

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, February 17, 2004
7:00 P.M.**

ROLL CALL

- Present:** Council Members Hull, Knickerbocker, Janes, Wilson,
Mayor Hark and Council Member Hatton – 6
- Absent:** Council Member Dexheimer – 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 Robert Curtis gave the invocation.

PLEDGE OF ALLEGIANCE

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

At this point, Council Member Wilson made a motion to excuse Council Member Dexheimer. Council Member Janes seconded motion.

Motion carried.

**APPROVAL OF MINUTES
Regular Meeting of February 3, 2004**

Council Member Wilson made motion to approve minutes of the regular council meeting of February 3, 2004. Mayor Hark seconded motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half of February, 2004

Council Member Hull made motion to approve the payroll and claims for the first half of February, 2004. Council Member Wilson seconded motion.

Motion carried.

ANDREW MORRIS – CITY MANAGER
Re: City Manager’s Report

City Manager’s report was distributed to the Council.

Re: Nominations for Boards & Commissions

AFFIRMATIVE ACTION COMMITTEE

-John M. Hark for a 3-year term to end March 2007

LANDMARKS & MONUMENT BOARD

-James M. Mitchell for a 3-year term to end December 2006

The City Manager also added Jim Dewey’s name to the nomination for the Landmarks and Monument Board for a 3-year term to end December 2006.

The City Manager nominated the above people to the various Boards and Commissions and asked Council’s approval at the next regular meeting.

Re: Single Hauler Trash Collection

The City Manager explained that it has been suggested by several outside groups for Council consideration of giving a 2-year notice to single unit trash haulers. He referred to a memo he had given Council on February 12th concerning his discussions with the Community Betterment Association and the Chamber of Commerce, regarding this issue. He explained that the item on the agenda tonight addresses whether or not Council wants to go ahead with the resolution that would require the City to give 2-years notice that they are making a change to the City’s trash hauling within the city which may or may not effect the trash haulers. Mr. Morris then introduced Mr. Michael Gingsberg of the Hannibal Community Betterment Association to speak.

MIKE GINSBERG – COMMUNITY BETTERMENT ASSOCIATION
Re: Trash Issues

Mr. Ginsberg spoke in favor of the 2-year moratorium regarding the trash pick up within the City in hopes that a solution to some of the trash problems within the city could be

addressed. He suggested that we need to set up a committee to decide the best way to have our trash picked up.

Mr. Ginsberg also presented a letter written by Mr. Frank Salter, President of “Friends of Historic Hannibal” that was read by the Clerk and put on file. The letter stated that at their September meeting, the group unanimously voted to support the proposal to institute citywide trash pick-up. They felt that this would greatly improve the appearance of our neighborhoods and is vital if we expect people to continue to invest in the restoration of Hannibal houses.

Mr. Ginsberg also presented for record and reading a letter from Mr. Bob Chriscinske, General Manager of the Board of Public Works stating that the software for the billing of such a program could be established.

Pictures showing some of the troublesome trash areas in the City of Hannibal were also distributed to the Council Members for their review. Mr. Ginsberg finished by asking the Council to act on this and have this resolution presented and approved at the next meeting.

Mayor Hark then asked the audience if the trash haulers had a spokesperson who wished to speak concerning this issue. There was no response from the audience to the Mayor’s invitation. Council Member Janes added that he felt this would be a good time to open this up to debate on the floor.

Mr. Richard Hennessey, private citizen, stated that his only objection would be the inability of many of his neighbors who were elderly, to take their garbage to the curb.

Mr. Jim Burns, City Engineer, pointed out that this proposal was not a change to a single hauler system or to any specific plan that is developed right now, but is just to give the 2-year notice so that we can form a committee of citizens, trash haulers and staff, to look at the options. If it turns out the best plan for Hannibal is to leave it like it is, then that is what council would do, or it could be decided to change the system. He felt that a debate for pros or cons on this issue would have to wait until we had time to get a committee together to discuss and consider these issues.

Mr. Frank Salter, President of Historical Hannibal, stated that during their monthly meetings for the past nine years, the need of a citywide trash pick up was brought up more than any other issue. He also stated that the “Friends of Historic Hannibal” support the position of the Hannibal Community Betterment Association in their request for the City to provide a 2-year notification to area haulers that the City is considering a change.

Mr. Ken Morris, private citizen, stated that he had nothing against having a single hauler, but expressed his desire for a citywide clean up. He also stated his concerns regarding how large dumpsters would be emptied if this were to happen.

City Manager then clarified that this issue was not necessarily a “single-hauler” issue and he did not want to confuse the public. The decision could be made to have several

haulers pick up trash, perhaps by wards, and would not necessarily mean that only one hauler would be doing the job.

Council Member Wilson asked that a committee be formed and information be exchanged before acting on a resolution.

Council Member Hull stated that it was his understanding that we need to pass a resolution to give the haulers a 2-year notice that a solution is being sought. If we don't go ahead and do this now, we are just postponing a solution to the problem. He felt that we need to proceed with the resolution at hand and, even though we are serving this notice, it does not mean that we are going to make a change.

Council Member Janes questioned whether we needed to pass a resolution before forming a committee to discuss this issue.

City Attorney, Bob Curtis, stated that if we formed a committee, the committee would be meaningless unless the 2-year notice was served.

Council Member Janes stated that, in his opinion, the City must do something. He recalled that when he was first came on Council, formation of a committee for this purpose was discussed, but nothing seemed to come of it. If we form a committee, we need to have a committee that can actually do something.

Mayor Hark questioned how this committee could be formed and who should serve on it. He wanted to make sure that both sides of the issue would be represented fairly.

Council Member Knickerbocker suggested that after tonight, we should put out a notice stating anyone who is interested in serving should contact the Mayor or the City Manager and ask to be placed on the committee. He suggested 6 to 8 people, with Council voting on the appointments.

Council Member Knickerbocker made a motion to have the City Attorney to draw up a resolution for the next meeting giving a 2-year notice. Council Member Hull seconded motion.

Roll Call

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

No: Council Member Wilson - 1

Motion carried.

Council Member Knickerbocker made a motion that we begin to form a committee to discuss this and solicit names to be appointed by the second meeting of March. Mayor Hark seconded motion.

During discussion, Council Member Janes asked if we should specify the type of representation we want on this committee at this time. Council decided the Mayor should consider who he wants for this committee Council could approve (or disapprove) when the Mayor's selections were completed.

Mayor Hark then asked everyone who was interested in serving on this committee to send a letter of interest to himself or to the City Manager.

ROY HARK - MAYOR

Re: Nominations for Historic District Setback Ordinance Committee

Mayor Hark submitted his nominations for the Committee to examine Historic District setback ordinance for Council's consideration. He will present these at the next regular Council Meeting for approval. These were:

Candace Klemann
Vicki Lewis
John Lyng
Henry Sweets
Council Member Knickerbocker
Council Member Hatton

MIKE MOORE - CITIZEN

Re: Demolition Procedures

Mr. Moore presented to Council a suggestion to implement changes to the existing procedures for demolitions. John Wealer, City Building Inspector, explained to Council the present procedures followed when demolishing a building. Mr. Moore suggested that he would like to have the city change their procedures so that there is the ability for other contractors to come in and bid for architectural or salvage rights before the house is actually demolished. He felt that this would be a good way for the City to recoup expenses and to cut down on the volume of material ending up in the dumpsters.

Council Members Wilson stated that in order to do this, we would have to have someone walk through each house and make an estimate of the approximate value salvage material before we went out for bids.

City Engineer Jim Burns, stated that when we do go out for bids, we do allow those who bid to salvage what they want out of the buildings before demolition and that sometimes allows them to lower their bids. Anyone bidding is given the option whether or not to salvage materials.

Bob Curtis, City Attorney, informed Council that the method of condemnation we now use is set forth in State Statutes and we have to go by the State rules. In fact, unless we

are talking about a tax sale, we are dealing with property that we really do not own so it would be illegal to receive payment for any items on the property. Even after demolition, the property is still in the owners' name.

LARRY CRAIG & GEORGE WALLEY – TDD DISTRICT COMMITTEE
Re: Transportation Development District for Hwy 36 and I-72 Corridor
(Resolution 1103 to follow)

On behalf of Committee Member Larry Craig, Mr. Walley explained that the following resolution was to enable the City to join the rest of other communities in support of the need to complete this stretch of highway. When questioned by the City Manager about the next step following approval of the resolution, Mr. Walley stated that if all 5 counties and the 6 other cities pass a similar resolution, this project could go to District Court which would allow them to take it to the voters to approve formation of this District and calculate needed taxes, if any, to finance this project.

In the event this came to pass and a vote for a tax was put on the ballot for each community, Council Member Hull questioned, would the results be treated as a whole or on an individual basis. Mr. Walley stated that outcome would be considered on the whole of all who were involved. Therefore, it could be possible for a county to not pass the tax issue, but would still have to collect the tax if the majority of the others did pass the tax.

BOB CURTIS, CITY ATTORNEY
Re: Deed of Release for Fleming Property
(Resolution 1104 to follow)

Mr. Curtis informed Council that the deed of trust for this property was done in 1991, the property owner had fulfilled all his obligations, and it was now time for the City to issue this Deed of Release by approving the resolution to follow.

BOB CHRISCINSKE – GENERAL MANAGER OF BPW
Re: Contract Agreement With Lake Construction Company for Construction of a Water Main Extension to Serve General Mills
(Resolution 1105 to follow)

Mr. Chriscinske asked Council to approve the resolution to follow regarding the award of Lake Construction contract to complete the fire water line around the former Manchester Tank building in the amount of \$18, 235.00.

Re: Contract Agreement With Natgun Corporation for Construction Improvements at the Water Treatment Plant at Riverview Park
(Resolution 1106 to follow)

Mr. Chriscinske asked Council to approve the resolution to follow which would allow Natgun Corporation to perform construction improvements to the present water treatment plant located in Riverview Park at the cost of \$1,809,900.00.

**Re: Agreement for Voluntary Annexation and Provision of Municipal Utilities
Between Barry Kinsel and the Board of Public Works
(Resolution 1107 to follow)**

Mr. Chriscinske explained that occasionally we see citizens outside the city limits that have requested receiving city utilities. We have a provision in the ordinances that allows us to do this. He presented an agreement made between the Board of Public Works and Mr. Barry Kinsel for such services with the commitment to annex the property when and if, it becomes contiguous to other properties that are annexed into the city. Procedures needed to provide this service were discussed and when the proceedings for annexation should occur. Mr. Chriscinske explained that this property is not eligible for annexation at this time. This is only to provide utilities to the property owner. Annexation could only occur if the city limits line moved up to his property and his property then becomes contiguous.

JIM BURNS – CITY ENGINEER

**Re: Settlement Agreement With Emery Sapp & Sons for Damages Done to
Headstones During Clearing of Hannibal Municipal Airport Property**

Mr. Burns explained that the contractor has agreed to provide \$1,000.00 to the City for replacement of headstones that were damaged beyond repair. Part of this agreement would be for the City to sign a *Release of All Claims Waiver*. This would restrict any future claims against the contractor for these damages. It would not restrict the owners of the cemetery from filing claims against the City. Mr. Burns also stated that they had been dealing with 2 descendants regarding damages, but because of the age of this cemetery, more descendants could be eligible for damages. The City had committed to funding \$1,000.00 to be used for replacement of the damaged stones. Council Member Janes expressed that he was not comfortable with releasing responsibility against the contractor for these damages yet.

City Attorney Bob Curtis said, in his opinion, it would be unlikely the City or the Contractor would be held liable for some of the damages that were done because at the time permission was granted for the City to cross the property, the owner did not know that the cemetery was there. When checking the deeds of this property, it was found that the particular section containing the cemetery was not included in the transfer of the land to the property owner.

Council Member Wilson suggested that the City Attorney check into this issue and provide information so it could be brought back in two weeks at the next regular meeting.

RESOLUTION 1103

A RESOLUTION CALLING FOR THE JOINT ESTABLISHMENT OF A TRANSPORTATION DEVELOPMENT DISTRICT; APPROVING A TRANSPORTATION PROJECT AND AUTHORIZING THE CITY OF HANNIBAL, MISSOURI, TO JOIN OTHER LOCAL TRANSPORTATION AUTHORITIES AND THE U.S. HIGHWAY 36 – INTERSTATE 72 CORRIDOR TRANSPORTATION CORPORATION IN A PETITION TO CREATE THE U.S. HIGHWAY 36 – INTERSTATE 72 CORRIDOR TRANSPORTATION DEVELOPMENT DISTRICT; AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO

Council Member Wilson made motion to have the Clerk read Resolution 1103 all the roll for adoption. Council Member Janes seconded motion.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution 1103 duly approved and adopted on this date.

RESOLUTION 1104

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING A DEED OF RELEASE FOR PROPERTY OWNED BY JESSE AND DOROTHY FLEMING AND AUTHORIZING THE MAYOR TO SIGN THE SAME

Council Member Wilson made motion to have the Clerk read Resolution 1104 and call the roll for adoption. Council Member Janes seconded motion.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark and Council Member Hull –6

No: -0-

Mayor Hark declared Resolution 1104 duly approved and adopted on this date.

RESOLUTION 1105

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO SIGN A CONTRACT AGREEMENT WITH LAKE CONSTRUCTION COMPANY FOR CONSTRUCTION OF A WATER MAIN EXTENSION TO SERVE GENERAL MILLS

Council Member Wilson made motion to have the Clerk read Resolution 1105 and call the roll for adoption. Council Member Janes seconded motion.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution 1105 duly approved and adopted on this date.

RESOLUTION 1106

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO SIGN A CONTRACT AGREEMENT WITH NATGUN CORPORATION FOR CONSTRUCTION OF IMPROVEMENTS AT THE EXISTING WATER TREATMENT PLANT IN RIVERVIEW PARK

Council Member Janes made motion to have the Clerk read Resolution 1106 and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution 1106 duly approved and adopted on this date.

RESOLUTION 1107

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING ARTICLES OF AGREEMENT BETWEEN THE BOARD OF PUBLIC WORKS AND BARRY KINSEL FOR VOLUNTARY ANNEXATION AND PROVISION OF MUNICIPAL UTILITIES

Council Member Wilson made motion to have the Clerk read Resolution 1107 and call the roll for adoption. Council Member Janes seconded motion.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution 1107 duly approved and adopted on this date.

RESOLUTION 1108

(A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE MAYOR TO SIGN A RELEASE OF ALL CLAIMS FOR EMERY SAPP & SONS, INC. IN REGARDS TO DAMAGES INCURRED TO HEADSTONES AT AN UNMARKED CEMETERY AT THE HANNIBAL MUNICIPAL AIRPORT)

Council Member Janes made a motion to table this Resolution until a time when the City Counselor has contacted the appropriate State agencies and has time to work with Mr. Burns to arrive at a solution to this problem. Council Member Knickerbocker seconded motion.

Motion carried.

BILL NO. 03-897

AN ORDINANCE DELETING ARTICLE III; FLOOD DAMAGE PREVENTION OF CHAPTER 9, DRAINAGE AND FLOOD CONTROL OF THE HANNIBAL MUNICIPAL CODE BOOK

SECOND AND FINAL READING

Motion was made by Council Member Wilson to have the Clerk give Bill No. 03-897 a second and final reading and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Bill No. 03-897 duly approved and adopted on this date.

ADJOURNMENT

Council Member Wilson made motion to adjourn. Mayor Hark seconded motion.

Motion carried.