

OFFICIAL COUNCIL MINUTES

October 16, 2007
7:00 P.M.

ROLL CALL

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

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

CALL TO ORDER

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

INVOCATION

At this time, Council Member Janes gave the invocation.

PLEDGE OF ALLEGIANCE

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

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting – October 2, 2007

Motion was made by Council Member Hull to approve the minutes of the regular Council Meeting that was held on October 2, 2007. Motion was seconded by Council Member Hatton.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – October, 2007

Motion was made by Council Member Janes to approve the payroll and claims for the first half of October, 2007. Motion was seconded by Mayor Hark.

Motion carried. Mayor Hark recognized Fire Board Chairman Wilson, at this time. Chairman Wilson explained that the Fire Board had received a letter from Gary Crane, Chief of the Palmyra Volunteer Fire Department. Wilson proceeded to read this letter that expressed Palmyra's appreciation for the assistance the Fire Department and citizens received during the recent tornado.

CONNIE QUINN – ELK'S LODGE

Re: Request, Block Alleyway (Fish Fry)

Connie Quinn, speaking on behalf of the Elk's Lodge, requested Council approval to block the alleyway at the 400 block between Broadway and Church on October 27, 2007 in order to have a fish fry. The original request was to block this alleyway at noon, but Quinn wished to modify the request at this time, stating that the Elks had a very large request for lunch orders; therefore, she asked that the alleyway be blocked at 10:00 a.m., instead. Motion was made by Council Member Wilson to approve Quinn's request. Motion was seconded by Council Member Hatton. City Clerk Zerbonia had several recommendations from the staff that she interjected at this time. They were:

- Allow emergency traffic to flow through the alleyway
- Notification of 911 personnel
- Insuring a Class K fire extinguisher is on-site
- Trash clean-up by Elks, following the event
- Provide a certificate of insurance to the Clerk's Office, prior to the event

Motion carried.

HEIDI MARK – THE NORTH WALL

Re: Requests, Street Closure & Sale of Alcoholic Beverages at Off-Site Location (Grand Opening/Block Party)

Heidi Mark, owner of The North Wall, requested Council approval to close a portion of North Street in front of her business, she was flexible in regard to the portion to be closed. Mark stated that she wished to place a 20' x40' tent in this area. This is for the grand opening and block party, to be held on Saturday, November 17, 2007. Motion was made by Council Member Wilson to approve Ms. Mark's request. Motion was seconded by Council Member Hull. City Clerk Zerbonia voiced several recommendations from the staff. They were:

- Insure proper ID's are checked, no underage drinking
- Take responsibility of placing and removing barricades
- Keep one lane of traffic open for emergency vehicles
- Clean up trash and debris after event
- Provide a certificate of insurance, naming city as additional insured, to the Clerk's Office prior to the event

Ms. Mark's original request was closure from 7:00 p.m. until 1:30 a.m. on the aforementioned date. She stated a desire to change the beginning date to 3:00 p.m. in

order to get the most benefit from her efforts and advertising for the event. After a brief discussion, it was decided to allow the street closure from 5:00 p.m. until 1:30 a.m.

Motion carried.

JERRY KETTERER – PROPERTY OWNER
Re: Acceptance, Request to Withdraw
(Rezoning of Property 3423-3445 St. Mary’s Avenue)

Mayor Hark informed Council of a request from Mr. Jerry Ketterer, a local property owner, to withdraw a previous request for rezoning of property located at 3423-3445 St. Mary’s Avenue. Motion was made by Council Member Wilson to table Ketterer’s rezoning request. Motion was seconded by Council Member Janes.

Motion carried. Council Member Janes questioned a statement made by Ketterer in his letter to Council, that he would make the request for a hearing next year. Janes asked if Mr. Ketterer would have to return to Planning and Zoning Commission or if he could come directly to Council. It was clarified by the City Manager and the Mayor that Ketterer would have to return to the Commission, since it would be a new application, hearing and 15-day notice.

JUDGE FREDRICH CRUSE – HANNIBAL MUNICIPAL COURT
Re: Justice Information System
(Bill No. 07-033, to follow)

Judge Fredrich Cruse came before Council to introduce Bill No. 07-033 and to ask their approval to give this bill a first reading, later during the meeting. The referenced bill, if passed, would approve the intergovernmental agreement between the City of Hannibal and the Office of State Courts Administrator (OSCA) of the Municipal Court Automation Agreement and to impose the mandatory \$7.00 increase in Court costs, as part of the Justice Information System (JIS). JIS will allow the department to keep track of each person who comes to Court and deal with all their cases at the same time. According to Cruse, the advantages to JIS are the opportunity for improved service, fair and equitable justice, and public access to information.

JAMES LEMON – CITY ATTORNEY
Re: Nuisance Business Ordinances
(Bill No. 07-032, to follow)

City Attorney James Lemon introduced Bill No. 07-032 to Council and asked their approval to give this Bill a first reading later in the meeting. Bill No. 07-032 was designed as a guideline to deal with various problems the City has had with bars and establishments serving alcohol. Lemons, in conjunction with Chief Davis, drafted this ordinance that would address problems, such as chronic offenders, failure to submit plans to improve or ‘clean up their act’ and general bad behavior.

JEFFREY LAGARCE – CITY MANAGER

Re: Approval of Appointment

City Manager, Jeffrey LaGarce asked Council approval for a recommendation that he had expressed during the previous Council meeting held on October 2, 2007. This was:

HISTORIC DEVELOPMENT DISTRICT COMMISSION

Vicki Lewis – Appointment for a term to expire May, 2012

Motion was made by Council Member Wilson to approve LaGarce's request. Motion was seconded by Council Member Hull.

Motion carried.

Re: Recommendation of Appointment

City Manager LaGarce made the following recommendation to Council for their consideration and approval at the next regular Council meeting.

MARK TWAIN HOME BOARD

Frank Slater – Appointment for a term to expire November, 2014

Re: Bid Award Approval, 2007 City Wide Cleanup

(Resolution No. 1410-07, to follow)

LaGarce explained that the next issue before Council was a bid award for the 2007 City wide cleanup, scheduled for October 27, 2007. He added that \$100,000 had been included in the FY 2007-08 budget to cover the cost of this cleanup. According to LaGarce, bids were recently let by the staff. One bid was received for general solid waste collection from Allied Waste Systems, formerly BFI, of Quincy, IL and one bid was received from Discount Battery Sales.

Allied Waste, if approved will essentially run the bulk of the program, setting up on the 10th. On that day, they will be barbequing for the employees and will be setting up five or six compactors at each site to run the entire day. The bid was \$230 per ton and staff doesn't know how much Hannibal will produce at this time.

Allied Waste Systems completed Quincy's citywide cleanup two weeks ago, producing approximately 480 pounds of waste that was disposed. They are projecting that Hannibal will generate between 200 and 300 tons, the upper range costing approximately \$69,000. Besides the general solid waste and the batteries collection, staff is in the process of negotiating for removal of large appliances. This, too, will tentatively be done by Allied Waste. A site in Macon will take tires. LaGarce concluded by saying that the cleanup will be a very effective program, in his opinion, if Resolution No. 1410-07, to follow, is approved.

Re: Delta Queen Permanent Exemption

(Resolution No. 1407-07, to follow)

Next on the agenda, City Manager LaGarce introduced Resolution No. 1407-07, which regarded the Delta Queen permanent exemption from the 1966 Safety at Sea Law. LaGarce explained that Congress had exempted the Delta Queen from this legislation; however, this exemption is due to expire in 2008. There is much support to gain further exemption from Congress in order to keep the Delta Queen running. The City Manager concluded by sharing some statistics that he had received from the Chamber of Commerce, stating that they had passed this resolution the previous week and recommending approval of Resolution No. 1407-07, concerning the Delta Queens exemption, later during the meeting.

Re: Blue Agreement

(Resolution No. 1408-07, to follow)

City Manager LaGarce explained the purpose of Resolution No. 1408-07, the next item on the agenda. This addressed a situation with the City's floodway, in which fill dirt was placed on Mike and Pat Blue's property, based on the assumption that this property was located in the floodplain, as opposed to the more restrictive floodway. To rectify this, an agreement was negotiated with the Blues, to remove this dirt from their property that the City had previously placed there, according to LaGarce. Approval of Resolution 1408-07, to follow, would also approve this agreement.

Re: Dirt Disposal Agreement

Resolution No. 1409-07, to follow)

LaGarce continued by explaining that the original intent of the City was to place the fill dirt, which was being removed from Ezra Blue and Sons property, at the west industrial site after separating the large boulders and rock; however a better solution has submerged. Roger Reeves has agreed to accept the fill dirt on his property located at 8589 County Road 422. Since this dirt is extremely poor quality, and to LaGarce's knowledge, of no value, and since Reeves is accepting the dirt, 'as is' without separating the rock, boulders, and etc., this seems to be the best solution. This agreement would be approved with the acceptance and approval of Resolution No. 1409-07, to follow.

Re: Public Invitation, 2008 National Tom Sawyer Days Meeting

(October 23, 2007, 7:00 p.m. – Jaycee Hall)

The final item under City Manager LaGarce's name was announcement of a public meeting to be held by the Hannibal Jaycees at their hall located at 137 Jaycee Drive on October 23, 2007, beginning at 7:00 p.m. The meeting, as LaGarce stated, is to collect facts and public input for identifying a site for the National Tom Sawyer Days, not only for 2008, but for subsequent years. All are welcome to attend.

JAMIE PAGE – CITY ENGINEER

Re: Request to Set Public Hearing – Rezoning a Portion of Church and Lyon Streets

(November 6, 2007 – 6:30 p.m.)

City Engineer Jamie Page's first order of business was to seek Council approval for setting a public hearing on November 6, 2007 at 6:30 p.m. The purpose of hearing was to discuss the intent to rezone a portion of Church and Lyon Streets.

Page added that the proposed area is now zoned E-Commercial and is actually about ninety-two percent residential. The goal is correct the zoning qualification to make this area an approved zone for residential loans when purchasing or refinancing homes on this property. Properties that are currently commercial will remain as such, according to Page. Motion was made by Council Member Hull to approve Page's request to set a public hearing for this purpose. Motion was seconded by Council Member Hatton.

Motion carried.

Re: Request to Set Public Hearing – Rezoning SE Corner of Stardust Drive & Munger Lane

(November 20, 2007 - 6:45 p.m.)

Page's final order of business was a request to set a public hearing on November 20, 2007 at 6:45 p.m. The purpose is to discuss rezoning the Southeast corner of Stardust Drive and Munger Lane for the proposed Lowes construction project. Motion was made by Council Member Hatton to approve Page's request. Motion was seconded by Council Member Hull.

Motion carried.

LINDSAY WISKIRCHEN – DIRECTOR OF FINANCE

Re: Approval, Emergency Reading 2007 Property Tax Rate Ordinance

(Bill No. 07-031, to follow)

Lindsay Wiskirchen, Director of Finance, came before Council seeking their approval of an emergency reading for Bill No. 07-031, later during the meeting. This Bill, according to Wiskirchen, is to adopt the rate of taxation for the year of 2007 and to levy taxes, therefore, of 1.1805/100. She added that, due to the time constraints the Collector's Office is under in getting the software set up and the property taxes sent out in a timely manner, an emergency reading is necessary.

BEAU HICKS – HCVB EXECUTIVE DIRECTOR

Re: Bid Award Approval, Pre Owned Vehicle

HCVB executive Director Beau Hicks came to Council seeking approval to award the bid for a pre-owned vehicle to Poage Auto Center with a bid amount of \$12,900. This is for a white 2006 Buick Terraza with 31,932 miles. Hicks added that even though this bid is approximately \$1,200 higher than the lowest bid meeting most of the specs, the HCVB Board felt that considering the bumper to bumper and factory warranty the Terraza far out-weighed the difference in price.

Hicks explained that his department had assumed the responsibility of brochure distribution earlier this year which has been highly successful and the funding has been higher than anticipated; however, there is now a greater need for a department vehicle. Hicks added that the projected savings in future years would make this purchase feasible, with \$1,000 savings in the next three years, increasing to a \$4,000 savings the fourth year. Motion was made by Council Member Wilson to approve Hicks' request. Motion was seconded by Council Member Janes.

Motion carried.

RESOLUTION NO. 1407-07

A RESOLUTION URGING CONGRESS TO PROVIDE FOR THE PERMANENT EXEMPTION OF THE STEAMER DELTA QUEEN FROM THE PROVISIONS OF THE SAFETY OF LIFE AT SEA ACT OF 1966

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1407-07 and call the roll for adoption. Motion was seconded by Council Member Janes.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Resolution No. 1407-07 duly approved and adopted on this date.

RESOLUTION NO. 1408-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BARRY MICHAEL BLUE AND HAMES PATRICK BLUE FOR THE REMOVAL OF EXCESS FILL DIRT PLACED BY THE CITY

Motion was made by Council Member Hatton to have the City Clerk read Resolution No. 1408-07 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Resolution No. 1408-07 duly approved and adopted on this date.

RESOLUTION NO. 1409-07

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT WITH ROGER REEVES FOR THE
DISPOSAL OF EXCESS FILL DIRT AT 8589 COUNTY ROAD
422**

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1409-07 and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Resolution No. 1409-07 duly approved and adopted on this date.

RESOLUTION NO. 1410-07

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT WITH ALLIED WASTE SERVICES FOR
COLLECTION AND DISPOSAL SERVICES RELATIVE TO**

THE CITY WIDE CLEANUP PROGRAM ON OCTOBER 27, 2007

Motion was made by Council Member Hatton to have the City Clerk read Resolution No. 1410-07 and call the roll for adoption. Motion was seconded by Council Member Janes.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Resolution No. 1410-07 duly approved and adopted on this date.

BILL NO. 07-031

AN ORDINANCE FIXING AND ADOPTING THE RATE OF TAXATION FOR THE YEAR 2007 AND LEVYING TAXES THEREFORE

First Reading *(Changed to an Emergency Reading)*

Motion was made by Council Member Wilson to have the City Clerk give Bill No. 07-031 an *emergency* reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Bill No. 07-031 duly approved and adopted on this date.

BILL NO. 07-032

**AN ORDINANCE CREATING CHAPTER 15, ARTICLE VII,
MISCELLANEOUS BUSINESS REGULATIONS AND DEFINING
NUISANCE BUSINESS ACTIVITIES, OF THE CODE OF
ORDINANCES OF THE CITY OF HANNIBAL, MISSOURI**

First Reading

Motion was made by Council Member Hull to give Bill No. 07-032 a first reading.
Motion was seconded by Council Member Hatton.

Motion carried.

BILL NO. 07-033

**AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI,
AUTHORIZING AND DIRECTING THE EXECUTION OF AN
AGREEMENT WITH THE MISSOURI OFFICE OF STATE
COURTS ADMINISTRATOR REGARDING SERVICES
RELATING TO THE JUSTICE INFORMATION SYSTEM
IMPLEMENTATION PROCESS AND IMPOSING A COURT
AUTOMATION FEE ON MUNICIPAL ORDINANCE CASES IN
ORDER TO ASSIST IN PAYMENT THEREFORE**

First Reading

Motion was made by Council Member Hatton to give Bill No. 07-033 a first reading.
Motion was seconded by Council Member Hull.

Motion carried.

BILL NO. 07-026

**AN ORDINANCE AMENDING CHAPTER 3, ARTICLE III,
DIVISION I “MINOR IN POSSESSION OF INTOXICATING
LIQUOR” AND ADDING THE DEFINITION OF
“INTOXICATED CONDITION” 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 Wilson to have the City Clerk give Bill No. 07-026 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Janes.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Bill No. 07-026 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**

Second and Final Reading

Motion was made by Council Member Hull to have the City Clerk give Bill No. 07-029 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Janes.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Bill No. 07-029 duly approved and adopted on this date.

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

Second and Final Reading

Motion was made by Council Member Wilson to have the City Clerk give Bill No. 07-030 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

Roll Call

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

No: -0-

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

Mayor Hark declared Bill No. 07-030 duly approved and adopted on this date. Council Member Janes congratulated the City Manager and thanked him and the rest of the team that worked on the City Wide Cleanup. He added that they did an outstanding job and spent many hours to make this project a success

CLOSED SESSION

In Accordance with RSMo 610-021 (2 and 11)

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraphs two and eleven, admitting himself, the rest of Council, City Clerk Zerbonia, City Manager LaGarce, City Attorney Lemon, BPW General Manager Herring, Don Willis and Police Chief Lyndell Davis. Motion was

made to go into closed session as directed by Council Member Hull. Motion was seconded by Council Member Wilson.

Roll Call

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

No: -0-

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

Motion carried.

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

Motion carried.