

# OFFICIAL COUNCIL MINUTES

January 2, 2008  
7:00 p.m.

## ROLL CALL

**Present:** Council Members Janes, Wilson, Mayor Hark and Mayor Pro Tem  
Dexheimer – 4

**Absent:** Council Members Hatton, Hull and Knickerbocker - 3

## CALL TO ORDER

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

## INVOCATION

At this time, Mayor Pro Tem Dexheimer gave the invocation.

## PLEDGE OF ALLEGIANCE

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

Motion carried.

## APPROVAL OF MINUTES Regular Council Meeting – December 18, 2007

Motion was made by Council Member Wilson to approve the Council minutes of the regular Council Meeting held on December 18, 2007. Motion was seconded by Council Member Janes.

Motion carried.

## APPROVAL OF PAYROLL AND CLAIMS Second Half – December, 2007

Motion was made by Mayor Pro Tem Dexheimer to approve the payroll and claims for the second half of December, 2007. Motion was seconded by Council Member Wilson.

Motion carried.

**STEVE AYERS – KREWE OF SCIPIO**  
**Re: Parade Request**  
*(Mardi Gras Parade – Saturday, February 2, 2008. 2:00 P.M.)*

Mr. Ayers was not in attendance; in his absence, his request was briefly discussed. It was determined that Ayers would need to contact the Police Department to obtain a parade permit. To date, this had not yet been done. The Street Department would provide barricades for the event, according to the City Clerk; however, the committee would be responsible for placing the prior to the parade and picking them up afterward. No motion was made for approval of Ayers' request at this time.

**DANNY HENLEY – CITIZEN**  
**Re: Bill No. 07-046, Relative to Places Used for Illegal Sale  
& Use of Controlled Substances**

Mr. Danny Henley was recognized and addressed Council in reference to Bill No. 07-046. He began by pointing out that he had lived at 105 South Levering for the past twenty years and noting the changes that had taken place during that time, with the area going from single family residences to mostly rental properties. He made reference to the past summer, finding himself and his family living in the midst of drug residences and witnessing drug sales, fights and etc. He also spoke of good neighbors contemplating a move from the neighborhood because of frustration over these changes and suggested that one problem, in his opinion, was absentee landlords, who only appeared when it was time to collect rent, having no real ties to the neighborhood. He referenced the bill, which was on the agenda for a second and final reading later during the meeting; asking Council to give it serious consideration. He did clarify that he had nothing against good renters and noted that there were good landlords in his area, stating that his only problem was with the landlords who rented to anyone who could pay the required amount without considering other residents of the area.

**DON MCLEOD – PROPERTY OWNER, 1128 PARK AVENUE**  
**Re: Request, Waive Special Assessment**

Mr. Don McLeod came forward and addressed Council, in reference to property owned by his mother located at 1128 Park Avenue. He explained that a notice had been sent last April concerning weed removal on this property, then on May 2<sup>nd</sup>, approximately two weeks later, he received a mowing bill for \$140. He stated that the weeds at this location were supposed to be in excess of 10 inches, a claim that he was disputing. He also stated that he made an attempt to call after receiving this letter, stating no one was in and no one ever returned his call.

Mr. McLeod stated that he was not disputing the need for code enforcement only the fact that the charges were \$40 for mowing and \$100 for administration fees, adding that it only takes twenty minutes to mow this lot. He also questioned the amount of the administration fees – charges for making two copies and sending a \$.41 letter, estimating the time spent at about forty-five seconds of someone's time. He proposed that the \$100 administration fees be waived, leaving \$40 mowing fees for him to pay (twice the normal amount he pays for mowing).

Susan Osterhout, Code Enforcement Officer for the City, was asked to respond. She began by saying that the initial letter was sent to Mildred McLeod on April 5, in care of Donald McLeod in New London, MO. When she had not heard from the property owner by the 13<sup>th</sup> of the month, the lot was assigned to be mowed. She added that she was not aware that the gentlemen across the street from the property maintained it, explaining that if she had been contacted, she might have postponed mowing and allowed him to do this.

At this time, Osterhout also presented a photograph of the yard with a ruler showing grass in excess of 10" tall. She stated, according to Marion County records, the lot is somewhat larger than Mr. McLeod claims. The City was billed, by the mower for two (2) lots at \$40 per lot or \$80 total, plus \$60 administration fees. She concluded by stating that He was properly notified and all was done as normal procedure with the exception that possibly, since this area was 1 ½ lots instead of 2 lots, there may have been an overcharge of \$20, a fee charged by the mower, paid by the City and passed on to the property owner.

Council Member Janes questioned the administration fees and the reason for the amount. City Clerk Angelica Zerbonia explained that it includes the time and money spent to travel to the area to see if the property is being maintained. Following this, the time involved to compose the letter and the cost of sending it certified, return receipt; and finally, the cost of processing the charge by the City Collector's Office. She assured Council Member Janes that the \$60 administration fees could be justified, even though there was nothing in writing, stating this.

Osterhout recommended that \$20 be waived, leaving \$120 to be paid by Mr. McLeod. Motion was made by Mayor Pro Tem Dexheimer to waive the late fees and charge Mr. McLeod \$100 for the mowing assessment. Motion was seconded by Council Member Wilson.

Motion carried.

**ROY G, HARK – MAYOR**  
**Re: Consideration and Approval of Appointment**  
*(Marion County Extension Council – Al Pabst)*

Mayor Hark referenced a letter that he had received requesting the reappointment of Al Pabst to the Marion County Extension Council for a second two-year term. Mayor made this nomination, which will be placed on the January 15<sup>th</sup> agenda for Council approval.

**JEFFREY LAGARCE – CITY MANAGER**  
**Re: Approval, Amendment to Chief of Police Job Description**

City Manager Jeffery LaGarce asked Council approval of an amended job description for the Chief of Police. He stated that, since 2001, all Police Department job descriptions, excluding that of the Police Chief, have been updated in terms of substance and standardized in terms of format. Since job description changes require two levels of approval, in this case the City Manager and City Council, this item is presented for Council approval this evening. Motion was made by Mayor Pro Tem Dexheimer to approve this job description. Motion was seconded by Council Member Wilson.

Motion carried.

## **Re: Proposal, New FBO Business Model for Municipal Airport**

City Manager LaGarce explained that recently the City's FBO agreement with Mid America Aviation has expired. While meeting in November to develop a new agreement, FBO Mark Frankenbach, indicated that the current FBO model is becoming increasingly outdated at municipal airports. LaGarce continued by explaining the current FBO business model, which includes:

1. For the monthly rental payment to the City, the FBO operates his personal business at the airport, simultaneously managing the City's facility
2. FBO pays the City \$.05 for every gallon of fuel he sells

In essence, the FBO operates our airport without compensation – he pays monthly rent to the City and \$.05 for every gallon of fuel sold. Now, Mr. Frankenbach is requesting an FBO business model whereby the City compensates the FBO to operate the airport, citing practical financial difficulties of an FBO doing this job without compensation. The Airport Advisory Board concedes that a new business model is probably necessary, since a business model that is not financially viable can jeopardize airport operations.

LaGarce continues by stating that he recently received a memo from Mr. Frankenbach in which we are made aware that, with little warning, the airport operations are already in jeopardy. He states,

*“I may have to close the doors and shut down Mid America Aviation before the end of the month. At that point the City will have the run the airport. You may be wanting to think of a plan of action if this occurs.”*

With this in mind, LaGarce introduced Mr. John Ortwerth and Mr. John Grossmeier to speak on behalf of the Airport Advisory Board.

Mr. Ortwerth, Chairman of the Airport Advisory Board, began by stating that radical changes have recently taken place at the airport that are going to hinder the services there, even though it is still a functioning airport. He briefly explained the present airport operations.

Ortwerth pointed out that Ron Hinton, who has been at the airport for a number of years, stating that Hinton has done the City an immense service by being ingrained in training, air ambulance, maintenance and many things that were never compensated. He added that these things took many hours of his personal time. He ‘band-aided’ the situation that has now come to a head because he is no longer able to put in this time.

John Grossmeier, member of the Airport Advisory Board, came forward and stated that he is the longest serving member of the board and the only non-flying member. He added that, since he is not a pilot, he has no special interests but has a real serious concern about the continued availability of the airport capabilities for the City. Because of rising fuel costs, the revenue at the airport is decreasing significantly, making it very difficult for an FBO, whose revenue stream includes the sale of fuel, to operate. Mr. Grossmeier explained the need for an FBO at the facility; therefore, he stated that, in the very near future, the board would be making a recommendation to Council about the particular direction to proceed. It is likely that the board will consider offering the current FBO a very modest subsidy for the short term while they evaluate a process by which the FBO operation can be made available to all operators on a bid basis.

The board believes it is possible to operate the airport at a cost, not to exceed, \$40,000 per year, according to Grossmeier. He concluded by saying that they were not prepared to make a specific proposal to Council at the present time, because this is a significant change. For the past twenty years the airport has provided revenue to the City of Hannibal, but with rising costs, they are now seriously considering the recommendation to make the airport an expense line on the City budget.

After a brief discussion, concerning the future of the airport, Motion was made by Mayor Hark to direct City Manager LaGarce begin work on a new FBO Business Model proposal for the municipal airport. Motion was seconded by Council Member Wilson.

Motion carried.

**JAMIE PAGE – CITY ENGINEER**

**Re: Grand Avenue, Bleigh Construction Company, Change Order No. 8**

*(Resolution No. 1426-07, to follow)*

City Engineer Jamie Page introduced the first of four issues that he had placed before Council on the evening's agenda. This was Change Order No. 8 of the Bleigh Construction contract for the Grand Avenue Street and Stormwater Improvements Project. This is for additional work on some stormwater inlets that have clogging problems and minor adjustment on previous change orders, amounting to an increase of \$2,789.42 and bringing the total revised contract amount to \$2,525,142.35. Page recommended approval of this which would be done with the approval of Resolution No. 1426-07, to follow.

**Re: Grand Avenue, Great River Engineering, Agreement Modification**

*(Resolution No. 1427-07, to follow)*

Page's second order of business was a request for approval of Resolution No. 1427-07, to follow, concerning a modification to the Grand Avenue, Great River Engineering agreement. The modification states,

*“Due to the extension of the construction project by the requested 38 additional working days, Great River Engineering is requesting an additional \$20,043.10 to continue their service for the project. The total engineering services following this amendment will be \$168,443.95.”*

This would be approved with the approval of Resolution No. 1427-07, to follow. After explaining his position, City Engineer Page reluctantly made this recommendation.

**Re: Final Plat Amendment, Lowe's Addition Subdivision**

*(Bill No. 07-048, to follow)*

The City Engineer asked that this agenda item be withdrawn at this time because of some additional changes that Lowe's has requested. Page explained that there would be a totally new bill before Council at the next regular meeting.

**Re: Final Plat, Patel's Addition Subdivision**

*(Bill No. 07-048, to follow)*

City Engineer Page explained that the referenced property of Patel's Addition Subdivision being presented for approval lies east of the Day's Inn on US61 South and Market Street. between the Days Inn and the Hannibal Inn Express. This property is being subdivided into five lots, has been through Planning & Zoning, and has a recommendation for Council approval with Bill No. 07-048 later during the meeting.

**LYNDELL DAVIS – CHIEF OF POLICE**

**Re: Amendment to Bill No. 07-045, Enforcement Provisions Involving the Sale of Intoxicating Liquor to Minors**

Police Chief Lyndell Davis reminded Council of the issue at hand, being directed by Council at the previous meeting to contact numerous business owners and managers and discuss enforcement provisions in reference to the sale of intoxicating liquor to minors. This was done on December 20, 2007 and amendments were made to the original Bill No. 07-045.

Davis clarified a point that was addressed at the previous meeting concerning fines to the actual seller of the intoxicating liquor. It was previously stated that fines would not increase to this person; however, as Davis pointed out, currently the fine for this violation is \$130. This will increase to a **minimum** fine of \$250, not to exceed \$500, on the proposed bill. He noted other changes, such as *an administrative suspension* in Paragraph 2, changed to *an administrative penalty or suspension*. Davis noted several other amendments to the original bill that were being proposed at this time, making a recommendation to approve this bill, as amended, be giving it a second and final reading later during the meeting.

**CHRIS ATKINSON – PARKS & RECREATION DIRECTOR**

**Re: Approval, 2008-09 Rates and Fees**

Because of illness, Chris Atkinson, Director of Parks and Recreation, asked that the approval of 2008/09 rates and fees be tabled until the next regular Council meeting to be held on January 15, 2008. Motion was made by Mayor Pro Tem Dexheimer to table this agenda item until the next Council meeting. Motion was seconded by Council Member Wilson.

Motion carried.

**Re: Engineering Proposal, Central Park Restrooms**

*(Resolution No. 1428-07, to follow)*

Atkinson had also made a request to table this item, the engineering proposal for the Central Park Restrooms because of his illness. Motion was made by Mayor Pro Tem Dexheimer to table this agenda until the following Council meeting. Motion was seconded by Council Member Wilson.

Motion carried.

**RESOLUTION NO. 1426-07**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
CHANGE ORDER NO. 8 OF THE BLEIGH CONSTRUCTION  
COMPANY CONTRACT FOR GRAND AVENUE IMPROVEMENTS  
IN THE AMOUNT OF \$2,789.42**

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1426-07 and call the roll for adoption. Motion was seconded by Council Member Wilson.

Motion carried.

**Roll Call**

**Yes:** Council Members Janes, Wilson and Mayor Hark, Mayor Pro Tem  
Dexheimer – 4

**No:** -0-

**Absent:** Council Members Hatton, Hull and Knickerbocker - 3

Mayor Hark declared Resolution No. 1426-07 duly approved and adopted on this date.

**RESOLUTION NO. 1427-07**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN  
AMENDED CONSTRUCTION MANAGEMENT AND INSPECTION  
AGREEMENT BETWEEN THE CITY OF HANNIBAL AND GREAT  
RIVER ENGINEERING, INC. FOR THE GRAND AVENUE  
STORMWATER AND STREET IMPROVEMENTS PROJECT IN THE  
AMOUNT OF \$20,043.10**

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 14276-07 and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

**Yes:** Council Members Janes, Wilson and Mayor Hark, Mayor Pro Tem  
Dexheimer – 4

**No:** -0-

**Absent:** Council Members Hatton, Hull and Knickerbocker - 3

Mayor Hark declared Resolution No. 1427-07 duly approved and adopted on this date.

**RESOLUTION NO. 1428-07**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH KLINGNER & ASSOCIATES PC FOR THE PRELIMINARY ENGINEERING CONCEPTUAL FLOOR PLANS FOR RESTROOMS IN CENTRAL PARK IN THE LUMP SUM AMOUNT OF \$3,000**

Motion was made by Mayor Pro Tem Dexheimer to table Resolution No. 1428-07 at this time, Motion was seconded by Council Member Wilson.

Motion carried.

**BILL NO. 07-047**

**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**

**FIRST READING**

Motion was made by Council Member Wilson to remove Bill No. 07-047 from the agenda at this time. Motion was seconded by Mayor Hark.

Motion carried.

**BILL NO. 07-048**

**AN ORDINANCE APPROVING AND ACCEPTING THE PLAT OF PATEL'S ADDITION, A SUBDIVISION LYING IN THE SOUTH HALF OF SECTION 36, TOWNSHIP 57 NORTH, RANGE 5 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**FIRST READING**

Motion was made by Council Member Janes to give Bill No. 07-048 a first reading. Motion was seconded by Mayor Pro Tem Dexheimer.

Motion carried.

## **BILL NO. 07-043**

### **AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, OFFICERS AND EMPLOYEES, DIVISION 1, GENERALLY, SECTION 2-80(a), USE OF CITY CREDIT CARDS TO INCLUDE THE MUNICIPAL COURT JUDGE**

#### **SECOND AND FINAL READING**

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk give Bill No. 07-043 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Wilson.

Motion carried.

#### **Roll Call**

**Yes:** Council Members Janes, Wilson and Mayor Hark, Mayor Pro Tem Dexheimer – 4

**No:** -0-

**Absent:** Council Members Hatton, Hull and Knickerbocker - 3

Mayor Hark declared Bill No. 07-043 duly approved and adopted on this date.

## **BILL NO. 07-044**

### **AN ORDINANCE AMENDING CHAPTER 28, DIVISION 3 OF THE MUNICIPAL CODE OF THE CITY OF HANNIBAL RELATIVE TO THE ADMINISTRATION OF CONTRACTS AND CHANGE ORDERS FOR PUBLIC IMPROVEMENT PROJECTS**

#### **SECOND AND FINAL READING**

Motion was made by Council Member Wilson to have the City Clerk give Bill No. 07-044 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 and Mayor Hark, Mayor Pro Tem  
Dexheimer – 4

**No:** -0-

**Absent:** Council Members Hatton, Hull and Knickerbocker - 3

Mayor Hark declared Bill No. 07-044 duly approved and adopted on this date.

**BILL NO. 07-045**  
*(as amended)*

**AN ORDINANCE AMENDING CHAPTER 3, ARTICLE III OF THE  
MUNICIPAL CODE OF THE CITY OF HANNIBAL RELATIVE TO  
ENFORCEMENT PROVISIONS INVOLVING THE SALE OF  
INTOXICATING LIQUOR TO MINORS**

**SECOND AND FINAL READING**

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk give Bill No. 07-045, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Wilson.

Motion carried.

**Roll Call**

**Yes:** Council Members Janes, Wilson and Mayor Hark, Mayor Pro Tem  
Dexheimer – 4

**No:** -0-

**Absent:** Council Members Hatton, Hull and Knickerbocker - 3

Mayor Hark declared Bill No. 07-045, as amended, duly approved and adopted on this date.

**BILL NO. 07-046**

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLES V AND  
VII, OF THE CODE OF THE CITY OF HANNIBAL RELATIVE TO  
*PLACES USED FOR ILLEGAL SALE AND USE OF CONTROLLED  
SUBSTANCES***

## **SECOND AND FINAL READING**

Motion was made by Council Member Janes to have the City Clerk give Bill No. 07-046 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Wilson.

Motion carried.

### **Roll Call**

**Yes:** Council Members Janes, Wilson and Mayor Hark, Mayor Pro Tem Dexheimer – 4

**No:** -0-

**Absent:** Council Members Hatton, Hull and Knickerbocker - 3

Mayor Hark declared Bill No. 07-046 duly approved and adopted on this date.

## **ADJOURNMENT**

Motion was made by Mayor Pro Tem Dexheimer to adjourn. Motion was seconded by Council Member Wilson.

Motion carried.