

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, November 15, 2016
Council Chambers
7:00 p.m.**

ROLL CALL

Present: Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, Mayor Hark, Council Members Van Hoose, Ipson, and Locke - 7

Absent: -0-

CALL TO ORDER

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

INVOCATION

The invocation was given, at this time, by Council Member Van Hoose.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Motion was made by Council Member Ipson to approve the agenda with the addition of 1st reading, approval of appointment, for the building commission. Motion was seconded by Council Member Dobson.

Motion carried.

APPROVAL OF MINUTES Regularly Scheduled Council Meeting – November 1, 2016

Motion was made by Council Member Van Hoose to approve the minutes for the last regularly scheduled Council meeting that was held on November 1, 2016. Motion was seconded by Council Member Ipson.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half – November, 2016

Motion was made by Council Member Van Hoose to approve the payroll and claims for the first half of November, 2016. Motion was seconded by Council Member Ipson.

Motion carried.

KATHRYN MCDANIEL – AMERICAN CANCER SOCIETY
Re: Request, Street Closures – Relay for Life of Marion County
Friday, June 2, 2017 – 4:00 p.m. – 12:00 a.m.

Kathryn McDaniel, American Cancer Society, came before Council to request street closure on Main Street for their Relay for Life of Marion County. The event will take place Friday, June 2, 2017 from 4:00 p.m. until 12:00 a.m. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion was seconded by Council Member Dobson.

Motion carried

JOHN PAUL TOMKO - CITIZEN
Re: Proposal, Graffiti Ordinance

John Paul Tomko then addressed Council regarding his proposal of a graffiti ordinance, as done by the City of Palm Springs, California. There has been a dramatic increase in graffiti over the past 4 months. He is requesting the City take action, as the private sector is not able to, or they would have done so by now. Should the city bear the burden of the costs? When it comes to the City budget, there are times when there is an excess where some City departments only spent 97% of their budget. This excess could be used towards this City Ordinance. The City Manager of Palm Springs submitted a letter to Mr. Tomko endorsing their graffiti ordinance and its effectiveness. Mr. Tomko read that letter to the Council. He then stated that the restriction of aerosol is a preventative measure similar to what is currently happening within the City of Hannibal with certain over the counter pharmaceuticals and driver's licenses for example.

Knickerbocker then addressed Mr. Tomko, thanking him for coming indicating he has a good idea and concept. He does not feel this would be a significant money issue for the City and probably very doable money wise. As a charter city, it would be prudent for the City Attorney to review what he has presented and come up with an ordinance that the City could adopt specific to the City.

Dobson questioned how Palm Springs removed the graffiti effectively; Mr. Tomko indicated that there is no cure all, especially for brick. Metal surfaces can be repainted over and one individual mentioned even brake fluid could be used. Mayor Hark indicate porous surfaces are harder to cover. He indicating it is refreshing to have an individual present a problem and a solution to the City. This is the true meaning of the community and government working together. Palm Springs has been able to remove their graffiti within 48 hours, leaving the City ascetically pleasing.

Mr. Ipson expressed his agreement as well; he questioned the precedent this would set if they removed graffiti from private property. He responded that the property owner does have the ability to remove it themselves or they can approve the City stepping in to remove the paint and sign a waiver. Some business owners do not have the resources to do this on their own.

Knickerbocker made a motion to have the City Attorney review and craft something acceptable for the City. Seconded by Council Member Dobson.

Motion carried.

JAMES R. HARK – MAYOR
Re: Approval of Appointments

Mayor Hark reminded Council of candidates presented at the last meeting for the following Boards:

AFFIRMATIVE ACTION COMMITTEE

- **Joel Dant – appointment for a term to expire March, 2018**
- **Wesley Foster – reappointment for a term to expire March, 2019**

Mayor Hark asked Council for their approval of these recommendations. Motion was made by Council Member Ipson to approve the Mayor's recommendation of Joel Dant to the Affirmative Action Committee, for appointment for a term to expire March, 2018 and Wesley Foster to the Affirmative Action Committee, for reappointment for a term to expire March, 2019. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

Re: Recommendation of Appointments

Mayor Hark made the following recommendation:

MARK TWAIN HOME BOARD

- **Mary Lou Callicott – reappointment for a term to expire November, 2022**

BUILDING COMMISSION

- **Melissa Cogdal**

These nominations will be considered for approval at the next regular Council meeting, to be held December 6, 2016.

JEFF LAGARCE – CITY MANAGER
Re: Approval, Bond Closing Costs Disbursement

City Manager Jeff LaGarce began his presentation by indicating that there is a first reading on the bond bill, and he asked the closing costs not be included in with the bond, as we

would like to pay for those with cash. This evening he is asking Council's permission/approval to issue payment for those closing costs when they become available. They are estimated for around \$180,000. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion was seconded by Mayor Hark.

Motion carried.

Re: Street Bond Issuance – Underwriter Selection
(Resolution No. 2064-16, to follow)

The City Manager then addressed his resolution 2064-16 and requested that it be read as amended as when the submission deadline occurred the firms had not yet submitted proposals. The draft was placed on the agenda, three qualified bids were received, and the best overall with total interest cost was First Banker's Bank Securities. The City Clerk issued a requested amended resolution on Monday, filing in all the blanks on the draft resolution that was distributed Thursday.

Re: Hannibal Municipal Assistance Corporation - Leasehold Revenue Bond Issuance, Series 2016 – Street Project
(Bill No. 16-033, to follow)

The next item he discussed was the bond ordinance itself, this evening he is asking for a first reading. In two weeks the only difference will be including all the exhibits which will be asked to be read as amended. Council Member Dobson questioned the 2.3% as being locked in, LaGarce indicated it's the total interest cost. He has not seen rates this low on any financing that we have done in the past. They typically go up, starting low and increasing over the time period.

Re: Show-Me PACE Program Participation – Cooperative Agreement
(Bill No. 16-034, to follow)

Mr. LaGarce indicated that he was contacted by a representative of the Show Me PACE. This is a private investment pool where developers can build a building or modify their building and put in energy efficient components into that building, obtain a private loan, and then the PACE program treats it as a lien on the property. Then during tax time they would be billed separately just for their portion of the improvements. This has no effect on the City or County, and there is no liability on the City's part at all.

Re: Pay Grade Amendments - Certain FLSA-Exempt Positions
U.S. Department of Labor Mandates
(Bill No. 16-035, to follow)

On his final order of business LaGarce asked Council to approve this bill as an emergency reading as the federal compliance date is prior to the next council meeting. The FLSA has now more than doubled the required salary required to give to employees who fall within a certain range. The city has 7 employees that are impacted by this. There are two ways to address, increase their salary or recognize that we will need to be paying overtime, even if they are salaried. This evening's bill recommends 3 of the employees be increased; two of which are assistance department heads. He would not be doing this if the federal government

was not mandating this. The third employee is the management assistant in the police department who actually manages 10 employees, which is more than what LaGarce manages directly. The pay increases are not that much; however, it could mess with the internal equity. If this law is overturned, it will be examined again.

ANGELICA ZERBONIA – CITY CLERK
Re: “Downtown Marina” – Insufficient Petition Certification

Angelica Zerbonia, City Clerk, then informed Council that on July 29, 2016 an Affidavit of Petitioner’s Committee was filed in the Office of the City Clerk. This five (5) member group then began circulating a petition known as “Downtown Marina”. On October 19th the “committee” submitted petitions containing 1,242 signatures of which 932 signatures were verified, thus certifying the petition as insufficient, as a minimum of 1,179 verified signatures are required. I promptly notified the “Committee” representative of the insufficiency, providing the particulars wherein it was defective via registered mail. Mr. Bowen, “Committee” contact representative, received and signed for the registered mail, Saturday, November 5, 2016. The “Committee” did not file a notice of intention of amend within the two (2) day requirement, therefore in accordance with Section 18.04. - Procedure After Filing (a) of the City of Hannibal Charter, she presented to the Council the certificate with a final determination as being insufficient.

GAIL BRYANT – DIRECTOR, HCVB
Re: Bid Award Approval, 2017 Visitor’s Guide Printing
Poole Communications - \$30,247

Gail Bryant, Director of HCVB, requested bid approval for the printing of the 2017 Official Hannibal Visitor Guide. They received two bids for the project. A legal notice was placed in the Hannibal Courier Post on October 25, 2016, and an RFP was sent to the vendors requesting the information for the printing. The bids were opened on November 1, 2016, by the City Clerk. She recommended the bid be awarded to Poole Communications in the amount of \$30,247. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion was seconded by Council Member Ipson.

Motion carried.

ANDY DORIAN – DIRECTOR, PARKS & RECREATION
Re: Approval, Riverfront Design

Andy Dorian addressed Council concerning the riverfront proposal that was presented at the last Council meeting. Knickerbocker, indicated last Thursday Dorian met with the petitioner's committee and it went well, and he feels everyone was on the same page. Knickerbocker questioned Mr. Bowen, who indicated we were good with it. Mayor Hark indicated during that meeting that something was brought up relating to the City possibly running out of funds when it got to the marina, the suggestion was made to actually start with the marina and progress from there. This will help to ensure the riverfront is not closed down any more than necessary and we do not want to lose the boating seasons if we don't have it.

Council Member Dobson questioned if anyone has met with Steve Terry, Dorian indicated they have met and until we get into the actual design we would not know the relocation, however, he is very open minded. Council Member Cogdal then questioned if we could accommodate should 70 boats want to dock, Dorian indicated we could expand in the future if need be. Cogdal indicated she would like for Dorian to work with all the community on the riverfront designs and they would all have a lot of input and good ideas. Dorian indicated there would be a ton of meetings with a ton of people throughout the community to design this, when it comes to landscaping, artwork, etc. Cogdal indicated she has come in at a tough time, and she has spent a lot of time out in the community knocking on doors, meeting with 29 members of her ward, received one call and messages. Her vote will reflect what she received from her constituents.

A member from the audience, Jill Hays, asked where the corps of engineers fit into the plan. Andy indicated we are on hold until the final plan was approved, which will be submitting to the corps. Motion was made by Council Member Ipson to approve plan "D". Motion was seconded by Council Member Dobson.

Motion carried.

ROBERT STEVENSON – BPW GENERAL MANAGER

Re: Bond Reimbursement - Capital Expenditures

(Resolution No. 2065-16, to follow)

Robert Stevenson, BPW General Manager, informed Council that the Hannibal Board of Public Works voted in October to invest in on-site diesel driven generators as a partial fulfillment of its requirement to own or control up to 62 MW of generating capacity. They are in the process of soliciting bids for a ten year lease program through a large bank and would expect to close the financing deal in about 60 days. As part of the project the Board will be spending some cash in preparing for delivery of the generators prior to the closing of the financing package. It would be financially desirable that those funds spent early would be reimbursable to the Board from the loan proceeds. This is mainly for some early spending that can't wait due to long lead times. Mr. Stevenson indicated that another Resolution would follow to approve the actual loan. He also expects to save half a million dollars as a result of this.

PHYLLIS NELSON – CITY COLLECTOR

Re: Approval, Business Closures – Noncompliant License Renewals

Phyllis Nelson, City Collector, informed Council that there are still 18 outstanding business licenses. Several reminders have been sent to them along with a note asking them to let us know if they are no longer doing business within the city limits of Hannibal. Certified letters were sent out on October 24, 2016 to all the businesses still listed as delinquent. With Council's authorization, she will send out notices on November 16th letting each business know and informing them of the 30 day appeal period. If nothing is resolved or appealed within that time I will submit the list of remaining businesses to the police department. They will check to make sure the business is no longer operating. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion was seconded by Council Member Ipson.

Motion carried.

RESOLUTION NO. 2064-16 AS AMENDED

**A RESOLUTION ACCEPTING A PROPOSAL FOR UNDERWRITING;
SELECTING FIRST BANKER'S BANK SECURITIES AS UNDERWRITER IN
CONNECTION WITH THE ISSUANCE ON BEHALF OF THE CITY HANNIBAL,
MUNICIPAL ASSISTANCE CORPORATION OF ITS \$7,110,000 PRINCIPAL
AMOUNT OF LEASEHOLD REVENUE BONDS, SERIES 2016 (CITY OF
HANNIBAL, MISSOURI, LESSEE); AND ACKNOWLEDGING CERTAIN
DISCLOSURES PURSUANT TO MSRB RULE G-17**

Motion was made by Council Member Locke to have the City Clerk read Resolution No. 2064-16 and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 2064-16 duly approved and adopted on this date.

RESOLUTION NO. 2065-16

**A RESOLUTION DETERMINING THE INTENT OF THE CITY OF HANNIBAL,
MISSOURI TO ENABLE THE HANNIBAL BOARD OF PUBLIC WORKS TO
REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES IN
CONNECTION WITH THE ACQUISITION AND INSTALLATION OF
GENERATORS AND OTHER UTILITY EQUIPMENT**

Motion was made by Council Member Ipson to have the City Clerk read Resolution No. 2065-16 and call the roll for adoption. Motion was seconded by Council Member Locke.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 2065-16 duly approved and adopted on this date.

BILL NO. 16-032

**AN ORDINANCE OF THE CITY OF HANNIBAL REVISING CHAPTER 13
HEALTH AND SANITATION, ARTICLE II, SMOKING PROHIBITED IN INDOOR
WORPLACES
AND PUBLIC PLACES**

Second & Final Reading

Motion was made Council Member Van Hoose to give Bill No. 16-032 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Ipson.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Bill No. 16-032 duly approved and adopted on this date.

BILL NO. 16-033

AN ORDINANCE APPROVING THE ISSUANCE BY HANNIBAL MUNICIPAL ASSISTANCE CORPORATION OF ITS \$7,110,000* PRINCIPAL AMOUNT OF LEASEHOLD REVENUE BONDS, SERIES 2016 (CITY OF HANNIBAL, MISSOURI, LESSEE); AUTHORIZING CONVEYANCE OF CERTAIN REAL PROPERTY TO HANNIBAL MUNICIPAL ASSISTANCE CORPORATION; 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

First Reading

Motion was made by Council Member Dobson to have the City Clerk give Bill No. 16-033 a first reading. Motion was seconded by Council Member Van Hoose.

Motion carried.

BILL NO. 16-034

AN ORDINANCE TO ENABLE THE CITY OF HANNIBAL, MISSOURI TO JOIN SHOW ME PACE, PURSUANT TO SECTIONS §67.2800 TO §67.2835, RSMO, THE “PROPERTY ASSESSMENT CLEAN ENERGY ACT,” AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES AS A MEMBER OF SUCH DISTRICT

First Reading

Motion was made by Council Member Ipson to have the City Clerk give Bill No. 16-034 a first reading. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

BILL NO. 16-035

AN ORDINANCE AMENDING SALARY GRADES FOR CERTAIN CITY POSITIONS FOR PURPOSES OF COMPLIANCE WITH NEW U.S. DEPARTMENT OF LABOR OVERTIME RULES WHICH TAKE EFFECT ON DECEMBER 1, 2016

Emergency Reading

Motion was made by Mayor Pro Tem Knickerbocker to give Bill No. 16-035 an emergency reading and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Bill No. 16-035 duly approved and adopted on this date.

CLOSED SESSION
In Accordance with RSMo. 610-021 (3)

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph three (3), admitting himself, City Council, City Clerk Angelica Vance, and City Attorney James Lemon. Motion was made by Council Member Ipson to enter into Closed Session. Motion was seconded by Council Member Van Hoose.

Roll Call

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

No: -0-

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 Mayor Pro Tem Knickerbocker.

Motion carried.

ADJOURNMENT

Motion was made by Council Member Dobson to adjourn the meeting. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.