

**OFFICIAL COUNCIL PROCEEDINGS**

**Tuesday, April 16, 2002  
7:00 P.M.**

**ROLL CALL**

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

**CALL TO ORDER**

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

**INVOCATION**

Council Member Behymer gave the invocation.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

**Regular Meeting – April 2, 2002**

**Special Call Meeting – April 9, 2002 (as amended)**

Council Member Dexheimer made a motion to approve the minutes from the April 2<sup>nd</sup> and April 9<sup>th</sup>, 2002 meetings. Council Member Behymer seconded the motion.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**

**First Half of April 2002**

Council Member Higdon made a motion to approve the payroll and claims for the first half of April, 2002. Council Member Behymer seconded the motion.

Motion carried.

## **SALES TAX REPORT**

The Clerk reported the City received \$169,243.72 from the Missouri Dept. of Revenue for the one-cent Sales Tax Distribution in April 2002. This compared to \$179,479.94 that we received for the same period last year.

The Clerk reported the City received \$84,567.73 from the Missouri Dept. of Revenue for the half-cent Capitol Improvement Tax Distribution for April 2002. This compared to \$89,787.30 which we received for same period last year.

The Clerk reported the City received \$84,536.69 for the half-cent Park Tax Distribution for April 2002. This compared to \$89,728.00 which we received for same period last year.

### **MAYOR HARK**

#### **Re: Nominations for Hannibal Housing Authority Board**

Jason Cruse – Four Year Term expiring April 2006

Jay Ghanti - Four Year Term expiring April 2006

Mayor Hark made the above recommendations for the Hannibal Housing Authority Board. He will be asking for Council's approval at the next meeting.

#### **Re: POP's Club Lease**

(Resolution 961 to follow)

Mayor Hark also explained that this was approved at the last meeting, but a resolution was needed and would be presented for approval later in the agenda.

#### **Re: Ordinance for Collection of ¼ Cent Fire Protection Sales Tax**

(Bill No. 02-822 to follow)

Mayor Hark explained that this is an ordinance allowing the City to collect the ¼ cent Fire Protection Sales Tax which was approved by the voters in the April, 2002 election.

### **GARY SHIMUN – CITY MANAGER**

#### **Re: Approval of Board Nominations from last meeting**

##### **Landmarks & Monuments Board**

Fred Cruse - One year term expiring December 2002

##### **Tree Board**

Susan Boe – The remainder of a Three Year Term expiring September 2002

Motion was made by Council Member Wilson to approve the nominations for these boards. Council Member Morgan seconded the motion.

Motion carried.

John Wealer stated, to Council, that 4 of the 5 members of the new board were present and asked their permission to swear these members in at this meeting.

Council Member Behymer made a motion to have those members present from the Landmarks and Monuments Board sworn in at this time. Council Member Higdon seconded the motion.

Motion carried.

The City Clerk then swore in the following members to the Landmarks and Monuments Board:

Frank Salter  
Fred Cruse  
Jim Dewey  
Jack McCord

**JAMES E. MELLO - ATTORNEY FOR ARMSTRONG TEASDALE**

**Re: Redevelopment Agreement for Stardust-Munger Diamond**

**Redevelopment Area**

(Bill No. 02-815 to follow)

**Re: Transportation Development District**

(Bill No. 02-816 to follow)

**Re: TIF and TTD Bonds**

(Bill No. 02-817 to follow)

Mr. Mello explained to Council the three ordinances that pertain to the issuance of the Transportation Development District Bonds. He stated that they have been pricing and marketing the bonds and are moving towards a May 9<sup>th</sup> closing. He passed out a summary of what the original agreement was and has reconciled with what the final plan has worked out to be. He explained the provisions included in the agreement and how much money was allocated for these projects.

**MARY BETH BAUDENDISTEL – CITY CLERK**

**Certification of April 2, 2002 Election**

The City Clerk read the following election results for certification and approval by Council:

**PROPOSITION 1**

Shall the City of Hannibal, pursuant to Chapter 321 of the Revised Statutes of Missouri impose a ¼ cent sales tax for fire protection purposes, with said revenues to be used to pay for said fire protection services?

	<b>Marion</b>	<b>Ralls</b>	<b>TOTAL</b>
<b>YES</b>	<b>1,417</b>	<b>7</b>	<b>1,424</b>
<b>NO</b>	<b>828</b>	<b>9</b>	<b>837</b>

Declaring that Proposition 1 passed with a total “YES” votes of 1,424.

**SIXTH WARD COUNCILPERSON**

<b>Albert L. Higdon</b>	<b>129</b>
<b>Gary G. Fisher</b>	<b>138</b>
<b>Terry Hull</b>	<b>334</b>
<b>Ron Melson</b>	<b>77</b>

Declaring no winning candidate and a run-off election needed between Gary G. Fisher and Terry Hull.

Motion was made by Council Member Morgan to approve the Clerk’s Certification of Election. Council Member Behymer seconded motion.

Motion carried.

**BIRNEY NEWLON – COMMANDER VFW POST 11421**  
**Re: Request for Use of Parking Spaces During 4<sup>th</sup> of July Holiday**

On behalf of Mr. Newlon, the City Clerk read the letter of request for the three parking places to be reserved on Broadway during the Fourth of July celebration.

Motion was made by Council Member Dexheimer to approve the request. Mayor Hark seconded the motion.

Motion carried.

**DAVID P. NEISWENDER, JR. – VICE PRESIDENT FARM & HOME SUPPLY**  
**Re: Request of Waiver of Tax Penalty**

Mr. Neiswender, Jr. requested that the Council excuse tax penalties incurred on the Farm and Home Property since a mix-up occurred when purchasing the property from the previous owner.

Mayor Hark explained to Mr. Neiswender that although sympathetic to his position, the Council must retain its stance in not excusing tax penalties for anyone.

Council Member Behymer expressed his concern that this was a repetitious request and felt that this matter needed to be looked into.

Motion was made by Council Member Morgan to deny the request. Council Member Wilson seconded motion.

**Roll Call**

**Yes:** Council Members Morgan, Janes, Wilson, Mayor Hark and Council Member Dexheimer – 5

**No:** Council Member Behymer – 1

Council Member Higdon abstained from voting.

Motion to deny waiver carried.

**RUTHIE CRITTEN & SALLY POOLE - CO-CHAIRWOMEN CHAMBER OF COMMERCE PROMOTIONAL COMMITTEE**

**Re: Survey results**

Ruthie Critten and Sally Poole distributed the results of the Chamber of Commerce Promotional Committee Survey. Several areas were pointed out that needed improvement and suggestions were made regarding the City's weak points according to the Survey.

**ROBERT CHRISCINSKE – SUPT. OF BOARD OF PUBLIC WORKS**

**Re: Award of Contract to All Service Contracting Corporation for Construction of a Water Treatment Plant Filter Media Replacement**

(Resolution 965 to follow)

Mr. Chriscinske asked Council's approval of the Contract with All Service Contracting Corporation for the work to be done on a Water Treatment Plant Filter Media Replacement.

**JIM BURNS – CITY ENGINEER**

**Re: Mark Twain Area Restoration Project**

(Resolution 962 to follow)

Mr. Burns requested that Council approve the authorization to sign a contract with T.J.'s General Contracting who was approved for this work.

**Re: Third Street Improvements Project**

(Resolution 964 to follow)

Mr. Burns explained the original work in conjunction with MoDot that was for road re-surface, replacement of curbs and gutters and some sidewalk re-construction with participation from owners. Mr. Burns asked Council to approve expanding the scope of this project to include all the sidewalks that need repair on Third Street. MoDot would cover the cost of the road surface and the City would be paying for the rest of the costs.

This would be taken out of ½ cent sales tax funds. The original agreement was for the City to pull out the sidewalks and the property owner to bear the cost of repairing the sidewalk. This would expand the scope of this project for the City to tear out and build the sidewalks as per other street projects done in the City.

Council Member Dexheimer expressed his concern in that by doing this, we would set a precedent to be responsible for everyone's sidewalks. Mr. Burns stated that we do the sidewalks on other projects when re-constructing a street. The only difference with this project would be that MoDot would be responsible for the repairs to the street surface instead of the City.

Mr. Shimun commented that what the City is trying to do, instead of patching, is to have uniform sidewalks for the area to make it more pleasing to the public.

Council Member Janes made a motion to expand this project to include sidewalk restoration. Council Member Higdon seconded motion.

### **Roll Call**

**Yes:** Council Members Higdon, Morgan, Janes, Wilson, and Mayor Hark – 5

**No:** Council Members Dexheimer and Behymer – 2

Motion carried.

### **Re: Bid Recommendation for Walk Behind Concrete Saw**

Mr. Burns recommended that Council award the bid for this equipment to Bleigh Construction in the amount of \$5,225.00. He pointed out that, although Al's Rental turned in a bid for the same saw which was higher and also a bid for a saw that was lower than this bid, the saw with the lowest bid did not meet the specifications required by the department. Motion was made by Council Member Dexheimer to approve Mr. Burns's recommendation. Council Member Wilson seconded the motion.

Motion carried.

### **Re: Renewal of Farm Lease** (Resolution 963 to follow)

Mr. Burns explained to Council that this was a routine farm lease on land that Mr. Bross has leased from the City in the past. He asked Council's approval in the resolution to follow.

### **JAMES DEXHEIMER – FIRE BOARD CHAIRMAN** **Re: Computation of Sick Leave for Firemen** (Bill No. 02-821 to follow)

Council Member Dexheimer presented this Bill on behalf of the Fire Board who had concerns regarding the issue of payout of Unused Sick Leave. This bill would change the

salary computation used to figure the payout for employees who leave with unused sick time. After discussion of possible problems that might be caused with the wording of this the bill, it was suggested that we should consider other solutions of this problem.

**RESOLUTION 961**  
(as amended)

**A RESOLUTION APPROVING AN EXTENSION OF A LEASE BETWEEN THE  
CITY OF HANNIBAL AND THE POPS CLUB**

Motion was made by Council Member Dexheimer to have the Clerk read and call the roll for adoption. Council Member Wilson seconded the motion.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Resolution 961 duly approved and adopted this date.

**RESOLUTION 962**

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI AUTHORIZING  
THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF  
HANNIBAL AND T.J.'S GENERAL CONTRACTING, INC. FOR THE  
HANNIBAL MARK TWAIN AREA RESTORATION PROJECT – PHASE #4,  
MoDOT PROJECT NUMBER STP-2800(309)**

Motion was made by Council Member Wilson to have the Clerk read and call the roll for adoption. Council Member Janes seconded the motion.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Resolution 962 duly approved and adopted this date.

**RESOLUTION 963**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO SIGN A CONTRACT ON BEHALF OF THE CITY OF HANNIBAL WITH GREG BROSS FOR THE PURPOSE OF LEASING 10 ACRES, MORE OR LESS, FOR FARMING PURPOSES**

Motion was made by Council Member Behymer to have the Clerk read and call the roll for adoption. Mayor Hark seconded the motion.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Resolution 963 duly approved and adopted on this date.

**RESOLUTION 964**

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH GEORGE LEE, JR. CONSTRUCTION, INC. TO CONSTRUCT THE HANNIBAL THIRD STREET IMPROVEMENT PROJECT, MoDOT PROJECT NUMBER STP-2800(311)**

A motion was made by Council Member Janes to have the Clerk read and call the roll for adoption. Council Member Morgan seconded the motion.

Motion carried.

**Roll Call**

**Yes:** Council Members Higdon, Morgan, Janes, Wilson, and Mayor Hark – 5

**No:** Council Members Dexheimer and Behymer - 2

Mayor Hark declared Resolution 964 duly approved and adopted on this date.

**RESOLUTION 965**

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF HANNIBAL, BOARD OF PUBLIC WORKS AND THE ALL SERVICE CONTRACTING CORPORATION FOR \$81,402.00 FOR CONSTRUCTION OF A WATER TREATMENT PLANT FILTER MEDIA REPLACEMENT**

Motion was made by Council Member Dexheimer to have the Clerk read and call the roll for adoption. Council Member Wilson seconded the motion.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Resolution 965 duly approved and adopted on this date.

**BILL NO. 02-821**

**AN ORDINANCE AMENDING CHAPTER III OF THE EMPLOYEE GUIDE TO SUCCESS IN REGARDS TO COMPUTATION OF SICK LEAVE FOR FIREMEN**

**FIRST READING**

Council Member Morgan made a motion to table this bill until further options could be explored. There was no second to this motion.  
Motion failed.

Motion was made by Council Member Dexheimer to have the Clerk give this bill a First Reading. Council Member Wilson seconded the motion.

During discussion Council Member Morgan expressed her concern that we needed to do further studies on the impact of this bill and explore the cost and perhaps other options to this plan. She then made a substitute motion to table this bill until further study could be done. There was no second to this motion.

Motion failed.

Reverting back to the original motion and second the following vote to give the first reading is as follows:

**Roll Call**

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

**No:** Council Member Morgan - 1

Original motion carried.

**BILL NO. 02-822**

**AN ORDINANCE ADOPTING AND IMPOSING A ONE-QUARTER CENT SALES TAX FOR FIRE PROTECTION SERVICES, WITH SAID REVENUES TO BE USED TO PAY FOR FIRE PROTECTION SERVICE**

**FIRST READING**

Motion was made by Council Member Dexheimer to have the Clerk give this bill a First Reading. Council Member Behymer seconded motion.

Motion carried.

**Roll Call**

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

**No:** -0-

**BILL NO. 02-815**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A FIRST AMENDED AND RESTATED REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF HANNIBAL, MISSOURI, AND THE MARION COUNTY DEVELOPMENT, L.L.C.; PRESCRIBING THE FORM AND DETAILS OF SAID AGREEMENT; AND AUTHORIZING OTHER RELATED ACTIONS IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN PROPERTY WITHIN THE STARDUST-MUNGER-DIAMOND REDEVELOPMENT AREA.**

**SECOND AND FINAL READING**

Motion was made by Council Member Higdon to have the Clerk give this bill a second and final reading and call the roll for adoption. Council Member Behymer seconded motion.

Motion carried.

**Roll Call**

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

No: -0-

Mayor Hark declared Bill No. 02-815 duly approved and adopted on this date.

**BILL NO. 02-816**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY OF HANNIBAL, MISSOURI, AND THE STARDUST-MUNGER-DIAMOND TRANSPORTATION DEVELOPMENT DISTRICT; AND AUTHORIZING CERTAIN RELATED ACTIONS OF CITY OFFICIALS.  
SECOND AND FINAL READING**

Motion was made by Council Member Janes to have the Clerk give this bill a second and final reading and call the roll for adoption.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Bill No. 02-816 duly approved and adopted on this date.

**BILL NO. 02-817  
(as amended)**

**AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI, APPROVING THE ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF HANNIBAL, MISSOURI, OF TAX INCREMENT AND TRANSPORTATION DEVELOPMENT REFUNDING AND IMPROVEMENT REVENUE BONDS NOT TO EXCEED \$9,500,000; PLEDGING AND ASSIGNING REVENUES FOR THE PURPOSE OF PAYING THE PRINCIPAL AND INTEREST ON THE BONDS; AND APPROVING RELATED MATTERS.**

**SECOND AND FINAL READING**

Council Member Janes made motion to have the Clerk give this bill a second and final reading and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Bill No. 02-817, as amended, duly approved and adopted on this date.

**BILL NO. 02-818**

**AN ORDINANCE AMENDING CHAPTER III OF THE EMPLOYEE GUIDE TO SUCCESS IN REGARDS TO VACATION BENEFITS**

**SECOND AND FINAL READING**

Mayor Hark made a motion to have the Clerk give this bill a second and final reading and call the roll for adoption. Council Member Wilson seconded the motion.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Bill No. 02-818 duly approved and adopted on this date.

**.BILL NO. 02-819**

**AN ORDINANCE AMENDING THE BOUNDARIES OF THE ZONING DISTRICTS TO RECLASSIFY A TRACT OF LAND LYING IN PART OF LOT 15 OF MCMASTERS SUBDIVISION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION THIRTY, TOWNSHIP 57 NORTH, RANGE 4 WEST IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI FROM E-COMMERCIAL TO B-MULTIFAMILY DWELLING**

**SECOND AND FINAL READING**

Council Member Morgan made motion to have the Clerk give this Bill a second and final reading and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Bill No. 02-819 duly approved and adopted on this date.

## **ADJOURNMENT**

Council Member Dexheimer made a motion to adjourn. Motion seconded by Council Member Wilson.

Motion carried.