

OFFICIAL COUNCIL PROCEEDINGS

September 2, 2003
7:00 P.M.

ROLL CALL

Present: Council Member Wilson, Mayor Hark, Council Members Hatton, Knickerbocker and Janes – 5

Absent: Council Members Dexheimer and Hull – 2

Others Present: City Attorney and City Clerk

CALL TO ORDER

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

INVOCATION

City Attorney Robert Curtis gave the invocation at this time.

PLEDGE OF ALLEGIANCE

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

Mayor Hark entertained a motion to excuse Council Member Hull. Council Member Knickerbocker made motion to excuse Council Member Hull from the proceedings. Motion was seconded by Council Member Hatton.

Motion carried.

Mayor Hark then entertained a motion to excuse Council Member Dexheimer. Council Member Knickerbocker made motion to excuse Council Member Dexheimer from the proceedings. Motion was seconded by Council Member Janes.

Motion carried.

APPROVAL OF MINUTES Meeting of August 19, 2003

Motion was made by Council Member Wilson to approve the minutes of the regular Council Meeting held on August 19, 2003. Motion was seconded by Mayor Hark.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS
Last Half of August, 2003**

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

Motion carried.

**MAYOR HARK
Re: Nominations for Building Commission**

Mayor Hark recommended Council Members Kyle Wilson and Terry Hull for the Building Commission. He asked Council's consideration and their approval at the next regular Council Meeting.

**HERB PARHAM – MARK TWAIN HOME FOUNDATION
Re: Mark Twain Home Lease**

On behalf of Mr. Parham, Mayor Hark ask that this agenda item be tabled until a later date. Motion to table was made by Council Member Wilson and seconded by Council Member Janes.

Motion carried.

**JIM BURNS – ACTING CITY MANAGER
Re: Nominations for Airport Commission**

Mr. Burns recommended John McCoy for the position on the Airport Commission. He asked Council to consider Mr. McCoy and to approve this nomination at the next regular Council Meeting.

Burns also requested that an item concerning real estate be added to the closed session this evening.

**HARLON LAIN – 611 GRAND AVENUE
Re: Animal Problem**

Mr. Lain appeared before Council in reference to a problem in his neighborhood at 611 Grand Avenue. He stated that one of his neighbors has an excessive amount of cats, causing a very strong odor. The Code Enforcement Officer has been made aware of the problem, along with several others that have also been informed. Ms. Bynum, the Code Enforcement Officer has visited this person; however, this problem still exists.

Mayor Hark and the City Attorney assured Mr. Lain that steps were now being taken to correct this problem, including the first reading of a dog and cat ordinance later during this meeting.

SALLY MCCLELLAND – 124 EL RANCHO DRIVE
Re: Block Party

Ms. McClelland came before Council asking permission to block off the streets from 123 El Rancho Drive and St. Maur on September 20, 2003 to have a block party. This is a dead end street and cul de sac.

Motion was made by Council Member Wilson to grant Ms. McClelland's request. Motion was seconded by Mayor Hark.

Motion carried.

BRIT CRABTREE – CITIZEN
Re: Street Repairs

Ms. Crabtree again came before Council requesting street repairs. She stated that she wanted something done to repair North Street before El Rancho Bridge was completed.

Mr. Burns addressed the concerns of Ms. Crabtree, stating that the El Rancho Bridge is on the State list of deficient bridges and is considered unsafe because of load limits. This has been confirmed by Skip Wilson, the State Bridge Inspector. There is, however, a project in the ½ cent sales tax budget for the current year to replace curbs and gutters on North Street. He added that the City would be starting to solicit bids or get proposals within the next couple of weeks.

Re: Police Department

Ms. Crabtree stated that, in light of the recent attempted police officer shooting, Hannibal Police Officers still need tactical vests and added manpower for appropriate back up in a situation such as this.

DEE DAVID – 1737 HARRISON HILL

Re: Bicycle Ordinance

Ms. Dee David came before Council to speak regarding the proposed bicycle ordinances. Ms. David said she believes these bills are ill advised and shortsighted; and she asked Council to consider voting against these bills.

Mayor Hark recognized Faye Bleigh at this time.

FAYE BLEIGH – CITIZEN

Re: Bicycle Ordinance

Ms. Bleigh spoke in support of the bicycle ordinance. She stated that the downtown retailers are only concerned about the safety of their customers and the people walking on sidewalks. A lengthy discussion followed.

Others speaking in regard to these ordinances included:

Council Member Jason Janes, stating that he did not believe bicycles, skateboards, etc. had to be banned because of vandalism. Vandalism can be prosecuted as it is. If we can take pictures of kids vandalizing, why can't we catch them in the act.

City Attorney Curtis, stating the ordinances were not a vandalism concern but a safety issue only, for pedestrians, bicyclists and skateboarders, as well.

Council Member Wilson, who is also a mail carrier in the downtown area and stated that something had to be done, because, even though some riders are polite, some have been responsible for vandalism and this has to stop.

Mr. David James, 76 Gemini, asked about areas without sidewalks and where skateboarders could ride in these instances.

Mayor Hark said that, in his opinion, these ordinances needed to be looked at again. The problem in the downtown area, however, needs immediate attention because of complaints from the business owners and vandalism.

Parks Superintendent Bill Lankford informed listeners of the status of the Skateboard Park.

Ms. Barbara Looney asked if there were current plans for a bicycle path in or around the City.

City Engineer stated that Bear Creek Bicycle Trail was currently under construction.

Council Member Knickerbocker stated that he had a problem with the proposed ordinance stating "no bicycles on sidewalks for persons 15 years of age or over".

According to this statement, he could not ride with his 5-year old daughter and provide proper supervision and instruction because of this.

Mr. Larry Craig, Chamber of Commerce, addressed the issue of licensing bicycles and the valid reasons for this procedure. He also stated that he supported the Skateboard Park, however, in his opinion, the downtown areas and Broadway were not appropriate areas for skateboards, etc.

It was decided that these proposed ordinances be reviewed at the appropriate time later in the meeting and changes be made to satisfy some of the questions raised during this time of discussion.

MARY BETH BAUDENDISTEL – CITY CLERK
Re: Transfer of Funds to Boat Harbor

Ms. Baudendistel asked Council's permission to move \$5,000.00 from the General Fund-Contingency to the Boat Harbor Fund in order to cover salaries. This will cover the salaries through October. This will probably cover salaries until the end of the boating season when the harbor is closed. Council Member made motion that this request be granted. Council Member Janes seconded the motion.

Motion carried.

BOB CURTIS – CITY ATTORNEY
Re: Ordinance in Regards to Limitation of Ownership of Cats and Dogs
(Bill No. 03-887 to follow)

Mr. Curtis introduced the proposed ordinance, explained this ordinance and asked for questions regarding this.

JIM BURNS – CITY ENGINEER
Re: Traffic Committee Recommendations

Mr. Burns presented the recommendation of the Traffic Committee concerning Warren Barrett Drive at this time.

In an effort to alleviate the problem of motorists using the one-lane street off Warren Barrett Drive that runs between Owens Avenue and Johnson Street as a detour while the Lindell Avenue Bridge is closed, these changes are being recommended:

1. The street shall be designated one-way beginning at Johnson Street heading north to Warren Barrett Drive.
2. The speed limit shall be reduced from 25 mph to 15 mph.

Since no action was taken by Council, this recommendation became effective on this date.

Council Member Janes questioned the Traffic Committee's decision not to barricade the street between Mark Twain School and its playground because of a liability issue. He asked the committee to reconsider their decision.

Re: Grand Avenue North – Change Order No. 1 with Bross Construction

Mr. Burns requested Council approval of Grand Avenue North, change order no. 1. This change order is:

1. To replace six water services and three sewer lines - \$3,800.00
2. Replacement of two (2) sets of concrete stairs not in the original contract - \$6,400.00

Council Member Wilson made motion to approve change order no. 1 for the Grand Avenue North Project. Council Member Janes seconded the motion.

Motion carried.

Re: Manchester Tank Project – Change Order No. 13 with Bleigh Construction

The problem of the additional roof leaks was discussed in the past. Some of the leaks were not in locations that were included in the original bid specs. Additional material and labor for these repairs increase the project by \$1,099.22. Mr. Burns requested Council approval of change order no. 13 for this purpose. Council Member Wilson made motion to approve change order no. 13. Council Member Janes seconded the motion.

Mr. Burns assured Council this project was essentially complete. General Mills is now occupying 100% of the building.

Motion carried.

Re: Sawyer Creek Sanitary Sewer Project – Change Order No. 2 with Utility Contractor's Company

Mr. Burns requested Council approval of Sawyer Creek Sanitary Sewer Project – Change Order No. 2 with Utility Contractor's Company. There was a delay in receipt of the pumps for the project. These were ordered, however, the order was never processed. For this reason, Utility Contractor's Company is requesting an increase to the substantial completion date by 55 days, new completion date being October 13, 2003. Motion was made by Council Member Wilson to extend the completion period by 55 days. Motion was seconded by Council Member Janes.

Motion carried.

**AN ORDINANCE AMENDING ARTICLE IV, DOGS AND CATS OF CHAPTER
4 OF THE HANNIBAL CITY CODE IN REFERENCE TO LIMITATION OF
NUMBER OF ANIMALS**

FIRST READING

Council Member Wilson made motion to give this bill a first reading. Council Member Knickerbocker seconded the motion.

Motion carried.

BILL NO. 03-880

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

SECOND AND FINAL READING

Motion was made by Council Member Wilson to give this bill a second and final reading and have the Clerk call the roll for adoption.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Members Dexheimer and Hull – 2

Mayor Hark declared Bill No. 03-880 duly approved and adopted on this date.

BILL NO. 03-881

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

SECOND AND FINAL READING

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

Motion carried.

Roll Call

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

No: -0-

Absent: Council Members Dexheimer and Hull – 2

Mayor Hark declared Bill No. 03-881 duly approved and adopted on this date.

**BILL NO. 03-884
(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 HANNIBAL CITY CODE
(*section 17-463 – Riding Bicycles on sidewalks in Historical District Zone*)**

SECOND AND FINAL READING

Council Member Janes made motion, at this time, to amend Bill No. 03-884, Section 17-463 of SECTION 1, of Article 7 in the City Code as follows: omitting “*Zone C-Local Business and D-Highway Business and E-Commercial District*” in Sub-paragraph A, omitting Sub-paragraph B, “*no person 15 or more years of age shall ride a bicycle upon any sidewalk in any district*” and to rename Sub-paragraph C to B. Then to give this bill a second and final reading, as amended. Motion was seconded by Council Member Wilson.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Members Dexheimer and Hull – 2

Mayor Hark declared Bill No. 03-884 duly approved and adopted on this date.

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

Motion was made by Council Member Janes to table Bill No. 03-885. Motion was seconded by Council Member Knickerbocker. During the time of discussion, Council Member Knickerbocker suggested that this bill should more closely reflect what has been discussed during this meeting. Then bringing back an amended ordinance at a later date, possibly next regular Council Meeting.

Motion carried.

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

TABLED

Council Member Janes made motion to amend Bill No. 03-886 omitting, in the first paragraph of Article 7, SECTION 1, Section 17-464, the words “*boulevard, parkway, street*” and “*or other public vehicular or pedestrian right-of-way*”, also omitting “*Zone C-Local Business and D-Highway Business and E-Commercial District*”. There was no second to this motion.

Motion failed.

Council Member Knickerbocker made motion to table this bill until it can be rewritten and presented, with the changes as noted by Council Member Janes. Mayor Hark seconded the motion.

Roll Call

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

No: Council Member Janes – 1

Absent: Council Members Dexheimer and Hull - 2

Motion carried.

Mr. Burns reminded Mayor and Council of his request to add a real estate item to the Closed Session Agenda. Council Member Wilson made motion to add the real estate item to the Closed Session Agenda. Motion was seconded by Mayor Hark.

Motion carried.

CLOSED SESSION
In Accordance with RSMo 610-021 (2 and 3)

Motion was made by Council Member Wilson to go into Closed Session, in accordance with RSMO 610-021 (2 and 3), admitting the Mayor, Council, acting City Manager, City Attorney and City Clerk, having the Clerk to call the roll. Motion was seconded by Council Member Knickerbocker.

Roll Call

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

No: -0-

Absent: Council Members Dexheimer and Hull - 2

Motion carried.

OPEN SESSION.

Motion was made by Council Member Wilson to return to Open Session. Motion was seconded by Council Member Knickerbocker.

Motion carried.

ADJOURNMENT

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

Motion carried.

