

PUBLIC MEETING PROCEEDINGS

**May 15, 2007
6:30 P.M.**

CALL TO ORDER

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

JAMIE PAGE – CITY ENGINEER Re: Street Vacation – Apache Trail

Jamie Page explained the guidelines for abandonment of a street, according to the City Code. Notification is given to the Department of Public Works/Planning and Zoning Board and is forwarded to City Council to set a public hearing, this being the purpose of the meeting at hand. Based on what occurs at the meeting, a bill may be created and given first and second readings at subsequent meetings.

In brief, Page informed the audience and Council that the Bank of Hannibal has a shortage of parking due to a building that was left on the site that now houses Java Jive Thru. The Bank of Hannibal came to the City, looking for options in order to resolve the current parking problem. What has been discussed is abandoning a portion of Apache Trail, which is directly to the west of this location. This is a dead end street with no future need of right-of-way there. The section in question is 18 feet of road along the right-of-way from the edge of the pavement towards the existing retaining wall.

Page clarified that this procedure has been handled and notification have been sent to adjoining property owners in accordance with the Missouri Municipal League specifications.

MIKE KETTELKAMP – RESIDENT OF 3829 APACHE TRAIL

As a neighbor of the Bank, a person affected by this acquisition, an architect and a member of the City's Planning and Zoning Commission, Mr. Kettelkamp stated that he had resided at this location for 33 years, enjoying the dead end street. Mr. Kettelkamp stated that the property on which the Bank now sits was not maintained well during periods in the past and during one of these times he took it upon himself for about a five year period to mow that area from the corner of Geronimo to the end of Apache Trail approximately once a week, so he has some vested interest in the area in question. Mr. Kettelkamp stated that he and his wife are proud of their street and strive to make it look nice.

He commended the development that has been done by the Bank of Hannibal and stated that he wished to compliment the architect. He said he was sure that the Bank realized this was a small site at the time of purchase and that it would be a challenge to fit everything needed into this space.

The building that was initially moved into this area was to be only temporary, according to the building permit that was issued, stated Mr. Kettelkamp. Ordinance dictated that there needed to be a certain amount of parking in this area and the architect did design enough parking in his site planning for the ultimate bank building.

Most architects, when attempting to fit commercial buildings into a residential environment, make a certain plan to accomplish this. The bank's architect did this separation by selective cutting of the trees that were there, leaving some beautiful walnut trees, which are being maintained quite well by mowing around them. Now in the plan for additional parking, all of these trees are to be removed along with the grass right-of-way and replaced with concrete. The residents will now be completely open to McMaster's Avenue and all the traffic. The new lot will now be 10-12 feet above the level of the bank and residents will be looking at it. There will be another retaining wall installed with landscaping which will be seen only from the lower level on which the Bank is located.

Kettelkamp admitted that it is true this right-of-way is wider than all the others in Indian Mound Subdivision, but possibly the designers knew that this would be a dividing line between the residential subdivision and commercial businesses, making this right-of-way wider in order to allow for a separation buffer between the two. By taking the right-of-way, residents will lose this buffer, leaving them wide open to the commercial areas.

JERRY TROWER – BANK OF HANNIBAL

Mr. Trower stated that he came to the hearing in order to answer any questions that may arise during this proceeding. He did state that the Bank had a community room which holds a large number of people and at the current time the Bank is not allowing it to be utilized during the weekdays because of the parking restraints. He added that the parking lot would be primarily used when there were events in the Bank's community room.

Mr. Trower said that he had made it a point to watch the lot and there seems to be adequate parking to conduct daily business for entities in the building, with spaces left. This is without use of the community room. The request for parking, according to Trower, was in response to complaints, mainly from the City, concerning inadequate parking during events in the community room, complaints forwarded to the Bank from the City but waged by citizens. Trower stated that mainly not-for-profit organizations make use of the community room for events, at no cost to them.

In response to a question from Council Member Hull, Trower stated that the temporary building was placed for sale with no buyers. When someone offered to lease it for two years, the offer was accepted.

City Engineer Page was recognized at this time and clarified that all procedures were followed in this process.

ADJOURNMENT

Public hearing was adjourned by Mayor Hark at this time.

PUBLIC HEARING PROCEEDINGS

**May 15, 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: Hawkins Annexation

City Engineer Jamie Page informed Council that he would be asking for consideration to annex a 157 acre tract, known as Hawkins property that lies west of Veterans School. This would be annexed in as C-Local Business Zone, which is consistent with surrounding properties.

NORMAN ELLERBROCK – MECO ENGINEERING

Mayor Hark recognized Mr. Norman Ellerbrock of MECO Engineering who appeared on behalf of the Hawkins Family, regarding annexation. The Hawkins Family has owned this property for approximately 175 years, according to Ellerbrock. They are very excited to be a part of the City and offer up this property as residential building and possible light commercial office-type business. He asked for any questions; there were none.

ADJOURNMENT

There being no further discussion, Mayor Hark adjourned the public hearing.

OFFICIAL COUNCIL PROCEEDINGS

May 15, 2007
7:00 P.M.

ROLL CALL

Present: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark – 5

Absent: Mayor Pro Tem Dexheimer and Council Member Knickerbocker - 2

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

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

At this time, Mayor Hark requested a motion amending the agenda to include two items. These are: Grand Avenue Change Order, with Resolution 1380-07, to follow to be presented by City Engineer Jamie Page and Request to Waive Bidding Procedures to Upgrade the Existing Phone System to be presented by Chief Lyndell Davis. Motion was made by Council Member Hatton to add these two agenda items. Motion was seconded by Council Member Wilson.

Motion carried. Mayor Hark asked for a motion to excuse Mayor Pro Tem Dexheimer and Council Member Knickerbocker at this time. Motion was made to excuse these two members of Council by Council Member Wilson. Motion was seconded by Council Member Hull.

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting of May 1, 2007

Motion was made by Council Member Hull to approve the minutes of the last regular Council meeting that was held on May 1, 2007. Motion was seconded by Council Member Hatton.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half of May, 2007

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

Motion carried.

**GEORGE WALLEY – NORTHEAST MISSOURI ECONOMIC DEVELOPMENT
COUNCIL**

Re: Regional Economic Development Update

Mr. George Walley of the Northeast Missouri Economic Development Council came before City Council to give a topical report on the regional economic development. Since there was some sensitive information in the report that he passed to Council Members, he expressed his availability to discuss these issues with Council individually, as needed. He did, however, highlight a couple of things.

On the funding issue of Northeast Missouri Economic Development, Mr. Walley thanked his board and their public partners for their membership and other contributions. Walley added that \$56,000 was raised through contributions of 35 companies and individuals of the private sector. This amount added to the City of Hannibal, the Board of Public Works, the IDA, and Marion County's public partnerships allowed his organization to get back on its feet with a more workable budget. He also expressed his thanks to Council for having been added to the City's budget.

Walley stated that they are now trying to combine resources; economic development entities in the region are trying to help each other. Northeast Power offered scholarships to people in the economic development field for assistance in training. He said, since Faye Bleigh was new this year, he took advantage of a \$650 scholarship to send her to a four-day economic development course in Kansas City, Mo. hosted by the University of Iowa, considered to be one of the best of its kind in the Midwest.

He highlighted development projects such as Mark Twain Apartments, US 61 By-Pass and the Dura Building. He also discussed some DNR regulations that had been researched at the General Mills Plant recently. He fielded questions and comments from the City Manager and Council at this time.

BRYAN TAYLOR – CALVARY BAPTIST CHURCH

Re: Fireworks Display Request

Bryan Taylor, Worship Pastor of Calvary Baptist Church, came before Council with a request to present a fireworks display on the Hannibal Lagrange Campus July 6, 2007. Mr. Taylor stated that the Church started their First Annual 4th of July Community Choir Orchestra Celebration in 2006. This was done on the HLG Campus with over 1000 in attendance. A request was made at that time by Jason Janes to display fireworks, which was done by S&N Fireworks. Taylor's request is to use the same company for this year's celebration, with approval of Council. Motion was made by Council Member Hull, seconded by Mayor Hark to approve Taylor's request. Mayor Hark stated that he had heard many good comments about last year's event.

Motion carried.

AMY JOHNSON – FIRST PRESBYTERIAN CHURCH
Re: Street Closure Request

Amy Johnson with the First Presbyterian Church introduced herself to Council and requested permission be given to the Church to close Center Street from 5th to 6th Street on June 10, 2007. The purpose of her request is to have an old fashioned ice cream social celebrating the Church's 175th anniversary. The closure, if granted, would be for the time between 4:30 P.M. and 9:00 P.M. on that date. Council Member Wilson asked if the plans had been presented to the Police and Fire Department and Ms. Johnson stated that she was unaware of the need for that.

Police Chief Lyndell Davis and Street Commissioner Leon Wallace were in attendance and expressed their willingness to work with Ms. Johnson on this request. Council Member Wilson then stated that after this was discussed with the proper authorities, he would be willing to make a motion to approve her request for street closure. Mayor Hark seconded the motion.

Motion carried.

MICHAEL RIESENBECK – GOLDEN EAGLE DISTRIBUTING
Re: Parade Request

Michael Riesenbeck of Golden Eagle Distributing stated that he had been contacted by Anheuser-Busch concerning a visit of the Clydesdale Horses to the Hannibal area and had previously discussed this with Mayor Hark. They will be at a week long sesquicentennial event in Monroe City and are wishing to have several small parades area-wide in anticipation of building up that event on June 2, 2007. This will also give other communities the opportunity to see the Clydesdales in action. They are currently scheduled to be in Palmyra on May 30, 2007.

Chief Davis stated that he had visited with Mr. Riesenbeck previously and had agreed to place a Police escort in front and back of the display. Davis was still negotiating with Riesenbeck concerning some requests that had been made and all plans will be firmed up with Riesenbeck prior to the event.

Tentatively, pictures will be taken at various locations with area bar owners. This will not be a parade, so streets will not be closed to through traffic. Pictures may also be taken at the County Courthouse with County employees that are present. The escort will end at the Admiral Koontz Armory with a military salute for retired and current military heroes. Council Member Wilson made motion to approve Riesenbeck's request. Motion was seconded by Council Member Hatton.

Motion carried.

DANIEL HOLLAND – PYRFEECT ORGANIZATION
Re: Street Use Request

Ms. Monica Williams was recognized in place of Daniel Holland regarding the request of street use by Pyrfeect. Monica introduced herself to Council as a Pyrfeect Parent (Pyrfeect is the acronym for Parents and Youth Reaching for Educational Excellence and Cultural Togetherness).

Ms. Williams introduced two board members, Charlene Williams and Rachael Elder. Ms. Elder would be making the presentation. Ms. Williams introduced the Pyrfeect Organization President, Mr. Danny Holland who was also in attendance, then asked Council if they had any questions that she might answer.

Since no questions were asked, Ms. Elder came to the podium requesting the use of Willow Street and Settles between the hours of 5:15 P.M. and 7:30 P.M. on Mondays, Tuesdays, Thursdays and Sundays for marching practice of the Pyrfeect Steppers. This is needed in order to condition the marchers and drummers for upcoming local parades in surrounding areas as well as events in other states. Ms. Elder assured Council that the right-of-way would be given to anyone living there who needs to travel on the streets. She said that the noise of the drums would bounce off of the cliffs and added that they had obtained signatures of approval from residents on Willow, Settles and Hayden Streets.

Some discussion ensued concerning possible opposition to this request with the presenters stating only one resident was in opposition. Council was assured that these practices would not be held on a weekly basis but only a couple of weeks prior to each event attended by the group. Council Member Wilson asked that the proper authorities be contacted before holding these practices. Motion was made by Council Member Hull to approve this request. Motion was seconded by Council Member Wilson.

Motion carried.

JEFFREY LAGARCE – CITY MANAGER
Re: Approval of Appointments

EMPLOYEE BENEFIT TRUST BOARD

William Osbourne – Appointment for a term to expire May, 2010

Beverly (B.J.) Watson – Appointment for a term to expire May, 2010

City Manager Jeffrey LaGarce sought Council approval for his recommendation of two appointments that were presented at the previous Council meeting on May 1, 2007. Motion was made by Council Member Wilson to approve LaGarce's recommendation. Motion was seconded by Council Member Janes.

Motion carried.

Re: Nomination of Appointment

MARK TWAIN HOME BOARD

Frank Salter – Appointment for an unexpired term to expire November, 2007

Mr. LaGarce presented a nomination of Frank Salter to the Mark Twain Home Board for a term to expire November of 2007. This nomination will be brought before Council at the next regular meeting for their approval.

Re: Recommendation to Set Fiscal Year 2008 Budget Public Hearing

(June 5, 2007 at 6:30 P.M.)

City Manager LaGarce presented a schedule to Council that he wished to employ for their consideration and adoption concerning the Fiscal Year 2008 budget. First, he requested that Council set the budget public hearing for June 5th. Second, after the public hearing, during the regular Council Meeting a first reading would be given to the bills regarding this budget year. The budget would not actually be approved until two weeks later. This would bring approval in before the July 1st date, which is not a requirement, but would make adjustment go more smoothly. Motion was made by Council Member Hatton to approve LaGarce's request. Motion was seconded by Council Member Hull.

Motion carried.

Re: Request to Waive Formal Bid Approval

(City Hall HVAC Replacement)

Finally, City Manager LaGarce asked Council to waive the formal approval, not the bidding process, of the City Hall heating and air conditioning unit installation. Bids are due on Friday, May 18th and the next Council meeting is not until June 5th. LaGarce felt the need to expedite this installation because of warmer weather and increasing high temperatures in the building. After a brief discussion, the City Manager stated that \$25,000 was allocated in the budget for this upgrade and he expected bids to come in below that. Council Member Wilson suggested that it be specified '*bids not to exceed \$25,000*'. Following this specification, motion was made by Council Member Hull to waive the formal bid approval. Council Member Hatton seconded the motion.

Motion carried.

JAMIE PAGE – CITY ENGINEER

Re: 2007 Airport Mowing Bid Award

City Engineer Jamie Page presented the recommendation for Council approval of the 2007 Airport mowing bid. He recommended the bid be awarded to Elite Lawn Care with bid amount being \$155 per cut, not to exceed a total cost of \$2,015 in the 2007 calendar year. On June 5th, provided approval is awarded to this company, a contract will be presented for Council approval. In response to a question posed by Council Member Wilson, Page stated that this amount would be paid from the mowing line item in the airport budget. All contractors working for the City are required to be licensed by the City and bonded, according to Page. City Engineer Page concluded by saying this is the same contractor who currently has the contract to mow the levee. Motion was made by Council Member Hull to approve the City Engineer's request. Motion was seconded by Council Member Hatton.

Motion carried.

Re: Busy Bee Tree Service Contract

(Resolution No. 1378-07, to follow)

Page's second order of business was Resolution No. 1378-07, concerning a contract with Busy Bee Tree Service. The contract at hand is for the 2007 tree removal bid for \$5,100 that was awarded to

this company on May 1, 2007. Page expressed his desire for Council to approve Resolution No. 1378-07 to follow that would also approve this contract.

Re: Grand Avenue Change Order ('Work Change Directive')
(Resolution No. 1380-07, to follow)

Page stated that his third and final order of business is the Grand Avenue Change Order. He added that this is actually Work Change Directive Number 8, which means the company will try to make these changes at the most reasonable amount possible with an estimate given of \$7,225. If the final total of time and materials is less than this, the City will pay less; however, there are a number of unknown variables at this time. If buffers were built in for all of these variables, it would further damage the budgeted amounts.

Page informed Council of the reason for the work change directive. The sewer line was cut in this area and the new storm sewer is larger and collected in one area. It is a situation in which the sewer main line reconnect will be running through the middle of this and cannot be adjusted. The department, the design engineer and contractor met with the Board of Public works and came up with the most feasible and workable means of resolution. This was to run down the right-of-way to the south and connect to the existing sewer 185 feet away. Work is stopped until this work change directive is approved. Page is recommending approval, later in the meeting of Resolution 1360-07 which is the best alternative at this time for the Grand Avenue Project.

LYNDELL DAVIS – CHIEF OF POLICE
Re: Redflex Traffic System/MODot Contract for Red Light Traffic Enforcement
(Resolution No. 1377-07, to follow)

Police Chief Lyndell Davis came before Council with a request for approval to enter into a contract with Redflex Traffic Systems and Missouri Department of Transportation for the establishment of red light traffic enforcement, predominately on US Highway 61. Davis stated that he had met with the City Attorney and with Don Nelson, representative of Redflex over the last several weeks. Mr. Nelson was in the audience to answer any questions Council might have. Davis stated, in response to a question by Mayor Hark, two areas of concern would be US 61/Route 168 Intersection and US 61/West Ely Road & Pleasant Street Intersection; however, according to the contract, there may be as many as twenty separate areas monitored. Future areas would be determined by additional studies conducted with traffic flow being a determining factor in justification for investment. This contract would be approved with the approval of Resolution No. 1377-07, to follow.

Re: Request to Waive Bidding Procedures to Upgrade the Existing Phone System

Chief Davis stated that his second item on the Council agenda concerned an upgrade to the existing telephone system at the Police Department making it more customer friendly. It was recently brought to Davis's attention, due to the cost of upgrade it would be better to proceed through the bid process; however since the system is only being upgraded and not replaced, Davis wished to remain with the current proprietor, AT&T. For this reason, Davis asked Council approval to waive the bidding process and proceed with the enhancement to the current system. Money is in the current budget for this project, according to the Chief. Motion to waive the bid process was made by Council Member Wilson and seconded by Council Member Hatton.

Motion carried.

CHRIS ATKINSON – DIRECTOR OF PARKS AND RECREATION

Re: Riverview Park Roads, Change Order Number 1

(Resolution No. 1379-07, to follow)

Parks & Recreation Director Chris Atkinson stated that normally he did not like to bring change orders before Council, but in this case, he felt it would be better to spend the money now instead of coming back in a year and placing more asphalt.

Bids were let for asphalt and chip seal approximately 6 weeks prior, and according to Atkinson, these came in lower than expected so there are available funds to invest in additional asphalt on the more damaged areas of the road as well as to cover all the parking areas that are now covered with gravel. These will now be asphalted and then chip sealed to match the entire road system. He asked Council to approve Change Order Number One that would allow Don Martin Construction to do an additional 25,000 square ft. of asphalt work in the Park. This would increase the contract from \$63,720 to \$93,720. Motion was made by Council Member Hull to approve Change Order Number One. Motion was seconded by Council Member Hatton.

Motion carried.

PHYLLIS NELSON – CITY COLLECTOR

Re: Request to Write Off Delinquent 2003 Personal Property Taxes

City Collector Phyllis Nelson referenced the tax report that was in the agenda packet and stated that this procedure was something that was done annually. She added that the Collection Department is prohibited to take legal action in cases where taxes are in excess of three years old; therefore, the only option for nonpayment is to write these delinquent personal taxes off the books. Motion was made by Council Member Wilson to approve Nelson's request. Motion was seconded by Mayor Hark.

Motion carried.

RESOLUTION NO. 1377-07

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT ON BEHALF OF THE CITY OF HANNIBAL, POLICE DEPARTMENT, WITH REDFLEX TRAFFIC SYSTEMS, INC. AND THE MISSOURI DEPARTMENT OF TRANSPORTATION (MODOT) FOR RED LIGHT TRAFFIC ENFORCEMENT

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1377-07 and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark – 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Knickerbocker - 2

Mayor Hark declared Resolution No. 1377-07 duly approved and adopted on this date.

RESOLUTION NO. 1378-07

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR 2007 TREE REMOVAL ON CITY PROPERTY AND CITY RIGHT-OF-WAY WITH BUSY BEE TREE SERVICE IN THE AMOUNT OF \$5,100

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1378-07 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark – 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Knickerbocker - 2

Mayor Hark declared Resolution No. 1378-07 duly approved and adopted on this date.

RESOLUTION NO. 1379-07

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN CHANGE ORDER NUMBER ONE (1) FOR DON MARTIN CONSTRUCTION CONTRACT TO INCREASE THE CONTRACT AMOUNT FROM \$63,720 TO \$93,720

Motion was made by Council Member Hull to have the City Clerk read Resolution No. 1379-07 and call the roll for adoption. Motion was seconded by Council Member Wilson.

Motion carried.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark – 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Knickerbocker - 2

Mayor Hark declared Resolution No. 1379-07 duly approved and adopted on this date.

RESOLUTION NO. 1380-07

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE WORK CHANGE
DIRECTIVE NUMBER EIGHT (8) OF THE BLEIGH CONSTRUCTION COMPANY
CONTRACT FOR GRAND AVENUE STORM SEWER REPAIR IN THE AMOUNT OF
\$7,225**

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1380-07 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

Yes: Council Members Hatton, Hull, Janes, Wilson and Mayor Hark – 5

No: -0-

Absent: Mayor Pro Tem Dexheimer and Council Member Knickerbocker - 2

Mayor Hark declared Resolution No. 1380-07 duly approved and adopted on this date.

ADJOURNMENT

Motion was made by Council Member Hatton to adjourn. Motion was seconded by Council Member Hull.

Motion carried.