

# OFFICIAL COUNCIL PROCEEDINGS

February 19, 2002  
7:00 P.M.

## ROLL CALL

**Present:** Mayor Hark, Council Members Dexheimer, Morgan, Janes, and Wilson - 5

**Absent:** Council Members Behymer and Higdon - 2

## CALL TO ORDER

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

## INVOCATION

Council Member Dexheimer gave the invocation.

## PLEDGE OF ALLEGIANCE

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

Council Member Dexheimer made a motion to excuse Council Members Behymer and Higdon from the proceedings. Council Member Wilson seconded the motion.

Motion carried.

## APPROVAL OF MINUTES

Council Member Morgan made a correction to the minutes of the 02-05-02 meeting regarding the motions made on Bill No. 02-809. The City Clerk

stated that she would see that the correction be made for the record. Council Member Morgan then made a motion to approve the minutes as amended. Mayor Hark seconded the motion.

Motion carried.

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

Council Member Wilson made a motion to approve the payroll and claims for the first half of February 2002. Mayor Hark seconded the motion.

Motion carried.

### **SALES TAX REPORT**

The Clerk reported we received \$86,161.85 from the Missouri Department of Revenue for the 1-Cent Sales Tax distribution for the month of February. This compares to last year's figure of \$111,919.19 for the same period.

The Clerk reported we received \$43,080.78 from the Department of Revenue for the ½ Cent Sales Tax distribution for the month of February. This compares to last year's figure of \$55,959.48 for the same period.

The Clerk reported we received \$43,077.93 from the Department of Revenue for the ½ Cent Park Tax distribution for the month of February. This compares to last year's figure of \$55,943.72 for the same period.

### **GARY SHIMUN – CITY MANAGER** **Re: Approval of Nomination for Various Boards**

#### **Landmarks and Monuments Board**

Terryll Dempsey	One year term to expire December 2002
Jack McCord	One year term to expire December 2002
James Mitchell	Two year term to expire December 2003
Jim Dewey	Two year term to expire December 2003
Frank Salter	Three year term to expire December 2004

Council Member Wilson made a motion to approve everyone on the Landmarks and Monuments Board list from Mr. Jack McCord on down including Frank Salter. Council Member Dexheimer seconded the motion.

Motion carried.

**Mark Twain Home Board**

Robert M. Clayton, III      Remainder of seven-year term to expire  
November 2006.

**Police and Fire Retirement Board of Trustees**

Don Benjamin                      Three year term to expire December 2004

**Affirmative Action Committee**

Melissa Neff                      Three year term to expire March 2005  
Julia Kaufmann                      Three year term to expire March 2005

A motion was made by Council Member Dexheimer to approve the remainder of the nominations on the list for the Mark Twain Home Board, Police and Fire Retirement Board of Trustees and the Affirmative Action Committee. Council Member Wilson seconded the motion.

Motion carried.

**ROBERT CHRISCINSKE – SUPERINTENDENT OF BPW**  
**Re: Approval of Black and Veatch's Filtered Water Reservoir Study**  
(Resolution 949 to follow)

Mr. Chriscinske explained to the Board that upon advisement by the DNR during an inspection, action must be taken to upgrade the filtered water storage reservoir at our water treatment plant. He presented to Council a copy of the contract for approval from Black and Veatch in the amount of \$38,900 for a feasibility study of what approach to take in the modification, repair or replacement of our filtered water storage reservoir.

**Re: Approval of Wastewater Service to Multi-Unit Complex Outside City Limits**

Mr. Chriscinske also informed Council that he had received a request from a citizen whose property lies just south of the City Limits of Hannibal. The Board of Public Works has approved the connection in principle, but is unable to grant this request in accordance with Section 25.35 of the City Charter pertaining to Construction of Sewers Outside of the City Limits. He asked Council if they would be interested in serving properties near City boundaries, and if so, would they be willing to change the ordinance in order to do this.

After much discussion, it was Council's suggestion that Mr. Chriscinske meet with Bob Curtis; the City Attorney to draw up needed changes in the ordinance and bring it back to Council.

**JIM BURNS – CITY ENGINEER**

**Re: Bid for Mark Twain Area Restoration**

Mr. Burns recommended to Council that the bid for this project be awarded to T.J. General Contracting, Inc., who was the lowest bidder. Council Member Dexheimer made a motion to approve awarding bid to T.J. General Contracting, Inc. Mayor Hark seconded the motion.

Motion carried.

**Re: Bid for 4<sup>th</sup> Street Re-Construction**

Mr. Burns recommended awarding the bid for this project to George Lee Construction, Inc., since they were the lowest bidder. He also asked that Council approve taking money that is in the Collier Street Construction Line and moving it into the ½ cent sales tax line item for completing this project. After much discussion and questions, Council Member Dexheimer made a motion to approve Mr. Burns' request. Council Member Wilson seconded the motion.

Motion carried.

**JOHN WEALER – BUILDING INSPECTOR**  
**Re: Demolition Bid – BI-002-01**

Mr. Wealer presented the bid results for this project to Council. He recommended to Council that the bid be awarded to the lowest bidder, Roberts Demolition, in the amount of \$17,115.00. A motion was made by Council Member Wilson to approve awarding the bid to Roberts Demolition. Mayor Hark seconded the motion.

Motion carried.

**DAVID DOWNS – CHIEF OF POLICE**  
**Re: Approval of Police Department Sub-Post at Wal-Mart**  
(Resolution 948 to follow)

Chief Downs explained to the Council an agreement that Wal-Mart wished to enter into with the City of Hannibal. This agreement would provide a Police sub-station located at the new Wal-Mart Store. Wal-Mart has agreed to provide this space free of charge, fully furnished and to provide all utilities. The only expense to the police department would be to install the needed computer system. The usage of the present sub-station at Atoka was also discussed with Council and the need for having two in such close proximity was questioned.

**TIM CARTER – FIRE CAPTAIN**  
**Re: Tim Carter v. City of Hannibal, File No. 01-327**  
(Personnel Issue)

Mayor Hark stated that he had a letter from Mr. Maune (Mr. Carter's attorney) listing this agenda item as a grievance. Mayor Hark then asked Council if this was something they might want to hear in closed session. Mr. Maune expressed to Council that he had no objection with Council considering this in closed session but he did ask that he be allowed to be present with his client. Mr. Maune's concern was that his client would be in closed session with the Council and would be subject to cross-examination without the aid of an attorney present. Council Member Wilson stated that he preferred to hear this in closed session as we have done in the past. Mr. Maune questioned Mr. Wilson as to whether or not he would be allowed to

enter into the closed session with his client. Mr. Wilson stated that he would not, because we have not allowed attorneys to be present with employees in the past. Mr. Maune stated that on the record, "I would like to ask the Council to allow my presence". Mr. Wilson stated that at this point in the grievance procedure, the employee is to meet with Council and if the employee does not like what decision the Council makes, then there is another step that the employee may take. Council Member Dexheimer stated that there are grievance procedures to be followed and at this point they have not been followed. The request was made one other time to go before Judge Motley and that completely eliminated this required step with Council. There was also a discussion concerning why Mr. Carter had not shown up the last two times he was listed on the agenda under closed session. Council Member Morgan made a motion that we table this issue in order to deal with it in closed session. Council Member Dexheimer seconded the motion.

Motion carried.

Council Member Dexheimer then suggested to Mr. Maune that he get in contact with Mr. Curtis and decide when would be an appropriate time to deal with this issue in closed session. Mr. Maune stated that they were prepared tonight. Council Member Dexheimer then made a motion that we address this issue at our next regular Council meeting in closed session admitting at that time Mr. Carter, Mr. Maune, City Council, the Mayor, City Manager, City Attorney and the City Clerk. Mayor Hark seconded the motion. After much discussion on the definition of "closed session" the question was called.

### **Roll Call**

**Yes:** Council Members Dexheimer, Morgan and Mayor Hark  
– 3

**No:** Council Members Janes and Wilson – 2

Motion carried.

**KEVIN KNICKERBOCKER – NAT’L. TOM SAWYER DAYS  
CHAIRMAN**

**Re: Permission to Use Various City Owned Properties for the Annual  
National Tom Sawyer Days Festival**

Mr. Knickerbocker informed Council that the festival would run from Wednesday, July 3<sup>rd</sup> through Saturday, July 6<sup>th</sup>, 2002. Set-up for the festival will begin on Saturday, June 29<sup>th</sup> with teardown on Sunday, July 7<sup>th</sup>. They will be using the old Van Wells lot, the Mark Twain Hotel lot and the SW corner of South Main and Church Streets. He also asked permission to use the following city owned properties and streets:

- Riverfront and Broadway - Parking Lot (old Jack’s Harbor Marine Site)
- Church Street – Two blocks from Third Street East to floodwall
- South Main Street – Two blocks from Broadway South to Lyon Street
- The Riverfront Amphitheater Site (fireworks display set-up)

He also requested the waiver of the following license fees:

- Carnival License (Insurance and no tax due letters are current)
- Vendors table License (for baseball card show)

A motion was made by Council Member Wilson to approve this request. Council Member Morgan seconded the motion.

Motion carried.

**RESOLUTION 948**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO  
AN AGREEMENT WITH WAL-MART TO ESTABLISH A POLICE  
DEPARTMENT SUB-POST AT THE NEW WAL-MART FACILITY**

Motion was made by Council Member Morgan to have the Clerk read and call the roll for adoption. There being no second to this motion, motion failed.

## **RESOLUTION 949**

### **A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN HANNIBAL BOARD OF PUBLIC WORKS AND BLACK & VEATCH FOR A FEASIBILITY STUDY OF THE FILTERED WATER RESERVOIR**

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 Dexheimer, Morgan, Janes, Wilson & Mayor Hark - 5

**No:** -0-

Mayor Hark declared Resolution 949 duly approved and adopted on this date.

## **BILL NO. 02-808**

### **AN ORDINANCE AMENDING ARTICLE V, OFFENSES AGAINST PUBLIC PEACE, ORDER AND SAFETY OF CHAPTER 16 OF THE HANNIBAL CITY CODE (Possession of Marijuana)**

#### **SECOND AND FINAL READING**

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

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Bill No. 02-808 duly approved and adopted on this date.

**BILL NO. 02-809**

**AN ORDINANCE AMENDING ARTICLE IV, VEHICLE  
OPERATION GENERALLY OF CHAPTER 17 OF THE HANNIBAL  
CITY CODE  
(Driving While Intoxicated)**

**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. Mayor Hark seconded the motion.

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Bill No. 02-809 duly approved and adopted on this date.

**BILL NO. 02-810**

**AN ORDINANCE AMENDING ARTICLE V, OFFENSES AGAINST  
PUBLIC PEACE, ORDER AND SAFETY OF CHAPTER 16 OF THE  
HANNIBAL CITY CODE  
(Drug Paraphernalia)**

**SECOND AND FINAL READING**

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

Motion carried.

**Roll Call**

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

**No:** -0-

Mayor Hark declared Bill No. 02-810 duly approved and adopted on this date.

**ADJOURNMENT**

Council Member Dexheimer made a motion to adjourn. Council Member Wilson seconded the motion.

Motion carried.