

**OFFICIAL MINUTES OF PUBLIC HEARING
(1)**

**December 4, 2007
6:30 p.m.**

CALL TO ORDER

At 6:30 p.m., the appointed time, Mayor Hark called the public hearing to order.

**JAMIE PAGE - CITY ENGINEER
Rezoning Property – 4304 West Ely Road
PDR-Planned Density Residential**

City Engineer Jamie Page stated the purpose for the public hearing, which was to rezone property located at 4304 West Ely Road from A - One and Two Family to PDR – Planned Density Residential zone. He added that this request had been reviewed by the Planning and Zoning and this was their recommendation. He introduced Mr. Brad Peters who was the job contractor for the piece of property and offered to address any questions that may arise.

Page concluded his opening statement by saying that the department is in agreement that this is a good use for this piece of property which has been under-utilized in the past.

PUBLIC COMMENTS

Mr. Brad Peters, owner/contractor for this project spoke in favor of the rezoning, adding that approval of this request would approve his proposal to help consolidate in a smaller area, more needed housing with maintenance-free living. He asked for questions from the floor.

ADJOURNMENT

There being no other comments for or in opposition to the rezoning of this property, Mayor Hark adjourned the public hearing.

**OFFICIAL MINUTES OF PUBLIC HEARING
(2)**

**December 4, 2007
6:30 p.m.**

CALL TO ORDER

At 6:30 p.m., the appointed time, Mayor Hark called the public hearing to order.

**JEFF LAGARCE – CITY MANAGER
Rezoning Property – Church and Lyon Street**

City Manager Jeffrey LaGarce stated the purpose for the public hearing, which was to rezone approximately 16 square blocks of properties located on Church and Lyon Streets. He explained the location of these properties were more explicitly from the west side of 5th Street to Lemon Street, with the northern boundary being Broadway and the southern boundary being Warren Barrett Drive. This property is now zoned E-Commercial; but it is the intent of the City Manager to rezone the property to A-One & Two Family and B-Multiple Family zoning at this time. LaGarce stated that, use wise, this area was about 92% residential. He added that there are two problems with this:

1. Potential home mortgage problems, where loans may not be approved because of zoning issues.
2. Potential rebuilding problems, where in the event of a loss of more than 75% on a residential property in this area, the City could not issue a building permit to rebuild because of guidelines that are in place regarding non-conforming uses of property.

LaGarce said that the goal was to try to coordinate the underlying zoning to the actual uses that are currently there. He added that zoning on the current commercial properties have been left as is; and the balance of the property has been rezoned into a residential pattern. After review by the Planning and Zoning, LaGarce concluded that their approval has now been obtained. .

He concluded his opening statement by saying that much research and time had been put forth on this rezoning project and, in his opinion, this conclusion was the very best for all concerned.

PUBLIC COMMENTS

There were no public comments, either for or against the rezoning request.

ADJOURNMENT

Since there were no comments for or in opposition to the rezoning of this property, Mayor Hark adjourned the public hearing.

OFFICIAL COUNCIL MINUTES

December 4, 2007
7:00 p.m.

ROLL CALL

Present: Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull, and Janes – 5

Absent: Council Members Knickerbocker and Wilson - 2

CALL TO ORDER

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

INVOCATION

At this time, Mayor Pro Tem Dexheimer gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Council Member Hatton. Motion was made by Mayor Pro Tem Dexheimer to excuse Council Members Knickerbocker and Wilson from the proceedings. Motion was seconded by Council Member Janes.

Motion carried.

APPROVAL OF MINUTES

Regular Council Meeting – November 20, 2007

Motion was made by Mayor Pro Tem Dexheimer to approve the Council minutes of the regular Council Meeting held on November 20, 2007. Motion was seconded by Council Member Hull.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

Second Half – November, 2007

Motion was made by Council Member Janes to approve the payroll and claims for the second half of November, 2007. Motion was seconded by Council Member Hatton.

Motion carried.

HOLLY HENDERSON – HANNIBAL JAYCEES
Re: Parade Request
(Toys for Tots Christmas Parade – December 8, 2007)

Ms. Holly Henderson, representing Hannibal JayCees, came to Council requesting their approval to have the annual Glad Tidings, Toys for Tots Christmas Parade. The parade, according to Ms. Henderson is scheduled for December 8, 2007 at 6:00 p.m. and lasting for approximately one hour. The parade route will begin at Tenth Street on Broadway and continue on Broadway to North Main Street. It is an annual event with proceeds going to the Glad Tidings Toys for Tots program, according to Henderson. Motion was made by Mayor Pro Tem Dexheimer to approve Ms. Henderson's request. Motion was seconded by Council Member Janes.

Motion carried.

JEFFREY LAGARCE – CITY MANAGER
Re: Rezoning Church and Lyon Street
(Bill No. 07039, to follow)

City Manager Jeffery LaGarce asked Council approval of Bill No 07-039 later during the proceedings. LaGarce reminded Council that his was the subject that he had discussed earlier during the public hearing and concerned the rezoning of properties on Church and Lyon Streets. Approval of a first reading for this bill will begin the process to rezone these properties from E-Commercial to A and B-Residential zoning.

Re: Enhanced Enterprise Zone – Approval of Passage by Emergency Measure
(Bill No. 07-040, to follow)

City Manager LaGarce introduced the next order of business, the Enhanced Enterprise Zone and asked that Council approve the passage of the related Bill No 07-040, to follow, with an emergency reading. He then called Mr. George Walley, to the podium, stating that Mr. Walley had done extensive work on this project.

Mr. Walley came forward and explained the reasoning behind the request for emergency passage of this bill. He continued that the State had been pressuring to get the zone approved and established by January 4, 2008; because of the holidays, he wasn't confident that there would be time to get all the paperwork completed if this was not passed by emergency reading this evening. LaGarce added that Walley has coordinated this with Marion County, Ralls County, both Hannibal and Palmyra School Districts and the City of Hannibal. The application is ready for submittal to the Missouri Department of Economic Development; however, approval from each of these governing bodies is necessary. State approval will take several weeks, which is the reason for the time constraints.

ANGELICA ZERBONIA – CITY CLERK
Re: April 2008 Election – Fifth & Sixth Ward Council Members
(Bill No. 07-041, to follow)

City Clerk Angelica Zerbonia stated that her first order of business was a recommendation for the first reading of Bill No. 07-041 which, if approved, would provide for an April 2008 Municipal Election. Terms of the Fifth and Sixth Ward Council Members will expire in 2008 and this election will include the election of Council Members for these two wards. The offices are currently held by Council Members Jeff Hatton and Terry Hull, respectively.

Re: January 1, 2008 Council Meeting

City Clerk Zerbonia's second item to discuss concerned the January Council meeting schedule. The first Tuesday, the date for a regularly scheduled Council meeting, falls on January 1, 2008, which is also a scheduled holiday. Zerbonia added that Municipal Judge Cruse has some issues in scheduling night court during this period of time and requested confirmation of the Council meeting date, so as not to conflict with the Council meeting date. After a short discussion, Mayor Pro Tem Dexheimer made a motion to reschedule the first Council meeting of January for Wednesday, January 2, 2008. Motion was seconded by Mayor Hark.

Motion carried.

JAMIE PAGE – CITY ENGINEER

Re: Rezoning 4304 West Ely Road

(Bill No. 07-037, to follow)

City Engineer Jamie Page asked Council approval of Bill No. 07-037, to follow, relating to the rezoning of 4304 West Ely Road from A - One and Two Family to PDR – Planned Density Residential zone. He added that a public hearing on this issue had been held earlier in the evening, with no notable issues arising.

Re: Lowe's Addition Subdivision

(Bill No. 07-036, to follow)

City Engineer Page's second order of business was to request approval of a first reading for Bill No. 07-036, to follow, that concerned the Lowe's Addition Subdivision. Page brought to Council's attention a scribner's error, stating seven acres of property that is actually 20.71 acres. He requested amending Bill No. 07-036 to reflect this correction. City Clerk Zerbonia explained the bill with the error was actually Bill No. 07-035 that concerned the rezoning of the Lowe's property. Page agreed and corrected his request to amend this bill. *An amendment to Bill No. 07-035 will be made before the second and final reading.*

Re: Amendment to City Code, Section 29-6 – Variances & Exceptions

(Bill No. 07-042, to follow)

Page stated that his next order of business was an amendment to Section 29-6 of the Hannibal City Code referencing Variances and Exceptions, requesting approval of a first reading for Bill No. 07-042 regarding this amendment. Page explained that the Planning & Zoning Commission, DPW Staff, professional businessmen, and developers had worked together over the last 6 months to make improvements to the existing "Variances and Exceptions" Section of the Code. He continued by saying that some modifications have now been made to this section in an attempt to expand the flexibility of the section for future development of minor subdivisions, while protecting the procedures and benefits of the full subdivision process.

Re: Update, Storm Water Implementation Plan

Next, Page gave an update on the storm water implementation plan. He began by reminding Council that the Missouri Department of Natural Resources had previously classified Hannibal as a Phase Two Storm Water Community. Page explained that this label is based on density and population, so there are very few of these communities within Northern Missouri. One requirement of this classification is to obtain an additional permit for storm water and erosion issues. He added that, since Hannibal has this designation, it is held to a higher standard than other communities.

Per Missouri DNR's request, a plan was devised with the help of a consultant and has been submitted. Even though formal approval has not been received, DNR indicated they do not do this. They do, however, want this plan to be implemented.

Page continued by explaining the plan. Requirements included:

1. **Public Education and Involvement** - Required from the general public, as well as particular contractors, i.e. how to keep storm water from causing erosion, implementing measures, like silt fences, etc.
2. **Finding and Monitoring Illicit Discharges** - Much time was spent with the consultant and BPW to create a map showing the locations of all storm water discharge. According to DNR, the City of Hannibal has many discharge points because of the nature of the terrain.
3. **Pollution Prevention Plan** - Requirement for creating brochures to keep the public informed, as well as a website for community involvement.

Page concluded by saying that many parts of the plan would be initialized this month.

Re: Main Street Bridge Project

Page gave a brief update on the progress of the Main Street Bridge project at this time. He brought to Council's attention the opening of a bid for \$324,000 submitted by Bross Construction, the only bidder. A request to begin this process will be placed before Council at the next regular meeting, according to the City Engineer.

Re: Approval, Traffic Committee Recommendations

Page presented the following recommendations from the Traffic Committee:

1. Install "*30 Minute Parking Limit*" signs at Shelter Insurance Company, 300 Grand Avenue (2-3 spaces, to edge of property line, along Grand Avenue side of building).
2. Authorize temporary 2-way traffic on Bird Street, from Grand Avenue to Maple Avenue with no parking on the south side of Bird Street, until such time as the intersection at Grand Avenue and Bird Street is reopened to traffic.

Since there were no actions taken by Council, these recommendations will become effective immediately.

LINDSAY WISKIRCHEN - DIRECTOR OF FINANCE

Re: US Cellular Settlement Agreement

(Bill No. 07-038, to follow)

Director of Finance Lindsay Wiskirchen presented her first order of business on the agenda, which was Bill No. 07-038 concerning the US Cellular settlement agreement. Wiskirchen explained that this agreement was similar to the Verizon settlement that had been approved in October, adding that, if approved the City should recoup a total of \$265,068.45 from US Cellular. Approval of this bill will approve the related settlement agreement.

Re: Budget Amendment, Executive Department

(Resolution No. 1420-07, to follow)

Wiskirchen explained the need for Resolution No. 1420-07, to follow, at this time. This Resolution is needed to amend the Executive Departments budget in the amount of \$9,700. She added that the Executive Department budgeted for a Comprehensive Plan Study to be completed this fiscal year. This study will update the Land Use Element of its Comprehensive Plan.

The selection committee has chosen the Comp Plan firm that it would like in order to begin this process; therefore, Wiskirchen requested Council approval for this amendment by approving Resolution No. 1420-07, to follow, and concluded by briefly explaining the procedure for moving forward.

FREDRICH CRUSE - MUNICIPAL JUDGE

Re: Request, Municipal Court Credit Card

Municipal Judge Fredrich Cruse asked Council to authorize the Municipal Department's request for a credit card. He noted several reasons for this request, including training for the JIS System in January and the Judge's annual training. City Clerk Zerbonia stated that there would need to be an amendment to the current ordinance to approve this request. Mayor Pro Tem Dexheimer made motion that Council approve this request by the Municipal Judge and direct the City Clerk to draft a bill to this effect. Motion was seconded by Council Member Janes. Mayor Pro Tem recommended Council give the proposed Bill an emergency reading during the December 18th Council meeting to accommodate the Judge's training needs for January.

Motion carried.

RESOLUTION NO. 1420-07

**A RESOLUTION AMENDING THE FISCAL YEAR 2007-2008
BUDGET RELATIVE TO UPDATING THE LAND USE ELEMENT
OF THE COMPREHENSIVE PLAN**

Motion was made by Council Member Hull to have the City Clerk read Resolution No. 1420-07 and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Knickerbocker and Wilson - 2

Mayor Hark declared Resolution No. 1420-07 duly approved and adopted on this date.

BILL NO. 07-036

AN ORDINANCE APPROVING AND ACCEPTING THE PLAT OF LOWE'S ADDITION, A SUBDIVISION LYING IN THE EAST HALF (E ½) OF SECTION 24, TOWNSHIP 57 NORTH, RANGE 5 WEST, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI

FIRST READING

Motion was made by Mayor Pro Tem Dexheimer to give Bill No. 07-036 a first reading. Motion was seconded by Council Member Janes.

Motion carried.

BILL NO. 07-037

AN ORDINANCE REZONING 7.0 ACRES OF PROPERTY, MORE OR LESS, LOCATED AT 4304 WEST ELY ROAD IN MARION COUNTY, MISSOURI FROM A-ONE & TWO FAMILY TO PDR-PLANNED DENSITY RESIDENTIAL AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY

FIRST READING

Motion was made by Council Member Hatton to give Bill No. 07-037 a first reading. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

Yes: Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton, and Hull – 4

No: -0-

Abstain: Council Member Janes - 1

Absent: Council Member Knickerbocker and Wilson - 2

Mayor Hark declared approval for a first reading of Bill No. 07-037.

BILL NO. 07-038

AN ORDINANCE BINDING THE CITY OF HANNIBAL TO ACCEPT AND BE BOUND BY THE TERMS OF A CERTAIN SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE CITY OF UNIVERSITY, MISSOURI, etal vs. UNITED STATES CELLULAR CORPORATION

FIRST READING

Motion was made by Council Member Janes to give Bill No. 07-038 a first reading. Motion was seconded by Council Member Hatton.

Motion carried.

BILL NO. 07-039

AN ORDINANCE REZONING SIXTEEN BLOCKS OF PROPERTY, MORE OR LESS, LOCATED ALONG FIFTH STREET, CHURCH STREET, LYON STREET, LEMON STREET, BROADWAY AND WARREN BARRETT DRIVE IN HANNIBAL, MISSOURI FROM E-COMMERCIAL TO A-ONE & TWO FAMILY ZONING DISTRICT, AND B-MULTIPLE FAMILY ZONING DISTRICT, AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY

FIRST READING

Motion was made by Council Member Hull to give Bill No. 07-039 a first reading. Motion was seconded by Mayor Hark.

Motion carried.

BILL NO. 07-040

AN ORDINANCE AUTHORIZING SUBMISSION OF A JOINT APPLICATION FOR A HANNIBAL ENHANCED ENTERPRISE ZONE WITH THE CITY OF HANNIBAL AS LEAD APPLICANT AND THE COUNTIES OF RALLS AND MARION AS JOINT APPLICANTS

EMERGENCY READING

Motion was made by Council Member Hull to give Bill No. 07-040 an emergency reading. Motion was seconded by Council Member Hatton.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Knickerbocker and Wilson - 2

Mayor Hark declared Bill No. 07-040 duly approved and adopted, by emergency reading, on this date.

BILL NO. 07-041

AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD, TUESDAY, APRIL 8, 2008 TO ALLOW HANNIBAL VOTERS IN THE FIFTH AND SIXTH WARDS TO ELECT COUNCIL MEMBERS

FIRST READING

Motion was made by Mayor Pro Tem Dexheimer to give Bill No. 07-041 a first reading. Motion was seconded by Council Member Hull.

Motion carried.

BILL NO. 07-042

**AN ORDINANCE AMENDING CHAPTER 29, SECTION 29-6 OF
THE HANNIBAL MUNICIPAL CODE RELATIVE TO
SUBDIVISION PLATS AND MINOR SUBDIVISION APPROVALS**

FIRST READING

Motion was made by Council Member Hull to give Bill No. 07-042 a first reading. Motion was seconded by Council Member Hatton.

Motion carried.

**BILL NO. 07-035
(As amended)**

**AN ORDINANCE REZONING 20.71 ACRES OF PROPERTY,
MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF
MUNGER LANE AND STARDUST DRIVE IN MARION COUNTY,
MISSOURI FROM A-ONE & TWO FAMILY ZONING DISTRICT
TO E-COMMERCIAL ZONING DISTRICT AND AMENDING THE
CITY'S ZONING MAP ACCORDINGLY**

SECOND AND FINAL READING

Motion was made by Council Member Janes to have the City Clerk give Bill No. 07-035 a second and final reading, as amended, and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

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

No: -0-

Absent: Council Member Knickerbocker and Wilson - 2

Mayor Hark declared Bill No. 07-035, as amended, duly approved and adopted on this date.

CLOSED SESSION

In Accordance with RSMo 610-021 (2)

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraph two, admitting himself, the rest of Council, City Clerk Angelica Zerbonia, City Manager Jeffrey LaGarce, City Attorney James Lemon, Director of Parks and

Recreation Chris Atkinson and City Engineer Jamie Page. Motion was made to go into closed session as Mayor Hark directed by Mayor Pro Tem Dexheimer. Motion was seconded by Council Member Hatton.

Roll Call

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

No: -0-

Absent: Council Member Knickerbocker and Wilson - 2

OPEN SESSION

Motion was made by Mayor Pro Tem Dexheimer to return to open session. Motion was seconded by Council Member Hatton.

Motion carried.

ADJOURNMENT

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

Motion carried.