

PUBLIC HEARING MINUTES

March 20, 2007
6:45 P.M.

Call to Order

At the appointed time, Mayor Hark called the Public Hearing to order.

Roy Hark – Mayor

Re: Public Comments on City of Hannibal, Downtown Treescape Plan

Mayor Hark asked City Manager Jeffrey LaGarce to speak. Mr. LaGarce informed those in attendance that the Tree Board, working with Christy Goodrich from the Department of Transportation had determined to have a master plan for the down town treescape last fall. He said that Tim Freeburg from the Department of Conservation presented that plan to the Tree Board and the Hannibal Community Betterment Committee on January 17, 2007 and later that same day to Council and the public. The purpose of this public hearing, according to LaGarce, was to get public input before going forward with the adoption of the master plan.

Mr. LaGarce summarized the plan that Mr. Freeburg had presented earlier, including Freeburg's recommendations. He said that a safety grant was in place to replace the existing sidewalks in the downtown area and the trees would be planted in conjunction with that; therefore, he was hopeful that the cost of replacing the trees would be included in the sidewalk replacement paid for by the grant.

Mayor Hark asked if anyone wished to speak in favor of the tree plan. Mayor Hark recognized Mr. Larry Craig, a Board Member of the Hannibal Betterment Association, who stated he was providing the support of the Association and their recommendation for moving forward with this plan. He did say he had received one comment that all needed to be aware of and that was not every tree on the plan could be planted immediately. There being some overhead electrical wires that would hinder the growth of trees and some other minor issues that needed to be addressed. The City and BPW are in the process of making some decisions concerning these issues.

Mayor Hark then recognized Mr. Ed Tamarius, of the Tree Board. Mr. Tamarius stated that although this plan was the ideal, the City and the Tree Board recognized that they would have to be somewhat flexible in going forward, because in planting the trees, there may be something beneath the sidewalks that would have to be dealt with. In that case, the trees would have to be moved one way or another. Mr. Tamarius said that Mr. Freeburg had been working with the Department of Conservation for thirty-plus years, his primary responsibility there was to help communities develop tree planting plans. He was the same individual, according to Tamarius, who helped to develop the tree planting plan for Huckleberry Park that was the Heritage Memorial Trees. Tamarius stated that Mr. Freeburg's service did not cost the City anything, but was paid for by the Missouri Department of Conservation under their Community Forestry Plan.

Mayor Hark asked if anyone wished to speak against the plan. At this time, Mayor Hark recognized Mr. Jim Claney, who stated that he appreciated the various boards that brought this plan to fruition. He asked the historical significance of the trees. Was this

how it was in the 1880's? Another question was, "Can I opt out and not have a tree planted in front of my building?"

City Manager LaGarace responded by saying that when Mr. Freeburg devised this plan, he indicated that the trees could be shifted five to seven feet in either direction. Just because it's not an absolute fit with doorways, etc., he recognized there needed to be some flexibility.

A brief discussion ensued, regarding the comments made by Mr. Clancy, and the need or lack of need for the trees, the type of trees and their maintenance and Clancy's question of whether or not a business owner could decline the placing of trees in front of his/her building.

Hearing no other comments, Mayor Hark declared the public hearing adjourned.

OFFICIAL COUNCIL PROCEEDINGS

**March 20, 2007
7:00 P.M.**

ROLL CALL

Present: Council Members Knickerbocker, Green, Wilson, Mayor Hark and Council Member Hull – 5

Absent: Mayor Pro Tem Dexheimer and Council Member Hatton – 2

CALL TO ORDER

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

INVOCATION

Council Member Green gave the invocation.

PLEDGE OF ALLEGIANCE

Council Member Hull led the Pledge of Allegiance to the Flag.

At this time in the meeting, Council Member Wilson made a motion to excuse Mayor Pro Tem Dexheimer and Council Member Hatton. Motion was seconded by Council Member Green.

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting of March 6, 2007 and CWC Meeting of March 13, 2007

Motion was made by Council Member Hull to approve the minutes of the last regular Council meeting that was held on March 6, 2007 and the CWC Meeting that was held on March 13, 2007. Motion was seconded by Council Member Wilson.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS
First Half of March 2007**

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

Motion carried.

**ROY HARK – MAYOR
Re: Recommendation of Appointment**

HANNIBAL HOUSING AUTHORITY BOARD
Liz Swanson – Appointment for a term to expire April, 2011

Mayor Roy Hark recommended the appointment of Ms. Liz Swanson to the Hannibal Housing Authority Board. This will be brought before Council at the next regular meeting for approval.

**MICHAEL GAINES – HANNIBAL ARTS COUNCIL
Re: Annual River Arts Festival & Autumn Historic Folklife Festival
(Request use of City owned properties and City street closures)**

Mayor Hark recognized Mr. Michael Gaines of the Hannibal Arts Council, who came before City Council at this time requesting the use of City properties and streets for the upcoming Annual River Arts Festival and the Autumn Historic Folklife Festival. The proposal was basically the same as the past fourteen years, according to Gaines. Council Member Wilson made a motion that Mr. Gaines' request be granted. Motion was seconded by Council Member Green. Council Member Wilson said he wished to thank Mr. Gaines for the effort that he puts forth each year, commending him and his staff for the excellent job that they do.

Motion carried.

**BILL WEBBER – KIWANIS CLUB OF HANNIBAL
Re: Annual Samuel L. Clemens Arts & Crafts Festival
(Request use of City owned properties and City street closures)**

Mr. Bill Weber of the Kiwanis was recognized by Mayor Hark and came before Council requesting the use of City properties and streets for the upcoming Annual Samuel L. Clemens Arts & Crafts Festival. He stated that the Kiwanis had sponsored this Festival for thirty-one years, and his request was basically the same as in the past, with set up on Monday, July 2nd and the Festival on July 3rd and 4th. Council Member Wilson made a motion that Mr. Weber's request be granted. Motion was seconded by Council Member Knickerbocker. Mr. Wilson also thanked the Kiwanis and the other service organizations of Hannibal for the work they do for the community. He stated that, without the service clubs, the City would many times be in dire straits.

Motion carried.

JOHN LYNG – CITIZEN
Re: H-1 Zone Ordinance

Mr. John Lyng was recognized by Mayor Hark and stated that he had come before Council with the same concern that he had previously brought before them last summer, that being Murphy Motors, Inc. and their signage. He raised the question regarding how Murphy Motors was able to get plastic signs affixed to the front of their building without a certificate of appropriateness being acted upon and approved by the HDDC. He stated that he had done some research, since last summer, and he now wished to report to Council his findings. He also had new concerns that Council may wish to take into consideration.

Lyng stated that City Inspector Joey Burnham, following the meeting in which this matter had been discussed, put the application of Murphy Motors on the agenda for the next meeting of the Historic District Development Commission (HDDC). The HDDC decided to take no action because the application had never been signed or dated.

Mr. Lyng explained that an application for placement of four new signs was submitted to the Building Inspector's Office and received by Connie Quinn in October of 2005. This application was submitted under Category 5 – Signs, of the guidelines which require action by the HDDC. At this time Quinn notified Candice Kleeman, Chair Person of the HDDC, who came to City Hall to examine the application. It was determined by Ms. Kleeman and agreed upon by Ms Quinn that this application should be considered to be Maintenance or Minor Repair – Category 4, which did not require going before HDDC for approval, but could be approved by a chair person of the Commission with the concurrence of the Building Inspector's Office. Following this, the application was signed by Kleeman and was later sent to Murphy Motors and the signs were put in place.

A new concern is now being raised by Lyng – ‘How can a non-conforming use or new car lot be able to expand in the Historic District without an amendment to the ordinance or a variance?’ A non-conforming use can remain when an ordinance has been changed but can not expand. Former Attorney Todd Ahrens examined this issue and determined that a new car dealership was a permitted use in the H-1 district. Lyng said the language of the H-1 district provides for retail sales within a building, as a use of real estate. He added, a car lot does not fall into this category and according to Ahrens determination, the guidelines could provide for anything from lawn gnomes to Peterbuilt Tractors. He suggested that, if a change of this substance were made in the H-1 District guidelines, it should probably be by legislature of the City Council, instead of by the opinion of the City Attorney.

He concluded by saying that, in the interest of the community as a whole, Council should re-examine the question and determine whether or not to eliminate the entire H-1 zone guidelines to start at the beginning and decide what is most appropriate.

JEFFREY LAGARCE – CITY MANAGER
Re: The DREAM Initiative Agreement
(Resolution No. 1355-07, to follow)

City Manager LaGarce presented a synopsis of Resolution No. 1355-07 and asked Council's approval of this Resolution which would authorize the Mayor to execute an agreement with the Missouri Development Finance Board accepting the Scope of Services Agreement relative to the DREAM Initiative program, at a later time during the meeting.

ANGELICA N. ZERBONIA – CITY CLERK

Re: US Cellular Service Agreement

(Resolution No. 1357-07, to follow)

City Clerk Angelica Zerbonia requested Council's approval of Resolution No. 1357-07 later during the meeting. This Resolution would approve a two year service agreement between the City of Hannibal and US Cellular. The referenced agreement is for the continuation of current services provided, as well as a more enhanced benefit package to the City. The various former agreements would now be built into **one** plan for all City departments. This will allow for internal control of the City's cellular services.

JAMIE PAGE – CITY ENGINEER

Re: Main Street MoDot Enhancement Project

(Request for Qualifications Status Update)

City Engineer Jamie Page came before Council with three orders of business, the first being the Main Street MoDot Enhancement Project, better known as the SAFETEA LU program.

This year the committee decided to make application for Main Street Sidewalk Rehabilitation. The deadline to make application for these enhancements is the first week of May. Page stated that he had sent out requests for qualifications of engineering services to assist in the sidewalk improvement project and they were received from MECO Engineering Company and Poepping, Stone, Bach & Associates. MECO Engineering has been selected for the next funding cycle. At the April 3rd meeting, a proposed contract with MECO will be presented.

Re: Bid Awards

(Milling & Asphalt Overlay and Pavement Surfacing)

Next Mr. Page stated that bids for the street programs have been received. Two separate bids were presented for Council approval; the first was the 2007 Pavement Resurfacing bid, which includes micro-surfacing projects and chip-and-seal projects. This comes out of the ½ cent sales tax. Page recommended that Missouri Petroleum Products be awarded this bid in the amount of \$180,367.25. Motion was made by Council Member Hull to approve the recommendation of City Engineer Page. Motion was seconded by Council Member Wilson.

Motion carried. The next bid that Page presented for Council approval was the 2007 Milling and Asphalt Overlay bid which will also be funded by ½ cent sales tax dollars. Page stated his recommendation for this bid was Chester Bross Construction Company in the bid amount of \$93,228.00. Motion was made by Council Member Hull to approve Page's recommendation. Motion was seconded by Council Member Wilson.

Motion carried.

Re: Spruce Street/Minnow Creek Erosion Project

(Resolution No. 1354-07, to follow)

The final item that City Engineer Page brought before Council was a request for the approval of Resolution No. 1354-07 which regarded the Spruce Street/Minnow Creek erosion area.

Page stated there is a need to do something before additional pavement is lost, a concern which he had previously brought to Council's attention at the last regular meeting. Resolution No. 1354-07 would approve Page's recommendation to allow the Mayor to sign a design contract with Klingner & Associates. This Resolution will be presented for a vote later during the meeting. The contract with Klingner, according to Page, is an extension of work they had been doing in the past few years, studying the erosion problem. The contract amount is \$27,000.00, which takes in all design and permitting fees (DNR, EPA and Corp of Engineers permitting process). There is an additional estimate included because inspections typically are done on an hourly basis. This is estimated at about \$7,500.00, an amount that Page feels is reasonable for hourly inspections. He concluded by saying that he would keep Council informed concerning accumulated cost of this project as it progresses.

LYNDELL DAVIS – CHIEF OF POLICE
Re: Red Light Photo Enforcement

Chief Lyndell Davis returned to Council with a concern that had previously been brought to their attention, this being the problem of people running various red lights on US61 Highway. Davis said that he had expressed an interest in exploring the idea of possibly having red light enforcement cameras installed and had asked Council's guidance in whether they thought this avenue should be pursued and whether or not the technology involved would be applicable for the Hannibal area.

Since then, Davis stated he had researched approximately five companies and had now chosen one company that could meet the needs of the City. He said that his personnel had met with various City entities, MoDot and representatives of this red light enforcement company. He added that he would answer any questions Council may have and was prepared to recommend a company in order to proceed with the project at hand. If Council would approve his recommendation to bring this technology to the Hannibal area, Davis said that he would then meet with the City Attorney and the City Manager to negotiate a contract with Redflex Traffic Systems, Inc. and return to Council for approval of the contract.

Council Member Wilson stated that, in reading a recent article in the newspaper, he was made more fully aware of the need for this type of technology. He expressed his support of this project. Council Member Knickerbocker questioned the funding source of the project and Chief Davis informed him that funding would be generated by the violations themselves. As they are generated, a certain portion would go toward the cost of the cameras. The City's cost will be low to non-existent, according to Davis, with the only cost being the electricity and the internet hookup to receive the data back on the violations. Redflex will be responsible for all the cameras and technology to provide the service, so they have a great deal of investment in each intersection. It's their responsibility to make sure this works.

Knickerbocker asked about signage for these cameras and Davis responded that signage would be present at the intersections. The placement of cameras would be in key intersections of US61 Highway. Two areas that Davis is recommending are US61 and 168 and US61 and West Ely/Pleasant. After a short discussion, several Council Members gave their continued support of this project.

Re: TNT Action Sports Harley-Davidson Lease Agreement
(Resolution No. 1356-07, to follow)

Chief Davis also informed Council that, with Council approval, it is time to renew the motorcycle lease agreement with TNT Action Sports. This would be the third motorcycle agreement that has been entered into by the City. This agreement will be to lease a Harley Davidson Motorcycle for a two-year period at a cost of \$5,700.00 and will include services for 1,000, 2,500 and 5,000 miles. Money has already been budgeted in the capital improvement line item. This agreement will be approved with the approval of Resolution No. 1356-07, to follow.

RESOLUTION NO. 1354-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH KLINGNER & ASSOCIATES FOR THE DESIGN AND CONSTRUCTION PHASE SERVICES TO CORRECT THE SPRUCE STREET/MINNOW CREEK EROSION PROBLEM

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1354-07 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

Yes: Council Members Knickerbocker, Green, Wilson, Mayor Hark, and Council Member Hull - 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Hatton – 2

Mayor Hark declared Resolution No. 1354-07 duly approved and adopted on this date.

RESOLUTION NO. 1355-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE MISSOURI DEVELOPMENT FINANCE BOARD ACCEPTING THE SCOPE OF SERVICES AGREEMENT RELATIVE TO THE DREAM INITIATIVE PROGRAM

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1355-07 and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Roll Call

Yes: Council Members Knickerbocker, Green, Wilson, Mayor Hark, and Council Member Hull - 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Hatton – 2

Mayor Hark declared Resolution No. 1355-07 duly approved and adopted on this date.

RESOLUTION NO. 1356-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TWO (2) YEAR LEASE AGREEMENT BETWEEN THE CITY OF HANNIBAL, POLICE DEPARTMENT AND TNT ACTION SPORTS FOR A 2007 HARLEY-DAVIDSON POLICE BIKE IN THE AMOUNT OF \$5,700

Motion was made by Council Member Green to have the City Clerk read Resolution No. 1356-07 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

Yes: Council Members Knickerbocker, Green, Wilson, Mayor Hark, and Council Member Hull - 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Hatton – 2

Mayor Hark declared Resolution No. 1356-07 duly approved and adopted on this date.

RESOLUTION NO. 1357-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TWO (2) YEAR SERVICE AGREEMENT WITH US CELLULAR FOR WIRELESS TELEPHONE SERVICES AND EQUIPMENT FOR VARIOUS CITY DEPARTMENTS

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1357-07 and call the roll for adoption. Motion was seconded by Council Member Hull. Council Member Knickerbocker stated that, in the past, these contracts were renewed without Council approval. He asked the City Clerk if there was some provision in this contract at hand to prevent this from happening in the future. City Clerk Zerbonia assured Council that

this had been discussed and provision had been made to prevent this from happening in the future.

Motion carried.

Roll Call

Yes: Council Members Knickerbocker, Green, Wilson, Mayor Hark, and Council Member Hull - 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Hatton – 2

Mayor Hark declared Resolution No. 1357-07 duly approved and adopted on this date.

BILL NO. 07-006

AN ORDINANCE APPROVING AND ACCEPTING THE PLAT OF PARSONS SUBDIVISION, AMENDED, A SUBDIVISION LYING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 57 NORTH, RANGE 5 WEST, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI

SECOND AND FINAL READING

A motion was made by Council Member Hull to have the City Clerk give Bill No. 07-006 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

Yes: Council Members Knickerbocker, Green, Wilson, Mayor Hark, and Council Member Hull - 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Hatton – 2

Mayor Hark declared Bill No. 07-006 duly approved and adopted on this date.

BILL NO. 07-008

(as amended)

**AN ORDINANCE AMENDING CHAPTER 19 OF THE HANNIBAL
CITY CODE RELATIVE TO PUBLIC NUISANCES AND THE
ADMINISTRATION AND ENFORCEMENT THEREOF**

SECOND AND FINAL READING

A motion was made by Council Member Green to have the City Clerk give Bill No. 07-008, 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 Members Knickerbocker, Green, Wilson, Mayor Hark, and Council Member Hull - 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Hatton – 2

Mayor Hark declared Bill No. 07-008, as amended, duly approved and adopted on this date.

Before going into closed session, Mayor Hark recognized the Boy Scouts of Troop 100, who were working on their citizenship badge and welcomed them to the meeting.

CLOSED SESSION

In Accordance with RSMo 610-021 (1 & 2)

At this time, Mayor Hark asked for a motion to go into closed session in accordance with RSMo 610-021, sub-paragraphs 1 and 2, admitting himself, Council, City Manager LaGarce, City Attorney Lemon, City Clerk Zerbonia and Chris Atkinson, Director of Parks and Recreation. Motion was made by Council Member Hull to go into closed session, admitting those that Mayor Hark named. Motion was seconded by Council Member Wilson.

Roll Call

Yes: Council Members Knickerbocker, Green, Wilson, Mayor Hark, and Council Member Hull - 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Hatton – 2

Motion carried.

OPEN SESSION

Motion was made by Council Member Knickerbocker to return to open session at this time.
Motion was seconded by Council Member Green.

Motion carried.

ADJOURNMENT

Motion was made by Council Member Green to adjourn. Motion was seconded by Council Member Knickerbocker.

Motion carried.

