

OFFICIAL PROCEEDINGS OF PUBLIC HEARING

**Tuesday, October 2, 2007
6:45 p.m.**

CALL TO ORDER

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

LINDSAY WISKIRCHEN – FINANCE DIRECTOR 2007 Tax Rate

Lindsay Wiskirchen, Finance Director, reported that everything had been returned from the Missouri State Auditor's office. She added that there were no increases in property tax rate from last year's rate of \$1.18/100. The assessed valuation went up approximately \$2 million. She asked for question or comments.

PUBLIC COMMENTS

There were no public comments at this time.

ADJOURNMENT

Public hearing was adjourned by Mayor Hark at this time.

**NOTICE OF PUBLIC MEETING
COUNCIL AGENDA**

**October 2, 2007
7:00 p.m.**

ROLL CALL

Present: Council Members Hull, Knickerbocker, Janes, Wilson,
Mayor Hark and Mayor Pro Tem Dexheimer - 6

Absent: Council Member Hatton - 1

CALL TO ORDER

At this time, there being a quorum present, Mayor Hark called the meeting to order.

INNOCATION

Mayor Hark asked Council Member Janes to give 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, at this time, to excuse Council Member Hatton.
Motion was seconded by Council Member Wilson.

Motion carried.

**APPROVAL OF MINUTES
Regular Council Meeting – September 18, 2007**

Motion was made by Council Member Hull to approve the minutes of the last regular Council meeting that was held on September 18, 2007 Motion was seconded by Council Member Wilson.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS
Second Half – September, 2007**

Motion was made to approve the Payroll and Claims for the second half of September, 2007 by Mayor Pro Tem Dexheimer. Motion was seconded by Council Member Hull.

Motion carried.

RALPH BRINKLEY – AMERICAN LEGION RIDERS
Re: 2nd Annual Veterans Parade

Ralph Brinkley, representing the American Legion Riders, came to Council requesting permission to hold the 2nd Annual Veterans Day Parade on November 10, 2007. He stated that his organization has ordered 52 flags for the City of Hannibal to be placed down Broadway on that date. Following the parade, according to Brinkley, the flags would be stored at the Elks Club for use by the City, when needed for similar events.

Mr. Brinkley also stated the American Legion Riders had spent approximately fourteen months making application with the Federal Government to have a fly-over on that date. This has now been approved and paperwork has now been sent to Scott Air Force Base, Missouri Air National Guard in St. Louis and Whiteman Air Force Base in Kansas City. These entities will decide collectively, which will perform this service. At this time, it is unknown the details of this event, but he proposed the parade would begin with the entrance of the planes across 10th Street. Motion was made by Mayor Pro Tem Dexheimer to approve Brinkley's request. Motion was seconded by Council Member Wilson.

Motion carried.

DALE SWENSON – HABITAT FOR HUMANITY
Re: Request to Waive Taxes & Special Assessments
(713 & 715 Union Street)

Mr. Dale Swenson, a representative of Habitat for Humanity, was recognized by the Mayor. He came with a request for Council to waive taxes and special assessments on 713 and 715 Union Street. He added that the City Collector had informed him the taxes have already been abated by the county. He wished to emphasize the importance of community spirit for the Habitat for Humanity program.

Mr. Swenson stated that the local office is an affiliate of the international program with headquarters in Americus, GA. To date, 250,000 homes have been built; with approximately 2,000 have been built in the Rita/Katrina area. He pointed out that five homes have been built in Hannibal, MO.

JEFFREY LAGARCE – CITY MANAGER
Re: Recommendation of Appointment

HISTORIC DEVELOPMENT DISTRICT COMMISSION
Vicki Lewis – Appointment for a term to expire May, 2012

City Manager Jeffery LaGarce made a correction of this agenda item. Ms. Lewis is a current member whose term is expiring. LaGarce asked Council's consideration to reappoint her to the Historic Development District Commission at the next Council meeting.

Re: Approval of Appointments

City Manager LaGarce requested Council approval for the following recommendation that he submitted during the previous Council meeting. It was:

HANNIBAL TREE BOARD

Ed Tamerius – Appointment for a term to expire September, 2010

LaGarce pointed out that this was actually a re-appointment. Motion was made by Council Member Wilson to approve LaGarce's recommendation. Motion was seconded by Council Member Hull.

Motion carried. City Manager LaGarce requested Council approval for the following recommendation that he submitted during the previous Council meeting. It was:

BOARD OF ADJUSTMENT

Harold Volkmer – Appointment for a term to expire May, 2010

Motion was made by Council Member Janes to approve LaGarce's recommendation. Motion was seconded by Council Member Knickerbocker.

Motion carried. City Manager LaGarce requested Council approval for the following recommendation that he submitted during the previous Council meeting. It was:

LIBRARY BOARD

Susan Wathen – Appointment for a term to expire June, 2010

LaGarce pointed out that this was actually a re-appointment. Motion was made by Council Member Janes to approve LaGarce's recommendation. Motion was seconded by Mayor Hark.

Motion carried. City Manager LaGarce requested Council approval for the following recommendation that he submitted during the previous Council meeting. It was:

AIRPORT COMMISSION

George Walley – Appointment for a term to expire September, 2009

Motion was made by Mayor Pro Tem Dexheimer to approve LaGarce's recommendation. Motion was seconded by Mayor Hark.

Motion carried. LaGarce stated that the last three appointments to the Hannibal Convention and Visitor's Bureau were presented at the last Council meeting. They were:

HANNIBAL CONVENTION AND VISITORS BUREAU

Bob Gilstrap – Appointment for a term to expire September, 2012

Jim Coleberd – Appointment for a term to expire September, 2012

Jim Behrens – Appointment for an unexpired term to expire September, 2011

Motion was made by Council Member Wilson to approve LaGarce's recommendation of Bob Gilstrap for an appointment of a term to expire September, 2012. . Motion was seconded by Council Member Knickerbocker.

Roll Call

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

No: Mayor Pro Tem Dexheimer - 1

Absent: Council Member Hatton - 1

Motion carried. Motion was made by Council Member Wilson to approve LaGarce's recommendation of Jim Colebred for an appointment of a term to expire September, 2012. Motion was seconded by Mayor Pro Tem Dexheimer.

Motion carried. Motion was made by Council Member Wilson to approve LaGarce's recommendation of Jim Behrens for an appointment of a term to expire September, 2011. Motion was seconded by Council Member Hull.

Motion carried.

Re: Molly Brown Birthplace & Museum Conveyance

(Resolution No. 1403-07, to follow)

City Manager LaGarce presented Resolution No. 1403-07, which is an authorization for an agreement whereas Vicki & Terrell Dempsey convey property known as the Molly Brown Birthplace and Museum, located at 600 Butler Street to the City of Hannibal. This agreement states that the Dempseys will subsidize the Museum's operations up to \$5,000 per year for five (5) years and will convey all gift shop inventories, souvenir booklets, etc. along with the property. This appears on the agenda later during the meeting for approval.

Re: Temporary Caterers' License

(Bill No. 07-030, to follow)

LaGarce's last order of business on the agenda was Bill No. 07-030, which regarded the guidelines for processing temporary caterer's license within the City of Hannibal. LaGarce stated that he had initiated this with the help of the City Attorney. This license, if the ordinance is approved, would allow private entities to have alcoholic beverages catered at events they are planning. LaGarce added that, if the proposed site is zoned properly to allow such an event, the City Clerk can approve the application; however, if it is not in an area that is zoned properly, the application would need Council approval. In the case the City Clerk does not feel comfortable approving an application, there is a provision whereby it can go before Council for approval.

JAMIE PAGE – CITY ENGINEER

Re: Request to Set Public Hearing – Rezoning 3423-3445 St. Mary's Avenue

(November 6, 2007 6:30 p.m.)

City Engineer Jamie Page's first order of business was a request to set a public hearing for the re-zoning of 3423-3445 St Mary's Avenue. He requested a hearing date of November 6, 2007 at 6:30 p.m. Council Member Janes responded that he had been present at the zoning meeting regarding this property and added that he was sure he heard the respondent say they did NOT want to continue with this process, but instead to explore another avenue.

Page replied that nothing had been received to remove this from the agenda, so he would proceed as planned. Council Member Janes made a motion to approve Page's request. Motion was seconded by Council Member Hull.

Motion carried. City Manager LaGarce concluded the City may advise the property owner to submit something in writing if he has changed his mind. In that way, time would not be wasted if the public hearing is no longer necessary.

Re: Stormwater Implementation Plan Update

Page updated Council with regard to the stormwater implementation plan which should have been in place in 2003. He added that he had been working with a firm from St. Louis, who is familiar with our stormwater system, for about a year. The City is now a Phase II stormwater system dealing with any related issues this entails. One EPA/DNR requirement of a City under the Phase II plan is that it submits its process for putting the plan into action. This was completed on September 18, 2007 and is now under review, according to Page.

Page concluded by saying that this should be accepted, and a response should be forthcoming. Upon receipt of approval by EPA/DNR, another update will be given to the general public concerning requirements of the public and of contractors within the City.

Re: Land Use Plan Update

The next issue that Page presented was the land use plan update. He stated that applicants had been narrowed down by a review group, consisting of approximately ten people. These people were chosen from City and BPW staff, Northeast Development Authority personnel and various citizens (such as John Grossmeier). After the review process, three firms were selected. At the present time, the review process is continuing and a proposal will be forthcoming, possibly as early as the October 16, 2007 Council meeting.

Re: South Main Street Bridge Update

The City Engineer explained that the final re-design for the corrective actions with regard to the South Main Street Bridge project is due this week (October 3 - October 9). After the receipt of these specs, DPW will advertise for construction bids sometime in October. Page assured Council that every effort will be made to continue to move forward with this project's

Re: Utility Easement, Hendrickson *(Resolution No. 1405-07, to follow)*

Next order of business, presented by City Engineer Jamie Page was Resolution No. 1405-07, the approval of which would also approve a utility easement between the City of Hannibal and John & Sandra Hendrickson of 15 Settlers Trail. Page explained this 20 foot wide permanent easement is necessary for use in construction, operation, maintenance, repairs, replacement and upgrading of municipal utilities in this area. The easement was supposed to have been requested and granted during the initial Cherokee/Settlers Trail project that was

completed in 2001. This error will be corrected with the approval of Resolution No. 1405-07, according to Page.

City Attorney Lemon pointed out a scrutner's error in the resolution, what should have been a stormwater easement is titled a utility easement. He suggested that, in order to present the resolution for approval later in the meeting, a motion should be made to amend error in this resolution. A motion to amend Resolution No. 1405-07 in accordance with the City Attorney's recommendation was made by Council Member Janes. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Re: 2007 Milling & Asphalt Overlay, Change Order No. 1
(Resolution No. 1406-07, to follow)

Page's final order of business was a request for Council approval of Resolution No. 1406-07, to follow. This Resolution is to approve Change Order No.1 of the 2007 milling and asphalt overlay contract. He stated that Chester Bross Construction has submitted a request for approval of this Change Order to correct unstable material encountered during the 2007 milling and asphalt overlay project. The difference in the contract amount would be an increase of \$5,197.87 to the original amount of \$93,228.00, which would bring the adjusted total to \$98,425.87 for the project.

TIM CARTER – HANNIBAL FIRE DEPARTMENT, CHIEF OFFICER
Re: Bid Award Approval, Pre Owned 1-ton Utility Vehicle

Fire Board Chairman Kyle Wilson made the request for bid approval on behalf of Fire Chief Tim Carter. The bid was for the purchase of a pre-owned one ton utility vehicle, of which one bid was received. On September 14, Brian Brown submitted a bid of \$17,500 for a used vehicle that now has 68,000; requirement, according to bid specs was 'less than 70,000 miles'. The Fire Board recommended awarding the bid to Mr. Brown upon successful inspection of the vehicle, according to Wilson. Motion was made by Council Member Wilson to approve the recommendation. Motion was seconded by Mayor Pro Tem Dexheimer.

Motion carried.

Re: Bid Award Approval, Radio System Upgrade

Next, Chairman Wilson presented criteria for the radio system upgrade bids and asked for Council approval of the Fire Board's recommendation. The Board's recommendation, after consideration of bids submitted, was to award A & W Communications the bid in the amount of \$42,665.43, plus additional programming estimated at \$500. Two bids were received, on from A & W Communication and the second from Gem Electronics. Wilson stated that A & W's bid was initially higher than the other bid, submitted by Gem Electronics; however A & W Communications included the cost of a multi coupler for the auxiliary receiver sites, which was not in the bid specifications. Gem Electronics' bid did not include this item. After the price of the multi coupler was deducted, the adjusted amount of the A & W bid was \$39,665.43.

Wilson then made a motion to approve the bid award to A & W Communication, as recommended by the Fire Board. Motion was seconded by Council Member Janes.

Motion carried.

CHRIS ATKINSON – DIRECTOR OF PARKS & RECREATION
Re: Bid Award Approval, Utility Vehicle

Chris Atkinson, Director of Parks & Recreation department presented his recommendation to Council concerning a recent Parks & Recreation bid for the purchase of a new utility vehicle. According to Atkinson, the current utility vehicle, a John Deere Gator TX, which is used for ball diamond preparation and trail access, was purchased in 1996 and has become increasingly unreliable. He added that two bids had been received; the first was from Grand View Nursery and the other from Sydenstricker Farm and Lawn. The bid from Grandview far exceeded the bid specifications, even though both companies received the same bid specs. Therefore, Atkinson sought approval of his recommendation to award the bid to Sydenstricker Farm and Lawn in the amount of \$3,324.81, with the trade-in of the 1996 Gator that the Parks now has. Motion was made by Mayor Pro Tem Dexheimer to approve Atkinson's bid recommendation. Motion was seconded by Council Member Hull. It was noted by the Mayor, at this time, that Council Member Janes left the Council proceedings.

Motion carried.

LYNDELL DAVIS – CHIEF OF POLICE
Re: Grant Award, Blueprint for Safer Roadways
(Resolution No. 1404-07, to follow)

Chief of Police Lyndell Davis presented Resolution No. 1404-07 to Council and asked for their approval later during the meeting. Approval of this Resolution would authorize the Mayor to sign a contract to finalize the processing of a traffic grant (Blueprint for Safer Roadways Program). The Hannibal Police Department has been awarded this grant in the amount of \$1,200 through the Highway Safety Division to provide funding for additional traffic enforcement of hazardous moving violation within the City for 2007. Chief Davis concluded by explaining that this grant is 100%, there is no match.

LINDSAY WISKIRCHEN – DIRECTOR OF FINANCE
Re: Verizon Wireless Settlement
(Bill No. 07-029, to follow)

Director of Finance Lindsay Wiskirchen came before Council to discuss the Verizon Wireless settlement and ask approval of Bill No. 07-029, to follow, that would accept the terms in this settlement. Wiskirchen explained that many municipalities in Missouri have contended for years that wireless or cellular telephone companies were subject to the same business license tax as landline companies, for Hannibal that is 5% of gross receipts. She added that Verizon has denied this and refused to pay a large sum of these taxes. What little they have given to the City of Hannibal has been paid under protest.

According to Wiskirchen, Verizon has now settled and has agreed to pay all back taxes and future taxes from this point forward. To receive the settlement amount of \$5,151.17 in taxes already owed, this settlement agreement must be signed. Bill No. 07-028 is for this purpose.

At this time, it was noted by Mayor Hark that Council Member Janes had re-joined the meeting.

RESOLUTION NO. 1403-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TERRELL AND VICKI DEMPSEY FOR THE CONVEYANCE TO THE CITY OF HANNIBAL OF THE MOLLY BROWN BIRTHPLACE & MUSEUM

Motion was made by Council Member Hull to have the City Clerk read Resolution No. 1403-07 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 and Mayor Pro Tem Dexheimer - 6

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Resolution No. 1403-07 duly approved and adopted on this date.

RESOLUTION NO. 1404-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF HANNIBAL POLICE DEPARTMENT AND THE MISSOURI HIGHWAYS & TRANSPORTATION COMMISSION FOR THE ACCEPTANCE OF *BLUEPRINT FOR SAFER ROADWAYS* PROGRAM GRANT FUNDS

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk read Resolution No. 1404-07 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 and Mayor Pro Tem Dexheimer - 6

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Resolution No. 1404-07 duly approved and adopted on this date.

RESOLUTION NO. 1405-07
(As amended)

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A
STORMWATER EASEMENT BETWEEN JOHN & SANDRA HENDRICKSON AND
THE CITY OF HANNIBAL FOR CONTINUED ACCESS TO PROPERTY
SITUATED IN PARTS OF LOT 15 OF PIONEER VILLAGE SUBDIVISION FOR
THE PURPOSE OF MAINTAINING AND UPGRADING MUNICIPAL UTILITIES**

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1405-07, as amended, 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 and Mayor Pro Tem Dexheimer - 6

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Resolution No. 1405-07, as amended, duly approved and adopted on this date.

RESOLUTION NO. 1406-07

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER
NO. 1 OF THE CHESTER BROSS CONSTRUCTION COMPANY AGREEMENT
FOR THE 2007 ASPHALT MILLING AND OVERLAY PROGRAM**

Motion was made by Council Member Hull to have the City Clerk read Resolution No. 1406-07 and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark and Mayor Pro Tem Dexheimer - 6

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Resolution No. 1406-07 duly approved and adopted on this date.

BILL NO. 07-029

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 CITY, MISSOURI, ETAL VS. AT&T WIRELESS SERVICES INC, ETAL RELATIVE TO VERIZON WIRELESS BUSINESS LICENSING AND TAXATION

FIRST READING

Motion was made by Council Member Hull to give Bill No. 07-029 a first reading. Motion was seconded by Council Member Knickerbocker.

Motion carried.

BILL NO. 07-030

AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF HANNIBAL RELATIVE TO ESTABLISHMENT OF CATERERS' LICENSES AND GUIDELINES RELATING THERETO

FIRST READING

Motion was made by Council Member Wilson to give Bill No. 07-030 a first reading. Motion was seconded by Council Member Hull.

Motion carried. Mayor Pro Tem Dexheimer commended the City Attorney and the City Manager for all the work that was done on the Caterer's License Bill. He stated that he knew this was a difficult job to put this in place and further stated that he appreciated their efforts.

BILL NO. 07-027

AN ORDINANCE AMENDING CHAPTER 17, ARTICLE IV, DIVISION 7, SECTION 196 "YIELD TO EMERGENCY VEHICLES" OF THE CODE OF THE CITY OF HANNIBAL, ADOPTED JANUARY 19, 1988 AND EFFECTIVE JANUARY 19, 1988

SECOND AND FINAL READING

Motion was made by Council Member Hull to have the City Clerk give Bill No. 07-027 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark and Mayor Pro Tem Dexheimer - 6

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Bill No. 07-027 duly approved and adopted on this date.

BILL NO. 07-028

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE III, DIVISION 3, OF THE CODE OF THE CITY OF HANNIBAL, ADOPTED JANUARY 19, 1988 AND EFFECTIVE JANUARY 19, 1988 TO INCLUDE SECTION 16-74 “CRIME OF PASSING BAD CHECKS”

SECOND AND FINAL READING

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk give Bill No. 07-028 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 Hull, Knickerbocker, Janes, Wilson, Mayor Hark and Mayor Pro Tem Dexheimer - 6

No: -0-

Absent: Council Member Hatton - 1

Mayor Hark declared Bill No. 07-028 duly approved and adopted on this date.

CLOSED SESSION

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

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraphs one and two, admitting himself, the rest of Council, City Manager LaGarce, City Attorney Lemon, City Clerk Zerbonia, City Engineer Page, Finance Director Wiskirchen, Parks & Recreation Director Atkinson and Police Chief Davis. Motion was made to go into closed session as Mayor Hark directed by Council Member Wilson. Motion was seconded by Council Member Hull.

Roll Call

Yes: Council Members Hull, Knickerbocker, Janes, Wilson, Mayor Hark and Mayor Pro Tem Dexheimer - 6

No: -0-

Absent: Council Member Hatton - 1

Motion carried.

No official action was taken during closed session.

OPEN SESSION

Motion was made by Council Member Wilson to return to open session. Motion was seconded by Mayor Hark.

Motion carried.

ADJOURNMENT

Motion was made by Council Member Wilson to adjourn. Motion was seconded by Mayor Hark.

Motion carried.