
5. Allow the City to develop and maintain tree maintenance and pruning schedules
6. Help evaluate tree damage and loss after severe storms

As a result of the bidding process, only one bid was submitted, from Davey Resource Group. Staff is comfortable with Davey, as well as the Tree Board. One Tree Board member is an Urban Forester with the Missouri Conservation Department and a second Urban Forester of that agency who serves as a liaison to the Board are both satisfied with Davey, their work and their proposal.

The TRIM grant is \$10,000 with the project totaling \$12,500 (a \$2,500 match is required). The firm, if approved, would inventory every tree in the yellow area of a map that was included in the agenda packet (largely comprising the eastern portions of Hannibal and generally having the most and oldest street trees); and, they would provide the results in digital format by May 1, 2014.

The City Manager noted that the biggest reason to approve Resolution No. 1940-14 and the related contract with Davey Resource Group would be to use this tool to implement a regular tree trimming and pruning schedule. If a tree were damaged, this tool could be utilized to check the tree's age to determine whether or not it would be a viable decision to retain the tree.

LaGarce added that the City spends a lot of money on trees and big storms create additional problems.

In conclusion, City Manager LaGarce, along with the Staff, recommended approval of Resolution No. 1940-14, to follow, authorizing the Mayor to execute a professional services agreement with Davey Resource Group in the amount of \$12,500 to conduct a street tree inventory. He explained that the match had not been budgeted since it came in after the budget was complete. After having a spending freeze for 4 months, he believes the City has had sufficient savings to cover the \$2,500 difference.

In response to a question posed by Council Member Dobson, LaGarce clarified that the study would include the public trees in the right-of-way, within the yellow border, or street trees as opposed to park trees.

**DOUG WARREN – FINANCE DIRECTOR**

**Re: Accounts Payable Policy**

*(Resolution No. 1941-14, to follow)*

Finance Director Doug Warren introduced Resolution No. 1941-14, to follow. If approved, this Resolution would authorize implementation of an accounts payable policy, known as the **Prompt Payment Policy**. He assured Council that he has no problem with current vendors, adding that he had very few confrontations in the past; however, from time to time he receives a credit application with terms that are not acceptable to the City. He gave an example that was included on a recent application in which terms were 10 days and 6 percent compounded interest.

Since there has been no policy stating what the City would pay, this is the City's defense which defines what we consider timely; then, detailing the process. The Policy states that the City will pay within 30 days if the invoice is received in a timely manner. If not a late fee of 1% will be assessed and paid, with no allowance for the interest to be compounded. Warren explained that the City will, at least, be making a statement on our own. This is a very simple policy, which he believes will work well. He asked Council consideration and approval of this resolution, to follow.

**MARK REES – CITY ENGINEER**

**Re: Request, Set Public Hearing – Rezone 700, 712, 714, 718 Grand Avenue**

*(March 04, 2014 - 6:30 p.m.)*

City Engineer Mark Rees presented the next item on the agenda, a request to set a public hearing with regard to a rezoning issue for locations known as 700, 712, 714 and 718 Grand Avenue. Rees explained that an application was recently received for this rezoning from C-Business to B-Multi-Family Zoning.

Contingent upon approval by the Planning & Zoning Commission on February 20, 2014, a recommendation will be brought before Council. He requested that the public hearing be set for March 4, 2014, at 6:30 p.m.

Motion was made by Council Member Dobson to set a public hearing for this matter on March 4, 2014, at 6:30 p.m. Motion was seconded by Council Member Hark.

Motion carried.

#### **RESOLUTION NO. 1940-14**

##### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH DAVEY RESOURCE GROUP IN THE AMOUNT OF \$12,500 FOR COMPLETION OF A STREET TREE INVENTORY PURSUANT TO THE MISSOURI TRIM GRANT**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1940-14, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

#### **Roll Call**

**Yes:** Council Members Hark, Dobson, Lionberger and Mayor Hark – 4

**No:** -0-

**Absent:** Council Member Locke, Mayor Pro Tem Knickerbocker and Council Member Louderman - 3

Mayor Hark declared Resolution No. 1940-14, duly approved and adopted on this date.

#### **RESOLUTION NO. 1941-14**

##### **A RESOLUTION ADOPTING THE CITY OF HANNIBAL MISSOURI PROMPT PAYMENT POLICY**

Motion was made by Council Member Hark to have the City Clerk read Resolution No. 1941-14, and call the roll for adoption. Motion was seconded by Council Member Lionberger.

Motion carried.

#### **Roll Call**

**Yes:** Council Members Hark, Dobson, Lionberger and Mayor Hark – 4

**No:** -0-

**Absent:** Council Member Locke, Mayor Pro Tem Knickerbocker and Council Member Louderman – 3

Mayor Hark declared Resolution No. 1941-14, duly approved and adopted on this date.

**BILL NO. 14-001**  
*(As amended)*

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A VENDOR AGREEMENT WITH THE HANNIBAL HISTORY MUSEUM FOUNDATION, IN CONJUNCTION WITH THEIR FISCAL AGENT, MARION COUNTY HISTORICAL SOCIETY, A 501(C)(3) NON-PROFIT CORPORATION FOR THE OPERATION OF THE MOLLY BROWN HOUSE LOCATED AT 600 BUTLER AVENUE, HANNIBAL, MISSOURI 63401**

**SECOND AND FINAL READING**

Motion was made by Council Member Dobson to give Bill No. 14-001, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Lionberger. City Attorney Lemon advised that, during a recent conversation with the Dempsey's regarding the donation of this property, they had expressed some concerns, primarily in relation to the section detailing the personal property. In this section, it was not specifically stated that the personal property belonged to the Dempsey's and would be returned to them if the City ceased operating this as a museum.

Lemon informed Council that, as a result, he had drafted some proposed revisions but did not formally hear from the Dempsey's until earlier in the day when Mrs. Dempsey contacted him stating that they wanted to make it clear that they have no personal issues with the Mr. and Mrs. Marks, but only their concern to retain the personal property at the Molly Brown House. It was their request that they retain all rights to the personal property, should the Molly Brown House cease being operated as a museum. City Attorney Lemon drafted this change, stating exclusive ownership of personal property by the grantor, to be used only for museum-type purposes. An inventory, prepared by Mr. & Mrs. Dempsey will be included.

Motion carried.

**Roll Call**

**Yes:** Council Members Hark, Dobson, Lionberger and Mayor Hark – 4

**No:** -0-

**Absent:** Council Member Locke, Mayor Pro Tem Knickerbocker and Council Member Louderman - 3

Mayor Hark declared Bill No. 14-001, as amended, duly approved and adopted on this date.

## **ADJOURNMENT**

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

Motion carried.