

# OFFICIAL COUNCIL PROCEEDINGS

**July 5, 2006  
7:00 P.M.**

## ROLL CALL

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

**Absent:** Council Member Knickerbocker – 1

**Also Present:** City Manager Andy Morris, City Attorney Todd Ahrens and City Clerk Mary Beth Baudendistel

## 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 Green led the Pledge of Allegiance to the Flag. At this point, Mayor Pro Tem Dexheimer made a motion to excuse Council Member Knickerbocker. Council Member Green seconded motion.

Motion carried.

## APPROVAL OF MINUTES Regular Meeting of June 20, 2006

Council Member Hatton made a motion to approve the minutes of the regular Council meeting held on June 20, 2006 . Mayor Hark seconded motion.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS  
Last Half of June 2006**

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

Motion carried.

**TYNA KING – MARK TWAIN BOYHOOD HOME & MUSEUM  
Re: Closing of Hill Street at the Y Men’s Pavilion on Saturday, August 19, 2006 from  
8:00 a.m. to 8:00 p.m.**

There was a lengthy discussion on this matter since there was a business owner on Hill Street who did not want the street blocked off for traffic. The business owner stated this closing would adversely affect her patrons by limiting parking. Council Member Hull made a motion to approve the request to close Hill Street from Main Street down to the Y Men’s pavilion. Council Member Hatton seconded motion.

Council Member Wilson made a substitute motion to have Hill Street closed only from the alley down to the Y Men’s Pavilion. Council Member Green seconded the substitute motion.

**Roll Call**

- Yes:** Council Member Wilson and Green – 2
- No:** Mayor Hark, Mayor Pro Tem Dexheimer, Council Member Hatton and Hull – 4
- Absent:** Council Member Knickerbocker - 1

Motion to close from alley to the Y Men’s pavilion failed: therefore, Council Member Hull asked that the original question be called.

**Roll Call**

- Yes:** Mayor Hark, Mayor Pro Tem Dexheimer, Council Member Hatton and Hull – 4
- No:** Council Member Wilson and Green – 2
- Absent:** Council Member Knickerbocker - 1

Motion to close Hill Street from Main Street down to Y Men’s Pavilion carried.

**ANDY MORRIS - CITY MANAGER**  
**Re: Approval of Nomination**

PARK BOARD

Bryan K. Albright - 3 year term to expire in July of 2009

Council Member Wilson made a motion to approve this nomination. Mayor Hark seconded motion.

Motion carried.

**Re: ACE Feasibility Study Contract for Moberly Area Community College Expansion**  
*(Resolution No. 1301-06, as amended, to follow)*

Mr. Morris explained to Council that this agreement will enable the City to provide \$2,500.00 for an Affordable Community Education feasibility study on behalf of Moberly Community College. In order to make this project a reality, the community college will have to have some sort of funding, whether it is a property tax, sales tax, or state funding and this study will help to determine that. He asked Council to consider approving Resolution No. 1301-6 regarding this to follow.

**TODD AHRENS – CITY ATTORNEY**  
**Re: Claim and Settlement Agreement for Hazardous Waste Spill**  
*(Resolution No. 1303-06 to follow)*

Mr. Ahrens explained that the agreement to follow would allow the city to accept \$2,000.00 in compensation for the fire department's response to a hazardous waste spill on U.S. Highway 61. The department incurred \$2,500.00 worth of expenses for responding to this accident, but is willing to accept \$2,000.00. Chief Dryden requested that, upon receipt of these funds, they be deposited in revenue account 10.1222 and credited to the equipment maintenance expenditure line item.

Mayor Pro Tem Dexheimer made a motion to approve the Chief's request regarding the deposit of these funds. Council Member Wilson seconded motion.

Motion carried.

**JAMES DEXHEIMER - MAYOR PRO TEM**  
**Re: Workmen's Comp Claim Denied – Permission to Pay Out of Contingency Fund**

Mayor Pro Tem Dexheimer explained to Council that a member of the Fire Department had experienced a contaminated needle puncture wound while gathering sheets from the Marion County Ambulance on a First Responder Call. The claim had been denied by Workmen's Compensation, sent to the employee's health insurance and paid, leaving a balance of

\$206.10. He asked Council's approval to pay the balance left on this account out of contingency fund.

Council Member Hull questioned Chief Dryden, asking him if it would be possible to file the claim with the Marion County Ambulance District's insurance. Chief Dryden stated that possibly we could, but filing against them might cause bad feelings. He did not want this to happen. He also stated that this would not be a problem in the future, since the Fire Department has set a procedure protocol that would eliminate this problem in the future.

**JAMIE PAGE – CITY ENGINEER**  
**Re: Set July 18, 2006 Public Hearing for Ledford Drive Abandonment**

Mr. Page asked approval to set a public hearing for the abandonment of this street on July 18<sup>th</sup>, 2006. Council Member Wilson made a motion to set the public hearing for July 18<sup>th</sup>, 2006 at 6:45 P.M. Council Member Hull seconded motion.

Motion carried.

**Re: Change Orders No. 1, 2 & 3 for Grand Avenue Project**

Mr. Page presented to Council copies of the change orders and explained the following circumstances regarding each:

Change Order #1 was necessary since a water line had to be relocated which incurred additional cost to the project. The Board of Public Works will be reimbursing us for a portion of this work and it will also add 7 working days to the completion date.

Council Member Hatton made a motion to approve Change Order #1. Council Member Green seconded motion.

Motion carried

Change Order #2 was needed due to an unforeseen conflict of the present utilities and they had to dig deeper in order to remedy this conflict. This change order would add \$7784.76 to the existing cost and also add an additional 8 days to the completion date. Mayor Pro Tem Dexheimer made a motion to approve the change order. Council Member Hull seconded motion.

Motion carried.

Change Order #3 involved the need to replace a section of the existing sewer. The Board of Public Works will be reimbursing the City for this cost. This adds an additional \$4,990.45 to the cost and additional days are already included in the project for this.

Council Member Green made a motion to approve this change order. Council Member Hull seconded motion.

Motion carried.

Mr. Page informed Council that a rough estimate for the completion date of this project will be sometime in August of 2007.

**Re: Busy Bee Tree Removal Contract**  
*(Resolution No. 01302-06 to follow)*

Mr. Page recommended that Council approve the contract to follow with Busy Bee Tree Removal for removing trees on City owned property and right of ways.

**Re: Annual Bids for Street Department Uniforms**

Mr. Page asked Council to approve awarding the bid for uniforms to White Star Laundry. Council Member Wilson asked what would happen to this bid if White Star changed ownership during the contract time. The City Clerk explained that the new owners would have the option of continuing the contract at the negotiated amount, if they did not wish to comply with this contract, then the City would have to rebid for these services.

Mayor Pro Tem Dexheimer made a motion to approve the recommendation. Council Member Hatton seconded motion.

Motion carried.

**Re: Traffic Committee Recommendations**

Page stated that, as a result of their June 29, 2006 meeting, the Traffic Committee made the following recommendations:

1. Begin preliminary work to move the Stowell School Crossing Light at the end of May, 2007 to a new location approved by the Engineer
2. Designate one block of Lamb Avenue from Broadway south to Chestnut, east side, as "No Parking".

Council took no action on these recommendations, so Mayor Hark declared them duly approved and adopted on this day.

**RESOLUTION NO. 1301-06**  
As amended

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AFFORDABLE  
COMMUNITY EDUCATION FINANCING STUDY CONTRACT FOR THE  
FEASIBILITY OF EXPANSION OF THE MOBERLY AREA COMMUNITY  
COLLEGE CAMPUS**

Council Member Wilson made a motion to have the Clerk read Resolution No. 1301-06, as amended, and call the roll for adoption. Mayor Pro Tem Dexheimer seconded motion.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker – 1

Mayor Hark declared Resolution No. 1301-06, as amended, duly approved and adopted on this date.

**RESOLUTION NO. 1302-06**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR TREE REMOVAL ON CITY PROPERTY AND CITY RIGHT-OF-WAY WITH BUSY BEE TREE SERVICE**

Council Member Hull made a motion to have the Clerk read Resolution No. 1302-06 and call the roll for adoption. Council Member Hatton seconded motion.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker – 1

Mayor Hark declared Resolution No. 1302-06 duly approved and adopted on this date.

**RESOLUTION NO. 1303-06**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ACCEPTANCE OF SETTLEMENT AND A RELEASE OF ALL CLAIMS WITH CRAWFORD INSURANCE COMPANY FOR A HAZARDOUS WASTE INCIDENT OCCURING ON MAY 5, 2006**

Council Member Hatton made a motion to have the Clerk read Resolution No. 1303-06 and call the roll for adoption. Council Member Green seconded motion.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker – 1

Mayor Hark declared Resolution No. 1303-06 duly approved and adopted on this date.

**BILL NO. 06-023**

**AN ORDINANCE AMENDING THE BOUNDARIES OF THE ZONING DISTRICTS TO RECLASSIFY A TRACT OF LAND LYING IN ROSEWOOD HILLS SUBDIVISION FROM E-COMMERCIAL TO A-ONE & TWO FAMILY DWELLING**

**SECOND AND FINAL READING**

Council Member Wilson made a motion to have the Clerk give Bill No. 06-023 a second and final reading and call the roll for adoption. Council Member Hull seconded motion.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker – 1

Mayor Hark declared Bill No. 06-023 duly approved and adopted on this date.

**BILL NO. 06-024**

**AN ORDINANCE AMENDING THE BOUNDARIES OF THE ZONING DISTRICTS TO RECLASSIFY A TRACT OF LAND LYING IN DEER RUN SUBDIVISION – 1<sup>ST</sup> ADDITION FROM E-COMMERCIAL TO A-ONE & TWO FAMILY DWELLING**

**SECOND AND FINAL READING**

Council Member Wilson made a motion to have the Clerk give Bill No. 06-024 a second and final reading and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker – 1

Mayor Hark declared Bill No. 06-024 duly approved and adopted on this date.

**BILL NO. 06-025**

**AN ORDINANCE VACATING AN EASEMENT IN RIVER BEND SUBDIVISION IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**SECOND AND FINAL READING**

Council Member Hull made a motion to have the Clerk give Bill No. 06-025 a second and final reading and call the roll for adoption. Mayor Hark seconded motion.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker – 1

Mayor Hark declared Bill No. 06-025 duly approved and adopted on this date.

**CLOSED SESSION**  
**In Accordance with RSMo 610-021 (3)**

Mayor Pro Tem Dexheimer made a motion to go into closed session in accordance with RSMo 610-021 sub paragraph 3, admitting himself, Mayor Hark, City Council, City Attorney Todd Ahrens, City Manager Andy Morris, City Clerk Mary Beth Baudendistel and Attorney Tom Lorraine. Mayor Hark seconded motion.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker – 1

Motion carried.

**OPEN SESSION**

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

Motion carried.

**ADJOURNMENT**

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

Motion carried.