

## **OFFICIAL COUNCIL PROCEEDINGS**

**Tuesday, January 6, 2015  
Council Chambers  
7:00 p.m.**

### **ROLL CALL**

**Present:** Council Members Dobson, Lionberger, Mayor Hark, Council Members Van Hoose, 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**

Council Member Lionberger gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Council Member Van Hoose led the Pledge of Allegiance to the Flag.

### **APPROVAL OF MINUTES**

#### **Regularly Scheduled Council Meeting – December 16, 2014**

Motion was made by Council Member Locke to approve the minutes of the last regular Council meeting that was held on December 16, 2014. Motion was seconded by Council Member Dobson.

Motion carried.

### **APPROVAL OF PAYROLL AND CLAIMS**

#### **Second Half – December, 2014**

Motion was made by Council Member Dobson to approve the payroll and claims for the second half of December 2014. Motion was seconded by Council Member Locke.

Motion carried.

**MIKE BENJAMIN – DEPUTY FIRE CHIEF**  
**Re: Introduction, Probationary Fire Fighters**

Deputy Fire Chief Mike Benjamin came before Council to introduce the department's two newest firefighters, Chris Davis and Kenny Mast. The officers replaced Captains Scott Gollaher and Michael Murphy, who retired at the end of last year. Council welcomed both officers, adding that the Fire Department was a great place to work.

**ALAN BOWEN – LOAFERS CAR CLUB**  
**Re: Request, Street Closure – Annual Car Show**  
*Saturday, May 9, 2015 – 6:00 a.m. – 4:00 p.m.*

Mr. Alan Bowen, representing the Loafer's Car Club, requested Council approval to close Main Street from Broadway to North Street. The request also included Bird Street, Center Street and Hill Street from 3<sup>rd</sup> Street to the Levee. His request involved assistance from the Street Department, the Fire Department and the Police Department to set up barricades and move cars. The request was for the purpose of hosting the Loafer's Annual Car Show. The Clerk reminded Mr. Bowen that the Club would need to provide a certificate of insurance prior to the date of the event.

Motion was made by Council Member Lionberger to approve Bowen's request for street closure. Motion was seconded by Council Member Locke.

Motion carried.

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

Mayor Hark reminded Council of a candidate presented at the last meeting for the Building Commission. This was:

**BUILDING COMMISSION**  
**➤ Doug Warren – Finance Director**

He asked Council for their approval of this nomination. Motion was made by Council Member Dobson to approve Doug Warren's appointment to the Building Commission. Motion was seconded by Council Member Hark.

Motion carried.

**JEFF LAGARCE – CITY MANAGER**  
**Re: Request, Avenues – Local Fee Increase**  
*Domestic Violence Shelters*

City Manager LaGarce explained that he had recently received correspondence from Ms. Judy Edmonson, representing Avenues. This was a notification of a change in State Law that allowed support for domestic violence shelters. According to the change, a \$2.00 fee exists for certain law enforcement convictions that can increase to \$4.00 if the City wishes to do so.

Ms. Edmonson is requesting that Council approve this increase in applicable fees. LaGarce assured Council that he was making no recommendation with regard to this decision, but was only presenting the request on Edmonson's behalf. If this is of interest to Council, a bill can be prepared and presented at the next regular Council meeting.

Mayor Pro Tem Knickerbocker commented that Avenues is a vital resource for the people in Hannibal that need it. He added that even though there are probably more people than this organization can actually serve and they do a very good job. Avenues has a board of volunteers that fund-raises at local events, according to Knickerbocker. They do receive some funding; however, this is not nearly enough to maintain the shelter. Council agreed that this was a worthy cause and gave LaGarce clear direction to proceed with the process to approve the requested change.

**Re: Emergency Management Services – Coordinator Agreement**  
*John S. Hark – Emergency Management Coordinator*  
*(Resolution No. 1982-15, to follow)*

LaGarce explained that John Hark had recently submitted a request for a new 4-year agreement to serve in his current capacity as the Emergency Management Coordinator for the City of Hannibal. He added that he would like to employ Hark, who has considerably advanced the City's cumulative emergency preparation plans. He said that emergency management and preparedness require a long-term outlook and Hark had coordinated and handled the numerous disaster declarations encountered in recent years, doing a fine job.

LaGarce advised that all terms and compensation are unchanged in the proposed new agreement and recommended approval of Resolution No. 1982-15, to follow, authorizing the Mayor Pro Tem to execute this agreement with John S. Hark in the amount of \$28,800, annually, to serve as Hannibal's Emergency Management Coordinator.

**Re: April, 2015 Municipal Election – Propositions 1 & 2**  
*(Bill Nos. 15-001 and 15-002, to follow)*

City Manager LaGarce explained that, with Council approval, two propositions would be placed on the April 2015 Municipal Election - Bill No. 15-001, to follow, regarding Proposition 1 and Bill No. 15-002, to follow, regarding Proposition 2. LaGarce stated that Proposition 1, would approve a use tax that would only be assessed against those out-of-state purchases on which no taxes have been paid; Proposition 2 would close a loophole that occurs when a motorized vehicle, purchased out-of-state, has had no sales tax assessed

against it. Missouri Legislature had created a three-year fix for this loophole; however, the three years are due to expire in 2016, this is similar to a use tax, but relates only to boats, cars, RVs, trailers and campers.

LaGarce stated that these particular measures have been challenged in the courts; and, it is feared that they will continue to be challenged. The City was advised, by the Missouri Municipal League and the Missouri Department of Revenue, to run both of these measures, concurrently. These two bills work, hand-in-hand, to accomplish the same thing. Mayor Hark added that most of the cities in this vicinity currently have a use tax, with the exception of Hannibal. LaGarce concluded by stating that, if Council were to approve these bills, there would be an attempt to explain the issue to voters in a much easier fashion prior to the April 2014 Election.

**ANGELICA VANCE – CITY CLERK**

**Re: Policemen and Firemen Retirement Fund – Plan Document Amendment**

*Eligible Spouse*

*(Resolution No. 1981-15, to follow)*

City Clerk Angelica Vance presented a request for amendment to the Police and Fire Retirement Plan Document. She explained that, in 2009, the document was submitted to the IRS in order to obtain a letter of favorable determination. This letter, recognizing the plan as IRS compliant and qualified, was obtained in October, 2012. As part of the compliance process, the plan must follow and adopt new IRS-issued notices; therefore, the plan must now follow and adopt IRS Notice 2014-19 that was issued in April, 2014 and provides guidance on how qualified plans should comply with federal recognition of same-sex marriage.

Vance advised, on that basis, the City's P&F Retirement Plan was evaluated and it was determined that the definition of "Eligible Spouse" for death benefit purposes should be clarified and include a retroactive effective date of June 26, 2013, based on the Supreme Court's decision in *Windsor*. She concluded her presentation by stating that the amendment would be approved with the approval of related Resolution No. 1981-15, to follow.

**BRIAN CHAPLIN – DPW SUPERINTENDENT**

**Re: Street Superintendent - Position Announcement**

*Rich Dauma*

Finally, DPW Superintendent Brian Chaplin introduced the new Street Superintendent, Rich Dauma. Chaplin explained that five applicants were interviewed; and, on Tuesday, December 23, 2014, Mr. Dauma was offered and had accepted the position as Hannibal Street Department Superintendent. Chaplin added that Dauma had been an employee of the Street Department for twenty-two years, and would now assume all the roles and responsibilities in this position that were previously held by Leon Wallace.

**BILL NO. 15-001**

**AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI IMPOSING A USE TAX AT THE RATE OF TWO AND ONE-QUARTER PERCENT (2.25%) PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO PROVISIONS OF RSMO SECTIONS 144.600 THROUGH 144.761; PROVIDING FOR USE TAX TO BE REPEALED, REDUCED OR RAISED IN THE SAME AMOUNT AS THE CITY SALES TAX IS REPEALED, REDUCED OR RAISED; AND PROVIDING FOR SUBMISSION OF THE PROPOSAL (*PROPOSITION 1*) TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE MUNICIPAL ELECTION TO BE HELD TUESDAY, APRIL 7, 2015**

**FIRST READING**

Motion was made by Council Member Locke to give Bill No. 15-001 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

**BILL NO. 15-002**

**AN ORDINANCE PROVIDING FOR SUBMISSION OF A PROPOSAL (*PROPOSITION 2*) TO CONTINUE APPLICATION AND COLLECTION OF THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS, AND OUTBOARD MOTORS THAT WERE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 7, 2015**

**FIRST READING**

Motion was made by Council Member Dobson to give Bill No. 15-002 a first reading. Motion was seconded by Council Member Lionberger.

Motion carried.

**RESOLUTION NO. 1981-15**

**A RESOLUTION AMENDING THE CITY OF HANNIBAL, MISSOURI POLICEMEN AND FIREMEN RETIREMENT FUND, SECTION 1.13 "*ELIGIBLE SPOUSE*"**

Motion was made by Mayor Pro Tem Knickerbocker to have the City Clerk read Resolution No. 1981-15 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 Van Hoose, Hark, Locke and Mayor Pro Tem Knickerbocker - 7

**Absent:** -0-

Mayor Hark declared Resolution No. 1981-15 duly approved and adopted on this date.

**RESOLUTION NO. 1982-15**

**A RESOLUTION AUTHORIZING THE MAYOR PRO TEM TO EXECUTE A FOUR-YEAR SERVICE AGREEMENT WITH JOHN S. HARK TO SERVE AS THE CITY'S EMERGENCY MANAGEMENT COORDINATOR IN THE AMOUNT OF \$28,800 ANNUALLY**

Motion was made by Council Member Lionberger to have the City Clerk read Resolution No. 1982-15 and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Lionberger, Van Hoose, Locke and Mayor Pro Tem Knickerbocker – 5

**Abstain:** Mayor Hark and Council Member Hark - 2

**Absent:** -0-

**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-paragraphs one (1) and two (2), admitting himself, rest of Council, City Manager LaGarce, City Attorney James Lemon, City Clerk Angelica Vance, Parks & Recreation Director Andy Dorian, City Collector Phyllis Nelson, Steve Terry and Sandy Terry. Motion was made by Council Member Hark to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Dobson.

**Roll Call**

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

**Absent:** -0-

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 Hark.

Motion carried.

### **ADJOURNMENT**

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

Motion carried.