

OFFICIAL COUNCIL PROCEEDINGS

Tuesday, June 19, 2001
7:00 P.M.

ROLL CALL

Present: Council Members Dexheimer, Behymer, Higdon, Morgan, Janes,
Wilson and Mayor Hark - 7

Absent: -0-

CALL TO ORDER

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

INVOCATION

Council Member Morgan gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF PAYROLL AND CLAIMS First Half of June, 2001

Motion was made by Council Member Behymer to approve these claims, seconded by Council Member Wilson.

Motion carried.

MARY BETH BAUDENDISTEL – CITY CLERK
Re: Sales Tax Report

The Clerk reports we received \$290,428.81 from the State of Missouri for the 1-cent sales tax distribution for the month of June, compared to \$270,000.53 received last year for same period.

The Clerk reports we received \$145,213.92 from the State of Missouri for the ½ cent sales tax distribution for the month of June, compared to \$134,955.83 for the same period last year.

The Clerk reports we received \$145,213.92 from the State of Missouri for the ½ cent park tax distribution for the month of June, compared to \$134,954.88 for same period last year.

Re: Additional Vacation Request

City Clerk Mary Beth Baudendistel stated that the Council should have received a letter in their mailboxes concerning her request for additional vacation. She asked Council to review this letter and give consideration to this matter which would grant her an additional 1 week of vacation and would bring her up to four weeks vacation this year and also for 4 weeks vacation yearly for subsequent years.

Motion was made by Council Member Dexheimer to approve, seconded by Council Member Behymer.

Motion carried.

MAYOR ROY HARK **Re: Board and Commission Appointments**

Mayor Hark presented nominations for the Planning and Zoning Commission and the Real Property Redevelopment Tax Increment Financing Committee. He asked Council to give consideration to approving his nominations at the next regular council meeting.

Re: Swearing in of New Police Chief

Mayor Harks introduced David Downs as our new Police Chief and administered the Oath of Office.

Re: “Y” Men’s Club Request

Mayor Hark asked the City Clerk to read a letter from Pete Friesen who was writing on behalf of the “Y” Men’s Club which requested permission to block off the street from the alleyway to the floodwall gates on Hill Street, including the alleyway behind Murphy

Motors, for their 22nd Annual Mud Volleyball Tournament. The dates requested are from 12 Noon on Thursday, July 5th through Sunday, July 8th.

Motion to approve was made by Council Member Dexheimer, seconded by Council Member Wilson.

Motion carried.

GARY SHIMUN – CITY MANAGER
Re: Board Appointments From Last Meeting

Mr. Shimun asked approval of the following board appointments which he had presented at the last council meeting. The nominations are as follows:

Parks and Recreation Committee

Charles Leonard – Three-year term to expire July 2004

David Bleigh – Remainder of a three-year term to expire July 2003

Affirmative Action Committee

Reverend Wesley Foster – Three-year term to expire March 2004

Historic District Development Commission

Terrell Dempsey – Five-year term to expire May 2006

Hannibal Convention and Visitors Bureau

James Brandt – Remainder of five-year term to expire September 2003

Board of Public Works

George Danforth – Remainder of four-year term to expire July 2003

Tom Lennon – Four year term to expire July 2005

Library Board

Susan Wathen – Three-year term to expire June 2004

Daniel Niday – three-year term to expire June 2004

Tree Board

Chris Schulse – Remainder of three-year term to expire September 2001

Motion was made by Council Member Behymer to approve appointments. Motion was seconded by Council Member Higdon.

Motion carried.

Re: Agreement to Support the Four Laning of Route 36

Mr. Shimun explained that the reason for Resolution 904 is to include the City's name in regard to support of this project in an upcoming meeting. Therefore, he is asking that Council give their support to this project by approving the Resolution.

Re: Additional Vacation

Mr. Shimun explained that Council had received a memo requesting that he be granted two additional weeks of vacation. Motion was made by Council Member Wilson to approve, seconded by Council Member Janes. After a brief discussion, a roll call vote was taken.

Roll Call

Yes: Council Members Behymer, Higdon, Morgan, Janes, Wilson and Mayor Hark – 6

No: Council Member Dexheimer – 1

Motion carried.

**TERRY MORELAND – T-N-T RANCH & RODEO
Re: Date Change of 2nd Annual Riverfront Rodeo**

Since Mr. Moreland could not be present, Mayor Hark asked the City Clerk to make the request in his behalf.

City Clerk Mary Beth Baudendistel stated that in Mr. Moreland's original request he had asked for 3 days in June. Because of the floodwalls, the location had to be moved to the Industrial Site. Heavy rains in June prevented the event from occurring at the scheduled time. Mr. Moreland is requesting, at this time, they be granted June 29, 30th & July 1st as dates for this event and it could now be held in the South Main Area as originally planned.

Motion was made by Council Member Dexheimer to approve this request, seconded by Council Member Wilson.

Motion carried.

**JOHN WEALER – CITY BUILDING INSPECTOR
Re: Sidewalk Replacement Program Bids**

Mr. Wealer presented bid sheets for the Sidewalk Replacement Program and recommended that Mike's General Construction be awarded the bid, since he was the lowest bidder.

Motion to approve was made by Council Member Dexheimer, seconded by Council Member Behymer.

Motion carried.

Re: House Demolition Bids

Mr. Wealer had submitted bid sheets for 10 sites and had received bids from two contractors for demolition of these properties. He asked Council's permission to award each contractor the bid for the particular pieces of properties of which they were the lowest bidder, as follows:

Don Martin		Jeff Bricker	
2117 Gordon	\$2,820	210 S 11 th	\$5,000
817 Hill	2,820	900 Lindell	3,200
315 S. Griffith	3,120	419 Smith	4,700
1701 Ruby	2,820	2004 Spruce	4,800
1908 Spruce	4,220		
1021 Vermont	2,820		

Motion to approve was made by Council Member Behymer, seconded by Council Member Wilson.

Motion carried.

Mr. Wealer was also questioned about the amount remaining in the Budget this year for house demolition. He stated that he had approximately \$60,000.00 in funds that he had not yet used, since he did not have to demolish the Star Theatre and the old YMCA building was presently being worked on. He asked that the City Clerk move these funds from the current budget to carryover into next year's proposed budget since he still might have to complete these projects, but could not do so before July 1st. He asked that this request be considered during the budget discussion.

JIM BURNS – CITY ENGINEER
Re: Street Department Bids for Materials

Mr. Burns presented Council with bid sheets for Street Department materials and made the following recommendations to Council for approval of these bids as follows:

Concrete
Liquid Calcium Chloride
Flowable Fill

Bleigh Ready Mix of Hannibal, Mo.
Scotwood Industries, Inc of Overland Park, Ks.
Mark Twain Redi-Mix of Hannibal, Mo.

Motion was made by Council Member Dexheimer to approve, seconded by Council Member Behymer.

Motion carried.

Re: Job Reclassifications in Building Inspector's Office

Mr. Burns presented his proposals that Council requested. They were as follows:

Reclassification of the Building Code Official and Code Enforcement Officer
Change one position to Assistant Building Inspector
Change the job classification of DPW Secretary to Office Manager

He also had revised job descriptions for all these positions.

Council Member Higdon made a motion to delay discussion of this until the budget portion of the meeting, seconded by Council Member Behymer.

Motion carried.

Re: MODOT On-System Bridge Replacement and Rehabilitation Program Agreement

Mr. Burns stated that the information he was waiting on from the state had not yet arrived, and that, hopefully, he would have this information available at the next meeting. Council discussed that they would table this resolution later in the agenda until Mr. Burns had the needed information on this project.

**JIM BURNS
BOB CHRISCINSKE
KLINGER & ASSOCIATES**

Re: MODOT Water Line Easements License Agreement

Mr. Chriscinske stated that he was elected to speak on this MoDOT Agreement. Work is being done on a project to relocate water & sewer lines in the vicinity of Shinn Lane. They are still working on obtaining easements. He said that City Attorney, Bob Curtis had in his possession some easements regarding this and they were being reviewed. Since construction is waiting on these easements, he asked Mr. Curtis if there were any issues in these easements that would prevent them from signing this agreement. Mr. Curtis stated that he was not aware of any

reason why this agreement could not be signed. Mr. Chriscinske asked that this be put on the next available agenda so they could move forward with this project.

RICK JOHNSON – ASSISTANT TO CITY ENGINEER
Re: Change Order on Spring Street/Contract with Bleigh Construction

Mr. Johnson made a request for a change order in the amount of \$6,001.00. This change will increase Bleigh's original contract amount of \$253,165.31 to a revised contract amount of \$259,166.31.

Motion was made by Council Member Dexheimer to approve the additional funds, seconded by Council Member Behymer.

Motion carried.

Re: Contract Change on Construction Inspection Agreement for Cherokee/Settlers Trail

Mr. Johnson requested Council's approval of a contract change (MECO Engineering and the Department of Public Works) for an increase in the Construction/Inspection contract amount from \$29,000 to \$30,189.27 for the Cherokee/Settlers Trail project.

Motion was made by Council Member Wilson to approve, seconded by Council Member Behymer.

Motion carried.

JIM DEXHEIMER – FIRE BOARD
Re: Mutual Agreement with Hannibal Rural Fire Dept.

Mr. Dexheimer wished to provide council this information concerning where the Fire Board stood in preparing this Mutual Agreement with the Hannibal Rural Fire Department. Quite some time ago, they ran into some problems with the buy-out process of property that was annexed after the agreement and the plan fell through. He said that since the public safety of the citizens is a concern, they are moving ahead in preparing this agreement and had asked Mr. Curtis, the City Attorney, to look up the old agreement and come up with a tentative agreement to be reviewed at the next Fire Board meeting.

Re: Retirement Request

Mr. Dexheimer also presented a retirement request from our present Fire Chief requesting a retirement date of July 1, 2001. The retirement request was granted at their last Fire Board meeting and the Board asked, at this time, for Assistant Chief John David Hymers be moved into the position of Interim Fire Chief, with the same pay that the retiring Fire Chief would have received in the 2001-2002 budget until such time as a new Fire Chief is chosen. The pursuit of a new Fire Chief is in process now. Mr. Hymers requested that Gene Dryden be moved into his present position of Assistant Fire Chief to take over these duties while he is serving as Interim Fire Chief, also.

Motion to approve the requirement request from Chief Stombaugh was made by Council Member Dexheimer, seconded by Council Member Higdon.

Motion approved.

Motion to appoint John David Hymers as Interim Fire Chief and Mr. Dryden as Interim Senior Chief was made by Council Member Behymer, seconded by Council Member Dexheimer.

Motion carried.

**RESOLUTION
896**

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING
THE MAYOR TO SIGN A MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION ON-SYSTEM BRIDGE REPLACEMENT AND
REHABILITATION PROGRAM AGREEMENT**

Mayor Hark asked for a motion to have Resolution 896 read and have the Clerk call the roll for adoption.

Motion was made by Council Member Morgan to table this Resolution, seconded by Council Member Behymer.

Motion carried.

Roll Call

Yes: Council Members Dexheimer, Behymer, Higdon, Morgan, Janes, Wilson and Mayor Hark - 7

No: -0-

Resolution 896 was tabled at this time.

**RESOLUTION
903**

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI TO RENEW THE
LEASE AGREEMENT WITH THE BNY TRUST COMPANY OF MISSOURI
FOR THE SERIES 1994 BONDS**

Mayor Hark asked Council for approval to have the Clerk read Resolution 903 and call the roll for adoption.

Council Member Wilson made motion to approve seconded by Council Member Behymer.

Motion carried.

Roll Call

Yes: Council Members Dexheimer, Behymer, Higdon, Morgan, Janes, Wilson and Mayor Hark – 7

No: -0-

Mayor Hark declared Resolution 903 duly approved and adopted on this date

**RESOLUTION
904**

**A RESOLUTION OF THE CITY OF HANNIBAL EXPRESSING SUPPORT FOR
THE PROPOSED ALTERNATE DELIVERY SYSTEM FOR THE**

**COMPLETION OF A FOUR-LANE HIGHWAY, ROUTE 36, FROM HANNIBAL,
MISSOURI TO MACON, MISSOURI**

Mayor Hark asked Council for approval to read Resolution 904 read and have the Clerk call the roll for adoption.

Council Member Wilson made motion to approve seconded by Council Member Dexheimer.

Motion carried

Roll Call

Yes: Council Members Dexheimer, Behymer, Higdon, Morgan, Janes, Wilson and Mayor Hark – 7

No: -0-

Mayor Hark declared Resolution 904 duly approved and adopted on this date

BILL NO. 01-779

**AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES
PERTAINING TO THE POLICE AND FIREMEN'S PENSION**

Mayor Hark asked Council to approve the Clerk giving Bill No. 01-779 a first reading.

Council Member Behymer made motion, seconded by Council Member Janes to give this bill a first reading. Council Member Higdon asked to abstain from this agenda item.

Roll Call

Yes: Council Members Dexheimer, Behymer, Morgan, Janes, Wilson and Mayor Hark – 6

No: -0-

Abstain: Council Member Higdon – 1

Motion carried.

FIRST READING

BILL NO. 01-780

AN ORDINANCE AMENDING SECTION 9.13 OF THE CHARTER OF THE CITY OF HANNIBAL, MISSOURI PERTAINING TO BID LIMITS

Mayor Hark asked Council's approval to have the Clerk give a First Reading to Bill No. 01-780.

Council Member Wilson made motion to approve seconded by Council Member Behymer.

Motion carried.

FIRST READING

BILL NO. 01-781

AN ORDINANCE CHANGING THE EMPLOYEE BENEFIT PROGRAM UNDER LAGERS TO LT8 (65)

Mayor Harks asked Council's approval to have the Clerk give Bill No. 01-781 an emergency reading and call the roll for adoption.

Motion to approve made by Council Member Dexheimer, seconded by Council Member Behymer.

Motion carried.

Roll Call

Yes: Council Members Dexheimer, Behymer, Higdon, Morgan, Janes, Wilson and Mayor Hark – 7

No: -0-

EMERGENCY READING

Mayor Hark declared Bill No. 01-781 duly approved and adopted on this date.

BILL NO. 01-782

AN ORDINANCE AMENDING ARTICLE IV, DOGS AND CATS, OF CHAPTER 4 OF THE HANNIBAL CITY CODE

Mayor Hark asked Council's approval to have the Clerk give a First Reading to Bill No. 01-782.

Council Member Wilson made motion to approve seconded by Council Member Behymer.

Motion carried.

FIRST READING

BILL NO. 01-774

AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR THE CER-V SUBDIVISION, HIGHWAY 36 WEST, A SUBDIVISION OF A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 57 NORTH, RANGE 5 WEST IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI

Mayor Hark asked Council to approve having the Clerk give a second and final reading to Bill No. 01-774 and call the roll for adoption.

Motion to approve made by Council Member Wilson, seconded by Council Member Janes.

Motion carried.

Roll Call

Yes: Councils Member Dexheimer, Behymer, Higdon, Morgan, Janes, Wilson and Mayor Hark – 7

No: -0-

SECOND AND FINAL READING

Mayor Hark declared Bill No. 01-776 duly adopted on this date.

BILL NO. 01-775

AN ORDINANCE AMENDING ARTICLE IV, OFFENSES AGAINST PUBLIC MORALS OF CHAPTER 16 OF THE HANNIBAL CITY CODE

Mayor Hark asked Council to approve having the Clerk give a second and final reading to Bill No. 01-775 and call the roll for adoption.

Motion to approve made by Council Member Morgan, seconded by Council Member Wilson.

Motion carried.

Roll Call

Yes: Councils Member Dexheimer, Behymer, Higdon, Morgan, Janes, Wilson and Mayor Hark – 7

No: -0-

SECOND AND FINAL READING

Mayor Hark declared Bill No. 01-775 duly adopted on this date.

BILL NO. 01-776

AN ORDINANCE CREATING A HOUSING REHABILITATION AND CITIZENS ADVISORY BOARD TO SERVE THE GOVERNING BODY OF THE CITY OF HANNIBAL, MISSOURI IN MATTERS PERTAINING TO THE CITY'S 2001 COMMUNITY DEVELOPMENT BLOCK GRANT AND ESTABLISHING SAID BOARD'S FUNCTIONS, DUTIES AND AUTHORITIES

Mayor Hark asked Council to approve having the Clerk give a second and final reading to Bill No. 01-776 and call the roll for adoption.

Motion to approve made by Council Member Wilson, seconded by Council Member Janes.

Motion carried.

Roll Call

Yes: Councils Member Dexheimer, Behymer, Higdon, Morgan, Janes, Wilson and Mayor Hark – 7

No: -0-

SECOND AND FINAL READING

Mayor Hark declared Bill No. 01-776 duly adopted on this date.

BILL NO. 01-777

**AN ORDINANCE ESTABLISHING HOUSING REHABILITATION GRANT
GUIDELINES UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM**

Mayor Hark asked Council to approve having the Clerk give a second and final reading to Bill No. 01-777 and call the roll for adoption.

Motion to approve was made by Council Member Wilson, seconded by Council Member Janes.

Motion carried

Roll Call

Yes: Council Members Dexheimer, Behymer, Higdon, Morgan, Janes,
Wilson and Mayor Hark – 7

No: -0-

SECOND AND FINAL READING

Mayor Hark declared Bill No. 01-777 duly adopted on this date.

BILL NO. 01-778

**AN ORDINANCE AMENDING CHAPTER 17, ARTICLE VII, OF THE CITY OF
HANNIBAL TO REQUIRE THE USE OF PROTECTIVE SAFETY HELMETS
BY PERSONS UNDER THE AGE OF SEVENTEEN**

Mayor Hark asked Council to approve having the Clerk give a second and final reading and call the roll for adoption of Bill No. 01-778.

Council Member Morgan made a motion to allow Nita Mudd to be added to the agenda in order to speak concerning the upcoming bill. Motion was seconded by Council Member Wilson.

Motion carried.

Ms. Mudd presented a list of signatures of people who were against the upcoming helmet law. She explained their position and asked Council's to consider their side before taking a vote.

Motion was made by Council Member Wilson to accept the petition and have the Clerk enter said petition into the records. Motion was seconded by Council Member Morgan.

Motion approved.

Mayor Roy Hark also relayed a request from Dr. Bulbolz to be allowed to speak with regard to this matter. Motion to add Dr. Bulbolz to the agenda was made by Council Member Higdon, seconded by Council Member Behymer.

Motion carried.

Dr. Bulbolz then approached the podium and stated his view in favor of the upcoming helmet law.

Council Member Higdon also called upon Chief Downs to ask his opinion of enforcement problems of the proposed bill.

Motion was made by Council Member Behymer to call the question. Motion was seconded by Council Member Wilson.

Motion carried.

Mayor Hark asked Council to approve having the Clerk give a second and final reading and call the roll for adoption for Bill No. 01-778.

Council Member Higdon made motion to approve, seconded by Council Member Janes.

Motion carried.

Roll Call

Yes: Council Members Higdon and Janes –2

No: Council Members Dexheimer, Behymer, Morgan, Wilson and Mayor Hark – 5

Motion failed.

GARY SHIMUN – CITY MANAGER
Re: Budget Discussion

After a lengthy discussion, it was decided to go along with the proposed pay increases for the Police Department. It was also decided to approve the Step and Grade adjustments made to several positions in the Building Inspector's Office and also the DPW Secretary's position. During discussion, it was decided that Council desired to raise all employees and the following motion was made.

Council Member Dexheimer made the motion that we amend the proposed budget to include a two-grade increase for the Fire Department, Street Department, Parks & Recreation Department and all civilian employees. These figures are to be included in the proposed finalized budget for the meeting on next Tuesday night. Council Member Wilson asked Mr. Dexheimer if he also meant to include the Building Inspector's Office.

Council Member Dexheimer said that he would amend his original motion to include the Building Inspector's Office. Motion seconded by Council Member Behymer.

Council Member Morgan asked Council Member Dexheimer, if he also intended to include the Police Department in this motion. Council Member Dexheimer stated that he did not include the Police Department in the motion as the Police Department already had the increase reflected in the present proposed budget and this would stand. Therefore they did not need to be included in this motion to amend.

Council Members Wilson and Behymer asked that the question be called.

Approval was asked of all Council Members.

Motion carried.

Also under discussion, Council Member Morgan cited several discrepancies on the budget that she would like to see changed or corrected.

Line item 10.42.230 should be changed from \$4,000 to \$3,000.

Line item 10.42.231 should be changed from \$15,500 to \$16,000

Under Revenues on the P&F Cola Account the total for these items should be \$40,000 instead of \$18,650.

Mr. Shimun stated that he would see that these errors be corrected and reflected in the new proposed budget.

It was also asked if the Utility License Agreement, which is under a time constraint, could be added to the agenda for the special call meeting of next Tuesday (06-26-01). It was agreed that this should be done.

ADJOURNMENT

Council Member Wilson made motion to adjourn, seconded by Mayor Hark.

Motion carried.