

OFFICIAL COUNCIL PROCEEDINGS
Revised 04-18-05

April 5, 2005
7:00 P.M

ROLL CALL

Present: Council Members Hull, Knickerbocker, Green, Wilson,
Mayor Hark, Mayor Pro Tem Dexheimer and Council
Member Hatton – 7

Absent: -0-

Also present: City Manager and City Clerk.

CALL TO ORDER

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

INVOCATION

Mayor Pro Tem Dexheimer gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES
Regular Meeting of March 15, 2005
(as amended)

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

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
Second Half of March, 2005

Council Member Wilson made motion to approve the payroll and claims. Council Member Green seconded motion.

Motion carried.

MAYOR ROY HARK
Re: Appointment to Hannibal Housing Authority

Mayor Hark made the following nomination for the Hannibal Housing Authority, and stated that he would be asking for Council approval at the next meeting:

William Tate to replace Charles Myers - term to expire April, 2009

MARK NEDDO
Re: Tax Penalty

Mayor Pro Tem Dexheimer made motion to table this item since Mr. Neddo was not present at the meeting. Council Member Wilson seconded motion.

Motion carried.

GARY PAGE & KEVIN MCLEOD – OWNERS OF ‘THE OTHER PLACE’
Re: Bike Rally

Mr. Page stated that he had contacted Chief Runyon, Chief Dryden and Leon Wallace in regards to closing the streets for the Bike Rally and they did not have a problem with this.

Council Member Wilson made a motion to approve the request. Mayor Pro Tem Dexheimer seconded motion.

Motion carried.

HENRY SWEETS – MARK TWAIN HOME FOUNDATION
Re: Request to Close Street for Mark Twain Home Celebration

The City Clerk read aloud the attached letter from the Mark Twain Home Foundation requesting permission to close Main Street from North Street through Hill Street and also the Center Street parking lot for a celebration to be held Saturday, April 30th, 2005.

Mayor Pro Tem Dexheimer made a motion to approve the request. Council Member Wilson seconded motion.

Motion carried.

ANDY MORRIS – CITY MANAGER

Re: City Manager Report

Mr. Morris, City Manager, discussed several items, these were as follows:

Re: Board & Commission Nominations

Mr. Morris made the following Board nominations and stated that he would be asking for approval at the next regular Council Meeting:

Board of Adjustment

Debbie Catlett to replace John M. Hark - term to expire May, 2009

Mark Twain Home Board

Mary Lou Callicott to replace Jim Cary - term to expire November, 2008

Planning & Zoning

Mike Constable to replace Bob Cowder - term to expire June, 2007

Re: Contract for City Attorney

(Resolution No. 1202 to follow)

Mr. Morris presented the contract for the new City Attorney to Council and pointed out that this contract appoints Todd Ahrens as City Attorney. James Lemon would serve as City Prosecutor. He also pointed out several other items in the contract and stated that he would be asking for approval later in the meeting under Resolution No. 1202.

Council Member Knickerbocker suggested that we make the first year of this contract begin on May 1, 2005 and end on June 30, 2006, and then make the concurrent years coincide with the July through June budget year.

Mr. Morris agreed that it would probably be a good idea to put this in writing, although he wanted to point out that in his conversations with the firm, they did realize that the \$50,000 per year would be for a budget year and not the amount that would be paid to them to finish out the remainder of this fiscal year. The payment for May and June of this fiscal year would be paid out from the remainder of the funds already budgeted in the legal department for salaries.

The City Clerk stated that she would amend the contract to reflect this change.

Re: Taxi Cab Ordinance Update

Mr. Morris also presented to Council a draft of the Taxi Cab ordinance that he and Chief Runyon had completed. He had asked Council for their comments regarding this draft at the last Council Meeting and had received some suggestions from Council Member Knickerbocker. He had incorporated these suggestions into the present draft and

reviewed them with Council. Council Member Wilson stated that he would like to study it more closely. Mr. Morris then said that he would bring it back, with the added recommendations at the next meeting.

ROBERT CURTIS – CITY ATTORNEY
Re: Hannibal Jaycees Contract for Fireworks
(Resolution No. 1200 to follow)

Since Mr. Curtis was not in attendance at the meeting, Mayor Hark stated that at the time this resolution comes up, he would make a recommendation this item be tabled until the first or second meeting in May because the Jaycees may not need the contract.

Council Member Knickerbocker, speaking on behalf of the Jaycees, stated they did not feel that it necessary at this time to enter into a contract since there may not be a need for one. They believe that they will be able to raise the entire amount of money needed for this project without obtaining funds from the City. Therefore their recommendation was to have this item tabled until June and reassess at that time.

Mayor Pro Tem Dexheimer said, in the future, if there would be a conflict of interest between a members place on Council and the organization they might be representing, it would be in everyone's best interest that the presentation/request be brought forward by someone else besides that particular Council Member. In that way, problems could be avoided that everyone here did not want to deal with.

Re: Deed of Release for 312-314 N. 7th St.
(Resolution No. 1201 to follow)

The City Clerk said this item was actually leftover from a previous grant. The City needs to release the property to the Taylor's. She stated the City Attorney drew up a Deed of Release for this purpose.

JIM BURNS – CITY ENGINEER
Re: Traffic Committee Recommendations From March 8, 2005 Meeting

1. As requested by First Presbyterian Church, designate two (2) loading/unloading zones at southeast corner of Center at 6th Street on Center Street side and Center Street, west of intersection at alley behind church
2. Install stop sign at intersection of Homestead at Arthur Road
3. Change the speed limit on Warren Barret Drive to 45 M.P.H. from the railroad tracks down to 4th Street

Council Member Wilson stated that he would like to have this changed to 6th Street instead of 4th Street since 4th Street is right in the middle of Clemens Field where there is a lot of activity during the summer months.

Mayor Pro Tem Dexheimer said that portion of Warren Barrett Drive does not have any shoulders, almost all the way out to the railroad tracks. He stated that he would not be in favor of increasing this area to a 45 M.P.H. speed zone just for that reason. Since the majority of this area lies in the area he represents, he made a motion that this request not be approved. Council Member Wilson seconded motion.

Motion carried.

Mr. Burns then continued on with the rest of the recommendations:

4. Endorse MoDot's recommendation to change speed limit on Hwy 61
(see attached map)

There were no other actions taken by Council on any other recommendations resulting in recommendations 1, 2 & 4 being approved.

Re: Five Year Capital Improvement Program 2006-2010
(Resolution No. 1203 to follow)

Mr. Burns explained that a new format was followed this year in regard to this program. Department heads submitted their capitol requests to the planning commission, the planning commission had a public hearing during which department heads came in and explained their requests. The results of the requests were then compiled by the commission within guidelines that the City Manager set concerning the total quantity of money that was available.

Mr. Morris stated that between the request and the amount of funds available there was a surplus of \$199,000.

Mr. Burns would be requesting approval of this plan with the Resolution to follow.

Re: Lindell Avenue Bridge Project
(Resolution No. 1204 to follow)

Mr. Burns explained this resolution was created to authorize an easement from Paul & Debbie White. This is needed to complete work on the Lindell Avenue Bridge project. Mr. Burns said he was still awaiting approval of the easement request from the railroad. Everything has been submitted and is going through their system at this time.

Re: Update on Paris Avenue Rehabilitation

Mr. Burns stated that Klingner & Associates are working on the Paris Avenue rehabilitation project and they have completed the surveys to determine how much right-of-way they will have to work with. One of the considerations of this project is to provide additional parking. He stated that they had already tentatively set up a date for a

public meeting to be held on April 25th from 4 to 6 p.m. in order to discuss with the residents of that area their concerns and needs for this project.

CHRIS ATKINSON – DIRECTOR OF PARKS & RECREATION
Re: Boat Harbor Project

Mr. Atkinson stated that he was seeking Council's approval concerning possible steps to proceed with this project. He said that they had been waiting for the dredging permit to come in from the Corps of Engineers for four months, and yesterday he had received verbal approval that it would finally be coming in. He said if the department goes out for dredging bids right now, and the project is completed in 60 days, the tentative completion date of the dredging could be around the first week in August. Atkinson asked Council if they would like for him to proceed with the project now, or hold off until next spring so that they could prepare the harbor for a full season of boating.

Mayor Pro Tem Dexheimer stated that he was upset, along with some of the boaters in the area that the slips were pulled out. This will put a strain on some people that have had their boats in that harbor for quite a number of years. He asked Mr. Atkinson if there was anything the City could do on a temporary basis in order to provide those people with a place to put their boats.

Mr. Atkinson stated that although this had not been done so far, he could look into providing some temporary docks for the people to use.

Jamie Paige from Klingner & Associates added that they had checked into providing temporary docks at the harbor. Although there were docks available for sale at several of the marinas he had contacted, he thought the price for these docks was exorbitant and the time and costs of placing the temporary docks into the water and then later removing them would not be something they would recommend.

He mentioned the possibility of speeding up the delivery of the boat docks, if the city was willing to waive the requirement to advertise for bids. Also, delivery price of these docks was for a 60, 90 or 120 day availability; however, the price for the sooner delivery date goes up drastically since these docks are not built until they are ordered and this being the peak season for ordering boat docks..

City Engineer, Jim Burns, stated that if the City wanted to waive the advertisement for bids in the purchase of the ramps, they could still go out for bids to install them. This would not eliminate the bidding process from the project entirely, but would allow the department to expedite ordering and receiving of the docks

Council Member Hull expressed his concern that by putting temporary docks in the harbor, it might increase the price for having the boat harbor dredged. Mr. Atkinson stated that he could request two bids, one for dredging without the boat docks and an alternate bid for dredging with temporary docks in place.

Council Member Wilson made a motion that the Director of Parks & Recreation have permission prepare bids and put them out for the dredging of the Boat Harbor. Council Member Green seconded motion.

Motion carried.

Re: Ramp Park Change Order #1 – Klingner & Associates

Mr. Atkinson stated that he was seeking approval from Council to allow the Mayor to sign a change order on the Ramp Park project to adjust the engineering contract amount from \$36,600 to \$39,600. The additional \$3,000 is needed to continue on-site inspections until the completion date which has been extended due to delays in construction. Mayor Pro Tem Dexheimer made a motion to approve. Council Member Dexheimer seconded motion.

Motion carried.

RESOLUTION 1200

(A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A ONE-TIME CONTRACT WITH THE HANNIBAL JAYCEES FOR THE JULY OF 2005 INDEPENDENCE DAY FIREWORKS DISPLAY)

Mayor Pro Tem Dexheimer made a motion to table Resolution 1200. Council Member Wilson seconded motion.

Motion carried.

RESOLUTION 1201

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO SIGN A DEED OF RELEASE FOR PROPERTY KNOWN AS 312-314 NORTH 7TH STREET TO JAMES L. & JOAN TAYLOR

Council Member Hull made a motion to have the Clerk read Resolution 1201 and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, and Council Member Hatton – 7

No: -0-

Mayor Hark declared Resolution 1201 duly approved and adopted on this day.

RESOLUTION 1202

(A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE FIRM AHRENS, HALE AND LEMON, LLC, IN REGARDS TO APPOINTING C. TODD AHRENS AS CITY ATTORNEY AND JAMES F. LEMON AS CITY PROSECUTOR)

Council Member Wilson made a motion to table this agenda item until the next meeting. Mayor Hark seconded motion.

Motion carried.

RESOLUTION 1203

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING AND ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM 2005-2010 FOR THE CITY OF HANNIBAL, MISSOURI

Council Member Hull made motion to have the Clerk read Resolution 1203 and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, and Council Member Hatton – 7

No: -0-

Mayor Hark declared Resolution 1203 duly approved and adopted on this day.

RESOLUTION 1204

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE MAYOR TO SIGN A PERMANENT AND TEMPORARY EASEMENT BETWEEN PAUL B. AND DEBBIE WHITE (GRANTORS) AND THE CITY OF HANNIBAL (GRANTEES) FOR THE CONSTRUCTION OF THE LINDELL AVENUE BRIDGE PROJECT

Council Member Wilson made a motion to have the Clerk read Resolution 1204 and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, and Council Member Hatton – 7

No: -0-

Mayor Hark declared Resolution 1204 duly approved and adopted on this day.

BILL NO. 05-950

AN ORDINANCE VACATING A 150' PORTION OF A NORTH-SOUTH ALLEY SOUTH OF NEW LONDON GRAVEL ROAD AND WEST OF ORCHARD AVENUE

SECOND AND FINAL READING

Council Member Wilson made a motion to have the Clerk give Bill No. 05-958 a second and final reading and call the roll for adoption. Council Member Hull seconded motion.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, and Council Member Hatton – 7

No: -0-

Mayor Hark declared Bill No. 05-950 duly approved and adopted on this day.

BILL NO. 05-951

AN ORDINANCE APPROVING AND ACCEPTING THE PLAT OF HUMMINGBIRD ESTATES SUBDIVISION 3RD ADDITION, A SUBDIVISION OF A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25 AND THE NORTHEAST QUARTER

**OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 57 NORTH,
RANGE 5 WEST, CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

SECOND AND FINAL READING

Council Member Hull made a motion to have the Clerk give Bill 05-951 a second and final reading and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, and Council Member Hatton – 7

No: -0-

Mayor Hark declared Bill No. 05-951 duly approved and adopted on this day.

**CLOSED SESSION
In Accordance with RSMo 610-021 (1 & 2)**

Mayor Pro Tem Dexheimer made a motion to go into closed session in accordance with RSMo 610-021 sub sections 1 and 2, admitting himself, Mayor Hark, Council, the City Clerk and John Wealer. Council Member Green seconded motion.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, and Council Member Hatton – 7

No: -0-

Motion carried.

ACTION TAKEN DURING CLOSED SESSION

Council Member Knickerbocker made motion to accept and authorize the Mayor to sign a contract with Walley Real Estate for sale of City owned property and also to have a survey of the property done. Council Member Hatton seconded motion.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, and Council Member Hatton – 7

Motion carried.

Council Member Wilson made a motion to approve the settlement offer to be made on the Old Federal Building and grant the City Manager permission to sign this agreement on behalf of the City. Mayor Pro Tem Dexheimer seconded motion.

Roll Call

Yes: Council Members Hull, Knickerbocker, Green, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer, and Council Member Hatton – 7

No: -0-

Motion carried.

OPEN SESSION

Mayor Hark made motion to go back into open session. Council Member Green seconded motion.

Motion carried.

ADJOURNMENT

Council Member Green made motion to adjourn. Council Member Wilson seconded motion.

Motion carried.