

OFFICIAL COUNCIL PROCEEDINGS

**June 19, 2007
7:00 P.M.**

ROLL CALL

Present: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer and Council Member Hatton – 7

Absent: -0-

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.

APPROVAL OF MINUTES Regular Council Meeting of June 5, 2007

Motion was made by Council Member Hatton to approve the minutes of the last regular Council meeting held on June 5, 2007. Motion was seconded by Council Member Hull.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half of June, 2007

Motion was made by Council Member Wilson to approve the payroll and claims for the first half of June, 2007. Motion was seconded by Council Member Hull.

Motion carried.

JOHN W. BRISCOE – BRISCOE, RODENBAUGH & BRANNON

Re: Rockcliffe Mansion Request

Mr. John Briscoe was recognized and came to the podium in order to address Council concerning a request by Rick Rose for a license to serve liquor at Rockcliffe Mansion. Mr. Briscoe referenced City Code Section 3-67 which states, “*No liquor license holder shall sell intoxicating liquor in any place other than that designated in his license.*” He stated that Mr. Rose is interested in having LaBinnah Bistro & Cabaret, who now holds a current liquor license, to cater functions at Rockcliffe Mansion. This would include serving Missouri Wines, International Beers and after dinner cordials to the Mansion’s Bed & Breakfast guests. Briscoe stated that this service has been provided many times in the past, not only at Rockcliffe but at various other locations, in which establishments with liquor license have catered events.

As it stands now, according to Briscoe, the current City Code will prevent Rose from providing this service. There is a state statute 311.485 that deals with caterers who have liquor license serving liquor off of their premises. The statute provides for a caterer to serve liquor off his premises, but only so as the city permits. Briscoe said that even though the state permits the practice of serving liquor in this way, city ordinance prohibits it. Not only does this affect Mr. Rose, but it also affects any number of businesses in Hannibal who wish to cater similar events. Mr. Briscoe proposed that the current ordinance, addressing this issue be amended; however, until that happens, a specific exception or exemption be given to Rockcliffe Mansion in order that this service may be offered.

Mr. Briscoe concluded by saying they understood Rockcliffe Mansion is located in a residential area and that bed & breakfasts can be provided for in these areas, according to City Code. He assured Council that Rockcliffe would not provide liquor to people coming and going, as in a bar. There have been many occasions in the past several years in which liquor has been provided at Rockcliffe functions. None have had bad results. After some discussion considering the mechanics of state caterer’s license and the allowances of past catered events, Counselor Lemon suggested that this request be allowed on an event by event basis.

Council Member Wilson made a motion to approve Mr. Briscoe’s request on behalf of Rick Rose (Rockcliffe Mansion) to allow liquor to be catered during special events at Rockcliffe Mansion through the month of October, 2007. Motion was seconded by Council Member Knickerbocker.

Roll Call

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

No: Council Member Janes – 1

Motion carried.

JOSEPH NOONAN – DOWNTOWN HISTORIC DISTRICT

BUSINESS OWNERS

Re: Request to Increase Fines for Public Fighting

Mr. Joseph Noonan appeared on behalf of the downtown merchants and concerned citizens of Hannibal. Mr. Noonan referenced a *letter of support* that had been placed in the Council

packet for the issue at hand. He expressed his concern with the amount of violence that is occurring on the streets and inside the business establishments within the City. Noonan requested that the fine be increased to at least \$250 plus court costs for these activities and give the judge leeway for stronger offenses up to \$500, as the City Code permits.

Mr. Noonan stated that he had been in contact with Quincy, IL to research their procedures for such offenses. The prosecutor stated that the City's fine range is from \$50 to \$500 for similar offenses with the average fine being \$250. In severe cases or second offenses the fine would be \$500, according to him.

Mr. Noonan's concern was for the businesses in this area. He stated that buildings in the downtown area sold for \$30,000 twenty years ago are now selling for \$130,000 - \$250,000. One serious incident within this area could cause property values to plummet, also causing sales and property taxes to go down. In the end, everyone concerned will suffer.

Currently, a fine of this nature totals \$146.00, court costs included, which is not a deterrent. Mr. Noonan stated that he was aware that the responsibility to curtail such activities falls to the business owner; however, he asked the City to put fines in place that would assist the business owner in preventing this type of behavior. After some discussion with the City Attorney, concerning the current procedure in handling violators, and projected handling of these incidents, Lemon stated that setting a more restrictive fine base, would take away the discretion of the judge, sending him a message that you do not trust his ability.

Chief Davis suggested that the fine could be raised but he did not think this would have the desired effect. In his opinion, the City should look into something called "Rowdy House" (Establishments who have repeated calls to police, documented on record, at which the police have made arrests for disorderly conduct or peace disturbance). The City could then do an administrative action against the establishment's liquor license, suspending that license for a certain period of time, making these establishments police themselves. (He further stated that the police are usually called in 'after the fact').

Following a lengthy discussion concerning the need for changes in the liquor licensing, Knickerbocker suggested putting a committee together to look at fine options and research the "Rowdy House" option. City Counselor Lemon was asked to report back to Council at the next meeting with recommendations and/or possibilities for changing the City Code in reference to the "Rowdy House" liquor licenses as suggested by Chief Davis.

PETER BARBRE' – HISTORIC DISTRICT PROPERTY OWNER
(208 Center Street)

Re: Request to Park Mobile Shaved Ice Trailer in Historic District

Mr. Peter Barbre' came to Council requesting permission to park his mobile shaved ice trailer on a location that he owns at 210 Center Street and sell shaved ice on July 3-8, 2007, during the upcoming Tom Sawyer Days Festival. Motion was made by Council Member Wilson to approve Mr. Barbre's request. Motion was seconded by Council Member Hatton.

Motion carried.

LUCIA KINSEY – KEEP HANNIBAL BEAUTIFUL

Re: City Wide Collection of Large Items

Ms. Lucia Kinsey, a representative of Keep Hannibal Beautiful, was recognized by the Mayor and asked Council to reconsider the possibility of having a city wide cleanup for the collection of large items. Council Member Janes made a motion to amend the 2007-08 budget to include the amount of \$100,000 for city wide cleanup, using line item (DPW) 10.26.365, which would change this line from \$575,365 to \$675,365 and increasing the total city budget to \$56,818,376, Mayor Pro Tem Dexheimer seconded the motion. A heated discussion ensued concerning how the money would be used. A question arose concerning how the items would be collected and it was proposed that there would be a central collection site. Mayor Pro Tem Dexheimer noted that this was not a cure-all; however, it was a positive step to enhance and improve the beauty of the City. Council Member Wilson suggested setting guidelines for this process, possibly requiring proof of residence and charging a small fee per vehicle.

Council Member Knickerbocker suggested that, if this motion carried and a comprehensive plan is not developed to deal with garbage collection, code enforcement and large item pick-up, Council will be only putting a ‘band-aid’ on the problem.

Roll Call

Yes: Council Members Janes, Wilson, Mayor Hark and Mayor Pro Tem Dexheimer – 4

No: Council Members Hull, Knickerbocker and Hatton – 3

Motion carried.

JEFFREY LAGARCE – CITY MANAGER

Re: Recommendation of Appointments

City Manager LaGarce made the following recommendations for approval at the next regular Council meeting:

PARKS AND RECREATION BOARD

Martin Meyer – Appointment for a term to expire July, 2010

Gayle Viorel – Appointment for a term to expire July, 2010

Wells Pettibone – Appointment for a term to expire July, 2010

BOARD OF PUBLIC WORKS

George Danforth – Appointment for a term to expire July, 2011

PLANNING & ZONING COMMISSION

Mike Constable – Appointment for a term to expire June, 2011

Re: July Work Session (CWC)

(July 10, 2007, 6:00 p.m.)

City Manager LaGarce requested that Council set a work session on July 10, 2007, which is the second Tuesday in July, at 6:15 P.M. The purpose of this meeting would be to discuss the City wide cleanup issue, the liquor license situation, street proposal and the Humane Society. He suggested that he could send an agenda out on July 6 that would specify the items to be discussed at the session. Motion was made by Council Member Hull to approve the City Manager's request. Motion was seconded by Council Member Knickerbocker.

Motion carried.

JAMIE PAGE – CITY ENGINEER

Re: Waterline Easement, Public Water Supply District No. 1 of Ralls County

(Resolution No. 1382-07, to follow)

City Engineer Jamie Page's first order of business was Resolution No. 1382-07, concerning the waterline easement at the Municipal Airport. The City is working with Ralls County Water District in order to complete this work. An easement is required on the airport property for the future repairs, replacements and any maintenance work done by Public Water Supply District No. 1 of Ralls County. This resolution, to follow, will allow for this easement to be put into place for that purpose.

Re: Airport General Aviation Terminal Construction, Professional Services Agreement

(Resolution No. 1383-07, to follow)

Page introduced Resolution No. 1383-07, to follow, which if approved later during the meeting would also approve the professional services contract with Crawford, Murphy and Tilly. Ninety percent of the \$137,080 total cost for this contract, which concerns the aviation terminal project, is covered by a state entitlement grant.

Re: V-Box Spreader and Pre-Wet System, Bid Award Approval

City Engineer Page next asked Council approval of a bid for a v-box spreader and pre-wet system. He stated that the bid item for which he is seeking approval is a stainless steel v-box spreader for the Street Department's winter spreading needs. Page recommended approval of a bid from Knapheide Truck Equipment Company in the amount of \$14,732 for the spreader, the corresponding equipment and installation. Mayor Pro Tem Dexheimer made a motion to approve Page's bid recommendation. Motion was seconded by Council Member Wilson.

Motion carried.

Re: Street Department Materials, Annual Bid Award Approval

Page presented the annual bids for Street Department materials. At this time he also presented his recommendations for each bid. These were as follows:

<u>Bids</u>	<u>Item</u>	<u>Supplier</u>
SD-2007/08-1	Gasoline & Premier Diesel	Big River Oil
SD-2007/08-4	Snow Removal Salt	Hutchinson Salt Co.
SD-2007/08-6	Liquid Calcium Chloride	Missouri Petroleum
SD-2007/08-7	Aggregates	Central Stone Co.
SD-2007/08-5	Concrete	Bleigh Ready Mix Co.
SD-2007/08-8	CLSM (Flowable Fill)	Bleigh Ready Mix Co.

Page stated that gasoline from Big River was quoted at \$2.604/gallon and diesel at \$2.5227/gallon. Snow removal salt with Hutchinson Salt Co. was quoted at \$41.82/ton. Liquid calcium chloride with Missouri Petroleum quoted at \$1.02/gallon. According to Page, there was an extensive list from Central Stone, who was the only material supplier interested in various rock and aggregate needs. Pavement concrete from Bleigh Ready Mix \$84.50/cubic yard for regular concrete and \$83.50/cubic yard for Class B concrete. Flowable fill from Bleigh Ready Mix for \$68.50. Motion was made by Mayor Pro Tem Dexheimer to approve the bid recommendations of the City Engineer. Motion was seconded by Council Member Wilson.

Motion carried.

Re: Hayes Haven Subdivision Annexation, Referral and Public Hearing Request
(August 7, 2007 6:45 p.m.)

The last order of business that Mr. Page presented was Hayes Haven Subdivision annexation. Page stated that he was asking Council to refer this request to the Planning & Zoning Commission to determine zoning, as required by Section 13.10. *Subdivision Plats; Annexed Territory* of the Hannibal City Code. Following the Commission's public hearing, they will make a recommendation on zoning to the Council, according to Page. He also requested that Council set a public hearing in regard to the annexation of the properties for August 7, 2007 at 6:45 P.M., directly prior to that evening's regular Council meeting. Council Member Wilson made motion that Page's request be granted concerning the public hearing. Motion was seconded by Mayor Hark.

Motion carried.

LINDSAY WISKIRCHEN – DIRECTOR OF FINANCE
Re: Year End Fund Appropriations Approval

Director of Finance Lindsay Wiskirchen appeared before Council requesting their permission to make fiscal year end budget adjustments. This will be done by making appropriate fund transfers within the current year's budget. Motion was made by Mayor Pro Tem Dexheimer to approve Wiskirchen's request. Motion was seconded by Council Member Wilson.

Motion carried.

CONNIE QUINN – ASSISTANT BUILDING INSPECTOR
Re: Cutting Edge Premium Lawn and Lightscape Contract,
Old Baptist Cemetery Mowing
(Resolution No. 1384-07, to follow)

Assistant Building Inspector Connie Quinn introduced Resolution No. 1384-07, which regards the approval of a contract with Cutting Edge Premium Lawn and Lightscape for the mowing of the Old Baptist Cemetery in the amount of \$4,750. She asked Council approval of this resolution, to follow, that would also approve the contract with Cutting Edge Premium Lawn and Lightscape.

Re: Demolition 1415-17 Market Street, Bid Award Approval

Quinn also asked Council approval of a recommendation to award the demolition bid for 1415-1417 Market Street to Don Martin with a bid amount of \$28,420. Council Member Wilson made a motion to approve the bid recommendation of the Building Inspection Department. Motion was seconded by Council Member Dexheimer. (This will be the second demolition done by the City in the 2006/07 fiscal year. The first was on Vermont Street, according to Quinn.)

Motion carried.

RESOLUTION NO. 1382-07

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
WATERLINE EASEMENT BETWEEN THE CITY OF HANNIBAL,
AND THE PUBLIC WATER SUPPLY DISTRICT NO. 1 OF RALLS
COUNTY, MISSOURI FOR THE PURPOSE OF A FIRE LOOP
LINE TO BE PLACED ON THE CITY OWNED MUNICIPAL
AIRPORT PROPERTY**

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk read Resolution No. 1382-07 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer and Council Member Hatton – 7

No: -0-

Mayor Hark declared Resolution No. 1382-07 duly approved and adopted on this date.

RESOLUTION NO. 1383-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AVIATION PROJECT CONSULTANT AGREEMENT BETWEEN THE CITY OF HANNIBAL AND CRAWFORD, MURPHY & TILLY (CMT) FOR GENERAL AVIATION TERMINAL CONSTRUCTION, PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$137,080

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1383-07 and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer and Council Member Hatton – 7

No: -0-

Mayor Hark declared Resolution No. 1383-07 duly approved and adopted on this date.

RESOLUTION NO. 1384-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR BUILDING INSPECTION PROJECT MOW-07-01, OLD BAPTIST CEMETARY MOWING, BETWEEN THE CITY OF HANNIBAL AND CUTTING EDGE PREMIUM LAWN AND LIGHTSCAPE FOR THE AMOUNT OF \$4,750

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1384-07 and call the roll for adoption. Motion was seconded by Council Member Wilson.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer and Council Member Hatton – 7

No: -0-

Mayor Hark declared Resolution No. 1384-07 duly approved and adopted on this date.

BILL NO. 07-011

AN ORDINANCE ENACTING A NEW SUB-SECTION OF SECTION 17, WHICH SHALL CONSIST OF ARTICLE IX OF THE CITY CODE OF THE CITY OF HANNIBAL, MISSOURI AND AUTHORIZE THE INSTALLATION OF ONE OR MORE AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS AS DEFINED HEREIN; AND ESTABLISHING STANDARDS FOR ISSUING SUMMONS FOR VIOLATIONS OF TRAFFIC CONTROL ORDINANCES DETECTED BY AUTOMATIC RED LIGHT ENFORCEMENT SYSTEMS

SECOND AND FINAL READING

Motion was made by Council Member Hatton to have the City Clerk give Bill No. 07-011 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Dexheimer.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer and Council Member Hatton – 7

No: -0-

Mayor Hark declared Bill No. 07-011 duly approved and adopted on this date.

BILL NO. 07-012

AN ORDINANCE APPROVING ANNEXATION OF A TRACT OF GROUND LYING IN PART OF THE NORTH HALF OF SECTION 23, TOWNSHIP 57 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MARION COUNTY, MISSOURI, A

**SUBDIVISION LYING IN THE SOUTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 57
NORTH, RANGE 5 WEST, INTO THE CITY OF HANNIBAL,
MARION COUNTY, MISSOURI**

SECOND AND FINAL READING

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk give Bill No. 07-012 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Wilson.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer and Council Member Hatton – 7

No: -0-

Mayor Hark declared Bill No. 07-012 duly approved and adopted on this date.

BILL NO. 07-014

**AN ORDINANCE TO PAY OFFICERS AND EMPLOYEES OF THE
CITY OF HANNIBAL, MISSOURI FOR THE FISCAL YEAR
2007/2008**

SECOND AND FINAL READING

Motion was made by Council Member Wilson to have the City Clerk give Bill No. 07-014 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Dexheimer.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer and Council Member Hatton – 7

No: -0-

Mayor Hark declared Bill No. 07-014 duly approved and adopted on this date.

BILL NO. 07-015

(As amended)

**AN ORDINANCE ADOPTING THE FISCAL YEAR 2007/2008
ANNUAL BUDGET INCLUDING ALL REVENUES,
EXPENDITURES, AND FUND TRANSFERS, AND
APPROPRIATING TO THE VARIOUS DEPARTMENTS,
BOARDS, COMMISSIONS AND AGENCIES OF THE CITY
GOVERNMENT OF THE CITY OF HANNIBAL, MISSOURI FOR
THE FISCAL YEAR ENDING JUNE 30, 2008**

SECOND AND FINAL READING

Motion was made by Council Member Janes to have the City Clerk give Bill No. 07-015, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Wilson.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark, Mayor Pro Tem Dexheimer and Council Member Hatton – 7

No: -0-

Mayor Hark declared Bill No. 07-015, as amended, duly approved and adopted on this date.

ADJOURNMENT

Motion was made by Mayor Pro Tem Dexheimer to adjourn. Motion was seconded by Mayor Hark.

Motion carried.