

# **OFFICIAL MINUTES OF PUBLIC HEARING**

**March 4, 2008  
6:45 p.m.**

## **CALL TO ORDER**

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

### **LINDSAY WISKIRCHEN – FINANCE DIRECTOR Decrease in Board of Public Works Transfer Fee**

Lindsay Wiskirchen, Director of Finance, stated the purpose for the public hearing, which was to decrease the Board of Public Works Transfer fee and opened the floor for discussion. City Manager Jeffrey LaGarce noted City's purpose and gave a brief explanation of their decision.

## **PUBLIC COMMENTS**

Mayor Hark asked for public comments for or against the matter at hand, the decrease in franchise fees. No one asked to speak.

## **ADJOURNMENT**

There being no other comments for or in opposition, Mayor Hark adjourned the public hearing.

# OFFICIAL COUNCIL MINUTES

March 4, 2008  
7:00 p.m.

## ROLL CALL

**Present:** Mayor Hark, Council Members Hatton, Mayor Pro Tem  
Dexheimer, Council Members Hatton, Hull, Knickerbocker and  
Janes – 6

**Absent:** Council Member Wilson - 1

## 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 Member Wilson from the proceeding. Motion was seconded by Council Member Janes.

Motion carried.

## APPROVAL OF MINUTES Regular Council Meeting – February 19, 2008

Motion was made by Council Member Hatton to approve the Council minutes of the regular Council Meeting held on February 19, 2008. Motion was seconded by Mayor Pro Tem Dexheimer.

Motion carried.

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

Motion was made by Council Member Janes to approve the payroll and claims for the second half of February, 2008. Motion was seconded by Council Member Hull.

Motion carried.

**JEFFREY LAGARCE – CITY MANAGER**  
**Re: Approval of Appointments**

City Manager Jeffery LaGarce reminded Council of a candidate presented at the last meeting for the Affirmative Action Committee. This was:

**AFFIRMATIVE ACTION COMMITTEE**

Jerry Irick – Appointment for a term to expire March, 2011

He asked Council for their approval of this nomination. Motion was made by Council Member to approve Jerry Irick to serve on the Affirmative Action Committee for a term to expire in March of 2011. Motion was seconded by Council Member Hull.

Motion carried. Next LaGarce asked for Council approval of the following nomination that he had introduced at the previous Council meeting. This was:

**LANDMARKS & MONUMENTS BOARD**

Frank Salter – Appointment for a term to expire January, 2011

LaGarce explained that, since Mr. Salter presently served on this board, this would be a reappointment. Motion was made by Council Member Janes to reappoint Frank Salter to another term, expiring in January of 2011. Motion was seconded by Council Member Hatton.

Motion carried.

**Re: Clemens Field Stadium Lease**

City Manager LaGarce explained that his final item on the agenda was the Clemens Field Stadium lease. In reference to the lease at hand, Hannibal baseball franchise needs to have a home field and Clemens Field has been selected. According to LaGarce, the lease was distributed to Council for their consideration; however, two provisos were omitted from the original document that they received. These are:

- **Public Use** – There is a new *Article 22* that will provide for a landlord's use of the facility, giving the City rights to utilize the property for publicly sponsored events, events sponsored by the City, legion games, etc. during off days, away games or off- season so that the people who provided tax money in order to get the facility built are still able to use the complex.
- **Description of Property** – This includes Clemens Field and the outlying areas of parking.

City Manager LaGarce concluded by saying that this lease was on the agenda, later during the meeting, to get a first reading.

John Hark, representing Hannibal Baseball Group, came forward and thanked the Council, Mayor and staff for their help in getting this project underway and bringing baseball to Hannibal, also for hearing their request. He explained that there was an issue that had recently been brought to his attention. Due to initial discussions and miscommunication, his clients had understood that the lease would get a final approval during the meeting. With this in mind, arrangements had been made for construction crews to begin improvements to the complex. Specifically, these companies have leased property and are in place and ready to begin work. Hark requested Council approval to initiate the construction process prior to the second reading of the ordinance approving the lease. He added that he understood, in the event the second reading was not approved, his client would have no recourse, since there was no lease; however, they were willing to show good faith and proceed, This would allow them to keep on schedule, so that everything is done in time for the CICL play in 2009.

LaGarce explained that the superstructure was approved in December, even though the lease has not been approved. He recommended approval of Hark's request. Mayor Pro Tem Dexheimer made a motion to approve this request and allow the contractors to proceed. Motion was seconded by Council Member Janes.

Motion carried. City Attorney Lemon said that he would need to make sure the City had proper insurance coverage. He added that he would meet with Mr. Hark, Counselor for the Hannibal Baseball Group, on the following day to discuss this.

**JAMES LEMON – CITY ATTORNEY**

**Re: Weapons in City Buildings**

*(Bill No. 08-007, to follow)*

City Attorney James Lemon introduced this item, stating that it was an amendment to a current ordinance, with added provisions and some language modifications.

Mayor Hark stated that he was prepared to request that this bill be tabled when it is presented for a first reading, because further modifications are needed. Council Member Janes stated that the Missouri Revised Statutes already prohibit carrying a firearm into any federal building, state building or political body. Janes explained that he had discussed this issue with the City Attorney on previous occasions, who had agreed that the City is already protected by this statute. Janes concluded that, in his opinion, the proposed legislation solves nothing.

**JAMIE PAGE – CITY ENGINEER**

**Re: Red Devil Road – Construction Phase Services**

*(Resolution No. 1440-08, to follow)*

City Engineer Jamie Page came before Council to request the approval of Resolution No. 1440-08, to follow, that would also approve the Red Devil Road construction phase services. MECO has provided the proposal for the required construction phase services with an estimated fee of \$35,000. The actual fee is to be based on 75% of the design phase engineering fee, according to Page. These services include field observation of work in progress, concrete sampling, shop drawing review, progress payment request review and preparation and coordination of change orders. He added that the staff has reviewed and recommends the approval of the Resolution and attached proposal.

**Re: Green Street Vacation**

*(Bill No. 08-008, to follow)*

Page's second order of business concerned the Green Street vacation. Page added that the area of concern is located behind the old fire station (Some confusion has surfaced, concerning the address). The surveying department that was consulted discovered the address was actually Green Street instead of Lyon Street, as previously stated.

Mr. Brad Walden previously made the request to vacate this tract of land which lies between Houston Street and Market Street. His request was heard at the Planning and Zoning meeting, held on February 21, 2008. After review by the commissioners, recommendation has been made that this matter be heard by Council. The related Bill No. 08-008 will be given a first reading later during the meeting with their approval.

**Re: Five-Year Capital Improvement Plan**

*(Resolution No. 1441-08, to follow)*

City Engineer Jamie Page reminded Council that the Planning and Zoning committee had recently held a public hearing on February 21, 2008, to discuss and review the 2008-2013 Five Year Capital Improvement Program. The Planning and Zoning Commissioners were in favor of the plan and recommend its approval. Resolution No. 1441-08, which will be presented later during the meeting, would approve this plan, according to Mr. Page.

**Re: Public Hearing Request, Re-Zone Property – 3246 North Highway 61**

*(April 1, 2008, 6:45 p.m.)*

Page sought Council approval to set a public hearing for April 1, 2008 at 6:45 p.m. This was the result of a request that he received from the Marion County Emergency Services Board to rezone property located at 3246 North Highway 61. This property is currently B-Multi Family zoning; however, the applicant requests that the property be rezoned E-Commercial. Marion County Emergency Services Board wishes to utilize this location for their new 911 site, but current zoning does not allow for a communication tower that will be needed for their operations.

Motion was made by Mayor Pro Tem Dexheimer to approve Page's request to set a public hearing. Motion was seconded by Council Member Janes.

Motion carried.

**TIM CARTER – FIRE DEPARTMENT CHIEF OFFICER**

**Re: Mutual Aid Request for Non-Emergency Departments – Standard Operating Guideline**

*(Resolution No. 1437-08, to follow)*

Fire Chief Tim Carter introduced Resolution No. 1437-08, to follow, and asked Council approval of this Resolution later during the meeting. Approval of this resolution would also approve the related Standard Operating Guideline (SOG), developed by Carter, Police Chief Lyndell Davis and Emergency Management Director John Hark, at the request of City department heads during a recent staff meeting.

Carter continued to explain that the SOG is designed for incidents where non-typical requests are made towards departments that normally are not involved with the planning and execution of mitigating emergency incidents. This would be necessary in the event that City resources were needed to assist a neighboring community in their time of crisis. The document, if approved, would give guidance to all City departments in coordinating with each other and responding accordingly.

**Re: Fire Station 1 & 3 Feasibility Study**

*(Resolution No. 1442-08, to follow)*

Chief Carter requested Council approval of Resolution No. 1442-08, which would approve a service agreement between the Hannibal Fire Department and Klingner & Associates for development of a plan for repairs of Stations 1 and 3. Carter explained that these two facilities are in need of repairs with problems, such as:

- Leaking Roofs
- Improper Roof Flashing
- Severe Cracking of Exterior Brick Work
- Apron and Driveway Deterioration
- Parking Lot Deterioration
- Windows and Doors in Need of Replacement at Facilities
- Windows and Doors in Need of Replacement at Drill Tower Site
- Façade Deterioration with Falling Concrete
- Interior Not ADA Compliant

A feasibility study, if approved, would prioritize the needed repairs, according to Carter. He added that, with the study, the Department can more accurately create a budget in the coming fiscal year and allow them to correct the items that most need repair, developing performance specs in order to have greater accuracy in estimating the costs involved for those needed repairs.

**Re: Approval, Change Order for Personal Protective Equipment Bid Award**

Carter's final order of business was an approval for a change order related to the personal protective equipment bid that was awarded to Battalion Three in January. This was specifically for the purchase of Lion Apparel turn out gear. Because of financial difficulties, the vendor, Battalion Three, is no longer able to provide the Lion gear. Lion Apparel has now agreed to honor the pricing that Battalion Three had submitted. The Chief requested that he be allowed to purchase this gear directly from the manufacturer instead of purchasing through the vendor, Battalion Three, as previously approved. Carter noted that the purchase agreement with this company was strictly verbal and they have submitted a letter releasing the City of Hannibal from any obligation to purchase the gear through their company.

Motion was made by Mayor Pro Tem Dexheimer to approve Chief Carter's request. Motion was seconded by Council Member Janes.

Motion carried.

**CHRIS ATKINSON – PARKS & RECREATION DIRECTOR**  
**Re: Cooperative Land Use Agreements – Hannibal Public Schools**  
*(Resolution Nos. 1438-08 and 1439-08, to follow)*

Chris Atkinson, Director of Parks & Recreation, expressed his desire for Council approval of two Resolutions, No. 1438-08 and No. 1439-08. Approval of these resolutions would also approve the attached cooperative land use agreements between the City and the Hannibal Public School District.

With the arrival of the Hannibal Baseball Group and the approval of this program, use of the two small children's fields that are presently located inside the Clemens Field Complex will be lost. Atkinson added that he and the City Manager had recently been working with the School District to locate a viable alternative for these fields. Two lease agreements were executed by the School district on February 20, 2008. The first has been negotiated whereas the City can construct and maintain two ball diamonds on school property at the Oakwood Elementary School and the other would allow the City to install and maintain a baseball field at the old Stowell School playground. These lease agreements will be approved with the approval of the respective resolutions, to follow.

City Manager LaGarce publicly thanked the Hannibal School Board and Dr. Janes for their assistance in making these fields possible. He explained that the fences at the Clemens Field will be moved back 'pro-style', which will eliminate the two small ball diamonds. Because of the cooperation of the School Board, these will now be replaced by three (instead of two) new fields, relocated at Oakwood Elementary and old Stowell School.

This will give the residents of the areas the benefit of having ball fields in their neighborhoods, according to the Mayor. LaGarce stated that, by design, the fields would not have lighting, so area residents would not have that disadvantage, concluding that this is a 'win-win' situation for all concerned.

#### **Re: Bid Award Approval – Soil Renovator**

Atkinson stated that his next two items were relative to his previous request. In order for the City to construct these baseball/softball fields, new equipment and amenities must be purchased, so that the Parks Department can install new backstops, bleachers, benches and outfield fences.

The first bid, Bid# PR08-04 that Atkinson had placed on the agenda, was for the purchase of a soil renovator. Atkinson explained that this piece of equipment would allow the Parks Department to easily create dirt infields on the new field locations. It could also be used in day to day park operations. There was only one bidder for this project, according to Atkinson. He requested Council approval to award this bid to Commercial Turf & Tractor with a bid amount of \$12,923.00. Motion was made by Council Member Hull to approve Atkinson's request. Motion was seconded by Council Member Hatton.

Motion carried.

#### **Re: Bid Award Approval – Baseball Equipment**

The Parks and Recreation Director asked Council approval to award Bid# PR08-05 to BSN Sport Supply in the amount of \$21,116.35. This bid was for the purchase of baseball/softball field equipment and amenities. It includes backstops, bases, benches, bleachers, field products plus several other items needed to create the three fields. Motion was made by Mayor Pro Tem Dexheimer to approve this request. Motion was seconded by Council Member Hatton.

Motion carried.

## **RESOLUTION NO. 1437-08**

### **A RESOLUTION FOR THE OFFICIAL ADOPTION OF A STANDARD OPERATING GUIDELINE FOR “MUTUAL AID REQUEST FOR NON-EMERGENCY DEPARTMENTS” OF THE CITY OF HANNIBAL**

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1437-08 and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried.

#### **Roll Call**

**Yes:** Mayor Hark, Council Members Hatton, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull, Knickerbocker and Janes – 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Resolution No. 1437-08 duly approved and adopted on this date.

## **RESOLUTION NO. 1438-08**

### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE LAND USE AGREEMENT WITH HANNIBAL PUBLIC SCHOOLS FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE BY THE CITY OF TWO BASEBALL FIELDS AT OAKWOOD ELEMENTARY SCHOOL**

Motion was made by Council Member Hatton to have the City Clerk read Resolution No. 1438-08 and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Mayor Pro Tem Dexheimer requested that the City Clerk send a letter of appreciation to the Hannibal School Board. Motion carried.

#### **Roll Call**

**Yes:** Mayor Hark, Council Members Hatton, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull, Knickerbocker and Janes – 6

**No:** -0-



**Absent:** Council Member Wilson - 1

Mayor Hark declared Resolution No. 1438-08 duly approved and adopted on this date.

### **RESOLUTION NO. 1439-08**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE LAND USE AGREEMENT WITH HANNIBAL PUBLIC SCHOOLS FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE BY THE CITY OF A LITTLE LEAGUE BASEBALL FIELD AT THE OLD STOWELL SCHOOL**

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk read Resolution No.1439-08 and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried.

#### **Roll Call**

**Yes:** Mayor Hark, Council Members Hatton, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull, Knickerbocker and Janes – 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Resolution No. 1439-08 duly approved and adopted on this date.

### **RESOLUTION NO. 1440-08**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND MECO ENGINEERING COMPANY, INC. FOR ENGINEERING SERVICES TO PERFORM FIELD OBSERVATION AND CONSTRUCTION RELATED SERVICES ON THE RED DEVIL ROAD PROJECT IN THE AMOUNT OF \$35,000**

Motion was made by Council Member Hatton to have the City Clerk read Resolution No.1440-08 and call the roll for adoption. Motion was seconded by Council Member Hull.

Motion carried.

#### **Roll Call**

**Yes:** Mayor Hark, Council Members Hatton, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull, Knickerbocker and Janes – 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Resolution No. 1440-08 duly approved and adopted on this date.

### **RESOLUTION NO. 1441-08**

#### **A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING AND ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM 2008-2013 FOR THE CITY OF HANNIBAL**

Motion was made by Council Member Hull to have the City Clerk read Resolution No.1441-08 and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried.

#### **Roll Call**

**Yes:** Mayor Hark, Council Members Hatton, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull, Knickerbocker and Janes – 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Resolution No. 1441-08 duly approved and adopted on this date.

### **RESOLUTION NO. 1442-08**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AGREEMENT BETWEEN THE CITY OF HANNIBAL FIRE DEPARTMENT WITH KLINGNER & ASSOCIATES, P.C. FOR THE DEVELOPMENT, PRIORITIZATION, AND COST STUDY FOR BUILDING REPAIRS AT FIRE STATION #3 ON ARAPAHO AND FIRE STATION #1 ON SOUTH 4<sup>TH</sup> STREET IN THE AMOUNT OF \$5,500**

Motion was made by Council Member Janes to have the City Clerk read Resolution No.1442-08 and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried.

#### **Roll Call**

**Yes:** Mayor Hark, Council Members Hatton, Mayor Pro Tem Dexheimer, Council Members Hatton, Hull, Knickerbocker and Janes – 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Resolution No. 1442-08 duly approved and adopted on this date.

**BILL NO. 08-007**

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE VII,  
SECTION 16-230 OF THE CODE OF THE CITY OF HANNIBAL,  
RELATIVE TO WEAPONS IN CITY BUILDINGS**

**FIRST READING**

Council Member Janes made a motion to table Bill No. 08-007 at this time. Motion was seconded by Council Member Knickerbocker. There was a brief discussion concerning the merit of this bill. Council Member Knickerbocker stated that he was in agreement with Council Member Janes that the Council has nothing to fear from the law-abiding citizens. Anyone who is determined to break the law, in Knickerbocker's opinion, will do that regardless of the ordinances that are in place to this. He continued by saying that any ordinance drafted by the City should be in conformance with what is provided by State Statutes.

City Counselor Lemon stressed that there was currently an ordinance in the City Code that prohibits concealed weapons from being brought into City Hall. With Council pleasure, he would also need to adjust that to bring it into conformance.

Motion carried

**BILL NO. 08-008**

**AN ORDINANCE VACATING A TRACT OF LAND LYING IN PART OF  
GREEN STREET BETWEEN HOUSTON STREET AND MARKET  
STREET IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**FIRST READING**

Motion was made by Council Member Hatton to give Bill No. 08-008 a first reading. Motion was seconded by Council Member Hull.

Motion carried

**BILL NO. 08-009  
(as amended)**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A  
LEASE AGREEMENT BETWEEN THE CITY OF HANNIBAL AND  
HANNIBAL SPORTS AND ENTERTAINMENT, LLC FOR THE USE OF  
THE CLEMENS FIELD STADIUM COMPLEX AND FACILITIES**

**FIRST READING**

Mayor Hark called for a motion to read Bill No. 08-009, as amended, which was suggested by the City Manager, earlier in the meeting. Motion to amend and read as directed by Mayor Hark was made by Mayor Pro Tem Dexheimer. Motion was seconded by Council Member Janes.

Motion carried.

**BILL NO. 08-006**

**AN ORDINANCE AMENDING THE BID LIMITS IN  
ACCORDANCE TO SECTION 9.13 OF THE CODE OF THE CITY  
OF HANNIBAL**

**SECOND AND FINAL READING**

Motion was made by Council Member Hull to give Bill No. 08-006 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried

**Roll Call**

**Yes:** Mayor Hark, Council Members Hatton, Mayor Pro Tem Dexheimer,  
Council Members Hatton, Hull, Knickerbocker and Janes – 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Bill No. 08-006 duly approved and adopted on this date.

**ADJOURNMENT**

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

Motion carried.