

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, June 3, 2003
7:00 P.M.**

ROLL CALL

Present: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton, Hull and Knickerbocker - 7

Absent: -0-

Also Present: City Attorney, City Manager and City Clerk

ROLL CALL

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.

APPROVAL OF MINUTES

Council Member Dexheimer made motion to approve the minutes from the May 27, 2003 meeting.
Council Member Wilson seconded motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

Council Member Wilson made motion to approve the payroll and claims for the last half of May 2003.
Council Member Hatton seconded motion.

Motion carried.

ROY HARK - MAYOR

Re: Proclamation for Birthday of the United States Army

Mayor Hark read the proclamation declaring the week from June 8th through June 14th, as United States Army Week. Mayor Pro Tem Dexheimer presented the Proclamation to the two representatives present from the United States Army and congratulated and thanked them for the US Army's 200 years of dedicated service to all.

HEIDI MARK - CITIZEN

Re: Letters Sent Out Regarding Variance

Ms. Mark asked the Council to re-send the letters to the surrounding citizens requesting her variance and wording it properly to state what her actual desire was in regards to the type of services she wished to offer.

Mr. Burns stated that at the time the request for variance was made, it was as a result of a citation for selling liquor in a B zone. Ms. Mark stated that was totally incorrect. Mr. Curtis stated that Ms. Marks was cited for selling liquor in a B zone and as part of the plea negotiation she had said that she was going to apply for a variance to control her future conduct. Mr. Curtis also stated that he understood that she was going to come down to apply for a variance to be allowed to serve soft drinks and other non alcoholic beverages to patrons who would not be overnight guests. He stated he was not sure as to what she had actually come down and asked for.

Ms. Mark stated that to the best of her memory she told the girls in the office that if she could not sell alcoholic beverages, she would at least like to be able to sell soft drinks, Coca-Cola, Edie's Fruit Bars and other various snacks. She did not file for a variance to sell alcoholic beverages. She was asking that the letters be sent with the correct wording showing what her intentions were.

Mr. Burns stated that she needed to come into the office and fill out an application to apply for a variance for a restaurant, which coincides with what her plans are. If she would come in, fill this form out and sign it, we would have the exact wording for what she plans to do.

Council Member Dexheimer made motion that we re-issue the application for variance. Mayor Hark seconded motion. Motion carried.

BOB HEISER, JR. - CITIZEN

Re: Condemnation of 205-207 Broadway

Mr. Heiser addressed Council in regards to the condemnation of the above buildings which house his business. He passed out letters to Council in regards to the inspection. He stated that the structural engineer that the city hired spent a total of 6 minutes on two different occasions in each of his two

buildings, didn't study the foundation, never went on the roof, had no equipment or took no pictures. He felt that the condemnation of his building was premature. Mr. Heiser then spent his own money and had a follow up inspection of his property by Mecco Engineering who stated that most of the damage was not to his building and there no measurable movements to his building since 1932. Mr. Heiser also stated he had a letter from Mr. Martin who is a professional engineer, stating that his building is sound. He feels that it was ridiculous to condemn his building on the brief inspections that were performed.

Mr. Burns stated that he had met with the property owners involved and they were supposedly working on a solution. So far, a solution has not come forth and the building has continued to deteriorate. Mrs. Benjamin (other building owner) had had some temporary shoring and stabilization work done on her wall and was therefore granted a temporary business license with the stipulation that these individuals would get together and find a solution to the problem. He assured Council that the City was not even close to the process of going out for bids for demolition, but was actually still waiting for repairs to be made.

Rodney Harvey, the new owner of the former Karen's Dance Academy building came forward stating that he had plans to cable the buildings to Mr. Heiser's outside wall and also reinforce his wall. He stated that our structural engineer said that this would solve the problem and the structural engineer was willing to sign off on this plan.

Mr. Burns stated that if Mr. Luekens (the City's structural engineer) approved the plan as solving the problem, then this would satisfy them that a plan was in place. Once this work was done then the structural engineer would reexamine the buildings for stability. Mr. Burns stated that when Mr. Harvey applies for a building permit, and shows the letter from the engineer stating that these repairs would solve the problem then they could start again on a workable solution between the owners.

Mr. Heiser stated that at this point he will not request that we take away the condemnation, and he would like to see that his building is not taxed as a "new" building and he would like us to talk to the assessor to curtail his taxes until the repairs have been made.

JAMES BURNS – CITY ENGINEER

Re: Agreement to build railroad spur at Manchester Tank

Presented a request for approval of an agreement with Norfolk & Southern Railroad to construct a railroad spur at the former Manchester Tank Building Site. He asked for council to approve the Resolution to follow in regards to this.

MARY BETH BAUDENDISTEL – CITY CLERK

Re: Financial Director Position

Mary Beth stated to Council that unfortunately she did not receive the information she had expected to have by this meeting, and was unable to bring any new information to the Council at this time. Negotiations were still being made in regards to funding of this position and hopefully she would have the information by the next Council Meeting.

GARY SHIMUN – CITY MANAGER

Re: Approval of Nominations for Boards and Commissions From Last Meeting

Mr. Shimun asked Council to approve the following appointments to various Boards and Commissions that were submitted at the last Council Meeting.

Historic Landmarks and Monument Board

Fred Cruse – a three year term to expire January 31, 2006

Board of Adjustment

Bill Hatton – a five year term to expire May 2008

Hannibal Convention and Visitor's Bureau

Steve Ayers – remainder of a three-year term to expire September 2003

Hannibal Employee Benefit Trust Board

Richard Zerbonia – a three year term to expire May 2006

Historic Development District Commission

Jeanna Robertson – a five year term to expire May 2008

Ken Hess – remainder of a five-year term to expire May 2004

Hannibal Parks and Recreation Board

James O'Donnell – a remainder of a three-year term to expire July 2005

David Bleigh – a three year term to expire July 2006

Lent Johnson – a three-year term to expire July 2006

Affirmative Action Committee

Russell Abbey – a three-year term to expire March 2006

Council Member Wilson made a motion to approve the nominations. Council Member Janes seconded motion.

During discussion, Council Member Dexheimer stated that they had discussed placing somebody on the Hannibal Convention and Visitor's Bureau that was more related to the hotel-motel industry. He stated that Council had received a chastising letter from the City Manager telling that we were setting a precedent by letting people tell us what to do. He stated his displeasure for receiving this letter. He stated that he had nothing whatsoever against Mr. Ayers, but in an effort to make it a more diverse group of people, we need to go out to a broader spectrum to represent the tourism commission and the industries in this area.

Council Member Dexheimer made an amended motion that the appointment for the Hannibal Visitor's and Convention Bureau be tabled at this time. Council Member Knickerbocker seconded the amended motion. During discussion, Council Member Wilson brought up the fact that this appointment for this seat would expire in September and asked Council Member Dexheimer if he would consider allowing this appointment at this time and then taking the matter up again in September when the term would expire again. Mr. Dexheimer then withdrew his amended motion. Council Member Knickerbocker stated that he did not intend to withdraw his second to the amended motion. (At this point, according to our Counselor since Council Member Dexheimer had withdrawn his motion and Council Member Knickerbocker did not wish to withdraw his second to the amended motion, then we have at this point only one viable motion on the floor which was the original motion made.)

Mayor Hark then called the question as to the amended motion.

Roll Call

Yes: Council Member Knickerbocker - 1

No: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton and Hull - 6

Amended motion failed.

Mayor Hark called the question on the original motion to approve all nominations to the various Board and Commissions as submitted by Mr. Shimun.

Roll Call

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

No: Council Member Knickerbocker – 1

Motion carried.

At this point Council Member Wilson made a motion to take a short recess. Council Member Janes seconded motion.

Motion carried.

RECESS

GARY SHIMUN – CITY MANAGER

Re: Discussion of 2003-04 Budget

Mr. Shimun recommended that the budget discussion take place after we have taken care of the rest of the items on this agenda. Council Member Janes made motion to move this item to the end of the agenda. Mayor Hark seconded motion. Motion carried.

RESOLUTION 1055

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF HANNIBAL, MISSOURI, AN AGREEMENT WITH NORFOLK SOUTHERN RAILROAD FOR THE CONSTRUCTION OF A RAIL SPUR TO THE MANCHESTER TANK BUILDING

Council Member Dexheimer made motion to have the Clerk read Resolution 1055 and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton, Hull and Knickerbocker – 7

No: -0-

Mayor Hark declared Resolution 1055 duly approved and adopted on this date.

BILL NO. 03-870

(as amended)

AN ORDINANCE AMENDING CHAPTER 32; ZONING, SECTION 23-1, DEFINITIONS, TO INCLUDE BED & BREAKFAST INN.

SECOND AND FINAL READING

Council Member Hull made a motion to have the Clerk give Bill 03-870 a second and final reading, as amended, and call the roll for adoption. Council Member Knickerbocker seconded motion.

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton, Hull and Knickerbocker – 7

No: -0-

Mayor Hark declared Bill No. 03-870 duly approved and adopted on this date.

BILL NO. 03-871

(as amended)

AN ORDINANCE AMENDING CHAPTER 32; ZONING, ARTICLE VI DISTRICT B MULTIPLE RESIDENCE DISTRICT; SECTION 32.402, USE REGULATIONS, TO INCLUDE BED & BREAKFAST INN.

SECOND AND FINAL READING

Council Member Knickerbocker made a motion to have the Clerk give Bill 03-871, as amended, a second and final reading, and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark, Council Members Dexheimer, Hatton, Hull and Knickerbocker – 7

No: -0-

Mayor Hark declared Bill No. 03-871 duly approved and adopted on this date.

GARY SHIMUN – CITY MANAGER

Re: Discussion of Budget

Mr. Shimun stated that the only changes that he had were in the Parks & Recreation Department which relates to a grant award for Huckleberry Park in the amount of \$107,370.00. He asked Council to approve adding \$107,370.00 to the Parks & Recreation Revenue line item 38.1040 and add \$53,685.00 to expenditure line item 38.38.975 and deduct the same amount (\$53,685.00) from capital expenditures line item 38.38.902. Council Member Wilson made motion to approve the change requested. Council Member Janes seconded motion.

Motion carried.

Council Member Dexheimer stated that he would like to get a “feel” from Council of what they think needs to be included in the budget regarding salaries. He felt that the budget submitted contained only figures that showed no advancement in pay for employees and did not reflect any suggestions from department heads as to their desire for pay increases for personnel. Mr. Shimun stated that for those in the General Fund, that this statement was correct.

Council Member Dexheimer requested that the City Clerk provide for Council an up-to-date figure showing where we are on expenditures and revenues. He felt that, for us to be able to have a realistic outlook of what we can do for the employees, we need to have a more accurate estimate of what the carryover will be. The City Clerk stated that she would be able to give those figures to Council in the next week since the sales tax usually comes in on the 7th of the month.

Mr. Dexheimer also stated that he would like to have the entire budget done showing Budget for 2002-03 actual expenses and carryover.

Mr. Dexheimer stated that if the Clerk could get this in Council boxes as soon as possible before the next Council meeting it would allow them to come to the meeting more prepared concerning what they could do for the employees.

ADJOURNMENT

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

Motion carried