

OFFICIAL PROCEEDINGS

April 6, 2004
7:00 P.M.

ROLL CALL

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

Absent: Council Member Janes – 1

Also present: 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 Dexheimer led the Pledge of Allegiance to the Flag.

At this point in the meeting, Council Member Dexheimer made motion to excuse Council Member Janes from the proceedings. Mayor Hark seconded motion.

Motion carried.

APPROVAL OF MINUTES Regular Meeting of March 16, 2004

Mayor Hark noted that the name of Nancy Cruse was left off the minutes of the March 16th meeting for the appointment of the Trash Committee. The City Clerk said that she would amend the minutes to reflect this.

Council Member Dexheimer made motion to approve the minutes, as amended. Council Member Wilson seconded motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
Last Half of March, 2004

Council Member Wilson made motion to approve the Payroll and Claims for the last half of March, 2004. Mayor Hark seconded motion.

Motion carried.

LARRY B. CRAIG – HANNIBAL CHAMBER OF COMMERCE

Re: Sales Tax Holiday

Mr. Craig gave Council an explanation of the purpose of the Sales Tax Holiday, which is slated for the week-end of August 13th through the 15th of 2004, and how the businesses were prepared to handle this. He further explained that this would be automatic participation by municipalities unless they notified the state that they wished to “opt out”.

Council Member Wilson made motion for the City not to “opt out” of the sales tax holiday. Council Member Dexheimer seconded motion.

Motion carried.

DAN HUNNEWELL – GALAXY FIREWORKS

Re: Sale of Fireworks Inside City Limits

Mr. Hunnewell was not present at the meeting. Council Member Dexheimer made motion to table this item on the agenda. Council Member Wilson seconded motion.

Motion carried.

TRACY LAKE – JUMPING FROG CAFÉ

Re: Permission to Use Parking Space for Pepsi Trailer During 4th of July Celebration

Ms. Lake requested the use of 2 parking places, in front of her café on Main Street for the purpose of setting a Pepsi Trailer during the Fourth of July festivities. She asked for 2 parking places, but said if they did not need 2, she would free up the other space. She also assured Council that vending would be done on the sidewalk side of the trailer so that customers would not be interfering with traffic. She said they would be setting the trailer up on Wednesday night and moving it out on Monday morning.

Council Member Wilson made motion to approve her request for use of these parking spaces. Council Member Knickerbocker seconded motion.

Motion carried.

JIM FRANKLIN – FUR TRADE RE-ENACTMENT
Re: Use of City Owned Property

Mr. Franklin asked permission from Council to use the City block bordered by Adams, Washington, Sycamore and South Main Street to have a fur trade re-enactment during the Fourth of July festivities. They would only require traffic to be blocked on South Main and Sycamore Streets between Adams and Washington Streets from the evening of July 1st, through the following Monday morning. They would also need the ability to access water from a hydrant located on the lot. Chief Hymers and Bill Lankford both stated that they had no problems with this.

Council Member Dexheimer made motion to approve the request. Council Member Dexheimer seconded the motion.

Motion carried.

SALLY POOLE -KEEP HANNIBAL BEAUTIFUL COMMITTEE
Re: Upcoming Keep America Beautiful Event
April 17, 2004

Cynthia Bynum and Sally Poole, on behalf of the Keep Hannibal Beautiful Committee, asked for the Council's support for a City cleanup planned for April 17, 2004 from 8 a.m. to 12 p.m. in downtown Hannibal. They stated that they might require miscellaneous equipment from the City, such as brooms, shovels and the street sweeper for this event. Sally Poole stated that she had conversations with both Mr. Burns and Mr. Lankford in regards to this effort. Mr. Leon Wallace of the Street Department stated that he had not been approached about the project. The street sweeper was presently not operating, but would possibly be fixed by that time, if the part arrived.

The City Clerk informed both Ms. Poole and Ms. Bynum that if any motorized equipment were to be used, it would have to be operated by a City employee for insurance purposes. She also asked Mr. Burns and Mr. Lankford if they were going to pay these employees overtime for their work. Both stated that they would not pay overtime, but would allow those employees who volunteered time off during the week to equal the time that they donated.

Kevin Knickerbocker made motion to approve Council's support for this project. Council Member Hatton seconded motion.

Motion carried.

ANDREW MORRIS – CITY MANAGER

Re: Baseball Lease

Mr. Morris stated that both he and Mr. Lankford had met with Mr. Larson, representative of the Baseball League and had presented the Lease Contract for his review. Hopefully, they would have an answer from Mr. Larson quickly on whether or not he agreed to the terms. Mr. Morris stated that if Mr. Larson approved, with no major changes to the terms of the lease agreement, they would go ahead and sign the lease as had been previously discussed.

Re: New Motor Fuel Fund

(Resolution No. 1117 to follow)

Mr. Morris explained the revenues and expenditure items that would be used in this account and stated the change would be implemented with the budget for the 2004-05 fiscal year. He asked Council to approve the resolution regarding this account to follow.

Re: Approval of Nominations for Board

AFFIRMATIVE ACTION BOARD

Rev. Wesley Foster – 3 year term to end March 27, 2007

Council Member Wilson made motion to approve the appointment of Rev. Wesley Foster to the Affirmative Action Board. Mayor Hark seconded motion.

Motion carried.

Re: Board Nominations

Mr. Morris presented to Council his nominations for the Mark Twain Board and will ask for approval of these appointments at the next regular Council Meeting.

MARK TWAIN HOME BOARD

Harry J. Hughes - Remainder of Robert Clayton's term to expire November , 2006

Dorothy Davidson - Reappointment of seven-year term to expire November, 2010

A motion was made by Council Member Dexheimer to add a presentation for William Baker to the agenda. Council Member Wilson seconded motion.

Motion carried.

FIREBOARD CHAIRMAN DEXHEIMER AND CHIEF HYMERS

Re: Presentation to William Baker

Council Member Dexheimer presented a plaque to Mr. Baker and congratulated him upon his retirement after more than 35 years of service as the Fire Department's mechanic/firefighter.

Chief Hymers also expressed his appreciation for Mr. Baker's "tactfulness" and honesty over the years and presented a watch to him as a token of the City's appreciation for his services.

JIM BURNS – CITY ENGINEER
Re: Hannibal Airport – Concrete Pavement Award

Mr. Burns presented to the City Council a plaque received for "Excellence in Paving Award" which was presented to the City for their work on paving the Hannibal Municipal Airport.

**Re: Agreement for Improvements at Warren Barrett, Red Devil Road & Highway
61 Intersection**
(Resolution 1118)

Mr. Burns asked Council to approve the resolution to follow which is for a Municipal Agreement between the City of Hannibal and MoDot for improvements to the U.S. 61/Warren Barrett/Red Devil Road intersection.

Re: Five-Year Capital Improvement Program

Mr. Burns presented the Five-Year Capital Improvement Plan for years 2004-2009 to Council. This was previously prepared and approved by the Planning and Zoning Commission. Burns asked Council to approve the resolution to follow in regards to this plan.

Re: Mark Twain Area Restoration Project – Phase 5, Part 1 – Change Order No. 1

Mr. Burns requested Council approval of change Order No. 1 between Bleigh Construction Co. and the City of Hannibal. By deleting some items, and adding additional charges, caused by delays, this project will run \$8,000.00 over budget. He had asked MoDot to increase funding, but they were unable to do this. Mr. Burns recommended we continue this project, approve the change order and take the additional \$8,000.00 out of excess funds we have left over in local share from the Bear Creek Project.

Council Member Dexheimer moved that the City Engineer's recommendations, regarding this project be approved. Mayor Hark seconded motion.

Motion carried.

Re: City Hall Roof Improvements

Mr. Burns informed Council that we had previously done some roof repairs that he had thought would take us through to the next fiscal year, but we still have considerable damage and continuing deterioration from leaks. He feels that this project cannot wait

and asked Council to approve taking the cost of the new roof out of savings and moving it into the contingency fund to be spent on this project. Since this is now an emergency, he would like the bidding requirements to be waived. He estimated the cost would be between \$15,000.00 to \$20,000.00.

Council Member Knickerbocker made motion to waive bidding requirement and to move necessary funds out of savings into contingency fund to pay for a new roof. Council Member Wilson seconded motion.

Motion carried.

Re: AWOS Tree Removal – Change Order No. 2

Mr. Burns also requested approval of this change order that would not effect the cost of the Project, but would extend the required completion date.

Council Member Wilson made motion to approve Change Order No. 2. Council Member Hull seconded motion.

Motion carried.

BILL LANKFORD – PARKS & RECREATION SUPERINTENDENT

Re: Bid Recommendations for Mowers

Mr. Lankford presented bid results to Council for purchase of 4 mowers by the Department. On behalf of the Park Board, he recommended that the bid be awarded to Grand View Nursery in the amount of \$7,695.00 per mower. Council Member Wilson made motion to approve the bid recommendation. Mayor Hark seconded motion.

Motion carried.

Mr. Lankford then stated that he would like to add the transfer of equipment to the agenda.

Council Member Dexheimer made motion to add this item to the agenda. Council Member Wilson seconded motion.

Motion carried.

Re: Transfer of Equipment

Mr. Lankford asked Council's approval to transfer one of their older mowers to the Street Department for their use, when the new mowers were available.

Mayor Hark made motion to approve this transfer of equipment. Kevin Knickerbocker seconded motion.

Motion carried.

CHIEF JOEY RUNYON – HANNIBAL POLICE DEPARTMENT
Re: Bid Recommendation for Tactical Body Armor

Chief Runyon requested Council's approval to award the bid for tactical body armor to Ed Roehr Safety Products of St. Louis, Mo., the lowest bidder for this equipment. The Police Department has a 50/50 grant with the U.S. Department of Justice for this purchase and the City share would be \$5,905.56.

Council Member Wilson made motion to award bid to Ed Roehr Safety Products for the purchase of the vests with the money coming out of the capitol improvement line item. Council Member Knickerbocker seconded motion.

Motion carried.

KEVIN KNICKERBOCKER – FIRE BOARD
Re: Disposal of Truck Bed

Mr. Knickerbocker stated that the Fire Department is in possession of a 1977 brush truck that will no longer be used. Since this truck was property of the Mo. Department of Conservation, it would have to be returned to them. The New London Fire Department had expressed interest in the truck and approval to transfer it to them was obtained from the Mo. Dept. of Conservation. The truck bed is City property, but would be costly to remove. The Fire Board is requesting Council approval to give the truck bed to the New London Fire Department along with the truck.

Mayor Hark made motion to approve this request. Council Member Dexheimer seconded motion.

Motion carried.

MARY BETH BAUDENDISTEL & CAPTAIN LYNDELL DAVIS -
POLICE & FIRE RETIREMENT BOARD
Re: Vestment and Death Benefit Ordinances
(Bill Nos. 03-898 and 0-3-899 to follow)

On behalf of the P&F Retirement Board, the City Clerk gave an explanation of these two proposed changes to benefits. She asked Council to consider approving the bills to follow that would approve these changes.

BOB CURTIS – CITY ATTORNEY
Re: Bill Nos. 04-902, 903, 904 & 905

Mr. Curtis explained the purpose of these bills to Council. He asked for approval to give these a first reading later in the agenda.

RESOLUTION NO. 1117
(as amended)

A RESOLUTION OF THE CITY OF HANNIBAL STATING COUNCIL APPROVAL FOR THE ESTABLISHING OF A NEW ACCOUNT TO BE KNOWN AS THE MOTOR FUEL FUND WHICH WILL CONTAIN REVENUES FROM THE MOTOR FUEL TAX, MOTOR VEHICLE SALES TAX, MOTOR VEHICLE FEE INCREASES AND SALE OF CITY STICKERS AND THE PURPOSE OF THE ACCOUNT WILL BE TO FUND CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, REPAIR, POLICING, SIGNING, LIGHTING AND CLEANING OF ROADS AND STREETS

Council Member Wilson made motion to have the Clerk read Resolution 1117 and call the roll for adoption. Council Member Knickerbocker seconded motion.

During discussion, it was noted that the Resolution should contain the statement that it would be in effect after July 1, 2004. The City Clerk stated that she would see that this change would be added.

Council Member Wilson amended his original motion to have the Clerk read this resolution, as amended, and have the Clerk call the roll for adoption. Council Member Knickerbocker again seconded motion.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution 1117 duly approved and adopted to be in effect on July 1, 2004.

RESOLUTION 1118

A RESOLUTION OF THE CITY OF HANNIBAL, AUTHORIZING THE MAYOR TO SIGN A MUNICIPAL AGREEMENT BETWEEN THE CITY OF

**HANNIBAL AND MODOT FOR IMPROVEMENTS AT INTERSECTION OF
ROUTE 61, WARREN BARRETT DRIVE, AND RED DEVIL ROAD**

Council Member Knickerbocker made motion to have the Clerk read Resolution 1118 and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution 1118 duly approved and adopted on this day.

RESOLUTION 1119

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, ADOPTING THE
FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR 2004-2009 AS
REPLACEMENT FOR APPENDIX C OF THE 2003 UPDATE OF THE
COMPREHENSIVE PLAN FOR THE CITY OF HANNIBAL**

Council Member Knickerbocker made motion to have the Clerk read Resolution 1119 and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution 1119 duly approved and adopted on this day.

BILL NO. 03-898
(as amended)
(tabled on 03-02-04)

**AN ORDINANCE AMENDING CHAPTER 21, PERSONNEL, ARTICLE II,
POLICE AND FIRE PENSIONS DIVISION 1, GENERALLY, SECTION 21-60
AND 21-61 IN REGARDS TO PENSION DEATH BENEFITS**

FIRST READING

Council Member Dexheimer made motion to have the Clerk give Bill 03-898, as amended, a first reading. Council Member Wilson seconded motion.

Motion carried.

BILL NO. 03-899
(tabled 03-02-04)

**AN ORDINANCE AMENDING CHAPTER 21, PERSONNEL, ARTICLE II,
POLICE AND FIRE PENSIONS DIVISION 1, OF THE HANNIBAL CITY CODE
IN REGARD TO VESTED BENEFITS**

FIRST READING

Council Member Knickerbocker made motion to have the Clerk give Bill 03-899 a first reading. Mayor Hark seconded motion.

Motion carried.

BILL NO. 04-902

**AN ORDINANCE AMENDING ARTICLE V, OFFENSES AGAINST PUBLIC
PEACE, ORDER AND SAFETY, OF CHAPTER 16 OF THE HANNIBAL CITY
CODE IN REGARDS TO TAMPERING WITH A WITNESS**

FIRST READING

Council Member Wilson made motion to have the Clerk give Bill 04-902 a first reading. Mayor Hark seconded motion.

Motion carried.

BILL NO. 04-903

**AN ORDINANCE AMENDING ARTICLE V, OFFENSES AGAINST PUBLIC
PEACE, ORDER AND SAFETY, OF CHAPTER 16 OF THE HANNIBAL CITY
CODE IN REGARDS TO FAILURE TO APPEAR IN MUNICIPAL COURT**

FIRST READING

Council Member Wilson made motion to have the Clerk give Bill 04-903 a first reading. Council Member Knickerbocker seconded motion.

Motion carried.

BILL NO. 04-904

**AN ORDINANCE AMENDING ARTICLE V, OFFENSES AGAINST PUBLIC
PEACE ORDER AND SAFETY, OF CHAPTER 16 OF THE HANNIBAL CITY
CODE IN REGARDS TO FAILURE TO COMPLY WITH A SUBPOENA**

FIRST READING

Kevin Knickerbocker made motion to have the Clerk give Bill 04-904 a first reading.
Council Member Knickerbocker seconded motion.

Motion carried.

BILL NO. 04-905

**AN ORDINANCE AMENDING ARTICLE I, IN GENERAL OF CHAPTER 12 OF
THE HANNIBAL CITY CODE IN REGARDS TO SALE AND USE OF
FIREWORKS**

FIRST READING

Council Member Wilson made motion to have the Clerk give Bill 04-905 a first reading.
Mayor Hark seconded motion.

Motion carried.

BILL NO. 04-906

(discussed at last meeting)

**AN ORDINANCE DESIGNATING AND APPOINTING THE MARION COUNTY
HEALTH DEPARTMENT ADMINISTRATOR AS THE CITY HEALTH
OFFICER**

EMERGENCY READING

Council Member Dexheimer made motion to have the Clerk give Bill 04-906 an
emergency reading and call the roll for adoption. Council Member Wilson seconded
motion.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Bill No. 04-906 duly approved and adopted on this day.

**BILL NO. 04-901
(as amended)**

**AN ORDINANCE AMENDING ARTICLE I, IN GENERAL OF CHAPTER 19 OF
THE HANNIBAL CITY CODE IN REGARDS TO PUBLIC NUISANCES**

SECOND AND FINAL READING

Council Member Wilson made motion to have the Clerk give Bill 04-901, as amended, a second and final reading and call the roll for adoption. Council Member Hatton seconded motion.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Bill No. 04-901, as amended, duly approved and adopted on this day.

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

Council Member Dexheimer made motion to go into Closed Session in accordance with RSMo 610-021 (3) admitting the Mayor, Council, City Attorney, City Manager and City Clerk. Council Member Wilson seconded motion.

Roll Call

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

No: -0-

Motion carried.

OPEN SESSION

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

Motion carried.

ADJOURNMENT

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

Motion carried.