

**OFFICIAL PROCEEDINGS
PUBLIC HEARING**

**January 21, 2003
6:30 P.M.**

CALL TO ORDER

At the appointed hour, Mayor Hark called the Public Hearing to order.

Present:: Mayor Hark, Council Members Hull, Dexheimer, Janes and Morgan.

Also present: City Clerk and City Manager

CITY PLANNER – JERRY KELLEY

Re: Voluntary Annexation of Property on West Ely Road Owned by Jerry and Debbie Ketterer

Mr. Kelley gave a brief description as to the location of the property and the intention to zone the property “highway business”.

PUBLIC COMMENTS

Mayor Hark asked if there was anyone present who wished to speak in favor of the annexation.

Jerry Ketterer, owner of the property addressed Council and asked their approval in allowing this property to be annexed. He stated at the present time, the intention was to open an auction house at the location. Current zoning of the property was agricultural and the only access to the property would be from West Ely Road.

Mayor Hark then asked if there was anyone present who wished to speak against said annexation. The following citizens spoke:

Allen Gottman, owner of property adjacent to this piece of land, spoke against annexation saying that he felt that West Ely Road was not suitable for the heavy traffic that this business would incur.

Judy Colliver, owner of property also adjacent to the Ketterer property, spoke against annexation stating that excess traffic would be a problem for this residential area.

There being no one else present who wished to speak, Mayor Hark adjourned the public hearing.

OFFICIAL COUNCIL PROCEEDINGS

**January 21, 2003
7:00 P.M.**

ROLL CALL

Present: Mayor Hark, Council Members Dexheimer, Hull, Morgan, Janes and Wilson - 6

Absent: Council Member Behymer - 1

Also Present: City Attorney, City Manager and City Clerk

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.

At this point, Council Member Dexheimer made motion to excuse Council Member Behymer from the proceedings. Council Member Wilson seconded motion.

Motion carried.

APPROVAL OF MINUTES Regular Meeting of 01-07-03

Motion was made by Council Member Janes to approve the minutes from the last meeting. Council Member Morgan seconded motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half of January 2003

Council Member Wilson made motion to approve the Payroll and Claims. Mayor Hark seconded motion.

Motion carried.

MAYOR HARK

Re: Resignation Letter Of Jason Janes From the Planning and Zoning Committee

The City Clerk read the letter received from Council Member Janes asking that Council approve his resignation from this committee stating that there were too many conflicts of interest with this committee and his professional career.

Council Member Morgan made motion to accept resignation and place letter on file. Mayor Hark seconded motion.

Motion carried.

JERRY KELLEY – CITY PLANNER

Re: Annexation of Abel Oil Company Property
(Bill No. 03-853 to follow)

Mr. Kelley informed that a public hearing on this property was done on December 17, 2002. He explained that the property was located on the East side of Shinn Lane, across from the proposed entrance for the new hospital properties. Council Member Dexheimer asked Mr. Kelley for what purpose this land was to be used. Mr. Kelley stated that no commitment as to the use of this property had been made, but was told that it would be a typical business as to what other property was used for in that area at present time. He asked Council to consider approving a first reading for this annexation request.

JAY JOHNSON – TEACHER – HANNIBAL HIGH SCHOOL

Re: Placing Purple Martin House in the Area of Nipper Park

Mr. Johnson requested Council's permission to allow a group of students belonging to a school sponsored program which was geared to environmental improvements and animal protection, be allowed to erect and maintain a purple martin house in the area of Nipper Park. He stated that the desired area would be overlooking the boat harbor area. The house would be taken down when not in use and be maintained by this group of students. Council Members instructed Gary Shimun to get with Bill Lankford in Parks and Recreation about this offer and to work with Mr. Johnson and his students.

FRANK SALTER – MARION COUNTY HISTORICAL SOCIETY
Re: Presentation of Maple Avenue Historic District Certificate

Mr. Salter explained to Council the process that the historical society went through to have these properties certified. He gave thanks to many of the members and other citizens who had worked diligently on this project. He then, along with Charles Anton, presented to Mayor Hark and the Council, the official paperwork and history of these properties and a certificate declaring Maple Avenue an official historic district.

Mayor Hark thanked Mr. Salter, and the Historical Society and everyone involved with this project.

JIM BURNS – CITY ENGINEER
Re: Traffic Committee Recommendations From January 16, 2003 Meeting

Mr. Burns stated to Council that abandonment of two parking places in front of the proposed site for the Huck Finn Home had been discussed and approved. There being no action taken by Council, Mayor Hark declared this recommendation approved. The City Attorney was instructed to prepare the official paper work and ordinance required to abandon these parking places and present to Council.

Re: Planning & Zoning Commission Recommendations
(Bill No. 03-855)

Mr. Burns introduced Jerry Kelley who stated that this subdivision (Smith & Campbell) had been reviewed and approved by the Planning and Zoning Committee. The intended use for part of this property is to provide additional parking for Fiddlestix restaurant and an entrance for the proposed Hotel complex to be built. He asked Council to approve giving this bill a first reading.

Re: Improvements to be Made by MODot on Hwy 36
(Resolution 1013)

Mr. Burns explained to Council that the scope of these improvements would be to improve the Munger Lane and Coachlight areas along with extension of Coachlight so as to provide a better access road that will be needed when the work on Highway 36 is completed. He asked Council's approval for the resolution to follow.

GARY SHIMUN – CITY MANAGER
Re: Borrowing of Funds from BPW
(Resolution 1012 to follow)

Mr. Shimun explained to Council that the purpose of this loan was to use these funds for the purchase and development of the Manchester Tank Building. He asked Council to approve the resolution to follow.

Re: Base Lease, Lease Purchase Agreement and Escrow Agreement for Funds to be Borrowed From Commerce Bank for Pool Renovation Project
(Resolution 1014 to follow)

Mr. Shimun explained that the purpose of this loan was to go towards the pool renovation project therefore freeing up the funds that were previously leant by the City for this purpose to be used for the purchase of the Manchester Tank Building project. He introduced Ed Trotter of Commerce Bank who was there to answer any questions that Council might have concerning these agreements.

MAJOR LYNDELL DAVIS – POLICE AND FIRE RETIREMNT BOARD
Re: City of Hannibal Contribution to Retirement Fund
(Bill No. 03-854 to follow)

On behalf of Major Davis, Mary Beth Baudendistel asked that this ordinance and the discussions in regards to this ordinance be tabled until additional legal advice concerning this subject was received.

MARY BETH BAUDENDISTEL
Re: Request Revision to Bill No. 03-854 regarding City Contribution to Retirement Fund

Discussion on this subject was requested to be tabled. (See above)

RESOLUTION 1012

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A PROMISSORY NOTE ON BEHALF OF THE CITY OF HANNIBAL, TO REPAY THE BOARD OF PUBLIC WORKS \$600,000.00 OVER A 5-YEAR PERIOD AT THE INTEREST RATE OF 4.25 PERCENT PER ANNUM.

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

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Dexheimer, Hull, Morgan, Janes and Wilson - 6

No: -0-

Absent: Council Member Behymer - 1

Mayor Hark declared Resolution 1012 duly approved and adopted on this date.

RESOLUTION 1013

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR PUBLIC IMPROVEMENTS DESIGNATED AT ROUTE 36, MARION COUNTY, MISSOURI

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

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Behymer - 1

Mayor Hark declared Resolution 1013 duly approved and adopted on this date.

RESOLUTION 1014

A RESOLUTIN AUTHORIZING THE CITY OF HANNIBAL, MISSOURI, TO ENTER INTO A BASE LEASE, AS LESSOR WITH COMMERCE BANK, NATIONAL ASSOCIATION, AS LESSEE; A LEASE PURCHASE AGREEMENT, AS LESSEE, WITH COMMERCE BANK, NATIONAL AQSSOCIATION, AS LESSOR, WITH RESPECT TO THE RENOVATION AND EXPANSION OF THE CITY’S SWIMMING POOL, AND RELATED FACILITIES, AND AN ESCROW AGREEMENT BY AND BETWEEN COMMERCE BANK, NATIONAL ASSOCIATION, AS LESSOR AND AS ESCROW AGENT, AND THE CITY

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

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Behymer - 1

Mayor Hark declared Resolution 1014 duly approved and adopted on this date.

BILL NO. 03-853

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF CERTAIN PROPERTY PURSUANT TO SECTION 71.012 OF THE REVISED STATUTES OF MISSOURI

FIRST READING

Council Member Dexheimer made motion to have the Clerk give this Bill a First Reading. Council Member Morgan seconded motion.

Motion carried.

BILL NO. 03-854

(AN ORDINANCE AMENDING CHAPTER 21, PERSONNEL, ARTICLE II, POLICE AND FIRE PENSIONS, SECTION 21-53, FUNDING, PARAGRAPH 'C' OF THE CITY OF HANNIBAL CODE PERTAINING TO EMPLOYER FUNDING)

Council Member Morgan made motion to table this Bill until further legal advice was received. Council Member Janes seconded motion.

Motion carried.

BILL NO. 03-855

AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR THE SMITH & CAMPBELL SUBDIVISION, A SUBDIVISION OF A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 57 NORTH, RANGE 5 WEST IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI.

FIRST READING

Motion was made by Council Member Wilson to have the Clerk give this Bill a First Reading. Mayor Hark seconded motion. During discussion, Council Member Janes stated that he would need to abstain from voting on this bill.

Roll Call

Yes: Mayor Hark, Dexheimer, Hull, Morgan and Wilson – 5

No: -0-

Abstain: Council Member Janes – 1

Absent: Council Member Behymer - 1

Motion carried.

**CLOSED SESSION (3)
In accordance with RSMo 610-021 (1&2)**

Council Member Dexheimer made motion to go into Closed Session in accordance with RSMo 610-021, subsections 1 & 2, admitting the Mayor, Council, City Attorney, City Manager and the City Clerk. Mayor Hark seconded motion.

Yes – Mayor Hark, Council Members Dexheimer, Hull, Morgan, Janes and Wilson-6

No – 0

Motion carried.

ACTION TAKEN DURING CLOSED SESSION

MARK TWAIN HOME BOARD

The Mark Twain Home Board is seeking obtaining an exempt status from the Sunshine Law. Council discussed this and decided that they felt that the Mark Twain Home Board should not be exempt from this law and therefore would intervene with this project.

Council Member Wilson made motion to have the City Attorney intervene, on behalf of the City, to stop their request for exemption. Council Member Dexheimer seconded motion.

Roll Call

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

No: -0-

Motion carried.

MEDIATION RECOMMENDATION

After meeting with the mediation board in regards to a lawsuit against the City of Hannibal, it was recommended that the City settle for an undisclosed amount.

Council Member Wilson made motion to accept the mediator’s advice and settle in the amount suggested. Mayor Hark seconded motion.

Roll Call

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

No: -0-

Motion carried.

BACK IN OPEN SESSION

Council Member Wilson made motion to go back into open session. Council Member Dexheimer seconded motion.

Motion carried.

OPEN SESSION

Council Member Dexheimer made motion to discuss General Mills occupancy of the Manchester Tank Building on the agenda. Council Member Morgan seconded motion.

Motion carried.

MANCHESTER TANK BUILDING AND GENERAL MILLS

Mr. Shimun explained to Council that General Mills asked to be allowed to take immediate possession of the premises in order to do clean-up maintenance on the building. They asked that the \$23,000.00 per month lease payment for this early possession be waived and in turn they would do the clean up of the building which would have been the City’s responsibility. This would relieve the City of this duty and save the City money, as the cost of the needed work to renovate this building would then be reduced. He asked that the City Attorney draw up an addendum to the original lease agreement reflecting this early possession.

Council Member Dexheimer made motion to allow the early possession and the waiver of the lease payment for this period and for the City Attorney to draw up an addendum of the previous agreement to reflect this. Council Member Wilson seconded motion.

Motion carried.

ADJOURNMENT

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

Motion carried.

Mary Beth Baudendistel, City Clerk

Roy G. Hark, Mayor
