

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, February 1, 2005
7:00 P.M.**

ROLL CALL

Present: Council Member Green, Mayor Hark, Mayor Pro Tem
Dexheimer, Council Members Hatton, Hull and
Knickerbocker – 6

Absent: Council Member Wilson – 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

Mayor Pro Tem Dexheimer gave the invocation.

PLEDGE OF ALLEGIANCE

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

At this point, Mayor Pro Tem Dexheimer made a motion to excuse Council Member Wilson. Mayor Hark seconded motion.

Motion carried.

**APPROVAL OF MINUTES
Regular Meeting January 18, 2005**

Council Member Hatton made a motion to approve the minutes. Council Member Green seconded motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
Second Half of January 2005

Mayor Pro Tem Dexheimer made a motion to approve the payroll and claims. Council Member Hull seconded motion.

Motion carried.

ANDY MORRIS – CITY MANAGER
Re: Report on Proposed Lagers Update

Mr. Morris gave Council a brief description of an update that is available from Lagers. He explained that Lagers requires any update to be introduced before Council at least 45 days prior to adoption. He told Council that they would give this proposal more consideration when it came closer to budget time.

Re: Personnel Manual Update

Mr. Morris reminded Council Members that several weeks ago they were given a draft of the proposed revised personnel manual for their review. He asked that anyone with any questions or comments, please get back to him in the weeks to come, so that they could complete this project.

ROBERT CURTIS - CITY ATTORNEY
Re: Warranty Deed to Apostolic Holiness Church, Inc.
(Resolution 1182 to follow)

Mr. Curtis asked Council to consider approving Resolution 1182 to follow which would allow the Mayor to sign a warranty deed for property purchased by the Holiness Apostolic Church from the Board of Public Works.

MAYOR PRO TEM DEXHEIMER
Re: Revisit Taxi License Denial for Steve Robertson

Mayor Pro Tem Dexheimer asked Council to reconsider their previous decision to uphold the Police Chief's denial of a taxi permit for Mr. Steve Robertson based on a past DWI felony conviction. He made a motion to allow Mr. Robertson to be granted a permit to drive a taxi within the City of Hannibal. Motion died for lack of second.

During a lengthy discussion, Council heard from both Mr. Steve Robertson and Mr. Terry Robertson, owner of the Taxi Company, regarding why they felt that a permit should be issued. City Attorney Robert Curtis also questioned Mr. Steve Robertson about whether he had been pulled over by the police last week and then cited for driving a taxi without a

permit. Mr. Robertson stated that he had misunderstood the appeal process and thought that it was all right for him to drive until the appeal had been heard before Council.

After more discussion between Council Members, Mayor Pro Tem's motion still stood without a second.

CHRIS STEINMAN – Y MEN'S ASSOCIATION
Re: Summer Events

On behalf of the Y Men's Association, Mr. Chris Steinman requested Council's permission to close streets for mud volleyball and the Down by the River events. They made a request that the following streets be closed – Hill Street directly in front of the pavilion and the alley between the pavilion & Murphy Motors. Mud volleyball will take place from June 30th through July 3rd, 2005 and the Down by the River Events would be held from 4:00 p.m. to 9:00 p.m. on May 13th, June 10th, July 8th and August 12th.

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

Motion carried.

CATHY RAHE – TOURISM DIRECTOR
Re: Brochure Distribution Bid Recommendations

Ms. Rahe presented four bids to Council that she had received for brochure distribution. Although Rachel & Lyndon Bode were the lowest bidders at \$8,000.00, she recommended that the bid be awarded to Virtual Images in the amount of \$8,325.00. She noted Virtual images had distributed the brochures up to this point and had done a very good job and therefore she felt that they deserved to be awarded the bid again because of their reliability and past service.

After several questions from Council regarding the decision, George Walley, Tourism Board member spoke to Council and gave a brief description of the services needed and why the Board had unanimously decided to stay with the present company (Virtual Images) even though they were not the lowest bidder.

Mayor Pro Tem Dexheimer made a motion to award the brochure distribution to Rachel & Lyndon Bode, who were the lowest bidders for the job. Council Member Green seconded motion.

Motion carried.

JOHN WEALER – BUILDING INSPECTOR

Re: Request to Purchase City Owned Property Located on Pine Street

Mr. Wealer brought a request to Council from Dino W. Wilson to purchase City owned property located on Pine Street. This vacant lot is attached to the backside of the two lots that Mr. Wilson presently owns known as 1501 and 1503 Bird Street and he would like to purchase this vacant land in order to keep it cleared. He agreed to pay \$100.00 plus recording costs for the property.

Mayor Pro Tem Dexheimer made a motion to approve the sale of this piece of property to Mr. Wilson.

Mayor Hark seconded motion.

During discussion, Mr. Wealer said that a deed would have to be drawn up and the Mayor would have to sign it. Mayor Pro Tem Dexheimer then amended his motion to approve the sale of the property and approve the Mayor to sign the deed.. Mayor Hark seconded the amended motion.

Motion carried.

JIM BURNS – CITY ENGINEER

Re: Right-of-way Tree Removal Contract with Busy Bee Tree Service

(Resolution 1184 to follow)

Mr. Burns asked Council to approve Resolution 1184 that would authorize the Mayor to sign a contract between the City and Busy Bee Tree Service in the amount of \$2,260.00 for the removal of trees from City rights-of-way.

Re: Mark Twain Bridge Overlook Contract with Bleigh Construction Company

(Resolution 1183 to follow)

Mr. Burns also asked Council to approve Resolution 1183 that would authorize the Mayor to sign a contract between the City and Bleigh Construction Company in the amount of \$370,803.40 for the construction of the Mark Twain Bridge Overlook/Riverfront Improvements project.

ROBERT CHRISCINSKE – GENERAL MANAGER OF BPW

Re: Request to Waive City Ordinance in Regards to Use of Golf Carts on Roadways

Mr. Chriscinske asked Council to waive City Ordinance 17.116 which would allow Johnson Controls to utilize golf carts on the city streets in order to complete their project with the BPW for exchanging water meters. He asked that this be waived from the present, until such time as the project will be completed.

Council Member Knickerbocker made motion to waive Ordinance 17.116. This ordinance is to be waived from the present until April 15, 2005. Council Member Hatton seconded motion.

Motion carried.

Re: Amendments to Escrow Trust Agreement with The Bank of New York Trust Company
(Resolution 1185 to follow)

Mr. Chriscinske also asked Council to approve Resolution 1185 that was a finalization of the trust agreement to provide escrow services for the purchase of water service territorial rights from Ralls County.

RESOLUTION 1182
(As amended)

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING A WARRANTY DEED FROM THE CITY OF HANNIBAL TO APOSTOLIC HOLINESS CHURCH, INC. IN ORDER TO CLARIFY THE IDENTIFICATION OF THE PROPERTY PREVIOUSLY DEEDED AND AUTHORIZING THE MAYOR TO SIGN THE SAME TO COMPLETE SAID CONVEYANCE

Council Member Hull made motion to have the Clerk read Resolution 1182, as amended, and call the roll for adoption. Mayor Hark seconded motion. During discussion, Council Member Green asked to abstain from this item since he was a member of this church and it might be perceived as a conflict of interest.

Motion carried.

Roll Call

Yes: Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull and Knickerbocker – 5

Abstain: Council Member Green – 1

Absent: Council Member Wilson – 1

No: -0-

Mayor Hark declared Resolution 1182 duly approved and adopted on this day.

RESOLUTION 1183

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH BLEIGH CONSTRUCTION COMPANY TO CONSTRUCT THE MARK TWAIN BRIDGE OVERLOOK/RIVERFRONT IMPROVEMENTS

Council Member Hatton made motion to have the Clerk read Resolution 1183 and call the roll for adoption. Council Member Hull seconded motion.

Motion carried.

Roll Call

Yes: Council Member Green, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull and Knickerbocker – 6

Absent: Council Member Wilson – 1

No: -0-

Mayor Hark declared Resolution 1183 duly approved and adopted on this day.

RESOLUTION 1184

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH BUSY BEE TREE SERVICE FOR RIGHT-OF-WAY TREE REMOVAL

Council Member Hatton made motion to have the Clerk read Resolution 1184 and call the roll for adoption. Council Member Knickerbocker seconded motion.

Motion carried.

Roll Call

Yes: Council Member Green, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull and Knickerbocker – 6

Absent: Council Member Wilson – 1

No: -0-

Mayor Hark declared Resolution 1184 duly approved and adopted on this day.

RESOLUTION 1185

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AMENDED ESCROW TRUST AGREEMENT WITH THE BANK OF NEW YORK TRUST COMPANY TO PROVIDE ESCROW AGENT SERVICES FOR THE PURCHASE OF WATER SERVICE TERRITORIAL RIGHTS FROM THE PWSD#1 OF RALLS COUNTY

Mayor Pro Tem Dexheimer made motion to have the Clerk read Resolution 1185 and call the roll for adoption. Council Member Hull seconded motion.

Motion carried.

Roll Call

Yes: Council Member Green, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull and Knickerbocker – 6

Absent: Council Member Wilson –

No: -0-

Mayor Hark declared Resolution 1185 duly approved and adopted on this day.

BILL NO. 05-946

AN ORDINANCE AMENDING CHAPTER 19 NUISANCES, ARTICLE I, IN GENERAL, ADDING A SECTION 19-5, SPECIAL TAX BILL RELEASE, TO THE HANNIBAL CITY CODE

FIRST READING

Council Member Green made motion to have the Clerk give Bill 05-946 a first reeading. Mayor Hark seconded motion.

Motion carried.

BILL NO. 05-944
(As amended)

AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND AMONG THE COUNTIES OF MACON, MARION, MONROE, RALLS AND SHELBY AND THE CITIES OF CLARENCE, HANNIBAL, HUNNEWELL, MACON, MONROE CITY AND SHELBY; PRESCRIBING THE FORM AND DETAILS OF SAID AGREEMENT; AND AUTHORIZING OTHER RELATED ACTIONS IN CONNECTION WITH THE AGREEMENT

SECOND AND FINAL READING

Council Member Hatton made motion to have the Clerk give Bill 05-944, as amended, a second and final reading and call the roll for adoption. Council Member Hull seconded motion.

Motion carried.

Roll Call

Yes: Council Member Green, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull and Knickerbocker – 6

Absent: Council Member Wilson – 1

No: -0-

Mayor Hark declared Bill No. 05-944, as amended, duly approved and adopted on this day.

BILL NO. 05-945

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF CERTAIN PROPERTY PURSUANT TO SECTION 71.012 OF THE REVISED STATUTES OF MISSOURI

SECOND AND FINAL READING

Council Member Hull made motion to have the Clerk give Bill 05-945 a second and final reading and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

Roll Call

Yes: Council Member Green, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull and Knickerbocker – 6

Absent: Council Member Wilson – 1

No: -0-

Mayor Hark declared Bill No. 05-945 duly approved and adopted on this day.

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

Mayor Pro Tem Dexheimer made a motion to go into Closed Session in accordance with RSMo 610-021 sub paragraph 1, admitting himself, the rest of Council, Mayor Hark, City Manager and City Attorney. Council Member Green seconded motion.

Roll Call

Yes: Council Member Green, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull and Knickerbocker – 6

Absent: Council Member Wilson – 1

No: -0-

Motion carried.

There was no official action taken during closed session.

OPEN SESSION

Mayor Pro Tem Dexheimer made motion to go back into open session. Mayor Hark seconded motion.

Motion carried.

ADJOURNMENT

Mayor Pro Tem Dexheimer made a motion to adjourn. Council Member Green seconded motion.

Motion carried.