

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, August, 20, 2002
7:00 P.M.**

ROLL CALL

Present: Mayor Hark, Council Members Behymer, Hull, Morgan, and Janes – 5

Absent: Council Members Wilson and Dexheimer – 2

Also Present: City Manager, City Attorney, and Deputy City Clerk

Motion was made by Council Member Behymer to excuse Council Members Wilson and Dexheimer. Council Member Janes seconded motion.

Motion carried..

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 MINUTES Regular Meeting of August 6, 2002

Council Member Behymer made motion to approve the minutes for the August 6, 2002 meeting. Council Member Janes seconded motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half of August, 2002

Council Member Behymer made a motion to approve the Payroll and Claims for the first half of August, 2002. Mayor Hark seconded motion.

Motion carried.

SALES TAX REPORT

The Deputy Clerk reported that we received \$97,556.08 from the Department of Revenue for the 1 cent sales tax distribution in August 2002. This compared to last year's figure of \$93,604.08 for the same period.

We received \$48,777.84 for the ½ cent capitol improvement sales tax for August 2002. This compared to last year's figure of \$46,797.32 for the same period.

We received \$48,777.85 for the ½ cent Parks and Recreation tax for August 2002. This compared to last year's figure of \$45,057.13 for the same period.

DR. JIM COLEBERD – MARK TWAIN CAVE
Re: Sewer service for cave area.

Council Member Behymer made the motion to add Dr. Coleberd to the agenda. Council member Janes seconded motion.

Motion carried.

Dr. Coleberd read a letter that he had sent to the Council regarding the lack of completion of the sewer project promised to the Mark Twain Cave and Sawyer's Creek Area. In the letter Dr. Coleberd stated that if the City did not take substantial steps within the next 30 days to expedite the construction of the sewer line and put it into operation with all due speed that the Mark Twain Cave and Sawyer's Creek would take the steps of:

- 1) Proceed to de-annex from the City, requesting repayment by the City of all license fees and sales tax paid to the City by these businesses.
- 2) Further taxes will be paid to the City under protest until this project is completed to the satisfaction of the businesses.
- 3) Mark Twain Cave and Sawyer's Creek will withdraw their \$20,000.00 contribution to the project.

After Dr. Coleberd finished speaking Council Member Behymer stated that although he had not originally voted for the sewer agreement he felt that the Council needed to stand behind their promise of the sewer project. Dr. Coleberd also stated that there was a lack of communication with the City and that he would like to be kept informed of the progress, if any. Mayor Hark also stated that he was sorry the project had not progressed and also sorry for the lack of communication. He stated that Mark Twain Cave and Sawyer's Creek would be kept informed of all progress or problems. City Engineer, Jim Burns, also spoke stating that the major holdup was with the liability insurance required by the BNSF Railroad for their right-of-way that was required for the sewer project. The initial liability insurance requirement was for 10 million dollars. The City's insurance company only insures to 2 million dollars. Mr. Burns had reached a representative with the railroad and had gotten a verbal commitment that the liability insurance requirement would be reduced to 2 million dollars. Mr. Burns is expecting this in writing within the next few days. Mayor Hark stated that as soon as this confirmation is received it is expected that the City will be able to progress with this project.

Capt. Robert Lumpp of Sawyer's Creek also spoke and stated that he was disappointed at the City's inactivity and lack of communication on the matter. Council Member Morgan stated that until now we couldn't give a time line because of the roadblock that the railroad had produced. We couldn't get off dead center. She agreed that dealing with bureaucracy is frustrating. It appeared that now we would be able to move forward with the sewer project. She stated that hopefully now we could get a time line and agreed with Council Member Behymer that we needed to move forward and to keep our word regarding this project. Mayor Hark agreed with Council Member Morgan and again stated that he would make sure that they were apprised of what was going on and that the City needs to live up to their promise.

The subject of cost was discussed. It was suggested by Council Member Janes that the City ask the Board of Public Works for assistance in this matter at the next meeting of the Board of Public Works.

GARY SHIMUN – CITY MANAGER

Re: Amendment #1 – Crawford, Murphy, Tilly, Inc.

Council Member Behymer made the motion to approve Amendment #1 with Crawford, Murphy, Tilly, Inc. Council Member Morgan seconded the motion.

Motion carried.

Re: Addendum to Memorandum of Understanding with Hannibal Community Foundation
Council Member Behymer made the motion to approve the addendum. Mayor Hark seconded the motion.

Motion carried.

Re: Airport Aid Agreement

This agreement will be brought back to Council at the next meeting with a resolution authorizing the Mayor to sign.

FAYE BLEIGH – DIRECTOR OF TOURISM

Re: Closure of Warren Barrett Drive (HOG Rally)

Motion was made by Council Member Behymer to close Warren Barrett Drive from S. Main to Sixth Street on September 7th from 5 PM to midnight. Motion was seconded by Council Member Hull.

Motion carried.

Re: Bid Award for Guides and Calendars

Motion was made by Council Member Behymer that Council accept the bid recommendations of the HCVB Board of Directors. Council Member Hull seconded this motion.

Motion carried.

JIM BURNS – CITY ENGINEER

Re: Hannibal Municipal Airport – Change Order #2

Motion was made by Council Member Janes to approve Change Order #2 in the amount of \$43,159.17. Council Member Behymer seconded the motion.

Motion carried.

Re: Agreement for Professional Services with Mecos Engineering for Lindell Avenue over Mills Creek Bridge (Resolution 984 to follow)

Mr. Burns told the Council that this would be contingent on State approval

Re: Grand Avenue South – Change Order #3, #4, and #5

Motion was made By Council Member Behymer to approve change orders #3, #4, and #5. Motion was seconded by Council Member Janes.

Motion carried.

Re: Third Street – Change Order #1

Council Member Janes made the motion to approve change order #1. Council Member Behymer seconded the motion.

Motion carried.

Re: Bid Award Diamond Blvd

Council Member Behymer made the motion to send a “Notice of Award” to Bleigh Construction awarding the contract to them for the amount of \$707,166.48. Mayor Hark seconded the motion.

Motion carried

Re: Approval of Landfill Testing Proposal

Council Member Morgan made the motion to accept the bid from Environmetrics for \$898.00. Mayor Hark seconded the motion.

Motion carried.

JACK HERRING – BPW

Jack Herring appeared before the Council to explain and answer any questions they might have regarding Resolution 982 and 983 to follow.

RESOLUTION 982

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT ON BEHALF OF THE BOARD OF PUBLIC WORKS WITH BLEIGH CONSTRUCTION COMPANY FOR REPLACEMENT OF THE WATER TREATMENT PLANT BUILDING ROOF, IN THE AMOUNT OF \$65,580.41

Council Member Behymer made motion to have the Deputy Clerk read this resolution and call the roll for adoption. Council Member Janes seconded the motion.

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Behymer, Hull, Morgan , and Janes – 5

No: - 0 –

Mayor Hark declared Resolution 982 duly approved and adopted on this date.

RESOLUTION 983

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING ARTICLES OF AGREEMENT BETWEEN THE BOARD OF PUBLIC WORKS AND SHERIDAN M. PFEIFER FOR VOLUNTARY ANNEXATION AND PROVISION OF MUNICIPAL UTILITES

Council Member Morgan made the motion to have the Deputy Clerk read this resolution and call the roll for adoption. Council Member Behymer seconded the motion.

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Behymer, Hall, Morgan, and Janes – 5

No: - 0 –

Mayor Hark declared Resolution 983 duly approved and adopted on this date.

RESOLUTION 984

A RESOLUTION OF THE CITY OF HANNIBAL,, MISSOURI, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF HANNIBAL AND MECO ENGINEERING COMPANY, INC. FOR PROFESSIONAL SERVICES FOR THE DESIGN, CONSTRUCTION AND INSPECTION PHASES FO LINDELL AVENUE OVER MILLS CREEK BRIDGE PROJECT MoDOT PROJECT NUMBER BRM-2800(310)

Motion was made by Council Member Behymer to have the Deputy Clerk read this resolution and call the roll for adoption. Council Member Morgan seconded this motion.

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Behymer, Hull, Morgan, and Janes – 5

No: - 0 –

Mayor Hark declared Resolution 984 duly approved and adopted on this date.

BILL NO. 02-831

**AN ORDINANCE AMENDING ARTICLE I, IN GENERAL OF CHAPTER 29 OF THE HANNIBAL CITY CODE
(Definition of Subdivision)**

SECOND AND FINAL READING

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

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Behymer, Hull, Morgan, and Janes – 5

No: - 0 –

Mayor Hark declared Bill No. 02-831 duly approved and adopted on this date.

BILL NO. 02-833

**AN ORDINANCE AMENDING APPROPRIATIONS TO THE VARIOUS DEPARTMENTS, BOARDS, COMMISSION, ETC FOR THE FISCAL YEAR ENDING 6-30-03
(Parks and Recreation)**

SECOND AND FINAL READING

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

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Behymer, Hull, Morgan, and Janes – 5

No: - 0 –

Mayor Hark declared Bill No. 02-833 duly approved and adopted on this date.

BILL NO. 02-834

**AN ORDINANCE AMENDING ARTICLE I, IN GENERAL OF CHAPTER 29 OF THE
HANNIBAL CITY CODE
(Variances and Exceptions)**

SECOND AND FINAL READING

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

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Behymer, Hull, Morgan, and Janes – 5

No: - 0 –

Mayor Hark declared Bill No. 02-834 duly approved and adopted on this date.

BILL NO. 02-835

**AN ORDINANCE AMENDING ARTICLE IX SUPPLEMENTAL REGULATIONS OF CHAPTER
32 OF THE HANNIBAL CITY CODE, ZONING**

FIRST READING

Motion was made Council Member Behymer to have the Deputy Clerk give this bill a First Reading. Mayor Hark seconded the motion.

Motion carried.

Council Member Morgan made motion to go into Closed Session at this time in accordance with RSMo 610-021 (2), admitting Mayor Hark, Council Members, City Manager, City Attorney, and Deputy City Clerk. Motion was seconded by Mayor Hark.

Motion carried.

CLOSED SESSIONS (2)

2 In Accordance with RSMo 610-021(2) Real Estate

Action Taken in Closed Session

Council Member Behymer made the motion to offer \$30,000.00 for the purchase of 212 Zeigler (which includes moving expenses) and to draw up a resolution authorizing the Mayor to sign. Council Member Janes seconded this motion.

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Behymer, Hull, Morgan, and Janes – 5

No: - 0 –

Motion carried.

Council Member Behymer made the motion to approve the purchase of the Manchester Tank property for 1.4 million dollars and to draw up a resolution authorizing the Mayor to sign. Council Member Janes seconded the motion.

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Behymer, Hull, Morgan, and Janes – 5

No: - 0 –

Motion carried.

Motion was Made by Council Member Morgan to return to open session. Motion was seconded by Council Member Janes.

Motion carried.

OPEN SESSION

Motion was made by Council Member Morgan to set a Community Development Block Grant Public Hearing for General Mills Redevelopment on September 3, 2002 at 6:45 P.M. Motion was seconded by Council Member Janes.

Motion carried.

ADJOURNMENT

Council Member Morgan made the motion to adjourn. Motion was seconded by Council Member Janes.

Motion carried.

