

## **PUBLIC MEETING PROCEEDINGS**

**August 7, 2007  
6:45 P.M.**

### **CALL TO ORDER**

At the appointed time, Mayor Hark called the public meeting to order.

#### **JAMIE PAGE – CITY ENGINEER Re: Hayes Haven Voluntary Annexation**

Jamie Page, City Engineer, explained the purpose of the public hearing, which was to allow any interested person, corporation or political subdivision an opportunity to present evidence regarding the proposed voluntary annexation of property in the Hayes Haven subdivision.

Page stated that a request had been made to annex a portion of Hayes Haven Subdivision, specifically No.11 Lady Sioux Lane, owned by Carl Fohey and No. 10 Shawnee Road, owned by Mark Kemper into the City of Hannibal. City Council voted to forward the annexation request to the Planning & Zoning during the Council Meeting held on June 19, 2007, with the owners requesting the zoning classification of A-One & Two Family. Planning & Zoning Commission held a public hearing on July 19, 2007 for this purpose. It was recommended to move forward with this request.

### **PUBLIC COMMENTS**

Mayor Hark asked if anyone present wished to speak in favor of or against this voluntary annexation. Both Mr. Fohey and Mr. Kemper stood and spoke in favor of the proposed annexation.

Since no one spoke in opposition to it, Mayor Hark adjourned the public hearing.

## **OFFICIAL COUNCIL PROCEEDINGS**

**August 7, 2007  
7:00 P.M.**

### **ROLL CALL**

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

**Absent:** Council Member Knickerbocker – 1

### **CALL TO ORDER**

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

### **INVOCATION**

Council Member Janes gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Dexheimer led the Pledge of Allegiance to the Flag. At this time Mayor Pro Tem Dexheimer made a motion to excuse Council Member Knickerbocker. Motion was seconded by Council Member Hatton.

Motion carried.

### **APPROVAL OF MINUTES Regular Council Meeting - July 17, 2007**

Motion was made by Council Member Wilson to approve the minutes of the last regular Council meeting held on July 17, 2007. Motion was seconded by Council Member Hull.

Motion carried.

### **APPROVAL OF PAYROLL AND CLAIMS Second Half - July, 2007**

Motion was made by Mayor Pro Tem Dexheimer to approve the payroll and claims for the second half of July, 2007. Motion was seconded by Council Member Wilson.

Motion carried.

**HOWARD BURDITT – PROPERTY OWNER**

**Re: Request to Waive Real Estate Tax Penalties & Special Assessments, Mowing**  
*(807 Center & 1925 Broadway)*

Mr. Howard Burditt appeared before Council requesting their approval to have real estate tax penalties and special assessments for mowing waived on property he owns. He explained that he had experienced medical problems in the past three years and also stated that he had never received the bills for these assessments. He did state, however, that he had received two bills for grass mowing in 2006 and 2007, which he had offered to pay.

Connie Quinn, Assistant Building Inspector was asked to speak, regarding this issue. Ms. Quinn stated that copies of the letters were distributed in the Council packets. Weed letters went out certified mail, according to Quinn, and these were signed for. She added that the method of service, as directed in the Property Maintenance Code, requires notices to be sent by certified first class mail to the last known address, which was done. Proof that this was done is available.

After some discussion, Council Member Janes asked for clarification of Mr. Burditt's specific request. It was stated that Mr. Burditt was requesting penalties be waived, he was willing to pay the city taxes and the mowing assessments for 2006 and 2007 plus \$100. Motion was made by Council Member Hull to deny Burditt's request. Motion was seconded by Council Member Wilson.

**Roll Call**

**Yes:** Council Member Wilson, Mayor Hark, Council Members Hatton and Hull – 4

**No:** Mayor Pro Tem Dexheimer and Council Member Janes - 2

**Absent:** Council Member Knickerbocker - 1

Motion carried.

**GARY FISHBACK – PROPERTY OWNER**

**Re: Construction Plan Approval Process and Enforcement**

Since Mr. Fishback was not in attendance, a motion to table was made by Mayor Pro Tem Dexheimer. Motion was seconded by Mayor Hark.

Motion carried.

**BILL NORTHCUTT – PROPERTY OWNER**

**Re: Special Assessments, Mowing**  
*(1322 Lindell Avenue)*

Mr. Bill Northcutt appeared before Council requesting their approval to have a \$200 mowing assessment waived on property he owns at 1322 Lindell Avenue. Mr. Northcutt, who

previously served on the Ralls County Water Board and was always in support of the City of Hannibal, gave a lengthy explanation about an assessment that he had received in August, 2002. According to Northcutt, he had owned a building that needed to be demolished. He had gotten a bid from George Lee Construction for \$3,800 and had agreed to proceed.

While he was out of town, the City Building Inspector's Office had the building demolished and charged Northcutt the demo cost of \$4,875. When he spoke to the Mayor and the City Manager at that time, they agreed the procedure had not been handled in accordance with City guidelines, but they could not show favoritism because of his position; he understood and paid the assessment. Now, in order to heal old wounds, he was asking this \$200 mowing assessment be waived. Motion was made by Council Member Hull to deny Mr. Northcutt's request. Motion was seconded by Council Member Hatton.

Motion carried.

**DONNIE BROOKS – OWNER, RIVER CITY BILLIARDS**  
**Re: Request, Sale of Alcoholic Beverages at Off-Site Location**

Mr. Donnie Brooks, owner of River City Billiards, came to Council requesting permission to sell alcoholic beverages at a location other than his primary place of business at 603 Broadway. Brooks stated that he was working with Danger Fire Promotions to serve alcohol at the "Battle of Bear Creek III" boxing match scheduled to take place on August 25, 2007 at the Admiral Coontz Armory. Motion was made by Council Member Wilson to grant Mr. Brooks request. Motion was seconded by Mayor Pro Tem Dexheimer.

**Roll Call**

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

**No:** Council Member Janes - 1

**Absent:** Council Member Knickerbocker - 1

Motion carried.

**KEVIN KERLEY – PRESIDENT, KERLEY'S INC.**  
**Re: Request, Sale of Alcoholic Beverages at Off-Site Location**

Mr. Kevin Kerley, owner of Kerley's, Inc., came to Council requesting permission to sell alcoholic beverages at a location other than Kerley's Pub, his primary place of business. Kerley stated that he was working with David Jones of Jones Combat Sports to serve alcohol at a mixed martial arts event scheduled to take place on Saturday, September 8, 2007 at the Admiral Coontz Armory. Motion was made by Council Member Wilson to grant Mr. Kerley's request. Motion was seconded by Council Member Hull.

**Roll Call**

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

**No:** Council Member Janes - 1

**Absent:** Council Member Knickerbocker - 1

Motion carried.

**REGINA FADEN – EXECUTIVE DIRECTOR, MARK TWAIN BOYHOOD HOME AND MUSEUM**

**Re: Request, Crown Valley Winery Wine Tasting**

Ms. Regina Faden, Executive Director of the Mark Twain Boyhood Home and Museum, came before Council requesting permission to provide a wine tasting event to the museum members and members of the Arts Council only. This would be a one time event to be held in conjunction with one of the musical concerts that the Home and Museum have been providing on Thursday nights recently. Ms. Faden assured Council this would be a private event for these members only, provided by Crown Valley Winery, and controlled within the Boyhood Home Garden, with ID checking done by the Winery. The event would last for approximately one hour and 15 minutes and there would be no wine sold.

Faden requested the event be held on August 23 or 30, 2007. Motion was made by Council Member Wilson. Motion was seconded by Council Member Dexheimer.

**Roll Call**

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

**No:** Council Member Janes - 1

**Absent:** Council Member Knickerbocker - 1

Motion carried.

**MEREDITH MORROW-NUTT – ATTORNEY, LEMON & MORROW**  
**Re: Purchase/Possession of Non-Intoxicating Beer by Minors & Redefining**

**“Intoxicating Liquor”**  
*(Bill No. 07-019, to follow)*

Ms. Meredith Morrow-Nutt, attorney for Lemon & Morrow, introduced Bill No. 07-019, that amends City Code, making it illegal for a minor to purchase or possess “non-alcoholic” beer, which is currently defined in the City’s ordinances; however, there is no provision making it illegal for a minor to purchase or possess this 3.2 or lower alcohol content beer, according to Ms. Morrow-Nutt. She explained this ordinance is modeled on the state statute. Also, addressed was a modification of the definition of “intoxicating liquor”. The intent, as stated

by Ms. Morrow-Nutt, is to bring the City in line with the definition in Missouri State Statutes that was changed several years ago. Bill No. 07-019 will be presented later for approval.

**JEFFREY LAGARCE – CITY MANAGER**

**Re: Municipal Election – April 8, 2008 – ½ Cent Transportation Sales Tax**  
*(Bill No. 07-018, to follow)*

City Manager LaGarce introduced Bill No. 07-018, regarding a ½ cent transportation sales tax. LaGarce explained that the goal of this bill is to repeal the current sales tax and replace it with another transportation sales tax, with the same tax rate. The purpose, according to LaGarce, is for the City to issue leasehold revenue bonds to construct six large re-build projects throughout the City, such as Shinn Lane, Stardust, Stardust Extension, West Ely Road, West Ely Road Intersection. With this in place the City could accelerate the re-build program and, at the same time, be able to have enough money left over out of this revenue stream to handle approximately \$600,000+/year on overlays. LaGarce concluded that this has been extensively studied and there is no tax increase, but only replacing one tax with another. Because the current tax has two years left, ten-year indebtedness cannot be issued with only the two-year revenue source underlying it. City Manager LaGarce said Bill No 07-021 would be presented later in the meeting for a first reading.

**ANGELICA N. ZERBONIA**

**Re: Guidelines for Open Meetings and Records**  
*(Bill. No. 07-021, to follow)*

City Clerk Angelica Zerbonia came before Council seeking approval for a first reading of Bill No. 07-021 which would establish the City of Hannibal guidelines for open meetings and records. City Clerk Zerbonia stated that the City of Hannibal currently conforms with all the guidelines as established by the Missouri Sunshine Law; however, the Missouri Open Meetings and Records law requires that all public governmental bodies adopt a written policy establishing how the body will comply with the law. This is the Bill that will be presented for a first reading later during the meeting.

**JAMIE PAGE – CITY ENGINEER**

**Re: Annexation Request, Hayes Haven Subdivision**

Jamie Page, City Engineer, presented his first order of business, which was the annexation of a portion of Hayes Haven Subdivision. Page added that a public hearing on this annexation was held, prior to the evening's Council meeting and an ordinance would be introduced at the next regular Council meeting.

**Re: Airport Fuel System Contract, Huey Construction**  
*(Resolution No. 1392-07, to follow)*

Mr. Page's second order of business was introduction of Resolution No. 1392-07, to follow. The approval of this Resolution would allow the Mayor to sign the \$161,614 contract with Huey Construction for the site work and installation of a 4,000 gallon Jet A above-ground fuel system to be located at the Hannibal Municipal Airport

**Re: Bid Award and Contract Approval, Pre-Engineered Fabric Storage Structure**  
*(Resolution No. 1393-07, to follow)*

The final item that City Engineer Page presented was a request for the award of pre-engineered fabric storage structure bid to Accu-Steel, Inc. of Iowa, who was the only bidder for this project. The total bid amount is \$79,304 and covers the construction and placement of this structure. The project also includes leveling for barrier placement and labor and materials to complete the entire project. This structure will be used for storage of the street department's winter mix material, according to Page.

His request was for Council approval of the bid award and also for approval of Resolution No, 1393-07 that will allow the Mayor to sign the contract with Accu-Steel, Inc. on behalf of the City. Motion was made by Council Member Hull to approve awarding the bid to Accu-Steel, Inc. Motion was seconded by Council Member Janes.

Motion carried.

**BILL MADORE – CHAIRMAN, POLICE & FIRE RETIREMENT BOARD**  
**Re: Police & Fire Retirement Fund Plan Document**  
*(Bill No. 07-020, to follow)*

Mr. Bill Madore stated that he came before Council to submit for their approval, a revised P&F Retirement Fund Plan Document on behalf of the Police and Fire Retirement Board. Madore explained that a letter was in Council packet outlining the significant changes to the original plan document. *The changes outlined in this letter were:*

- 1. Anyone hired after the Plan effective date will receive their monthly pension benefit when they attain the age of 55.*
- 2. For pension calculation purposes, the members' base compensation only will be used to calculate monthly pension benefits. Overtime, holiday pay and clothing allowance will be excluded. This is actually a reduction in benefits for current members. Our current members recognize that this is in the best interest of the pension plan and agree to this proposed change.*
- 3. A change in the multiplier from 50% at 20 years to 55% will be implemented. Also, from 20 to 25 years of service, a 2% increase will remain the same as current. Members who serve from 25 to 30 years will have an increase of 1% each year (same as current plan).*
- 4. We have ensured that the Plan Document is consistent with the same terminology used throughout the document. We have also defined the criteria for eligible spouse and beneficiary in a more clear and proficient manner.*

Madore stated that he would answer any questions Council might have. There were none, so he requested approval of a first reading for the attached Bill No. 07-020, later during the meeting.

**CHRIS ATKINSON – DIRECTOR, PARKS AND RECREATION**

**JOHN YANCY – SHELTERED WORKSHOP**

**Re: Recycling Program**

Mr. Chris Atkinson, Director of Parks and Recreation came before Council to present his suggestions and ideas for the continuance of the recycling program in the City. Atkinson stated that the program had been funded with grants from the Mark Twain Solid Waste Management District and the Missouri Department of Natural Resources for the past 16 months. At the present, the grant funds have been spent so that there is now funding for approximately two more months of recycling. Following that time, the recycling program can cease to exist in Hannibal or the City could continue to provide this service by:

1. Absorbing the yearly cost of about \$16,000
2. Explore the option of working with not-for-profit organizations who might be willing to continue the program
3. Sub-contract the program out to another agency within the City

Over the past several months, Atkinson added, he, the City Manager, Brian Stokes from Quincy Recycle (the current processing site) and John Yankee (representing the Sheltered Workshop) have been discussing how this program might continue. The Sheltered Workshop has agreed to become the new site where the recycling materials will be sorted and processed. This would not mean closing the facility located behind Clemens Field. This facility would remain open, stated Atkinson. The full containers would be taken to the Sheltered Workshop instead of Quincy. A second drop-off site (the Sheltered Workshop location on Clinic Road) would also be available to the Hannibal residents.

Mr. Atkinson explained that the Sheltered Workshop has negotiated with Quincy Recycle to purchase the containers at a later date and made an agreement with Wesley Disposal to transport the containers to the Workshop site. The Workshop has the space and the equipment to handle the recyclable materials coming from the City site. This scenario allows recycling to still be available to all Hannibal residents and, at the same time, allows the Sheltered Workshop to provide employment for its clients and creates another revenue source for their organization.

Parks and Recreation Director Atkinson concluded by saying that, if Council has no objections, this is how they would like the recycling program to proceed. Motion was made by Mayor Pro Tem Dexheimer to approve this recommendation. Motion was seconded by Council Member Wilson.

Motion carried. At this time, former Mayor John Yankee was recognized and commended for the excellent job he was doing in overseeing the program at the Sheltered Workshop.

**LINDSAY WISKIRCHEN – DIRECTOR OF FINANCE**

**Re: Amendment to Payroll Ordinance Amendment**

*(Bill No. 07-016, to follow)*

Lindsay Wiskirchen, Director of Finance came before Council to request approval Bill No. 07-016, amending the payroll ordinance. She explained that it was recently brought to her



attention that the janitorial position was inadvertently left out of the original Payroll Bill (No. 07-014). Mayor Hark asked that a motion be made to amend the already amended Payroll Bill No. 07-014 that was on the agenda for a second reading. This would be done with Payroll Bill No. 07-016. Motion was made by Council Member Hull to approve this amendment. Motion was seconded by Council Member Hatton.

Motion carried. It was noted that this amount, \$11,699.25, was included in the 2007/08 budget. It was only omitted from the Payroll Bill.

**Re: City of Hannibal Investment Policy**  
*(Resolution No. 1391-07, to follow)*

Last, the Director of Finance requested Council approval of Resolution 1391-07, to follow, that would adopt an investment policy for the City of Hannibal. After researching dozens of municipal investment options, we have combined the best features in some to construct Hannibal's proposed investment policy. This will outline exactly what is and is not acceptable investment options. Ms. Wiskirchen pointed out that an investment policy is a key factor for investing because it is a quick guide on hand to help insure that the City will preserve capital as well as maximize its return on investments.

**RESOLUTION NO. 1391-07**

**A RESOLUTION ADOPTING A FORMAL INVESTMENT POLICY FOR THE CITY OF HANNIBAL, MISSOURI**

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1391-07 and call the roll for adoption. Motion was seconded by Council Member Janes.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1391-07 duly approved and adopted on this date.

**RESOLUTION NO. 1392-07**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND HUEY CONSTRUCTION FOR THE SITE WORK AND INSTALLATION OF AN AIRPORT FUEL SYSTEM**

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk read Resolution No. 1392-07 and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1392-07 duly approved and adopted on this date.

**RESOLUTION NO. 1393-07**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT  
WITH ACCU-STEEL, INC IN THE AMOUNT OF \$79,304 FOR THE  
CONSTRUCTION AND PLACEMENT OF A PRE-ENGINEERED  
FABRIC STORAGE STRUCTURE**

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1393-07 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker - 1

Mayor Hark declared Resolution No. 1393-07 duly approved and adopted on this date.

**BILL NO. 07-018**

**AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD ON  
TUESDAY, APRIL 8, 2008 TO ALLOW HANNIBAL VOTERS TO CONSIDER  
APPROVAL OF A ½ CENT TRANSPORTATION SALES TAX TO REPEAL AND  
REPLACE THE EXISTING ½ CENT TRANSPORTATION SALES TAX**

**FIRST READING**

A motion was made by Council Member Wilson to have the City Clerk give Bill No. 07-018 a first reading. Motion was seconded by Council Member Hull.

Motion carried.

**BILL NO. 07-019**

**AN ORDINANCE AMENDING CHAPTER 3, ARTICLE I AND III OF THE CODE OF THE CITY OF HANNIBAL PERTAINING TO THE PURCHASE/POSSESSION OF NON-INTOXICATING BEER BY PERSONS UNDER 21 YEARS OF AGE AND REDEFINING "INTOXICATING LIQUOR"**

**FIRST READING**

A motion was made by Council Member Janes to have the City Clerk give Bill No. 07-019 a first reading. Motion was seconded by Mayor Hark.

Motion carried.

**BILL NO. 07-020**

**AN ORDINANCE AMENDING CHAPTER 21, PERSONNEL, ARTICLE II, POLICE AND FIRE PENSIONS, SECTIONS 21-51 THROUGH 21-72 OF THE HANNIBAL CITY CODE**

**FIRST READING**

A motion was made by Mayor Pro Tem Dexheimer to have the City Clerk give Bill No. 07-020 a first reading. Motion was seconded by Council Member Wilson.

Motion carried.

**BILL NO. 07-021**

**AN ORDINANCE APPROVING GUIDELINES FOR OPEN MEETINGS AND RECORDS IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**FIRST READING**

A motion was made by Council Member Hatton to have the City Clerk give Bill No. 07-021 a first reading. Motion was seconded by Mayor Hark.

Motion carried.

**BILL NO. 07-016**

**AN AMENDED ORDINANCE TO PAY OFFICERS AND EMPLOYEES FISCAL YEAR 2007/2008**  
*(as amended)*

**SECOND AND FINAL READING**

Motion was made by Council Member Wilson to have the City Clerk give Bill No. 07-016, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker - 1

Mayor Hark declared Bill No. 07-016, as amended, duly approved and adopted on this date.

**BILL NO. 07-017**

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, OFFICERS AND EMPLOYEES, DIVISION 1, GENERALLY, SECTION 2-80(A), USE OF CITY CREDIT CARDS**

**SECOND AND FINAL READING**

Motion was made by Council Member Hull to have the City Clerk give Bill No. 07-017 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker - 1

Mayor Hark declared Bill No. 07-017 duly approved and adopted on this date.

**CLOSED SESSION**

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

At this time, Mayor Hark asked for a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph 1, admitting himself, rest of Council, City Manager LaGarce, City

Attorney Meredith Morrow-Nutt, City Clerk Zerbonia, and City Engineer Page. Motion was made by Mayor Pro Tem Dexheimer to go into closed session, admitting those that Mayor Hark named. Motion was seconded by Council Member Hatton.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Knickerbocker - 1

Motion carried. No official action was taken in the closed session.

**OPEN SESSION**

Motion was made by Mayor Pro Tem Dexheimer to return to open session at this time. Motion was seconded by Mayor Hark.

Motion carried.

**ADJOURNMENT**

Motion was made by Council Member Wilson to adjourn. Motion was seconded by Mayor Pro Tem Dexheimer.

Motion carried.