

OFFICIAL COUNCIL PROCEEDINGS

February 15, 2005
7:00 P.M.

ROLL CALL

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

Absent: Council Member Knickerbocker – 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 Wilson led the Pledge of Allegiance to the Flag.

At this point, Mayor Pro Tem Dexheimer made motion to excuse Council Member Knickerbocker. Council Member Green seconded motion.

Motion carried.

APPROVAL OF MINUTES Regular Meeting of February 1, 2005

Council Member Hull made the motion to approve the minutes from the regular Council meeting of February 1, 2005. Council Member Hatton seconded motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half of February 2005

Council Member Hatton made the motion to approve the payroll and claims. Mayor Hark seconded motion.

Motion carried.

ANDY MORRIS – CITY MANAGER
Re: City Manager Report

Mr. Morris described to Council the condition of two yards on Fulton Avenue that were suffering severe erosion due to storm water run-off. He described a plan that would entail constructing an 8-foot high, 35-foot long concrete wall to protect these properties. He would also like to seek funding for a CDBG Block Grant to fund the correction of these problems. City Engineer Jim Burns stated that the area would have to be surveyed and that would probably be completed by the end of the month. He asked Council's permission to proceed with this project and to allow him to proceed with the application for grant funds. Mayor Pro Tem Dexheimer made motion to grant permission to the City Manager to move an amount, not to exceed \$40,000.00 from the Storm Water Account to begin this project. Mayor Hark seconded motion.

Motion carried.

Re: Storm Water Restoration Project
Storm Water Public Easement

Mr. Morris explained that the City could not proceed with work on the storm water restoration project unless Mrs. Green, the property owner of 1010 Fulton Avenue, granted an easement. Mayor Pro Tem Dexheimer made motion for the City to seek a management easement on the property at 1010 Fulton and allow the Mayor to sign on behalf of the City. Council Member Wilson seconded motion. During discussion, Council Member Green stated that he would abstain from voting on this issue since his mother was the property owner involved.

Roll Call

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

Abstain: Council Member Green – 1

Absent: Council Member Knickerbocker – 1

No: -0-

Motion carried.

Re: Application for CDBG Grant Funds for Storm Water Project at 1010 Fulton Avenue

(Resolution No. 1189, as amended, to follow)

Mr. Morris explained to Council that he would be seeking CDBG Funding to perhaps pay for a portion of the work on the storm water project and asked them to approve Resolution 1189, as amended, to follow which would allow the Mayor to sign an application.

Re: Affect of Sick Leave Change to Memorandum of Understanding on the Police & Fire Retirement Fund

(Bill No. 05-948 to follow)

Mr. Morris informed Council that in December of 2004, they had passed an ordinance that allowed an adjustment to the Fire Department memorandum of understanding regarding the computation of sick time. According to this, the firemen could make the payout upon retirement equal to the Police Department. At the time this was passed, it was understood that this would not affect the P&F Retirement Fund and would only be coming out of the Unused Sick Leave Account.

In January of 2005, we had a fireman retire, and upon a complaint from that retiree about the computation of his first retirement check, we then realized that this revision did have an impact on how the benefit was figured. Since that time, we have also had one additional fireman retire, making the computation of sick time hours regarding his last year salary cause an increase in monthly pension benefits. The following Bill No. 05-948 would lower the amount of sick time hours to figure sick leave down to the same hours that are presently used to figure police retirement benefits, making the money portion used for retirement benefits to be equal between both departments. By passing Bill 05-948, to follow, this would immediately correct this oversight and prevent this from happening again so that the P&F Retirement Fund would not be jeopardized.

Captain Lyndell Davis, Chairman of the Police & Fire Retirement Fund, also gave a brief outline of the problem and answered any questions that Council had in regards to this ordinance. He also asked that the Council pass this as an Emergency Bill in order to correct the problem that the previous ordinance had caused.

At this point Mayor Pro Tem Dexheimer made a motion to add the discussion of the ordinance to amend the memorandum of understanding to the agenda. Mayor Hark seconded motion.

Motion carried. Mayor Pro Tem Dexheimer stated that the Fire Board had requested that an amendment to a previous ordinance be prepared to make the adjustment to the Memorandum of Understanding with the Fire Department regarding the computation of sick time be made retro-active to January 1, 2004. He brought it to Mr. Curtis's attention that, as of this date, this had not been done. Mr. Curtis stated that he had not yet totally researched the issue and did not want to provide incomplete information. Mayor Pro Tem Dexheimer voiced his displeasure in the amount of time this was taking.

ROBERT CURTIS – CITY ATTORNEY
Re: Warranty Deed for Property Located in Collier’s Subdivision
(Resolution No. 1186, as amended, to follow)

Mr. Curtis explained that this was to correct a deed prepared in the year 2000 on a piece of property purchased by these people which had an incorrect land description attached. This Warranty Deed would replace the original deed that was incorrect.

SHANNON JANES - CITIZEN
Re: Request to Shoot Off Fireworks on Riverfront for Wedding

Ms. Janes requested that Council grant her permission to have an approximate 10-minute fireworks display at the Hannibal Riverfront on the evening of her wedding on October 29, 2005. She explained that the show would be put on by a licensed fireworks show company (who was present at this meeting) and she would have the appropriate paperwork and insurance information turned in at City Hall before the event. She stated that the program would be held approximately between 7:45 and 8:00 p.m. in the evening of that day.

Council Member Hull made the motion to approve the request. Mayor ProTem Dexheimer seconded the motion.

Motion carried.

MICHAEL GAINES – HANNIBAL ARTS COUNCIL
Re: Request to Close Streets for River Arts Festival and the Autumn Historic Folk Life Festival

Mr. Gaines asked Council’s permission to block the streets for the year’s upcoming River Arts Festival to be held on May 28th & 29th and also the Autumn Folk Life Festival held on October 15th & 16th in Downtown Hannibal. He stated that his request would be to block the same streets requested each year.

Council Member Wilson made motion to approve the request. Council Member Green seconded motion.

Motion carried.

STEVE ROBERTSON - CITIZEN
Re: Taxi Permit

Mr. Robertson asked Council if there had been any changes in their decision to deny the appeal for not granting him a license to drive a taxi in the City. City Manager Andy Morris stated that although he and the Chief of Police were going to review the ordinance regarding more specific language, they had not yet done this. He also stated that he did

not anticipate the changes that would be made would have any affect on the decision regarding his appeal.

Council Member Hull told Mr. Robertson that Council had made their decision at the last meeting to deny his appeal and to uphold the Chief of Police's decision and he did not think anyone on Council had changed their minds. Mayor Hark asked if there were any comments from the rest of Council. Hearing none, he told Mr. Robertson that the denial still stood.

JAMES DEXHEIMER – CHAIRMAN FIRE BOARD
Re: SCBA Bid Recommendation

Mayor Pro Tem Dexheimer presented bids to Council that were received for 18 self contained breathing apparatus units. Ten of the units will be purchased through the Homeland Security Grant and 8 would be purchased out of the City's capital expenditure account. Mayor Pro Tem made motion to recommend that the bid be awarded to Battalion Three in the amount of \$82,471.00. They were the lowest bidders for these items. Mayor Hark seconded motion.

Motion carried.

CHIEF DRYDEN – HANNIBAL FIRE DEPARTMENT
Re: Update to Building & Fire Code Ordinance
(Bill No. 05-947, as amended, to follow)

Chief Dryden explained to Council that the City's ordinance lists several code books and standards used to determine fire and building code regulations. Many of the publications have appendices that are added to update them throughout the years. Our present ordinance fails to include the appendices in its wording. The amendment to this ordinance will rectify this problem.

BOB CHRISCINSKE – GENERAL MANAGER OF BPW
Re: Sale of City Farm and Auction Agreement
(Resolution No. 1187, as amended, to follow)

Mr. Chriscinske explained to Council that this land was purchased in 1994 for the original purpose of disposing of sludge, but has been unused for this purpose for many years. He felt it was in the best interest of the City to dispose of this property and put funds from the sale back into the accounts for better use. He stated that the farm would be appraised and they would set a minimum reserve for auctioning off this property. He also stated that they were still receiving an alternate proposal for auctioneering services from the one that they already have, but would like Council to go ahead and approve the sale of this farm and authorize the Mayor to sign an auctioneering agreement with whomever they choose when the proposals are all in.

JIM BURNS – CITY ENGINEER
Re: Main Street Pavement & Sidewalk Improvements
and Engineering Agreement with MECO
(Resolution No. 1188 to follow)

Mr. Burns asked that Council approve Resolution 1188 to follow. This would approve an agreement with MECO Engineering in the amount of \$3,000.00 to prepare and submit a TEA-21 Enhancement Grant application. MECO will prepare a design and cost estimate for repairs and rehabilitation of Main Street. Burns stated this may include a sidewalk or street improvements and this could encompass more than just milling. This would be something that MECO would determine in regards to the scope of the project.

Mr. Morris commented that, in light of previous discussion, it was his understanding that Council may or may not approve of some of the recommendations. Mr. Burns assured the City Manager that all the details of the project would be brought before Council for approval before starting anything.

Mayor Pro Tem asked about the number of sidewalks that had already been redone in this area. Mr. Burns stated that we have not done anything on Main Street except patching to certain areas.

RESOLUTION NO. 1186
(As Amended)

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING
THE MAYOR TO SIGN A WARRANTY DEED FROM THE CITY OF
HANNIBAL TO HARRY AND SHERRY PERKINS FOR PROPERTY LOCATED
IN COLLIER’S SUBDIVISION**

Council Member Hull made motion to have the Clerk read Resolution No. 1186, as amended, and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

Roll Call

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

Absent: Council Member Knickerbocker – 1

No: -0-

Mayor Hark declared Resolution No. 1186, as amended, duly approved and adopted on this day.

RESOLUTION NO. 1187

(As Amended)

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO SIGN A REAL ESTATE AUCTION AGREEMENT BETWEEN THE BOARD OF PUBLIC WORKS AND THE SELECTED AUCTIONEER SERVICE TO SELL THE CITY FARM

Council Member Wilson made motion to have the Clerk read Resolution No. 1187, as amended, and call the roll for adoption. Council Member Hatton seconded motion.

Motion carried.

Roll Call

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

Absent: Council Member Knickerbocker – 1

No: -0-

Mayor Hark declared Resolution No. 1187, as amended, duly approved and adopted on this day.

RESOLUTION NO. 1188

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH MECO ENGINEERING IN THE AMOUNT OF \$3,000.00 FOR THE PREPARATION AND SUBMITTAL OF A TEA-21 ENHANCEMENT GRANT APPLICATION TO MODOT FOR MAIN STREET IMPROVEMENTS

Council Member Wilson made motion to have the Clerk read Resolution No. 1188 and call the roll for adoption. Council Member Hatton seconded motion.

Motion carried.

Roll Call

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

Absent: Council Member Knickerbocker – 1

No: -0-

Mayor Hark declared Resolution No. 1188 duly approved and adopted on this day.

RESOLUTION NO. 1189

(As Amended)

A RESOLUTION INDICATING THE INTENT OF THE CITY OF HANNIBAL TO PURSUE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING

Council Member Wilson made motion to have the Clerk read Resolution No. 1189, as amended, and call the roll for adoption. Mayor Hark seconded motion. During discussion, Council Member Green stated that he would be abstaining from the voting, since the property owner involved in this matter was his mother.

Roll Call

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

Abstain: Council Member Green – 1

Absent: Council Member Knickerbocker – 1

No: -0-

Motion to read carried. Roll was then called for adoption of Resolution No. 1189.

Roll Call

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

Abstain: Council Member Green – 1

Absent: Council Member Knickerbocker – 1

No: -0-

Mayor Hark declared Resolution No. 1189, as amended, duly approved and adopted on this day.

BILL NO. 05-947

(As Amended)

AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES PERTAINING TO THE ADOPTION OF TECHNICAL CODES AND STANDARDS FOR BUILDINGS AND BUILDING REGULATIONS

FIRST READING

Mayor Pro Tem Dexheimer made motion to have the Clerk give Bill No. 05-947, as amended, a first reading. Council Member Wilson seconded motion.

Motion carried.

BILL NO. 05-948

AN ORDINANCE AMENDING CHAPTER 21, PERSONNEL, ARTICLE II, POLICE AND FIRE PENSIONS, DIVISION 1, SECTION 21-57, SUBPARAGRAPH (3) IN REGARDS TO COMPUTATION OF SICK PAY FOR FIREFIGHTERS

Council Member Hatton made motion to have the Clerk give Bill No. 05-948 an emergency reading and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

EMERGENCY READING

Roll Call

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

Absent: Council Member Knickerbocker – 1

No: -0-

Mayor Hark declared Bill No. 05-948 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

SECOND AND FINAL READING

Council Member Wilson made motion to have the Clerk give Bill No. 05-946 a second and final reading and call the roll for adoption. Mayor Hark seconded motion. During discussion, Council Member Wilson asked to be updated on this bill, since he was absent from the last meeting. Mr. Morris briefly explained the form and the procedure in using this form.

Motion to read carried. Roll was then called for adoption of Bill No. 05-946.

Roll Call

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

Absent: Council Member Knickerbocker – 1

No: -0-

Mayor Hark declared Bill No. 05-946 duly approved and adopted on this day.

**CLOSED SESSION
In Accordance with RSMo 610-021 (1), (2) & (3)**

Council Member Hatton made motion to go into closed session in accordance with RSMo 610-021 sub-paragraphs 1, 2 & 3, admitting himself, the rest of Council, the Mayor, City Manager, City Attorney, City Clerk and City Engineer Jim Burns. Council Member Hull seconded motion.

Roll Call

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

Absent: Council Member Knickerbocker – 1

No: -0-

Motion carried.

No official action was taken during closed session.

ADJOURNMENT

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

Motion carried.