

**OFFICIAL PROCEEDINGS
PUBLIC HEARING**

**October 7, 2003
6:50 P.M.**

CALL TO ORDER

At the appointed hour, Mayor Hark called the meeting to order.

MARY BETH BAUDENDISTEL – CITY CLERK

**Re: Adopting the Rate of Taxation for the Year of 2003 and Levying Taxes as
Follows:**

The City Clerk explained that the new tax rates for 2003 would be set for the following amounts:

**GENERAL - .7375/100 DOLLARS
LIBRARY - .2886/100 DOLLARS
P&F RETIREMENT - .1296/100 DOLLARS
DEBT SERVICE - .2191/100 DOLLARS ***

Clerk's note: This amount will be amended to .0210 on second reading.

PUBLIC COMMENTS

Mayor Hark asked the audience if there was anyone present who wished to speak in regards to this subject.

ADJOURNMENT

There being no one present who wished to comment, Mayor Hark declared this public hearing adjourned.

OFFICIAL COUNCIL PROCEEDINGS

**October 7, 2003
7:00 P.M.**

ROLL CALL

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

Absent: -0-

Also present: Acting City Manager, City Attorney and City Clerk

CALL TO ORDER

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

INVOCATION

City Attorney Bob Curtis gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

Regular Council Meeting of September 16, 2003

Council Member Janes made motion to approve the minutes of the September 16, 2003 Council Meeting. Council Member Wilson seconded motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

Last Half of September, 2003

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

Motion carried.

JIM BURNS – ACTING CITY MANAGER

Re: Nomination for Appointment to a Vacancy in the Hannibal Employee Benefit Trust Board

Jim Burns presented the nomination for Council consideration and approval at the next regular Council Meeting.

B.J. Watson -- Remainder of Term to Expire May, 2004

Re: Nomination for Appointment to a Vacancy to the Airport Commission

Mr. Burns presented the nomination to fill a vacancy that came open when Gary Holland resigned; this nomination is for Council consideration and approval at the next regular Council Meeting.

John Ortwerth -- Remainder of a Term to Expire September, 2005

Re: Approval of Nomination to Hannibal Convention and Visitor's Bureau From Last Meeting

Mr. Burns presented the following appointment for Council approval:

Steve Ayers -- Reappointment to a 5-year Term to Expire September, 2008

During discussion, Council Member Knickerbocker voiced this objection to this nomination. He stated that he had objected when Mr. Ayers was appointed to the remaining term open three months ago because, at that time, there was no representative for the area hotels on this board. He said the appointment was only to be for the remainder of the term, three months. A change was to be made at the end of this period to correct this oversight. Council Member Knickerbocker said that his feelings have not changed and he feels that we still need a hotel representative on this board. According to him, a qualified candidate has applied for the position that needs to be considered.

Mr. Burns stated that he previously had two applicants for this position. He spoke with these applicants, as well as the members of the Hannibal Convention and Visitor's Board who have been present while Mr. Ayers was a member. They were impressed with his positive input to this board. Because of the positive recommendations he received, Mr. Burns presented his name as nominee. Council Member Wilson made motion to accept this nomination for appointment on the Hannibal Convention and Visitor's Board. Mayor Hark seconded the motion.

Roll Call

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

No: Council Members Dexheimer and Knickerbocker - 2

Motion carried.

Re: City Manager's Report

Mr. Burns informed Council that the first Public Education and Government Access Channel is now on the air, channel #24 on the local cable TV. Meeting announcements are now being televised. A \$.25 per month fee that is being collected and there has been some question from US Cable customers. This is a fee for equipment purchase that was specified in the franchise agreement and can be reduced at some time in the future. At this time there was some equipment purchases necessary to get this access channel fully operational.

The second item concerns the concealed weapons law that was passed by the Missouri congress. The City has the obligation to determine which of the City's properties should be eliminated from the general right to carry concealed weapons. Mr. Burns said that he had received communication from a law firm that is helping us to make this determination. He will pass this on to the City Attorney for his recommendation. It was Mr. Burns understanding that we could eliminate any or all of the City Property from this general right.

Regarding the Sawyer's Creek sewer system, Mr. Burns stated last week the pump station was started and that system is now on line. It is now ready for Sawyer's Creek and Mark Twain Cave to make their connections.

Burns continued by informing Council that Mr. Winters, who has a lease for the Old Federal Building, has submitted a letter requesting renewal of the lease. This has been turned over to the City Attorney for his review and appropriate response.

Regarding the Manchester Tank roof, Mr. Burns said he had received proposals for repairs, the lowest being \$5,100.00. That is below the bid requirements. Other bids are in the \$12,000-\$15,000 price range. He is meeting with the contractor with the lowest proposal to view the roof and make sure what the he is proposing is reasonable before we accept it.

The final item Mr. Burns related was the Police Department statistics.

ROBERT A. STEWART
Re: Cat and Dog Ordinance

This agenda item was tabled because Mr. Robert Stewart failed to appear.

ALONZO FITZPATRICK - CITIZEN

Re: Sewer system in the area of West Ely Road

Mr. Alonzo Fitzpatrick of 4520 West Ely Road came before Council regarding a sewer problem in that area. He wanted an explanation of why the City did not maintain the sewer system even though the people in this area paid city taxes. Mr. Bob Chriscinske, BPW General Manager, stated that, although the city was aware this system was substandard, it opted not to take care of it since this area was outside the city limits. Mayor Hark told Mr. Fitzpatrick that he should meet with Mr. Chriscinske to review the options of the residents from this area.

JIM NASH - CITIZEN

Re: Formation of a Non-Profit Organization to Work on Low and Middle Income Housing

Mr. Nash stated that he was interested in forming a non-profit organization that would allow him to act in the City's behalf to apply for grants. Mr. Nash said that the Northeast Region has money being returned because people have failed to make application. This would also allow him to issue tax credits, apply for grants from other foundations and go after private donations, allowing tax credits to be given for these donations. After receiving the City's endorsement, he would write a mission statement to be presented at two public meetings. Mr. Nash's main interest is in medium and low- income housing. He continued by stating exactly what his interests were and how he would accomplish these goals, if given the opportunity. After some discussion, it was determined that the City already had a Housing Authority that handled similar issues. Forming another entity would duplicate an interest that is already in place.

**JIM MITCHELL – HISTORIC LANDMARKS & MONUMENT MEETING
RAYMOND WITT**

Re: Wedge Area Monument

Jim Mitchell, president of the Landmarks and Monuments Board, introduced himself and informed Council of a request by Mr. Raymond Witt. The request presented was to place a monument in the area of Market Street, near the former "Wedge" area in recognition of the early businesses located in that area. The Board reviewed Mr. Witt's plans and the committee unanimously approved the design. Mr. Mitchell stated that was all that was done to this point, since it is not within the Board's jurisdiction to approve the placing of the monument.

Mr. Mitchell then asked Mr. Raymond Witt to speak regarding the placement of the proposed monument. He described this monument and surrounding landscape stating the total cost of this project not to exceed \$800.00. Mr. Witt asked approval of this project by the Mayor and City Council. Council Member Janes made motion to approve Mr. Witt's request, suggesting that \$849.00 be moved from Executive Memberships and

placed in Contingency Fund line item. After paying for this monument out of the Contingency Fund, \$49.00 would remain in the fund in order to correct a deficit that occurred after paying for the previous monument that was approved. After some discussion Council Member Dexheimer seconded the motion.

Roll Call

Yes: Council Member Dexheimer, Hatton, Knickerbocker, Janes, Wilson and Mayor Hark – 6

No: Council Member Hull – 1

Motion carried.

**JIM DEXHEIMER – CHAIRMAN OF FIRE BOARD
SEAN HAMPTON – FIRE DEPT. UNION REPRESENTATIVE
Re: Grievance and Proposed Amendment to Memorandum of Understanding**

Fireboard Chairman Dexheimer deferred to Sean Hampton, Union Representative Local 1211 Fire Fighters. Mr. Hampton came forward and presented a request for EMS compensation. In the past, it was decided that firefighters would be given a step increase for completing this education; however, during the last couple of years the budget has been tight which has presented a problem with compensation for this schooling.

Last year the firefighters had to file a grievance in order to get this compensation and this year the situation is the same. The Fire Department currently has five members who would qualify for compensation and possible solutions have been discussed since July. At this time, Mr. Hampton presented a proposal from the fireboard that would place the EMS compensation issue into the Memorandum of Agreement between the City and Hannibal Fire Fighters Local 1211. The description would be entered as an ‘article’ and the wages portion would be added to the back in Appendix A. This would clarify the issue and make this specific to the Fire Fighters so they won’t have to come before Council each year in order to get the compensation. Following a lengthy discussion, Hampton concluded by saying this was only informational and would be presented at a later meeting for approval.

**JIM BURNS – CITY ENGINEER
Re: Approval of Bid Recommendation for 2 Dump Trucks**

City Engineer Burns came before Council seeking approval of bid recommendation for two dump trucks in the Engineering Department. Tom Boland Ford had the lower price; however, this was for a smaller, lighter weight truck. Mr. Burns said the City already had this type of truck, but needed a heavier truck in order to move snow. When a larger engine is placed in the Ford trucks, they are not heavy enough to handle the snowplow.

For this reason, they could not meet the specifications. The low bidder, that also met the bid specifications, was Ball Volvo GMC for \$162,499.25. Council Member Dexheimer made motion to accept the recommendation of the Street Superintendent for the Ball Volvo GMC dump trucks. Motion was seconded by Council Member Wilson.

Motion carried.

Re: Change Order 1 for Manchester Tank Rail Spur

Mr. Burns presented change order no. 1 for the Manchester Tank rail spur. The original contract with Sandy G Construction provided for grass on the banks of the rail as it approaches the loading dock. Since these banks are very steep, this change order will eliminate the need to mow or weed eat, but still prevent erosion by adding riprap on the banks. The change order amount is \$7,225.00. Motion was made by Council Member Wilson to approve this change order. Motion was seconded by Council Member Janes.

Motion carried.

Re: Easements for Maintenance of a Storm Water Drainage Easement
(Resolution Nos. 1078 & 1079 to follow)

Next, Mr. Burns presented Resolution No. 1078 and No. 1079 to be approved at a later time during this meeting. These resolutions were for permanent drainage utility easements on properties located on Ely Street by Mr. & Mrs. Charles Newland and Mr. Jim Dotson. These easements are necessary to do maintenance work in this area.

Re: Contract with Diamond Construction Co. for Milling and Resurfacing of Selected Streets in the City of Hannibal
(Resolution No.1080 to follow)

Mr. Burns asked Council approval of Resolution No. 1080, to follow, that concerned a contract with Diamond Construction. Mr. Burns stated that Diamond Construction presented the low bid for the milling and resurfacing of the selected streets; therefore, he requested approval to award the bid to them in the amount of \$285,738.50 and have the Mayor sign a contract with them.

Re: Contract for Sale of 1704 Wardlaw
(Resolution No. 1077 to follow)

The final item that Mr. Burns presented was the sale of city property located at 1704 Wardlaw. An offer of \$12,500.00 was received and authorization from Council is needed to sell the property. Approval of the resolution to follow will allow this.

CHIEF JOEY RUNYON – HANNIBAL POLICE DEPARTMENT

**Re: Seeking Donations for Tactical Vests and Other Equipment for the Special
Emergency Response Team**

Chief Runyon informed Council that he had been working on soliciting contributions to buy tactical vests and other equipment for the special emergency response team. He stated that he had spoken with representatives of the Hannibal Community Foundation regarding this issue and the response was positive. He came before Council to make them aware of his intentions and to receive Council's support for this project.

**Re: Approving the Hannibal Community Foundation Contract to Include Acting as
Fiscal Sponsors for the Hannibal Police Department**

(Resolution 1076 to follow)

This item, as explained by the City Clerk, was addressed during the previous Council meeting and it was decided that a resolution was needed. The item is on this agenda for approval of the resolution only.

HERB PARHAM – PRESIDENT OF MARK TWAIN HOME FOUNDATION

Re: Extension of Lease

(Bill No. 03-890 to follow)

Mr. Parham came before Council requesting approval for a lease extension. Mr. Parham gave a brief summary of the work the Mark Twain Home Foundation has done in the past and the plans for future restoration of Historic Mark Twain properties. The extension of this lease will be addressed in Bill No. 03-890 during a later portion of the meeting.

ROBERT CURTIS – CITY ATTORNEY

**Re: Skateboard Ordinances for Public Right-of-Ways and Streets and Bicycle
Ordinance in Regards to Riding Bicycles on Sidewalks**

(Bill Nos. 03-885, 03-886 and 03-889 to follow)

City Attorney, Robert Curtis presented the ordinances regarding the use of bicycles, skates, skateboards, etc. for Council approval. He stated that amendments were made to the two skateboard ordinances that had a first reading and subsequently were tabled. He stated that he was hopeful that Council had now devised something that addressed everyone's concerns. These will be presented at a later time during this meeting.

Council Member Janes spoke regarding Bill Nos. 03-885 and 03-886. Regarding Bill No. 03-885, he agreed that skateboards, etc. needed to be kept off of sidewalks; however, he did not agree that they should be banned from city streets. Janes stated that he disagreed with Bill No. 03-886 completely.

MARY BETH BAUDENDISTEL – CITY CLERK

Re: Setting the 2003 Tax Rate

(Bill No. 03-888 to follow)

City Clerk Baudendistel presented Bill No. 03-888, which sets to 2003-tax rate for the city. She stated that a public hearing had been held prior to the Council Meeting and she asked that this bill be approved to receive a first reading later during this meeting.

RESOLUTION 1076

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ADDENDUM NO. 3
TO ORIGINAL RESOLUTION NO. 958, APPROVING THE HANNIBAL
COMMUNITY FOUNDATION CONTRACT TO ACT AS FISCAL SPONSORS
FOR THE CITY OF HANNIBAL TO INCLUDE THE HANNIBAL POLICE
DEPARTMENT**

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 Dexheimer, Hatton, Hull,
Knickerbocker, Janes Wilson and Mayor Hark – 7

No: -0-

Mayor Hark declared Resolution 1076 duly approved and adopted on this date.

RESOLUTION 1077

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR
SALE OF CITY OWNED PROPERTY LOCATED AT 1704 WARDLAW**

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

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution 1077 duly approved and adopted on this date.

RESOLUTION 1078

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE EXECUTION OF A PERMANENT DRAINAGE UTILITY EASEMENT ON PROPERTY OWNED BY CHARLES F. & DONNA M. NEWLAND

Council Member Hatton 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 Dexheimer, Hatton, Hull, Knickerbocker, Janes Wilson and Mayor Hark – 7

No: -0-

Mayor Hark declared Resolution 1078 duly approved and adopted on this date.

RESOLUTION 1079

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE EXECUTION OF A PERMANENT DRAINAGE UTILITY EASEMENT ON PROPERTY OWNED BY JIM DOTSON

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

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution 1079 duly approved and adopted on this date.

RESOLUTION 1080

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH DIAMOND CONSTRUCTION TO DO MILLING AND ASPHALT OVERLAY WORK ON VARIOUS STREETS WITHIN THE CITY OF HANNIBAL

Council Member Hatton 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 Dexheimer, Hatton, Hull, Knickerbocker, Janes Wilson and Mayor Hark – 7

No: -0-

Mayor Hark declared Resolution 1080 duly approved and adopted on this date.

BILL NO. 03-888

AN ORDINANCE FIXING AND ADOPTING THE RATE OF TAXATION FOR THE YEAR OF 2003 AND LEVYING TAXES

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.

BILL NO. 03-889

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

(Bicycles on sidewalks – this ordinance changes the ordinance recently approved, by expanding the area where bicycles on sidewalks are restricted.)

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.

BILL NO. 03-890

**AN ORDINANCE RENEWING A LEASE AGREEMENT, AS AMENDED BY
THE ADDENDUM AND EXTENSION OF THE LEASE ATTACHED, WITH
THE MARK TWAIN HOME FOUNDATION, A MISSOURI NOT FOR PROFIT
CORPORATION, FOR CERTAIN REAL ESTATE LOCATED WITHIN THE
CITY OF HANNIBAL**

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. 03-885

As Amended

**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 HANANIBAL CITY
CODE**

(Skateboards on sidewalks)

SECOND AND FINAL READING

(First reading was 8-19-03)

Council Member Wilson made motion to have the Clerk give this bill a second and final reading and call the roll for adoption. Mayor Hark seconded the motion. Council Member Janes pointed out to Council this ordinance would not only prohibit riding skateboards on sidewalks, but on streets as well.

Roll Call

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

No: Council Member Dexheimer and Janes – 2

Motion to give bill second and final reading carried.

Roll Call

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

No: Council Member Dexheimer and Janes – 2

Mayor Hark declared Bill No. 03-885, as amended, duly approved and adopted on this date.

**BILL NO. 03-886
As Amended**

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

**SECOND AND FINAL READING
*(First Reading was 8-19-03)***

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

Roll Call

Yes: Council Member Hatton, Hull, Wilson and Mayor Hark – 4

No: Council Member Dexheimer, Knickerbocker and Janes – 3

Motion to give second and final reading to bill carried.

Roll Call

Yes: Council Member Hatton, Hull, Wilson and Mayor Hark – 4

No: Council Member Dexheimer, Knickerbocker and Janes – 3

Mayor Hark declared Bill No. 03-886, as amended, duly approved and adopted on this date.

CLOSED SESSION (2)

In Accordance with RSMo 610-021 (1) and (3)

Motion was made by Council Member Knickerbocker to go into closed session in accordance with RSMo 610-021 (1) and (3) and admitting the Mayor, City Council, City Attorney, acting City Manager, City Clerk and Chief of Police, having the Clerk call the roll. Motion was seconded by Council Member Hull.

Roll Call

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

No: -0-

Motion carried.

OPEN SESSION

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

Motion carried.

ADJOURNMENT

Motion was made by Council Member Wilson to adjourn. Motion was seconded by Council Member Janes.

Motion carried.