

OFFICIAL COUNCIL PROCEEDINGS

August 19, 2003
7:00 P.M.

ROLL CALL

Present: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 6

Absent: Council Member Knickerbocker – 1

Others Present: City Clerk, City Manager, and City Attorney

CALL TO ORDER

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

INVOCATION

City Attorney Robert Curtis gave the invocation.

PLEDGE OF ALLEGIANCE

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

At this time, motion was made by Council Member Wilson to excuse Council Member Knickerbocker from the proceedings. Motion was seconded by Council Member Janes.

Motion carried.

APPROVAL OF MINUTES Regular Meeting August 5, 2003

Council Member Wilson made motion to approve the minutes of the previous Council Meeting held on August 5, 2003. Council Member Hull seconded that motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half of August 2003

Motion was made by Council Member Wilson to approve the payroll and claims for the first half of August 2003. Mayor Hark seconded the motion.

Motion carried.

BRIT CRABTREE - CITIZEN
Re: Repair of Damage to North Street

Ms. Crabtree came before Council with a request for street and curb repairs to be done on North Street.

Re: Police Department

At this time, Ms. Crabtree voiced her concern about the number of Police Officers employed by the City of Hannibal. She feels the crime rate has been higher because of this shortage. She discussed other issues that she said, according to her research, were unacceptable, including no tactical vests for officers, the need for a camera outside city hall. She concluded by making a request to increase the current Police force by four officers.

Re: Finance Director

Ms. Crabtree requested, when Council fills the City Manager's position, they consider someone who can do a budget and manage money. Mayor Hark thanked Ms. Crabtree for her comments.

ANNIE DIXON
Re: Wedge Monument

Ms. Dixon addressed Council, asking them to 'make good on their promise to the African-American or black people in this community'. This concerned a request that was made in June 2003 to place a monument on the Save-A-Lot parking area recognizing the contributions the black people have made and continue to make to this community. This request was approved by Council at a previous meeting.

Mr. Phil Smith, a life-long citizen of the community spoke, advocating the placement of this monument. Mr. Smith recapped recent events leading up to this evening's meeting. This included a meeting Ms. Dixon, Ms. Smith had with City Manager Shimun and the Mayor, in which Mr. Raymond Witt attended. At this meeting, Mr. Witt had made a request that ALL businesses previously located in the wedge district should be included on the monument, both black and white. He concluded that the original request naming only black business be upheld.

Ms. Minnie Smith asked, at this time, for clearance and permission to place the order for the monument with the Hannibal Monument Company in accordance with Council's vote of June 23, 2003.

Mr. Raymond Witt was the next speaker. He wished to make it clear that he did not oppose the statue, as had been formerly stated. He only wished that the names of all businesses in the area of the wedge be remembered, including his mother's business.

Mr. Robert Cowder was next recognized by the Mayor. He made two suggestions for the Council to consider.

1. Initiate a moratorium on the construction of monuments, memorials and statues within the City.
2. Create an ad hoc commission to develop regulation for such monuments, memorials and statues. This commission would be established with the express purpose of developing a set of regulations regarding the design, location and purpose of all memorials, monuments and statues. These regulations could be presented to the City Council for review and modification, if Council determined a need.

City Manager responded to Mr. Calvert's suggestion, stating the City now has a Landmark and Monuments Board in place that might be utilized for this purpose. He further stated that, in his opinion, the initial thought was to celebrate the black businesses in that area and this idea seems to have been expanded beyond that point.

There was a short dialog between Council Member Wilson, speaking in favor of agreeing to fund constructing a monument to include only black businesses, and Council Member Hull, who restated, since this monument would honor only black businesses, it should have been erected with money donated, rather than taxpayer's money.

Mayor Hark recognized June Erickson Sisson, who stated, "Let these black people, for once, have a monument for what they have done for Hannibal!"

The next person to speak was Elaine Lippincott, agreed the black community should be allowed to have the monument as originally planned.

Mayor Hark recognized Major Griggsby, who stated that the citizens of Hannibal needs to get rid of what is black and what is white and remember that we are all citizens and taxpayers in this community and be concerned with the progress of this city.

Council Member Dexheimer commented he was saddened by the number of citizens, knowing the reason they were here. He stressed that every two weeks, Council makes decisions that affect everyone and usually very few citizens participate.

Mr. Vanu Bagchi, a new resident of Hannibal, commented that if Council had already made a decision, they are under law, obliged to do so. Once a decision is made, he said, whether it is a good or bad promise, it is still a promise and needs to be kept.

City Attorney Robert Curtis asked to be recognized. He said, in order to move from the original proposal, if this was the decision, an amendment to the budget would be required, since there is a line item in the current budget to cover this monument.

Mayor Hark agreed by saying the only way to undo what had previously been done would be to amend the current budget, and after listening to everyone he felt that would be a mistake. Mayor asked what Council's pleasure was at this time. It was decided they would stand by the original promise. At this time, Mayor Hark accepted the proposal that Minnie Smith presented and agreed to proceed with the project. This proposal was from Hannibal Monument Company in the amount of \$5,049.00.

GARY SHIMUN – CITY MANAGER

Re: Addendum to Agreement with Hannibal Community Foundation to Include the Tree Board

(Resolution 1072 to follow)

City Manager Shimun explained Resolution 1072. This resolution concerns an amendment to the Hannibal Community Foundation agreement that the City has, allowing them to accept funds on behalf of the Tree Board. He wished to make a recommendation to Council to approve this resolution when it is presented.

Re: Approval of appointments to Boards and Commissions from last meeting

Mr. Shimun asked for Council approval of the appointments that had been brought before them for consideration at the last Council Meeting on August 5, 2003. These were as follows:

Historic Landmark and Monument Board

Robert Saxbury – a three year term to expire January 31, 2005

Board of Adjustment

Robert Saxbury – Alternate

Hannibal Free Public Library

Mark Johnson – remainder of a three-year term to expire June 2004

Tree Board

Chris Shulse – a three year term to expire September 2006

Geri Graves – a three-year term to expire September 2006

Klaus Stendebach – a three year term to expire September 2006

Historic Development District Commission

Sara North – a five year term to expire May 2008

Hannibal Parks and Recreation Board

Sid Buckman – a three year term to expire July 2006

Airport Commission

William Schneider, Jr. – a three year term to expire September 2006
Terrell Dempsey – a three year term to expire September 2006

Council Member Janes made motion to accept these appointments as Mr. Shimun has recommended. Council Member Wilson seconded the motion.

Motion carried.

BOB CHRISCINSKE – GENERAL MANAGER OF BPW

Re: Contract for an Electrical Rate Study

(Resolution 1073 to follow)

In Mr. Chriscinske's absence, Mr. Jack Herring was recognized and addressed Council concerning approval on a contract with Ledbetter, Corner and Associates for an electrical rate study, with a bid amount of \$10,000-\$15,000, not to exceed \$18,000. This was the lowest proposal for this study.

Re: Contract with Ozark Fire Protection, Inc. for a Sprinkler Main Relocation

(Resolution 1074 to follow)

Next Mr. Herring asked Council approval of a resolution concerning a bid submitted by Ozark Fire Protection, Inc. when it is presented later during the meeting. This bid is for a sprinkler main relocation at the BPW office in the amount of \$15,952.00.

CAPTAIN LYNDELL DAVIS – HANNIBAL POLICE DEPARTMENT

Re: Revisions to ordinances in regards to keeping of cats and dogs

(Bill No. 03-882 & 883 to follow)

City Clerk Baudendistel spoke on behalf of Captain Davis regarding the ordinance revisions about the keeping of dogs and cats. She requested that Council table the first reading on these bills. She noted that Captain Davis and Building Inspector John Wealer were scheduled to meet Thursday, August 21st to discuss requirements to amend this bill.

JOHN WEALER – BUILDING INSPECTOR

Re: Revisions to ordinances in regards to keeping of cats and dogs

(Bill No. 03-882 & 883 to follow)

City Clerk Baudendistel requested, on Building Inspector Wealer's behalf, to have these two bills tabled. (See statement above)

CHIEF JOEY RUNYON – HANNIBAL POLICE DEPARTMENT

Re: Contract for Reimbursement Services for the JAIGB "Turning it Around" Grant

(Resolution 1071 to follow)

Mayor Hark recognized Chief Runyon who came before Council requesting approval of a resolution regarding reimbursement services for the JAIBG (Juvenile Accountability Incentive Block Grant) program. This program is through the Missouri Department of Public Safety and the grant project is entitled, "Turning It Around". This resolution will be presented for approval later during the meeting.

MARY BETH BAUDNEDISTEL – CITY CLERK
Re: Renewal of Contract with Hannibal Nutrition Center
(Resolution 1070 to follow)

City Clerk Baudendistel requested Council approval of a resolution to follow that would renew a contract with the Hannibal Nutrition Center. Through this program they agree to serve a number of free meals each year.

ROBERT CURTIS – CITY ATTORNEY
Re: Ordinance in Regards to Use of Engine Brakes
(Bill No. 03-880 to follow)

Mr. Robert Curtis, City Attorney introduced Bill No. 03-880 regarding the use of engine brakes. This bill was the result of a meeting between Mr. Curtis, Chief Runyon and Major Hunold. He asked Council's approval of this bill at a later time during the meeting.

Re: Ordinance in Regards to Illegal Dumping
(Bill No. 03-881 to follow)

Mr. Curtis requested Council approval of a bill to be presented later during the meeting. This bill concerned illegal dumping and amends the Hannibal City Code regarding this issue.

Re: Use of Bicycles, Motorized Bicycles, Roller Skates, Skateboards, Etc. on Public Right-of-Ways and Roadways
(Bill Nos. 03-884, 03-885 & 03-886 to follow)

Before Mr. Curtis presented these bills, requesting approval, Council Member Janes questioned the reasons behind the amendments being presented. Chief Runyon responded to this stating there was a growing concern regarding bicycles, etc., particularly within the Historic District. Mayor Hark indicated that he had personally received complaints regarding the issues at hand.

Council Member Janes stressed that he was not questioning the safety concerns, however, with these areas removed, where would the young people have to go in order to enjoy this sport? He stated that there was already a very limited amount of activities for these young people and indicated that even though this area was within his ward, he had not received any complaints. Mayor Hark said that the Parks & Recreation had fielded several of these complaints. After a

lengthy discussion, Council Member Janes suggested that, since the problem was with the Historic District, maybe the bills should include only that area.

JIM BURNS – CITY ENGINEER

Re: Change Order No. 1 with George Lee Jr. Construction for the Mark Twain Area Restoration Project Phase 5, Pt. 1- Bear Creek Bicycle Trail

City Engineer Jim Burns came before Council, at this time, seeking approval of Change Order No. 1 with George Lee Jr. Construction Co. This change order is not to exceed the amount of \$11,200 and its purpose is to finish the grade work on the base rock of the bicycle trail. The original proposal was for the City Street Department to do the final grade. MECO Engineering and Street Department personnel will oversee this project. Council Member Hull made motion to approve this change order. Council Member Janes seconded the motion.

Motion carried.

Re: El Rancho Bridge Rehabilitation Project Engineering Services
(Resolution 1075 to follow)

City Engineer Burns requested Council approval of a resolution at a later time during this meeting. This resolution, if approved, will allow the Mayor to sign an agreement with Klingner and Associates, P.C. in the amount of \$9,600.00 to provide professional services including surveying and design of El Rancho Bridge rehabilitation project.

RESOLUTION 1070

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE HANNIBAL NUTRITION CENTER FOR SERVING OF MEALS TO THE ELDERLY AND THE INFIRM

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

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 6

No: -0-

Absent: Council Member Knickerbocker – 1

Mayor Hark declared Resolution 1070 duly approved and adopted on this date.

RESOLUTION 1071

A RESOLUTION APPROVING A CONTRACT FOR REIMBURSEMENT SERVICES FOR THE HANNIBAL PUBLIC SCHOOL DISTRICT #60 AND THE 10TH CIRCUIT JUVENILE COURT FOR THEIR PARTICIPATION IN THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (JAIGB)

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

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 6

No: -0-

Absent: Council Member Knickerbocker – 1

Mayor Hark declared Resolution 1071 duly approved and adopted on this date.

RESOLUTION 1072

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ADDENDUM #2 TO ORIGINAL RESOLUTION 958 IN REGARDS TO AN AGREEMENT BETWEEN THE CITY AND HANNIBAL COMMUNITY FOUNDATION FOR THE PURPOSE OF SERVING AS CHARITABLE FISCAL SPONSOR FOR THE TREE BOARD

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

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 6

No: -0-

Absent: Council Member Knickerbocker – 1

Mayor Hark declared Resolution 1072 duly approved and adopted on this date.

RESOLUTION 1073

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ELECTRICAL RATE STUDY CONTRACT WITH LEDBETTER, COMER & ASSOCIATES FOR AN ELECTRICAL RATE STUDY

Council Member Wilson made motion to have the Clerk read this resolution and call the roll for adoption. Mayor Hark seconded the motion.

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 6

No: -0-

Absent: Council Member Knickerbocker – 1

Mayor Hark declared Resolution 1073 duly approved and adopted on this date.

RESOLUTION 1074

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT ON BEHALF OF THE BOARD OF PUBLIC WORKS WITH OZARK FIRE PROTECTION, INC. FOR A SPRINKLER MAIN RELOCATION AT THE PUBLIC WORKS OFFICE

Council Member Dexheimer made motion to have the Clerk read this resolution and call the roll for adoption. Council Member Wilson seconded the motion.

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 6

No: -0-

Absent: Council Member Knickerbocker – 1

Mayor Hark declared Resolution 1074 duly approved and adopted on this date.

RESOLUTION 1075

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH KLINGNER & ASSOCIATES, P.C. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES INCLUDING SURVEY AND DESIGN SERVICES FOR THE EL RANCHO BRIDGE REHABILITATION PROJECT IN HANNIBAL, MO

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

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 6

No: -0-

Absent: Council Member Knickerbocker – 1

Mayor Hark declared Resolution 1075 duly approved and adopted on this date.

BILL NO. 03-880

AN ORDINANCE AMENDING ARTICLE VIII, MISCELLANEOUS RULES OF CHAPTER 17 OF THE HANNIBAL CITY CODE IN REGARDS TO ENGINE BRAKES

FIRST READING

Council Member Wilson made motion to have the Clerk give this bill a first reading. Mayor Hark seconded the motion.

Motion carried.

BILL NO. 03-881

AN ORDINANCE AMENDING ARTICLE I, OFFENSES AGAINST, ILLEGAL DUMPING OF CHAPTER 16, GENERALLY OF THE HANNIBAL CITY CODE.

FIRST READING

Council Member Wilson made motion to have the Clerk give this bill a first reading. Council Member Janes seconded the motion.

Motion carried.

Council Member Dexheimer made motion that the next two bills be tabled. Mayor Hark seconded the motion.

Motion carried.

BILL NO. 03-882

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

TABLED

BILL NO. 03-883

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

TABLED

BILL NO. 03-884

AN ORDINANCE AMENDING ARTICLE VII, AGAINST USE OF BICYCLES, MOTORIZED BICYCLES, ETC ON PUBLIC RIGHT-OF-WAYS IN CERTAIN DISTRICTS, OF CHAPTER 17 GENERALLY OF THE HANNIBAL CITY CODE

FIRST READING

Council Member Wilson made motion to have the Clerk give this bill a first reading. Mayor Hark seconded the motion.

Motion carried.

Roll Call

Yes: Council Member Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 5

No: Council Member Janes – 1

Absent: Council Member Knickerbocker – 1

BILL NO. 03-885

**AN ORDINANCE AMENDING ARTICLE VII, AGAINST USE OF BICYCLES,
MOTORIZED BICYCLES, ETC. ON ROADWAYS OF CHAPTER 17 GENERALLY OF
THE HANNIBAL CITY CODE**

FIRST READING

Council Member Wilson made motion to have the Clerk give this bill a first reading. Council Member Hatton seconded the motion.

Motion carried.

Roll Call

Yes: Council Member Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 5

No: Council Member Janes – 1

Absent: Council Member Knickerbocker – 1

BILL NO. 03-886

**AN ORDINANCE AMENDING ARTICLE VII, AGAINST USE OF BICYCLES,
MOTORIZED BICYCLES, ETC ON PUBLIC RIGHT-OF-WAYS IN CERTAIN
DISTRICTS, OF CHAPTER 17, GENERALLY OF THE HANNIBAL CITY CODE.**

FIRST READING

Council Member Wilson made motion to have the Clerk give this bill a first reading. Mayor Hark seconded the motion.

Motion carried.

Roll Call

Yes: Council Member Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 5

No: Council Member Janes – 1

Absent: Council Member Knickerbocker – 1

BILL NO. 03-874

AN ORDINANCE AMENDING THE 2003-04 PAYROLL ORDINANCE IN REGARDS TO PARKS & RECREATION DEPT

SECOND AND FINAL READING

Council Member Dexheimer made motion to have the Clerk give this bill a second and final reading. Council Member Wilson seconded the motion.

Council Member Hull stated, during discussion, that since the budget had been prepared, submitted and presented, Council had approved this budget. For this reason, he could not agree with these increases. Council Member Dexheimer stated that since the department head had made a recommendation to Council, in his opinion that should be considered.

Roll Call

Yes: Council Members Janes, Wilson and Dexheimer – 3

No: Council Members Hatton, Hull and Mayor Hark – 3

Absent: Council Member Knickerbocker – 1

Motion failed due to a tie vote.

BILL NO. 03-877

AN ORDINANCE AMENDING CHAPTER II OF THE EMPLOYEE GUIDE TO SUCCESS IN REGARDS TO RELATIVES

SECOND AND FINAL READING

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

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 6

No: -0-

Absent: Council Member Knickerbocker – 1

Mayor Hark declared Bill No. 03-877 duly approved and adopted on this date.

BILL NO. 03-878

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III OFFICERS AND EMPLOYEES, DIVISION 1, GENERALLY, SECTION 2-80 USE OF CREDIT CARDS AS FOLLOWS:

SECOND AND FINAL READING

Council Member Wilson made motion to have the Clerk give this bill a second and final reading. Council Member Hull seconded the motion.

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 6

No: -0-

Absent: Council Member Knickerbocker – 1

Mayor Hark declared Bill No. 03-878 duly approved and adopted on this date.

BILL NO. 03-879

AN ORDINANCE AMENDING THE BOUNDARIES OF THE ZONING DISTRICTS TO RECLASSIFY A TRACT OF LAND BEING PART OF VACATED COMMANCHE AVENUE AND BEING ALL OF LOTS 1 & 2 AND PARTS OF LOTS 3, 19, 20 AND 21 IN BLOCK 6, BEING THE NORTHERLY 150 FEET OF SAID BLOCK 6 IN INDIAN MOUND INVESTMENT COMPANIES SECOND SUBDIVISION OF INDIAN MOUNT PARK, BEING PART OF LOTS 1 AND 2 OF MCMASTERS SUBDIVISION IN SECTION 19, TOWNSHIP 57 NORTH, RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF HANNIBAL, MARION COUNTY, MISSOURI, FROM “A” ONE & TWO FAMILY DWELLING TO “D” HIGHWAY BUSINESS.

(Melvin Bird Property)

SECOND AND FINAL READING

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

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull – 6

No: -0-

Absent: Council Member Knickerbocker – 1

Mayor Hark declared Bill No. 03-879 duly approved and adopted on this date.

**CLOSED SESSION
In accordance with RSMo 610-021 (3)**

Council Member Hull made motion to go into closed session, admitting the Mayor, City Council, City Manager, City Attorney and City Clerk. Council Member Janes seconded the motion.

Motion carried.

ACTION TAKEN DURING CLOSED SESSION

Council Member Dexheimer made motion to appoint Jim Burns as the interim City Manager until a permanent City Manager is found, including a salary increase during the time he serves as interim not to exceed 70,000.00. Council Member Wilson seconded motion.

Yes – Janes, Wilson, Mayor Hark, Dexheimer, Hatton and Hull-6

No – 0

Absent – Kevin Knickerbocker

Motion carried.

OPEN SESSION

Motion was made by Council Member Wilson to return to open session at this time. Motion was seconded by Council Member Janes.

Motion carried.

ADJOURNMENT

Motion to adjourn was made by Council Member Wilson. Council Member Janes seconded motion. Motion carried. Meeting adjourned.