

OFFICIAL COUNCIL MINUTES

December 2, 2003
7:00 P.M.

ROLL CALL

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

Absent: Council Member Janes - 1

CALL TO ORDER

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

INVOCATION

At this time, City Counselor Bob Curtis gave the invocation.

PLEDGE OF ALLEGIANCE

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

Motion was made by Council Member Dexheimer to excuse Council Member Janes.
Motion was seconded by Council Member Wilson.

Motion carried.

APPROVAL OF MINUTES Regular Meeting November 18, 2003

Council Member Wilson made motion to approve the minutes of the November 18, 2003
Council Meeting. Mayor Hark seconded the motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS Last Half of November 2003

Council Member Wilson made motion to approve the payroll and claims for the last half
of November, 2003. Mayor Hark seconded the motion.

Motion carried.

JIM BURNS – INTERIM CITY MANAGER
Re: City Manager’s Report

Interim City Manager Jim Burns began by informing Council of a wall at the intersection of Grand, Broadway and Church Streets, between two levels of parking lot that is in disrepair. An adjacent property owner brought to Mr. Burns attention that the wall was beginning to collapse and the sidewalk is cracked. Prices have been solicited to repair that portion of wall from contractors, and the amounts are under the bid limits, approximately \$20,000.00, which will be taken out of street and facilities maintenance money. Plans are to begin repairs in the next week.

Burns also stated that the City Hall roof repairs were recently completed and Diamond Boulevard is nearing completion. He is expecting to have that roadway open to traffic by the end of the week.

The City has received from MIRMA, its insurance company, a listing of all the deficiencies they have on file for the city. This rating system is used to determine the way rates are set. The manner in which these deficiencies are corrected has bearing on how points are deducted, penalties assessed and credits received on rates. At this time, the city has 39 outstanding recommendations, 35 pertain to the Old Federal Building. Some of these have been corrected; however, the MIRMA inspector does not currently have access to the building to check these corrections.

The last piece of Project Impact equipment was a generator at the Hannibal Police Department. The generator is now in and the department is starting to install. Installation should be completed within approximately two weeks.

Mr. Burns concluded by giving the Police Report for the last half of November.

MARK BAUMANN – SECRETARY OF HANNIBAL RURAL FIRE
PROTECTION DISTRICT
Re: Annexation Issues by City

Mr. Mark Baumann, secretary of the board, Hannibal Rural Fire Protection District, introduced himself and stated his reason for appearing, to open up dialogue between the City and this organization regarding annexation of properties from the fire protection district into the City. Mr. Baumann stated that each time property is annexed into the city, the district loses tax dollars; however, state statute 321.322 provides for a method of paying fire protection districts when they are harmed by an annexation.

Even though state statutes provide for reimbursement of funds by the City following an annexation, the fire district board is seeking Council approval of a formal ordinance or resolution to be passed giving the fire protection district notice upon annexation and

provide for prompt, preferably lump sum payment, of monies due because of lost revenue. This document would also provide for notice to Marion County 911 and Hannibal Fire Department so services are not overlapped. The district feels the need for this because council members, board members and other city officials frequently change, passage of this would put something in place that would set procedures for these transactions.

JOHN LYNG - CITIZEN

Re: Variance on Trail Head Property on Hill Street

Mr. Lyng appeared before Council to discuss the H-1 Historic District, which includes approximately six blocks on North Main Street, Hill Street, Center Street and North Street. He wished to offer the proposition that zoning policy for the City of Hannibal should be set by those elected to serve as members of the City Council, not by the City's appointed staff or its contracted consultants.

The specific area of concern at hand, Mr. Lyng stated, is the proposed trail head building, proposed to be constructed in the 100 block of Hill Street. This building does not conform with the city's H-1 historical zoning ordinance, which applies to this area. DPW and the city's retained engineer firm sought a variance for this project for its height and setback on both sides, which was granted by the board of adjustment.

Mr. Lyng stated that he had appealed this decision to the Marion County Circuit Court; this is now pending. He has now agreed to dismiss this appeal, provided the City Council decides the City's course in this matter and the court costs incurred to date be split between the City and him. He stated that it was not his intention to hold up the process, but to illustrate the problem with that zoning and additional problems that may be created by the variance.

He concluded by saying that he would address three options. The City could require the building be redesigned to meet the requirements of the ordinance and to blend with and compliment the existing structures in that zone. This option is not practical cost and time wise. Secondly, you can proceed with the variances, since they have already been granted. This would require that the City Attorney see to it that the legal description and the description of the nature of the variance be corrected. New variances would then be recorded with the Recorder's office, since the old descriptions are not correct. Finally, the Council can review the H-1 ordinance and amend it. The point being that these decisions should be made by the City Council.

MARY BETH BAUDENDISTEL – CITY CLERK

Re: Recommendation From Self Insurance Board for Provider Service
(Resolution No. 1091 to follow)

City Clerk Baudendistel presented a recommendation from the self insurance board. This was an annual contract to be signed for provider service with Healthlink, which will

renew their contract with the City for another year. The Clerk requested Council's consideration and their approval of the resolution to follow later during the meeting.

Re: April 2004 Election
(Bill No. 03-895 to follow)

Ms. Baudendistel presented Bill No. 03-895 which concerned the April 2004 election. The final date for candidates to file will be January 20, 2004. This is also a Council Meeting date, allowing for a second and final reading on that date, naming candidates at that time. This must be in the hands of the County Clerk by January 27, 2004. It was discussed whether or not a second and final reading could be done at the next Council Meeting. This could be done, however, candidates names would not be included with this option.

Re: Recommendation From P&F Pension Board
(Bill Nos. 03-893 and 03-894 to follow)

City Clerk Baudendistel presented two bills pertaining to participation in the fund and payback of funds while a member is on active military deployment. She requested Council's consideration and approval of both for a first reading later during the meeting.

JIM BURNS – CITY ENGINEER
Re: Variances Requested for Set Back for Restrooms

City Engineer Jim Burns presented variances for the trailhead facilities. This facility was designed with consultation of the Historic District Commission and was given a certificate of appropriateness as the ordinance, which is now in place, reads. He explained some of the reasons behind the facility designs, which were changed to meet requirements of the Commission. City Attorney Curtis informed Council of the options available concerning this project. After some discussion, it was decided to go forward with the existing project and to look at amending the ordinance that is now in place. Motion was made by Council Member Hull to approve the variance for the restroom setback. Motion was seconded by Council Member Wilson.

Motion carried.

Re: Variance Requested for Height of Façade of Trail Head Building

City Engineer Burns asked for approval of this variance, since the building could not be constructed without both variances. Motion was made by Council Member Hull to approve the variance for height of façade of the trail head building. Motion was seconded by Council Member Wilson.

Motion carried.

At this time, Council Member Dexheimer made a motion to have the Mayor appoint a committee, consisting of two Council Members, two Historical District Members, and

two citizens at large to revise the ordinance and present it to Council for recommendation and amendment at a later date. Motion was seconded by Council Member Wilson.

Motion carried.

Re: Recommendations from Planning and Zoning for Oak Grove Subdivision
(Bill No. 03-896 to follow)

Burns presented a recommendation from the Planning and Zoning Commission for Oak Grove Subdivision. The Subdivision would like to deed a strip of property, 12 feet wide, along Head Lane to the City of Hannibal. Board of Public Works installed a water line in this area without obtaining an easement. He asked for Council consideration and approval of a first reading later during the meeting.

Re: Sawyers Creek Project – Change Order No. 3

Mr. Burns spoke to Council regarding change order No. 3 for the Sawyers Creek Project at this time. This is the final quantity change order for the sewer project. The total cost of the project will be decreased by \$14,287.72 and the construction time will be increased by 55 days with this change order. Mr. Burns requested Council approval of this change order. Motion was made by Council Member Knickerbocker to approve this change order. Motion was seconded by Council Member Wilson.

Motion carried.

Re: Bear Creek Pedestrian/Bike Trail – Change Order No. 2 (Final)

The final item that Burns presented was change order no. 2 for the Bear Creek Pedestrian/Bike Trail Project. This change order is to adjust final quantities of this project that were not used. There is a credit of \$17,670.00 that will be taken if Council approves the change order. Motion was made by Council Member Wilson to approve the final change order for the Bear Creek Pedestrian/Bike Trail. Motion was seconded by Council Member Knickerbocker.

Motion carried.

RESOLUTION NO. 1091

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING
THE MAYOR TO SIGN AN AGREEMENT WITH HEALTHLINK, INC. FOR
PREFERRED PROVIDER SERVICES FOR THE CITY AND BOARD OF
PUBLIC WORKS HEALTH PLAN**

Council Member Wilson made motion to read Resolution 1091 and call the roll for adoption. Mayor Hark seconded the motion.

Motion carried.

Roll Call

Yes: Council Members Knickerbocker, Wilson, Mayor Hark,
Council Members Dexheimer, Hatton and Hull - 6

No: -0-

Absent: Council Member Janes - 1

Mayor Hark declared Resolution 1091 duly approved and adopted on this date.

BILL NO 03-892

AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR THE OAKVIEW SUBDIVISION, THIRD ADDITION, A SUBDIVISION OF A TRACT OF LAND BEING PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 57 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF HANNIBAL, MARION COUNTY, MISSOURI

FIRST READING

Motion was made by Council Member Wilson to give Bill No. 03-892 a first reading. Motion was seconded by Council Member Hull.

Motion carried.

BILL NO. 03-893
(as amended)

AN ORDINANCE AMENDING ARTICLE II, POLICE AND FIRE PENSION, DIVISION 1, GENERALLY, OF CHAPTER 21, PERSONNEL OF THE HANNIBAL CITY CODE WITH REGARD TO REIMBURSEMENT OF PENSION FUNDS AFTER SERVING IN ACTIVE MILITARY SERVICE

FIRST READING

Motion was made by Council Member Dexheimer to give Bill No. 03-893, as amended, a first reading. Motion was seconded by Mayor Hark.

Motion carried.

BILL NO. 03-894

(as amended)

**AN ORDINANCE AMENDING AARTICLE II, POLICE AND FIRE PENSION,
DIVISION 1, GENERALLY OF CHAPTER 21, PERSONNEL OF THE
HANNIBAL CITY CODE WITH REGARD TO PARTICIPATION**

FIRST READING

Motion was made by Council Member Wilson to give Bill No. 03-894, as amended, a first reading. Motion was seconded by Council Member Knickerbocker.

Motion carried.

BILL NO. 03-895

**AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD
ON TUESDAY, APRIL 6, 2004**

FIRST READING

Motion was made by Council Member Knickerbocker to give Bill No. 03-895 a first reading. Motion was seconded by Mayor Hark.

Motion carried.

BILL NO. 03-896

**AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR THE OAK
GROVE SUBDIVISION, A SUBDIVISION OF A TRACT OF LAND BEING
PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF
SECTION 24, TOWNSHIP 57 NORTH, RANGE 5 WEST, IN THE CITY OF
HANNIBAL, MARION COUNTY, MISSOURI**

FIRST READING

Motion was made by Council Member Wilson to give Bill No. 03-896 a first reading. Motion was seconded by Mayor Hark.

Motion carried.

BILL NO. 03-891

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS (GENERAL MILLS CEREALS PROPERTIES, LLC PROJECT), SERIES 2003, IN AN AMOUNT NOT TO EXCEED \$85,000,000

SECOND AND FINAL READING

Motion was made by Council Member Wilson to give Bill No. 03-891 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

Yes: Council Members Knickerbocker, Wilson, Mayor Hark,
Council Members Dexheimer, Hatton and Hull - 6

No: -0-

Absent: Council Member Janes - 1

Mayor Hark declared Bill No. 03-891 duly approved and adopted on this date.

**CLOSED SESSION (2)
In Accordance with RSMo 610-021 (1)**

Motion was made by Council Member Dexheimer to go into closed session, admitting Council, Mayor Hark, City Clerk, City Attorney and Interim City Manager. Motion was seconded by Council Member Wilson.

Roll Call

Yes: Council Members Knickerbocker, Wilson, Mayor Hark,
Council Members Dexheimer, Hatton and Hull - 6

No: -0-

Absent: Council Member Janes - 1

Motion carried.

OPEN SESSION

Council Member Wilson made motion to return to open session. Council Member Dexheimer seconded the motion.

Motion carried.

ADJOURNMENT

Council Member Wilson made motion to adjourn. Council Member Hull seconded the motion.

Motion carried.