

# **OFFICIAL MINUTES OF PUBLIC HEARING**

**February 5, 2008  
6:45 p.m.**

## **CALL TO ORDER**

At 6:45 p.m., the appointed time, Mayor Hark called the public hearing to order.

### **JAMIE PAGE - CITY ENGINEER Rezoning Property – 310 South 5<sup>th</sup> Street F-Industrial to A-One and Two Family**

City Engineer Jamie Page stated the purpose for the public hearing, which was to rezone property located at 310 South 5<sup>th</sup> Street from F-Industrial to A - One and Two Family zone. He added that this request was similar to previously rezoned property in this area. This needed to be done because the home owner would not be able to rebuild or refinance in the event that something happened to the property at this location because of the present zoning. He explained that this had been the recommendation of the committee.

## **PUBLIC COMMENTS**

Mayor Hark introduced Mr. Andy Briscoe, who represented the owner of the property, Lynn Mitchell. At this time, Mr. Briscoe came forward and spoke in favor of rezoning the referenced property, explaining that Ms. Mitchell wished to preserve the residential nature of the neighborhood. He added that this rezoning was also requested because of some related insurance issues.

Next, Mayor Hark asked if anyone wanted to speak in opposition of the rezoning. City Manager Jeffrey LaGarce stated that one letter of opposition had been received from an attorney representing Mike and Pat Blue. The letter explained that the Blue's were not in favor because that felt rezoning this property would be 'spot zoning'.

City Engineer Page wished this to be noted for the record, even though it was the City's recommendation to approve the request of Ms. Mitchell.

## **ADJOURNMENT**

There being no other comments for or in opposition to the rezoning of this property, Mayor Hark adjourned the public hearing.

# OFFICIAL COUNCIL MINUTES

February 5, 2008  
7:00 p.m.

## ROLL CALL

**Present:** Council Members Knickerbocker, Wilson, Mayor Hark and Council Member Hull – 4

**Absent:** Council Member Janes, Mayor Pro Tem Dexheimer and Council Member Hatton - 3

## CALL TO ORDER

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

## INVOCATION

At this time, City Engineer Jamie Page gave the invocation.

## PLEDGE OF ALLEGIANCE

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

Motion carried.

## APPROVAL OF MINUTES Closed Session – October 16, 2007 Regular Council Meeting – January 15, 2008

Motion was made by Council Member Wilson to approve the Council minutes of the closed session held on October 16, 2007 and the regular Council Meeting held on January 15, 2008. Motion was seconded by Council Member Hull.

Motion carried.

## APPROVAL OF PAYROLL AND CLAIMS Second Half – January, 2008

Motion was made by Council Member Wilson to approve the payroll and claims for the second half of January, 2008. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**KENNETH WARREN – CITIZEN**  
**Re: Request, Use of City Owned Parking Lot**

In the absence of Mr. Warren, motion was made by Council Member Wilson to table this agenda item. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**RALPH WITHEE, CITIZEN**  
**Re: Gambling within City of Hannibal**

Mr. Ralph Withee, a resident of Hannibal, came forward and introduced himself. Mr. Withee expressed his desire to have a gambling casino in Hannibal. He explained that approval of a gambling casino had been a ballot issue in the past, but had not passed. He spoke briefly about reasons this issue may have failed and offered some suggestions that may encourage citizens to vote in favor of this issue in the future

City Attorney James Lemon was asked for his opinion in regard to the issue of gambling. He explained that in order for this to be revisited, it would require a petition a standard referendum process and a vote of the people.

**TREY HALL – ASSOCIATIONAL CORDINATOR, WORLD CHANGERS**  
**Re: Selection of Hannibal as Site for Word Changers Event**  
*(July 26-August 2, 2008)*

Mr. Trey Hall was recognized by Mayor Hark and came forward to present his request. Mr. Hall is an employee of HNB Bank and the youth director at Cornerstone Baptist Church. He came to Council representing World Changers, a North American Mission Board, Southern Baptist Convention Organization. This organization that offers mission opportunities to youth and collegiate students has chosen to come to Hannibal this year, according to Hall.

Hall explained that approximately 200 people from three states (seven different churches) would arrive on July 26<sup>th</sup> and spend the following week making improvements to area houses, doing small jobs such as roofing and painting in conjunction with NECEC and USDA. He added that the organization was working with Hannibal LaGrange College to provide housing and local churches for funding, meals and etc.

Mr. Hall concluded that his purpose in coming to Council was mainly informational. He did ask for any help that could be offered to inform the public and find projects the World Changers might complete. Any information could be forwarded directly to Mr. Hall at 221-0050 or 406-7433, or visit the website at [wchannibal.org](http://wchannibal.org).

**JEFFREY LAGARCE – CITY MANAGER**

**Re: Issuance of Taxable Industrial Revenue Bonds – General Mills Cereals Properties,  
LLC Capital Expansion Project**  
*(Bill No. 08-004, to follow)*

City Manager Jeffery LaGarce introduced Bill No. 08-004, which concerned the issuance of taxable industrial revenue bonds. This bill, if approved, will accomplish several things, according to LaGarce. Among these things is the approval of the plan for the industrial development project, authorization for the purchase and installation of the industrial equipment, authorization for the issuance of taxable industrial revenue bonds in an amount, not to exceed \$50 million, designation for all bond payments to the trustee, UMB Bank and authorization of the grant agreement for 50% PILOT payments by General Mills. This bill, Bill No. 08-004, is on the agenda for a first reading later during the meeting. If approved the it will have a second and final reading on February 19, 2008 and the bonds will be issued thereafter.

**JAMIE PAGE – CITY ENGINEER**  
**Re: Rezone Property Located at 310 South 5<sup>th</sup> Street**  
*(Bill No. 08-003, to follow)*

City Engineer Jamie Page referenced the public hearing that had been held earlier in the evening concerning the rezoning of property located at 310 South 5<sup>th</sup> Street and asked Council approval to give Bill No. 08-003, approving this rezoning, a first reading later during the meeting.

**Re: South Main Street Bridge – Stormwater/Paving Phase**  
*(Resolution No. 1431-08, to follow)*

Page's second order of business concerned the South Main Street Bridge stormwater and paving phase. Page explained that the area to be addressed was north of the bridge between the railroad and Warren Barrett Drive. He reminded Council that the decision to begin this process had been approved by Council at a previous meeting. Page stated that Norfolk Southern Railroad and MoDOT had recently made his department aware of regulations enacted by the Federal Highway Administration. According to these regulations, whenever there is pedestrian traffic across a track, a fully gated crossing must be in place. MoDOT and Norfolk Southern are willing to cover the expense of the gates, a range of approximately \$200,000; however, the City is asked to assist in the cost of some other minimal features. In conjunction with this change, a minor redesign of the sidewalk around the pedestals of the gates is needed. Great River has provided an amendment of \$550.00 for this work. This will be approved with Resolution No. 1431-08 to follow.

**LYNDELL DAVIS – CHIEF OF POLICE**  
**Re: Purchase Approval, Police Package Animal Control Vans (2)**

Chief Lyndell Davis came before Council requesting their approval to accept the state bid of Don Brown Chevrolet for the purchase of two animal control vans. Davis stated that these would replace the current animal control trucks. The amount of the purchase, including all equipment, would be \$38,558.14. He stated that requests were also sent to local dealerships. Only one bid was received from Poage Auto Center which was approximately \$2,500 more than the state bid. Motion was made by Council Member Wilson to approve the state bid submitted by Don Brown Chevrolet. Motion was seconded by Council Member Hull.

Motion carried.

**LINDSAY WISKIRCHEN – DIRECTOR OF FINANCE**

**Re: Sprint Settlement Agreement**

*(Bill No. 08-002, to follow)*

Director of Finance Lindsay Wiskirchen presented the next item on the agenda. This was Sprint Settlement. She stated that this agreement was very similar to the Verizon, U.S. Cellular, and AT&T settlement agreements previously discussed. This agreement involves two years of back taxed that are owed to the City, specifically from September 1, 2005 until November 30, 2007. According to Wiskirchen, the total amount the City will recoup is \$153,483.07. She continued that, in order to receive the funds, she needed Council approval of Bill No. 08-002 that will be presented for a first reading later in the meeting.

City Attorney James Lemon commented that he had looked at the settlement agreement and recommended that the City accept this agreement with Sprint.

**JOEY BURNHAM – CITY BUILDING INSPECTOR**

**Re: Bids/Contracts for Demolition of Condemned Properties – 714 Church, 1212 Center (garage), 2315 Fulton Avenue & 121 South 3<sup>rd</sup> Street**

*(Resolution Nos. 1432-08 & 1433-08, to follow)*

City Building Inspector Joey Burnham explained to Council that demolition bids had been opened on January 22<sup>nd</sup> for four properties. One of these properties, 714 Church Street, had to be rebid. Three bids were received at that time; however, Burnham recommended accepting the highest bid from Mike Roberts Demolition because he was the only bidder including a bid bond. It was pointed out that bid bonds are required and this was stated in the specifications of the bid. The amount of his bid was \$9,825. Roberts was also the low bidder 121 South 3<sup>rd</sup> Street with a bid of \$11.00 and recommendation was made to accept his bid for this project. Both projects would be approved with the approval of Resolution No. 1432-08, to follow. It was noted that Roberts was the lowest bidder for demolition of a garage located at 1212 Center Street; however the owner was granted a sixty day extension at the recent building commission meeting, so this project was tabled until a later date.

Burnham stated that Greg Sutton was the lowest bidder for demolition at 2315 Fulton Avenue, recommending acceptance of his bid. The approval of Resolution No. 1433-08, to follow, would also approve his bid of \$4,350 for this project.

**RESOLUTION NO. 1431-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND GREAT RIVER ENGINEERING FOR THE DESIGN OF STORMWATER AND PAVING, NORTH OF THE RAILROAD TRACKS LOCATED AT THE SOUTH MAIN STREET BRIDGE IN THE AMOUNT OF \$550**

Motion was made by Council Member Wilson to have the City Clerk read Resolution No. 1431-08 and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

**Yes:** Council Members Knickerbocker, Wilson, Mayor Hark and Council Member Hull – 4

**No:** -0-

**Absent:** Council Member Janes, Mayor Pro Tem Dexheimer and Council Member Hatton - 3

Mayor Hark declared Resolution No. 1431-08 duly approved and adopted on this date.

**RESOLUTION NO. 1432-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR DEMOLITION OF 714 CHURCH STREET AND 121 SOUTH 3<sup>RD</sup> STREET BETWEEN THE CITY OF HANNIBAL AND ROBERTS DEMOLITION IN THE TOTAL AMOUNT OF \$20,825**

Motion was made by Council Member Hull to have the City Clerk read Resolution No.1432-08 and call the roll for adoption. Motion was seconded by Council Member Wilson.

Motion carried.

**Roll Call**

**Yes:** Council Members Knickerbocker, Wilson, Mayor Hark and Council Member Hull – 4

**No:** -0-

**Absent:** Council Member Janes, Mayor Pro Tem Dexheimer and Council Member Hatton - 3

Mayor Hark declared Resolution No. 1432-08 duly approved and adopted on this date.

**RESOLUTION NO. 1433-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE DEMOLITION OF CONDEMNED**

**PROPERTY LOCATED AT 2315 FULTON AVENUE, BETWEEN  
THE CITY OF HANNIBAL AND SUTTON ENTERPRISES IN THE  
AMOUNT OF \$4,350**

Motion was made by Council Member Wilson to have the City Clerk read Resolution No.1433-08 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

**Roll Call**

**Yes:** Council Members Knickerbocker, Wilson, Mayor Hark and Council Member Hull – 4

**No:** -0-

**Absent:** Council Member Janes, Mayor Pro Tem Dexheimer and Council Member Hatton - 3

Mayor Hark declared Resolution No. 1433-08 duly approved and adopted on this date.

**BILL NO. 08-002**

**AN ORDINANCE BINDING THE CITY OF HANNIBAL TO  
ACCEPT AND BE BOUND BY THE TERMS OF A CERTAIN  
AGREEMENT ENTERED INTO BETWEEN THE CITY OF  
UNIVERSITY, MISSOURI, etal vs. SPRINT SPECTRUM, NEXTEL  
WEST CORP, SPRINTCOM, INC, WIRELESSCO LP, NEXTEL  
COMMUNICATIONS**

**FIRST READING**

Motion was made by Council Member Wilson to give Bill No. 08-002 a first reading. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**BILL NO. 08-003**

**AN ORDINANCE REZONING A 37' X 142' LOT PROPERTY,  
MORE OR LESS, LOCATED AT 310 SOUTH 5<sup>TH</sup> STREET IN  
MARION COUNTY, MISSOURI FROM F-INDUSTRIAL ZONING  
DISTRICT TO A-ONE AND TWO FAMILY ZONING DISTRICT  
AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY**

## **FIRST READING**

Motion was made by Council Member Wilson to give Bill No. 08-003 a first reading. Motion was seconded by Council Member Knickerbocker.

Motion carried.

## **BILL NO. 08-004**

### **AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS (GENERAL MILLS CEREAL PROPERTIES, LLC PROJECT), SERIES 2008, IN AN AMOUNT NOT TO EXCEED \$50,000,000**

## **FIRST READING**

Motion was made by Council Member Hull to give Bill No. 08-004 a first reading. Motion was seconded by Mayor Hark.

Motion carried.

## **BILL NO. 08-001**

### **AN ORDINANCE APPROVING AND ACCEPTING THE REVISED PLAT OF LOWE'S ADDITION, A SUBDIVISION LYING IN THE EAST HALF (E ½) OF SECTION 24, TOWNSHIP 57 NORTH, RANGE 5 WEST, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

## **SECOND AND FINAL READING**

Motion was made by Council Member Wilson to give Bill No. 08-001 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, Wilson, Mayor Hark and Council Member Hull – 4

**No:** -0-

**Absent:** Council Member Janes, Mayor Pro Tem Dexheimer and Council Member Hatton - 3

Mayor Hark declared Bill No. 08-001 duly approved and adopted on this date.

Since Mr. Kenneth Warren was now present at the meeting, Council Member Wilson made a motion to withdraw his previous motion to table the item that Warren had asked to be placed on the evening's agenda, his request for the use of a City owned parking lot. Motion was seconded by Mayor Hark.

Motion carried. Warren came forward and explained his request. He wished to make use of the parking lot located on 3<sup>rd</sup> Street, behind Edwards ATA Blackbelt to hold a garage sale on numerous weekends. Council Member Wilson explained that, in order to have this event, Mr. Warren would be required to purchase a City Business License.

City Attorney James Lemon noted some problems in granting the request. First, zoning of the property, which may not be appropriate for this event; and secondly, the issue of acquiring a Business License. He concluded by stating that he would not recommend giving Mr. Warren permission to use the lot. Mr. Warren then left the proceedings.

### **ADJOURNMENT**

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

Motion carried.