

**OFFICIAL PROCEEDINGS
OF PUBLIC HEARING**

**May 20, 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 - Fisher's Subdivision – A-One and Two Family to E-Commercial**

City Engineer Jamie Page explained the purpose for the public hearing, which was to review a petition to rezone property located between Sutherlands and the new Lowe's Store from A-One and Two Family to E-Commercial Zoning. This would be in line with the zoning of adjacent property and the request had been addressed at a recent Planning and Zoning Board meeting, according to Page. He added that it had been their recommendation to approve this request.

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 20, 2008
7:00 p.m.

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.

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 Behymer. Motion was made by Mayor Pro Tem Dexheimer to excuse Council Member Wilson from the proceeding. Motion was seconded by Council Member Knickerbocker.

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting – May 6, 2008, 2008

Motion was made by Council Member Knickerbocker to approve the Council minutes of the regular Council Meeting held on May 6, 2008. Motion was seconded by Mayor Hark.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – May, 2008

Motion was made by Mayor Pro Tem Dexheimer to approve the payroll and claims for the first half of May, 2008. Motion was seconded by Council Member Behymer.

Motion carried.

ROY G. HARK – MAYOR
Re: Approval of Appointments

Mayor Hark reminded Council of candidates he had presented at the last meeting for the Hannibal Municipal Assistance Corporation. They were:

HANNIBAL MUNICIPAL ASSISTANCE CORPORATION

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

He asked Council for their approval of these nominations. Motion was made by Mayor Pro Tem Dexheimer to approve the Mayor's nominations for the Hannibal Municipal Assistance Corporation. Motion was seconded by Council Member Behymer.

Motion carried.

JEFF LYNG – 6TH WARD COUNCIL MEMBER
Re: Amendment to Bill No. 08-026, re: Hannibal Municipal Assistance Corporation

Council Member Jeff Lyng expressed some concerns regarding the formation of the Hannibal Municipal Assistance Corporation and the related Bill No. 08-026 that would be revisited for approval of a second and final reading later, during the meeting. He explained that, in his opinion, a limitation should be placed on this corporation being created, in order to assure voter approval on any financing arrangements that would involve spending money out of the budgets of future councils. He then introduced an amendment to Bill No. 08-026 that would alleviate this problem.

Re: Special Municipal Election – August 5, 2008
(Bill No. 08-028, to follow – Emergency Reading)

In relation to the proposed amendment to Bill No. 08-026, Council Member Lyng introduced Bill No. 08-028, that, if approved by emergency reading, would call for a special municipal election on August 5, 2008. The purpose of this election would be to submit a financing proposition to the voters of Hannibal for \$2 million in leasehold bonds through the Hannibal Municipal Assistance Corporation for the construction of a new Street Department building and improvements to Clemens Field. This election will become necessary if the amendment to Bill No. 08-026 is approved.

Re: Amendment to Bill No. 08-021, re: Right of Way Vacation – Rackliffe Street

Council Member Jeff Lyng proposed an amendment to Bill No. 08-021, regarding the right-of-way vacation on Rackliffe Street in the area of Gosney Pharmacy. This amendment would reserve a reversion to the City in the event that the property is no longer needed by the owner. Bill No. 08-021 is on the evening's agenda for a second and final reading.

JEFF LAGARCE – CITY MANAGER

Re: Approval of Appointment

City Manager LaGarce asked for Council approval of a candidate he had presented at the last meeting for the Board of Adjustment. This was:

BOARD OF ADJUSTMENT

Bill Hatton – Reappointment for a term to expire May, 2013

Motion was made by Mayor Pro Tem Dexheimer to approve the City Manager's nomination for the Board of Adjustment member. Motion was seconded by Council Member Behymer.

Motion carried.

Re: Recommendation of Appointments

LaGarce made recommendation for the reappointment of John Zerbonia and the appointment of Tim Carter to the Employee Benefit Trust Board as follows:

EMPLOYEE BENEFIT TRUST BOARD

John Zerbonia – Reappointment for a term to expire, May, 2011

Tim Carter – Appointment for a term to expire, May, 2011

These nominations will be considered for approval at the next Council meeting.

Re: Request to Set Public Hearing – Downtown Revitalization Preservation Program

(June 3, 2008, 6:30 p.m.)

Next on the agenda, City Manager LaGarce asked Council to set a public hearing on June 3, 2008 at 6:30 p.m., in order to discuss the Downtown Revitalization Preservation Program. LaGarce explained that the Mayor and City Council, on behalf of the City, had recently entered into a sales tax reimbursement agreement with Hannibal Sports & Entertainment, whereby 50% of all new sales tax generated at the ballpark would be remitted toward their stadium renovations. This agreement is part of the Downtown Revitalization Preservation Program, which also authorized preparation of a redevelopment plan, as well as a blight study. Both of these steps are a requirement of the State of Missouri for use of the program. These studies should be completed by the date of the proposed public hearing, according to LaGarce. Motion was made by Mayor Pro Tem Dexheimer to approve the City Manager's request. Motion was seconded by Mayor Hark.

Motion carried.

Re: Request to Set Public Hearing – Fiscal Year 2008/09 Budget

(June 3, 2008, 6:45 p.m.)

City Manager LaGarce requested that Council set a budget public hearing for June 3rd after the hearing, during the regular Council Meeting a first reading would be given to the bills regarding this budget year. The proposed budget would not actually be approved until two weeks afterward, with the second and final reading scheduled for June 17, 2008 Council Meeting. Motion was made by Council Member Behymer to approve LaGarce's request. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**Re: Escrow Agreement, Hannibal Sports & Entertainment and F&M Bank
& Trust Company**

(Resolution No. 1463-08, to follow)

Next, City Manger LaGarce introduced Resolution No. 1463-08, to follow later during the meeting. Approval of this resolution would also approve the escrow agreement between the City of Hannibal and two entities: Hannibal Sports & Entertainment and Farmers & Merchants Bank and Trust Co. This agreement, if approved, would be in the amount of \$10,000 for purposed of funding the studies necessary for the Downtown Revitalization Preservation Program.

Re: Hannibal Regional Airport Management Services Agreement

(Resolution No. 1466-08, to follow)

The final item that the City Manager introduced was Resolution No. 1466-08, concerning the Hannibal Regional Airport Management Services Agreement with Barron Aviation. Recently, according to LaGarce, bids were let and three proposals were received. On May 14, the Airport Commission reviewed these bids and unanimously recommended the firm of Barron Aviation Private Flight Services for the management contract.

LaGarce added that even though Barron was the highest bidder, if approved; this entity will bring additional business activity to Hannibal. Business will include an airport maintenance facility (service work and aircraft inspections), a base of operations for Air Charter and corporate aircraft management services, renewal of the ambulatory air service, private flights and aircraft rentals. Barron also has plans to develop ground school programs and curriculum for the following categories: private pilot, commercial, instrument, airline transport pilot and flight instructor ratings. Resolution No. 1466-08, the approval of which would also approve a 3-year management agreement with Barron Aviation Private Flight Services, LLC. in the amount of \$50,000 per year with options for extension follow later during the meeting.

PHYLLIS NELSON – CITY COLLECTOR

**Re: Delinquent Tax Report, Request to Write off Delinquent
2004 Personal Property Taxes**

City Collector Phyllis Nelson came before Council with a request to write off the delinquent personal taxes for the 2004 tax year, since State Statutes prohibit taking legal action against delinquent personal property taxes that are more than three years past due. The total amount of Nelson's request was \$12,144.55. Motion was made by Mayor Pro Tem Dexheimer to approve the request of the City Collector. Motion was seconded by Council Member Behymer.

Motion carried.

CHRIS ATKINSON – DIRECTOR OF PARKS & RECREATION

**Re: Hannibal Trails, Veteran's Road, Warren Barrett Drive, Riverview Park
Connection Supplemental Agreement**

(Bill No. 08-029, to follow)

Chris Atkinson, the Director of Parks and Recreation introduced Bill No. 08-029, explaining the need for this Bill. During the recent Council Meeting held on April 15th, Council approved Resolution No. 1453-08 on behalf of the Parks and Recreation Department and entered into a supplemental agreement with the Missouri Highways and Transportation Commission for the Hannibal Trails, Veteran's Road, Warren Barrett Drive and Riverview Park Connection Project. Subsequently, agreements were forwarded to MoDOT for signature by their commission. According to Atkinson, these agreements were returned with a request that in lieu of the resolution, all grant agreements now be supported by ordinance. For this reason, Bill No. 08-029 needs approval, even though approval has already been obtained for the related agreement.

DON WILLIS – BPW GENERAL MANAGER
Re: West Industrial Park Substation Earthwork & Grading Agreement
(Resolution No. 1464-08, to follow)

BPW General Manager Don Willis introduced the next item on the agenda which was approval of Resolution No. 1464-08, to follow. This Bill, if approved, will authorize the Mayor to sign a contract agreement with Henderson Construction & Engineering in the amount of \$39,990 for grading and earthwork at the future West Industrial Park Substation site.

**Re: West Industrial Park Substation Foundations/Ground Grid/Electrical
Conduits Agreement**
(Resolution No. 1465-08, to follow)

Willis also asked Council approval of Resolution No. 1465-08, to follow, that if approved, would also approve a contract agreement with Bleigh Construction Company in the amount of \$384,000. Bleigh Construction's proposal is for foundations, ground grid and electrical conduits at the West Industrial Park Substation site. Willis concluded that both bids came in lower than the estimated costs of the projects.

RESOLUTION NO. 1463-08

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ESCROW
AGREEMENT IN THE AMOUNT OF \$10,000 WITH HANNIBAL SPORTS &
ENTERTAINMENT AND FARMERS AND MERCHANTS BANK & TRUST
COMPANY TO PROVIDE A FUNDING MECHANISM FOR CERTAIN
REDEVELOPMENT STUDIES NECESSARY UNDER THE DOWNTOWN
REVITALIZATION PRESERVATION PROGRAM**

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1463-08 and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

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. 1463-08 duly approved and adopted on this date.

RESOLUTION NO. 1464-08

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AGREEMENT BETWEEN THE CITY OF HANNIBAL, BOARD OF PUBLIC WORKS AND HENDERSON CONSTRUCTION AND ENGINEERING FOR THE EARTHWORK AND GRADING OF THE WEST INDUSTRIAL PARK SUBSTATION SITE IN THE AMOUNT OF \$39,990

Motion was made by Mayor Pro Tem Dexheimer to have the City Clerk read Resolution No. 1464-08 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. 1464-08 duly approved and adopted on this date.

RESOLUTION NO. 1465-08

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A STANDARD FORM OF AGREEMENT BETWEEN THE CITY OF HANNIBAL, BOARD OF PUBLIC WORKS AND BLEIGH CONSTRUCTION COMPANY FOR THE FOUNDATIONS, GROUND GRIDS AND ELECTRICAL CONDUITS OF THE WEST INDUSTRIAL PARK SUBSTATION PROJECT IN THE AMOUNT OF \$384,000

Motion was made by Council Member Janes to have the City Clerk read Resolution No. 1465-08 and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

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. 1465-08 duly approved and adopted on this date.

RESOLUTION NO. 1466-08

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MANAGEMENT SERVICE AGREEMENT WITH BARRON AVIATION PRIVATE FLIGHT SERVICES, LLC IN THE AMOUNT OF \$50,000 ANNUALLY FOR COMPREHENSIVE AIRPORT MANAGEMENT SERVICES

Motion was made by Council Member Behymer to have the City Clerk read Resolution No. 1466-08 and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Roll Call

Yes: Council Member Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Knickerbocker - 5

No: Council Member Lyng - 1

Absent: Council Member Wilson - 1

Mayor Hark declared Resolution No. 1466-08 duly approved and adopted on this date.

BILL NO. 08-028

AN ORDINANCE PROVIDING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, AUGUST 5, 2008, TO ALLOW HANNIBAL VOTERS TO CONSIDER APPROVAL OF THE ISSUANCE OF \$2 MILLION IN LEASEHOLD BONDS THROUGH THE HANNIBAL MUNICIPAL ASSISTANCE CORPORATION FOR THE CONSTRUCTION OF A NEW STREET DEPARTMENT BUILDING AND IMPROVEMENTS TO CLEMENS FIELD

EMERGENCY READING

Motion was made by Council Member Lyng to give Bill No. 08-028 an emergency reading. There was no second for this Bill.

Motion died.

BILL NO. 08-029

AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI, AUTHORIZING AND DIRECTING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF HANNIBAL, PARKS AND RECREATION AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR PROJECT STP-2801(303) FOR THE HANNIBAL TRAILS, VETERANS ROAD, WARREN BARRETT DRIVE, RIVERVIEW PARK CONNECTION PROJECT

FIRST READING

Motion was made by Council Member Janes to give Bill No. 08-029 a first reading. Motion was seconded by Council Member Knickerbocker.

Motion carried.

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

SECOND AND FINAL READING

Motion was made by Council Member Janes to give Bill No. 08-021 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried

Roll Call

Yes: Council Member Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Knickerbocker - 5

No: Council Member Lyng - 1

Absent: Council Member Wilson - 1

Mayor Hark declared Bill No. 08-021 duly approved and adopted on this date.

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

SECOND AND FINAL READING

Motion was made by Council Member Knickerbocker to give Bill No. 08-022 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried

Roll Call

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

No: -0-

Abstain: Council Member Janes - 1

Absent: Council Member Wilson - 1

Mayor Hark declared Bill No. 08-022 duly approved and adopted on this date.

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

SECOND AND FINAL READING

Motion was made by Council Member Knickerbocker to give Bill No. 08-023 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Janes.

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 Bill No. 08-023 duly approved and adopted on this date.

BILL NO. 08-024

(As amended)

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

SECOND AND FINAL READING

Motion was made by Council Member Janes to give Bill No. 08-024, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried

Roll Call

Yes: Council Member Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Knickerbocker - 5

No: Council Member Lyng - 1

Absent: Council Member Wilson - 1

Mayor Hark declared Bill No. 08-024, as amended, duly approved and adopted on this date.

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

SECOND AND FINAL READING

Motion was made by Mayor Pro Tem Dexheimer to give Bill No. 08-025 a second and final reading 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 Bill No. 08-025 duly approved and adopted on this date.

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

SECOND AND FINAL READING

Motion was made by Council Member Knickerbocker to give Bill No. 08-026 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Janes Council Member Lyng requested that Bill No. 08-026 be amended; however, since there was a motion already on the floor to give this Bill a second and final reading, Council Member Janes requested that the mayor 'call the question' .

Roll Call

Yes: Council Member Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Knickerbocker - 5

No: Council Member Lyng - 1

Absent: Council Member Wilson - 1

Motion carried to give Bill No. 08-026 a second and final reading.

Roll Call

Yes: Council Member Janes, Mayor Hark, Mayor Pro Tem Dexheimer, Council Members Behymer and Knickerbocker - 5

No: Council Member Lyng - 1

Absent: Council Member Wilson - 1

Mayor Hark declared Bill No. 08-026 duly approved and adopted on this date.

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

SECOND AND FINAL READING

Motion was made by Council Member Knickerbocker to give Bill No. 08-027 a second and final reading 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 Bill No. 08-027 duly approved and adopted on this date.

CLOSED SESSION

In Accordance with RSMo. 610-021 (2 & 9)

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

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 Council Member Behymer to return to open session. Motion was seconded by Council Member Knickerbocker.

Motion carried.

ADJOURNMENT

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

Motion carried.