

OFFICIAL COUNCIL PROCEEDINGS

**March 1, 2005
7:00 P.M**

ROLL CALL

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

Absent: Council Member Hatton - 1

Also Present: City Attorney, 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 Hull led the Pledge of Allegiance to the Flag. At this point, Mayor Pro Tem Dexheimer made motion to excuse Council Member Hatton. Council Member Wilson seconded motion.

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting of February 15, 2005

Council Member Wilson made motion to approve the minutes. Mayor Hark seconded motion.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
Second Half of February 2005

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

Motion carried.

ANDY MORRIS – CITY MANAGER
Re: City Manager Report

Mr. Morris gave the City Manager's report at this time.

**Re: Stormwater Drainage Improvement Contract with MECO Engineering –
CDBG**

(Resolution No. 1191 to follow)

The City Manager explained that Resolution No. 1191 was to approve the contract with MECO Engineering for services on the Stormwater Drainage Improvement Project. Since the City is applying for a CDBG Block Grant, and an Engineering Contract is required, this item is needed. The amount of \$1,500.00 would come out of the stormwater account.

Re: City Support of School Bond Issue
(Resolution No. 1190 to follow)

Mayor Hark explained that he and the City Manager had met several times with the school board recently. This Resolution shows the City's support of the bond issue for building the school on the South Side. The City is not promising any set amount of money, only that that we will work with them and try to do what we can by giving our support to the school.

Mr. Morris added that this does not set forth a specific amount of money, although at some time, we will be making road improvements in this area and this will be brought before Council at that time.

Re: Taxi Cab Permit Revisions Update

Mr. Morris explained that he wanted to give Council a summary of what the Chief of Police and he had talked about regarding these revisions. He pointed out that the Chief and he had outlined what the proposed ordinance would be. Mr. Morris also pointed out that the original ordinance stated a license could be denied for reasons of moral turpitude. Their research found this phrase was included in similar ordinances of other cities. They also considered the possibility of a temporary license.

City Manager Morris and Police Chief Runyon looked at nine other cities and all of them, with the exception of the City of Quincy, did not have any provision for temporary licensing. He stated that this would be Council's decision whether or not there should be a provision for temporary licensing included in this ordinance.

Council Member Wilson asked what they had found out concerning temporary licensing from the City of Quincy. Chief Runyon stated that he had talked to them and the only use for the temporary licensing was when an applicant was already deep in the process of being approved, or if a taxi company had an emergency forcing them to hire temporary drivers for a short period of time in the event of an emergency.

The City Manager added that the City of Quincy also required a public hearing for anyone being approved to drive a taxi within the city. He asked if any of the Council had any suggestions or comments concerning the draft of this ordinance, they get back with either himself or the Chief of Police.

JIM BURNS – CITY ENGINEER
Re: Lindell Avenue Bridge Replacement
(Resolution No. 1192 to follow)

Mr. Burns asked Council to consider this resolution which will approve an agreement with Norfolk Southern Railway Company in the amount of \$33,300.00 for engineering and flagging services of the Lindell Avenue Bridge Replacement Project. Burns stated that he received a call from the Railway's right-of-way person the previous week and he now has everything he needs to start the bridge replacement process. This agreement specifies the ground rules and would require that in cases where we need flaggers, we will use the railroad's flaggers. Payment for these flaggers would be made directly to the railroad if this service is needed.

Mr. Burns anticipates the right-of-way acquisition process to be finished in approximately two more months and also the plans approved by MoDot. His plans are to get this project started this summer.

Re: Stardust Reconstruction – Rosewood to Head Lane
(Resolution No. 1193 to follow)

Burns asked Council's consideration of Resolution No. 1193. This resolution is for approval of an agreement with Poepping, Stone, Bach Associates, Inc. in the amount of \$40,000 for engineering design services of Stardust reconstruction from Rosewood to Head Lane. The asphalt is falling apart because of heavy traffic. The City Engineer said he thinks the design work could be completed by early summer so this project could be bid out at that time.

Council Member Wilson asked if the amount for this project would come out of half-cent sales tax. Mr. Burns stated that it would and there is also a possibility of STP funding from MoDot. The time frame for the engineering work on this project would be approximately 3 months.

Mayor Pro Tem then asked Mr. Burns the status on the Bear Creek Bridge Project. Mr. Burns stated that the steel was received and was not bent correctly. This appeared to be an error in the design plans. Although there would be no additional cost to the City, there would probably be a delay of 30 to 40 days on the completion of this project. He said that a completion date would probably be June 30th at the earliest.

When questioned about where we were regarding the contract completion date, he stated that we were not past that date, but would probably have to issue a stop work order or an extension for the time that the materials had to be returned for correction. Mayor Pro Tem Dexheimer asked Mr. Burns to make sure that the contractors get back to work as soon as the steel arrives since this bridge is critical to emergency response in that area and it has been down quite some time.

HANNIBAL JAYCEES
Re: National Tom Sawyer Days

Council Member Knickerbocker stepped down from the dais to represent the Hannibal Jaycees as their President. He explained that this is the 50th Anniversary of National Tom Sawyer Days and one of the big attractions each year is the fireworks display. The organization has always been able to raise approximately \$13,000 to \$15,000 to purchase the fireworks, but since this is a special anniversary, the Jaycees are asking for monetary help from the City. They would like to have a display this year that will cost approximately \$20,000.00.

Knickerbocker proposed that the City, add a \$10,000.00 line item for fireworks to the budget beginning with the next fiscal year. He stated that the Jaycees would probably not need the entire \$10,000 since they would continue to do fundraising, but would like to commit to the \$20,000.00 display, whether they raise that money from fund raising or not. In the event they do not raise the entire amount, the City would provide the remainder from the general fund. Knickerbocker said he anticipates, based on what has been done in the past, raising between \$13,000 or \$15,000. What they are asking the City to do, according to Mr. Knickerbocker, is to purchase the additional amount of fireworks that is needed to increase the level of the display for the 50th year celebration.

The Jaycees will do whatever contractual procedures may be necessary and will provide a ledger sheet to the City, showing the expenses and all the funds that are raised in order to be accountable for the amount spent. They would bill the City for the amount that is in excess of the amount raised. Knickerbocker stated that they could provide a contractual agreement, if required and said that, as President of the Hannibal Jaycees, he would be abstaining from voting on this issue when the vote is called.

Mayor Pro Tem asked Mr. Knickerbocker if he wanted this to be put in the 2004-05 budget. Council Member Knickerbocker stated that he would like for it to be in the upcoming 2005-06 budget. Mayor Pro Tem stated that the problem doing this is that Council can't guarantee the amount could be put in the budget when the time comes. He

stated that they could give a vote of intent, but there was no guarantee that the amount would be available when needed.

Mr. Morris stated that this is not unlike a lease purchase since could make a good will effort to put it in the budget. He didn't foresee any problem in putting it in doing this, but he would not guarantee the money.

Mayor Pro Tem stated that we could amend the 2004-05 and take it from the contingency fund. Council Member Wilson stated that he would much prefer that it placed in the budget for the next fiscal year, in order to have a chance to look over the entire budget. Since the payment is not due until July, Council would have us more time to plan.

Mr. Morris stated that funds could be taken out of the contingency fund in this budget year, but if the money is not budgeted until next year, while the intent might be there, the funds may not be available. He suggested that we amend the budget this year and take it out of the contingency fund.

Mayor Pro Tem Dexheimer made a motion that we take an amount, not to exceed \$10,000.00 out of the contingency fund for the 50th Anniversary Fire Works Display for Tom Sawyer Days. Mayor Hark seconded motion.

Roll Call

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

No: -0-

Abstain: Council Member Knickerbocker – 1

Absent: Council Member Hatton – 1

Motion carried

Next, Council Member Knickerbocker introduced Mr. Chris Harsell who is this year's National Tom Sawyer's Day Chairman. Mr. Harsell requested permission to use the property and streets, as in the past, to celebrate Tom Sawyers Days this year. The festival runs from July 1st through July 4th, 2005. Setup will begin on Saturday on June 25th and will be tearing down on Tuesday July 5th. He presented a complete list of the streets that will be used to Council. He also requested the waiver of all fees and the carnival license. The carnival will open June 30th and run through to July 4th. It will be setting up on June 26th. Mayor Hark reminded them that the carnival needed to provide us with a copy of their insurance and that all necessary inspections must be made.

Council Member Wilson made the motion that the request be approved. Mayor Hark seconded motion.

Roll Call

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

No: -0-

Abstain: Council Member Knickerbocker – 1

Absent: Council Member Hatton – 1

Motion carried

**STEVE ROBERTSON
Re: Taxi Cab Permit**

Since Mr. Robertson was not present at the meeting, Council Member Wilson made motion that this item be tabled. Mayor Pro Tem Dexheimer seconded motion.

Motion carried.

**JIM DEXHEIMER – CHAIRMAN FIRE BOARD
Re: Amendment to Memorandum of Understanding in Regards to Effective Date
(Bill No. 05-949 to follow)**

Mayor Pro Tem Dexheimer stated that Bill No. 05-949, which will be presented tonight does not meet the intent of the Fire Board's request. Since the Police & Fire Retirement Board were requesting further information on this item, at the appropriate time, he will move that this ordinance be tabled until such time that the wording reflects the intention of the Fire Board correctly.

RESOLUTION NO. 1190

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANNIBAL,
MISSOURI, ENDORSING THE APRIL 5, 2005 SCHOOL BOND ISSUE ON
BEHALF OF HANNIBAL PUBLIC SCHOOL DISTRICT #60**

Council Member Wilson made motion to have the Clerk read Resolution No. 1190 and call the roll for adoption. Mayor Pro Tem Dexheimer seconded motion.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Resolution No. 1190 duly approved and adopted on this day.

RESOLUTION NO. 1191

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH MECO ENGINEERING FOR PREPARATION OF AN ENGINEERING REPORT FOR THE FULTON AVENUE STORM DRAINAGE IMPROVEMENTS

Mayor Pro Tem Dexheimer made motion to have the Clerk read Resolution No. 1191 and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Resolution No. 1191 duly approved and adopted on this day.

RESOLUTION NO. 1192

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF HANNIBAL, MISSOURI AND NORFOLK SOUTHERN RAILWAY COMPANY

Council Member Wilson made motion to have the Clerk read Resolution No. 1192 and call the roll for adoption. Council Member Hull seconded motion.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Resolution No. 1192 duly approved and adopted on this day.

RESOLUTION NO. 1193

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF HANNIBAL, MISSOURI AND POEPPING, STONE, BACH AND ASSOCIATES.

Council Member Hull made motion to have the Clerk read Resolution No. 1193 and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Resolution No. 1193 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

SECOND AND FINAL READING

Council Member Hull made motion to have the Clerk give Bill No. 05-947 second and final reading, as amended, and call the roll for adoption. Council Member Wilson seconded motion.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Bill No. 05-947 duly approved and adopted on this day.

BILL NO. 05-949

AN ORDINANCE AMENDING THE ORDINANCE AMENDING ARTICLE 11 OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE HANNIBAL FIREFIGHTERS LOCAL 1211 AND THE CITY OF HANNIBAL, MISSOURI, IN REFERENCE TO SICK LEAVE.

Mayor Pro Tem Dexheimer made motion to table Bill No. 05-949. Council Member Wilson seconded motion.

Motion carried.

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

Mayor Pro Tem Dexheimer made motion to go into closed session in accordance with RSMo 610-021 sub-section 1, admitting himself, the rest of Council, the Mayor, City Attorney, City Manager and City Clerk. Council Member Green seconded motion.

Roll Call

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

No: -0-

Absent: Council Member Hatton –

Motion carried.

THERE WAS NO OFFICIAL ACTION TAKEN IN CLOSED SESSION

OPEN SESSION

Motion was made by Council Member Green to go back into open session. Mayor Pro Tem Dexheimer seconded motion.

Motion carried.

ADJOURNMENT

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

Motion carried.