

**OFFICIAL PROCEEDINGS  
OF PUBLIC HEARING**

**May 6, 2008  
6:45 p.m.**

**CALL TO ORDER**

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

**JAMIE PAGE – DIRECTOR OF PUBLIC WORKS**  
**Rezone Property - 713 Union Street – E-Commercial to B-Multiple Family**  
*(Habitat for Humanity)*

City Engineer Jamie Page explained the purpose for the public hearing, which was to review a petition to rezone property located at 713 Union Street from E-Commercial to B-Multiple Family zoning. Because of current zoning, this cannot be used for residential; however, the area surrounding this site is primarily residential and the proposed location has been selected for a ‘Habitat for Humanity’ project.

**PUBLIC COMMENTS**

Mayor Hark asked for public comments for or against the matter at hand, the rezoning of 713 Union Street. No one asked to speak.

**ADJOURNMENT**

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

# OFFICIAL COUNCIL MINUTES

**May 6, 2008  
7:00 p.m.**

**Present:** Council Members Knickerbocker, Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton, and Hull – 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, Council Member Janes gave the invocation.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Boy Scout members that were present at the meeting. 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 – April 15, 2008 Special Call Council Meeting – April 24, 2008

Motion was made by Council Member Hatton to approve the Council minutes of the regular Council Meeting held on April 15, 2008 and minutes of the special called Council meeting held on April 24, 2008. Motion was seconded by Council Member Hull.

Motion carried.

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

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

Motion carried.

**ROY G. HARK – MAYOR**

**Re: Recognition of Service**

*(5th Ward Council Member Jeff Hatton & 6th Ward Council Member Terry Hull)*

Mayor Hark recognized the outgoing 5<sup>th</sup> Ward Council Member, Jeff Hatton, and the outgoing 6<sup>th</sup> Ward Council Member, Terry Hull. He expressed his appreciation for their efforts during their terms of office presenting them with plaques of appreciation for their years of service. Council Member Hatton has served the 5<sup>th</sup> Ward for five years; Council Member has served the 5<sup>th</sup> Ward for six years.

**ANGELICA N. ZERBONIA – CITY CLERK**

**Re: Certification of April 8, 2008 Municipal Election**

Mayor Hark asked City Clerk Zerbonia to read the Certification of the April 8, 2008 Municipal Election, at this time. She read:

State of Missouri }  
County of Marion }  
City of Hannibal }

**CERTIFICATION OF ELECTION**

**Results of the Municipal Election of  
April 8, 2008**

**Proposition 1**

**Shall the City of Hannibal repeal its 1/2 cent transportation sales tax for street improvements, capital equipment and maintenance and replace with a new 1/2 cent transportation sales tax for street improvements, capital equipment and maintenance? If adopted, this new tax shall continue until repealed by the voters of Hannibal by a certified election.**

	<b>Yes</b>	<b>No</b>
Marion County	1,081	361
Ralls County	<u>6</u>	<u>7</u>
<b>TOTALS</b>	<b>1,087</b>	<b>368</b>

**Declaring Proposition 1 passed with 1,087 votes.**

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**For Councilman - Three Year Term - Fifth Ward**

James Behymer

173

**Declaring James Behymer the winner of the Fifth Ward Council Seat.**

**For Councilman - Three Year term - 6th Ward**

Jeff Lyng  
Terry Hull

250  
219

**Declaring Jeff Lyng the winner of the Sixth Ward Council Seat.**

**ATTEST:**

I, **Angelica N. Zerbonia**, City Clerk of Hannibal, Missouri, do hereby certify the attached to be a complete and true copy of the Certification of Election held on April 8, 2008, a Municipal Election as certified to me by Marion County Clerk, Robert Ravenscraft, and Ralls County Clerk, Earnest E. Duckworth.

**WITNESS MY HAND**, and the Seal  
of the City of Hannibal, Missouri,  
done in my office this 6th Day  
of May, 2008.

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**Angelica N. Zerbonia, City Clerk**

**Also signed by the Mayor and City Council.**

Motion was made by Council Member Hull to certify the Municipal Election of April 8, 2008.  
Motion was seconded by Council Member Hatton.

Motion carried.

**BILL NO. 08-018**

**AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI  
AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN  
THE CITY AND THE MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION FOR THE PURPOSE OF STATE AVIATION GRANT  
FUNDING FROM THE YEARS 2004-2007 IN THE AMOUNT OF \$600,000**

**SECOND AND FINAL READING**

Motion was made by Council Member Hatton to give Bill No. 08-018 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, Janes, Mayor Hark, Mayor Pro Tem  
Dexheimer, Council Members Hatton and Hull - 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Bill No. 08-018 duly approved and adopted on this date.

**BILL NO. 08-019**

**AN ORDINANCE AUTHORIZING THE CITY OF HANNIBAL, MISSOURI, TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH THE MISSOURI ASSOCIATION OF MUNICIPAL UTILITIES FOR CERTAIN PUBLIC IMPROVEMENTS FOR THE CITY OF HANNIBAL, MISSOURI; AND AUTHORIZING AND APPROVING CERTAIN ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF SAID LEASE-PURCHASE TRANSACTION**

**SECOND AND FINAL READING**

Motion was made by Council Member Hull to give Bill No. 08-019 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hatton.

Motion carried

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Bill No. 08-019 duly approved and adopted on this date.

**BILL NO. 08-020**

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

**SECOND AND FINAL READING**

Motion was made by Council Member Knickerbocker to give Bill No. 08-020 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 Knickerbocker, Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Hatton and Hull - 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Bill No. 08-020 duly approved and adopted on this date.

## **ADJOURNMENT Sine-Die**

At this time, Mayor Pro Tem Dexheimer made a motion to adjourn the Council meeting Sine-Die. Motion was seconded by Council Member Hatton.

Motion carried.

## **ROY G. HARK – MAYOR**

### **Re: Oath of Office**

*(5th Ward Council Member – Jim Behymer & 6<sup>th</sup> Ward Council Member - Jeff Lyng)*

Mayor Hark administered the Oath of Office to Jim Behymer, being sworn in as the Fifth Ward Council Member and to Jeff Lyng, being sworn in as the Sixth Ward Council Member.

All newly elected Council members were congratulated and took their place on the dais.

## **ROLL CALL**

**Present:** Council Member Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer, Lyng and Knickerbocker - 6

**Absent:** Council Member Wilson - 1

## **CALL TO ORDER**

There being a quorum present, Mayor Hark called the meeting to order. Motion was made by Mayor Pro Tem Dexheimer to excuse Council Member Wilson from the meeting. Motion was seconded by Mayor Hark.

Motion carried.

## **BILL WEBBER – KIWANIS CLUB OF HANNIBAL**

### **Re: Request, Use of City Owned Property**

*(32<sup>nd</sup> Annual Samuel Clemens Arts & Crafts Festival, July 3-5, 2008)*

Mr. Bill Webber, appearing on behalf of the Kiwanis Club of Hannibal, came forward with a request for Council approval. His request was for the use of Central Park on July 2-5 in order to host the 32<sup>nd</sup> Annual Samuel L. Clemens Arts and Crafts. He also requested use of the parking spaces on Fourth Street from Broadway to north of the bandstand during the same dates for placement of a trash dumpster, port-a-potties, an ice trailer and a bread truck. Finally, Webber requested approval to barricade Fourth Street from Center to Broadway on July 4-5 and the use of the lot on Collier Street, located between Seventh and Eighth Streets to park crafters vehicles and motor homes from July 1 through July 5. Webber concluded his request by adding that this was similar to the previous year's request. The only change was the dates of the events.

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

Motion carried.

**DARIN POWELL, PRINCIPAL – HANNIBAL HIGH SCHOOL**  
**Re: Request, Close City Streets for 2008 Commencement Ceremony**  
*(May 22, 2008, 6:45 p.m. – 8:30 p.m.)*

Mr. David McCullum, Assistant Principal of the Hannibal High School made the next request on behalf of Principal Darin Powell. McCullum asked that Brookside, from McMasters Avenue to Edgewood, be shut down from 6:45 p.m. until 8:30 p.m. on Thursday, May 22, 2008 for the commencement ceremony at Hannibal High School. He also requested that barricades be provided for this purpose. Motion was made by Council Member Behymer to approve McCullum's request. Motion was seconded by Mayor Hark.

Motion carried.

**ROY G. HARK – MAYOR**  
**Re: Council Appointments**

Mayor Hark made Council appointments to the following boards and asked approval by Council.

Fire Board – Council Member Behymer

Planning & Zoning Commission – Council Member Lyng

Building Commission – Council Member Knickerbocker

Motion was made by Mayor Pro Tem Dexheimer to approve these appointments. Motion was seconded by Council Member Janes.

Motion carried.

**Re: Recommendation of Appointments**

Next, Mayor Hark made a recommendation for appointments to the Hannibal Municipal Assistance Corporation which will be considered for approval at the next Council meeting. They were:

Jack Herring – one year term to expire June 1, 2009

Tom Boland – two year term to expire June 1, 2010

Jon Obermann – two year term to expire June 1, 2010

George Walley – three year term to expire June 1, 2011

Randy Park – three year term to expire June 1, 2011

**JEFF LAGARCE – CITY MANAGER**  
**Re: Recommendation of Appointment**

City Manager LaGarce made a recommendation for the reappointment of Bill Hatton to the Board of Adjustment which will be considered for approval at the next Council meeting. LaGarce added that Mr. Hatton was presently the chairman of that board. If approved, his term will expire May, 2013.

**Re: Recommendation, Set Budget Workshops**  
*(May 21<sup>st</sup> & May 22<sup>nd</sup> – 5:30 p.m.)*

The City Manager passed out the budgets for the FY 2008/09 Budgets and asked Council to set budget workshops on May 21<sup>st</sup> and May 22<sup>nd</sup> at 5:30 p.m. Motion was made by Council Member Knickerbocker to set the budget workshops as directed by City Manager LaGarce. Motion was seconded by Council Member Behymer.

Motion carried.

**Re: Nuisance Abatement of Properties Controlled by Marion County Trustee - Proposal for Cooperative Agreement**  
*(Resolution No. 1462-08, to follow)*

The next order of business that City Manager LaGarce presented was Resolution No. 1462-08 that would be put to a vote later in the meeting. LaGarce explained that this Resolution, if approved, would also approve a cooperative agreement with Marion County regarding nuisance abatement of properties controlled by the Marion County Trustee. These are properties that are forfeited for non-payment of taxes and held in trust by the Trustee. In the past, any maintenance needing to be completed, such as mowing, junk removal, etc., must be done by the City at the taxpayer's expense. Resolution 1462-08, if approved, will allow a 50/50 split of abatement costs, simultaneously capping the County's obligation at \$50 per incident.

City Manager LaGarce noted that staff recommends approval of this Resolution, authorizing the Mayor to execute this agreement with the Marion County Commission for a 50/50 split of nuisance abatement costs on properties controlled by the Marion County Trustee.

**Re: Formation of Hannibal Municipal Assistance Corporation**  
*(Bill No. 08-026, to follow)*

Next on the agenda, as City Manager LaGarce explained, was the formation of Hannibal Municipal Assistance Corporation that would be done with Bill No. 08-026, if approved for a first reading later during the meeting. He continued that a municipal assistance corporation is non-profits organized under RSMo Chapter 355 (the Missouri Nonprofit Corporations Act) and is a requirement of the IRS

in order for the City to issue leasehold revenue bonds. The Corporation, if approved, would operate under the sole direction of Council and cannot issue debt instruments without Council's approval.

Council Member Lyng voiced his concern that 'the corporation that we are forming is a vice to get around a section in the Missouri State Constitution that requires cities and counties to submit long term indebtedness to a vote of the people'.

Mr. Thomas Cunningham, Special Council to the City of Hannibal, explained that voter approval, as required by the Missouri Constitution, only on 'constitutional debt'. Constitutional debt specifically is a particular type of debt that is unequivocal multi-year. The type of debt that is being undertaken here is **not** constitutional debt.

**Re: Businesses Locating Near Roadways & Signalized Intersections**  
(Bill No. 08-027, to follow)

City Manager LaGarce's next order of business was Bill No. 08-027, to follow which addresses the issue of itinerant merchants locating near roadways and signalized intersections. This had previously been discussed during the Council meeting on April 15, 2008, at the request of Council Member Knickerbocker.

This Bill establishes a 100 foot setback for businesses *not* operating from a permanent structure (including their displays, wares, etc.). The setback applies to all locations within 100 feet of any four lane highway, four lane road or signalized intersection.

The City Manager concluded by saying that staff recommends a first reading of this Bill.

**JAMIE PAGE – DIRECTOR OF PUBLIC WORKS**  
**Re: Traffic Committee Recommendations**

City Engineer Jamie Page presented the following recommendations of the Traffic Committee during the recent meeting held on April 17, 2008.

1. Work With MoDOT to install **No Parking** signs on both sides of Highway 79 between Union and Fulton Avenue, across from Stowell School
2. Extend **No Parking** on both sides of Tilden Street, from Viley Street to Ruby Street
3. Install **No Parking** signs on the west side of Floral Avenue from Bell Avenue to Hubbard
4. On Grace Street at the rock wall divider:
  - Upper Level: Designate **No Parking** from Locust Street west up to 30 feet past the split
  - Lower Level: Designate **No Parking** not to exceed over 30 feet, east bound
5. Designate **No Parking** on the east side of South 6<sup>th</sup> Street from Warren Barrett Drive to Colfax, by the old Woodworking Company

6. Informational Only: On US 61 at Highway 168 intersection – The Traffic Committee is in favor of MoDOT’s request to move the 35 mph zone 1000 feet north of the intersection, so that all traffic entering that signal is going consistently the same speed, instead of 35 mph going northbound, and 45 mph going south.

Since no action was taken by Council, these recommendations will become effective on this date.

**Re: Request to Set Public Hearing – Rezoning of Fisher’s Subdivision**

*(May 20, 2008 – 6:45 p.m.)*

Next on the agenda, Mr. Page asked Council to set a public hearing on May 20, 2008 at 6:45 p.m., in order to discuss the rezoning request from Perry Fisher concerning Fisher’s Subdivision. Page clarified that this subdivision encompasses the entire area to the Sutherland’s property. Motion was made by Council Member Knickerbocker to approve Page’s request. Motion was seconded by Council Member Behymer.

Motion carried.

**Re: Rezone Property - 713 Union Street**

*(Bill No. 08-025, to follow)*

City Engineer Page introduced Bull No. 08-025, to follow, that would rezone property located at 713 Union Street from E-Commercial to B-Multiple Family, if approved. This is the intended site of a Habitat for Humanity project and was previously the subject of the earlier public hearing. Bill No. 08-025 is slated for a first reading later during the meeting.

**Re: Farm Lease Agreement – Airport Property**

*(Resolution No. 1461-08, to follow)*

Resolution No. 1461-08, concerning a farm lease with Brad Craven, was the next agenda item introduced by Page. Craven now leases property located at the Hannibal Regional Airport for farming; however, a revision in the current lease will allow for the exchange of Brad Craven’s service to mow a portion of the Airport in lieu of the lease payment of \$3,600 per year, now due, for farming a portion of this property. This resolution will be revisited later in the meeting for Council approval.

**Re: Right of Way Vacation – Rackliffe Street**

*(Bill No. 08-021, to follow)*

The City Engineer’s next order of business was a right-of-way vacation Rackliffe Street, commonly known as the Gosney Pharmacy as requested during the Planning & Zoning meeting of April 17, 2008 by Brian and Lori Gosney. This will allow Gosney to have a drive-thru service at this location and remain competitive in his business, if approved. The Bill will be given a first reading later during the meeting if approved by Council.

Council Member Lyng suggested, instead of vacating the portion of Rackliffe Street, the City could enter into a lease or use agreement with the property owner. Council Member asked the City Attorney to explain the viability of the two options.

City Attorney Lemon explained that Council Member Lyng made a good point that once an area is abandoned, the only way to recoup the right-of way is to purchase it voluntarily from the owner or re-condemn it, paying in either case. On the other hand, according to Lemon, if there is some type of license or use agreement that would expire if the business were closed or the drive-thru was no

longer used, the City would have the ability to retain the right-of-way at no cost. City Attorney concluded by saying that there is no right or wrong way to handle this, it is Council's pleasure.

Janes stated that the agreement would be the most desirable one; however, he did not want to spend an additional amount of time, since the lack of a drive-thru was detrimental to Gosney's business and the added time to draft an agreement and ordinance would be a factor. Lemons responded that he could have a lease and an ordinance drafted for presentation at the next Council meeting.

City Engineer page posed a question, whether the lease agreement would follow the owner or the business. Then Council Member Behymer asked if this was to be done for each vacation in the future, since it had not been an issue in the past and was not time effective.

Lemon responded that the Council could have the agreement drafted either with the owner or the business; and continued that the City has an established method and process set up with the Planning and Zoning Commission reviewing requests and normally an abandonment would not need a license agreement; however, this is somewhat of an odd situation, addressing only six feet from the edge of a street right-of-way that isn't actually a street.

**Re: Alley Vacation – Chamberlain's & Henderson's Subdivision**

*(Bill No. 08-022, to follow)*

Next on the Agenda was Bill No. 08-023, to follow, concerning an alley vacation located in Chamberlain's & Henderson's Subdivision. City Engineer Page explained that there had been a request to abandon this piece of property between the Hayden's and Oakwood School (on Tilden). He added that there will be no construction on this property but will be retained as a stormwater easement only.

This Ordinance will be revisited for a first reading later during the meeting.

**Re: Modification of Covenant Use – El Rancho Estate Subdivision**

*(Bill No. 08-023, to follow)*

Finally, Page introduced Bill No. 08-023 to follow which concerned a modification of covenant use regarding the El Rancho Estate Subdivision. He explained, at one point, City Code required that subdivisions, when developing, retain certain lots for public use. That requirement was rescinded at some point and is no longer a requirement. Instead of the land would revert back to the original property owners, who want to utilize the property and sell it. This Bill is on the agenda, later during the meeting, for a first reading.

**LINDSAY WISKIRCHEN – DIRECTOR OF FINANCE**

**Re: Half Cent Sales Tax**

*(Bill No. 08-024, to follow)*

Finance Director Lindsay Wiskirchen introduced the next order of business Bill No. 08-024, which regarded the half cent sales tax. This was the subject of a recent ballot issue on the April 8, 2008 election. City Manager LaGarce explained that this was only a formality as a result of the recent election and was not a 'new' tax. This ordinance is slated for a first reading later during the meeting, with Council approval.

**TIM CARTER – HANNIBAL FIRE DEPARTMENT CHIEF OFFICER**

**Re: Request, Waive Bidding Process – SEMA Grant; Specialized Shooting Chamber Clearing Devices**

Fire Department Chief Officer Tim Carter came before Council, at this time, requesting their approval to waive the bidding process for the purchase of 31 Guardian TS devices. Carter explained that they are chamber clearing devices for the special response team, supported by the SEMA grants for Region B's Homeland Security Response Team (HSRT). This team consists of Hannibal Fire and Police and Kirksville Fire and Police Departments. The total for the purchase is \$10,682 and Carter explained that this request was being made because Range Systems is the only vendor that can provide this type of device. Motion was made by Mayor Pro Tem Dexheimer to waive the bidding process as requested by Carter. Motion was seconded by Council Member Janes.

Motion carried.

**RESOLUTION NO. 1461-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A FARM LEASE AGREEMENT BETWEEN THE CITY OF HANNIBAL AND BRAD CRAVEN FOR THE LEASING OF AIRPORT PROPERTY FOR TEMPORARY AGRICULTURAL FARM USE IN EXCHANGE FOR MOWING CERTAIN AGREED UPON AIRPORT PROPERTY THREE TIMES PER YEAR**

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk read Resolution No. 1461-08 and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

**Yes:** Council Member Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer, Lyng and Knickerbocker - 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Resolution No. 1461-08 duly approved and adopted on this date.

**RESOLUTION NO. 1462-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MARION COUNTY, MISSOURI TO DIVIDE NUISANCE ABATEMENT COSTS FOR PROPERTIES UNDER THE JURISDICTION OF THE MARION COUNTY TRUSTEE**

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1462-08 and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

**Roll Call**

**Yes:** Council Member Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer, Lyng and Knickerbocker - 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Resolution No. 1462-08 duly approved and adopted on this date.

**BILL NO. 08-021**

**AN ORDINANCE VACATING A TRACT OF LAND LYING IN PART OF LOT 11, BLOCK 1 OF THE HAWKINS SUBDIVISION, MORE COMMONLY KNOWN AS RACKLIFFE STREET, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**FIRST READING**

Motion was made by Mayor Pro Tem Dexheimer to give Bill No. 08-021 a first reading. Motion was seconded by Council Member Behymer.

Motion carried.

**BILL NO. 08-022**

**AN ORDINANCE VACATING A TRACT OF LAND LYING IN PART OF A 15.00' WIDE ALLEY LYING IN CHAMBERLAIN'S AND HENDERSON'S SUBDIVISION, MORE COMMONLY KNOWN AS TILDEN STREET, PART OF LOT 2 OF THE TOWN OF TILDEN, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**FIRST READING**

Motion was made by Mayor Pro Tem Dexheimer to give Bill No. 08-022 a first reading. Motion was seconded by Council Member Knickerbocker.

**Roll Call**

**Yes:** Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer, Lyng and Knickerbocker - 5

**No:** -0-

**Abstain:** Council Member Janes - 1

**Absent:** Council Member Wilson - 1

Motion carried.

### **BILL NO. 08-023**

#### **AN ORDINANCE APPROVING AND ACCEPTING MODIFICATION OF THE COVENANT OF LOT 47 OF EL RANCHO ESTATE, A SUBDIVISION LYING IN THE PART OF LOT 47 OF EL RANCHO ESTATE SUBDIVISION, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

#### **FIRST READING**

Motion was made by Council Member Janes to give Bill No. 08-023 a first reading. Motion was seconded by Council Member Knickerbocker.

Motion carried.

### **BILL NO. 08-024**

*(As amended)*

#### **AN ORDINANCE EXTENDING THE ONE HALF CENT SALES TAX FOR CAPITAL IMPROVEMENTS IN ACCORDANCE WITH MISSOURI STATUTE 94.577 AS APPROVED BY CITY OF HANNIBAL VOTERS APRIL 8, 2008**

#### **FIRST READING**

City Manager LaGarce explained the reason for the amendment to this bill. When the bill was drafted, it was reviewed by the Department of Revenue, who gave it their approval; however, following this approval, notification was made by the State, to the City Clerk, stating that the Missouri Statutes 94.500-94.550 were incorrect and should be Missouri State Statute 94.577.

Motion was made by Council Member Knickerbocker to give Bill No. 08-024, as amended, a first reading. Motion was seconded by Mayor Hark.

Motion carried.

### **BILL NO. 08-025**

**AN ORDINANCE REZONING .21 ACRES +/- OF PROPERTY, MORE OR LESS, LOCATED AT 713 UNION STREET IN MARION COUNTY, MISSOURI FROM E-COMMERCIAL ZONING DISTRICT TO B-MULTIPLE FAMILY ZONING DISTRICT AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY**

**FIRST READING**

Motion was made by Council Member Knickerbocker to give Bill No. 08-025 a first reading. Motion was seconded by Mayor Pro Tem Dexheimer.

Motion carried.

**BILL NO. 08-026**

**AN ORDINANCE APPROVING THE FORMATION OF THE HANNIBAL MUNICIPAL ASSISTANCE CORPORATION AS A NONPROFIT CORPORATION ESTABLISHED TO ASSIST THE CITY IN THE FINANCING OF CERTAIN PUBLIC IMPROVEMENTS; AND APPROVING THE FORM OF THE ARTICLES OF INCORPORATION OF SUCH CORPORATION**

**FIRST READING**

Motion was made by Council Member Janes to give Bill No. 08-026 a first reading. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**BILL NO. 08-027**

**AN ORDINANCE AMENDING CHAPTER 15, ARTICLE II, DIVISION 1 OF THE CODE OF THE CITY OF HANNIBAL BY ADDING A NEW SECTION 15-30 REGARDING THE LOCATION OF BUSINESSES NEAR ROADWAYS**

**FIRST READING**

Motion was made by Council Member Knickerbocker to give Bill No. 08-027 a first reading. Motion was seconded by Council Member Janes.

Motion carried.

**CLOSED SESSION**

*In Accordance with RSMo. 610-021 (1 & 2)*

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraph one & two, admitting himself, the rest of Council, City Manager Jeff LaGarce, City Attorney James Lemon, City Clerk Angelica Zerbonia, Chief Lyndell Davis and Parks & Recreation Director Chris Atkinson. Motion was made to go into closed session as Mayor Hark directed by Council Member Behymer. Motion was seconded by Council Member Janes.

**Roll Call**

**Yes:** Council Member Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer, Lyng and Knickerbocker - 6

**No:** -0-

**Absent:** Council Member Wilson - 1

Motion carried.

**OPEN SESSION**

Motion was made by Mayor Pro Tem Dexheimer to return to open session. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**ADJOURNMENT**

Motion was made by Council Member Janes to adjourn. Motion was seconded by Council Member Knickerbocker.

Motion carried.