

**OFFICIAL PROCEEDINGS OF PUBLIC HEARING  
(1)**

**September 2, 2008  
6:30 p.m.**

**CALL TO ORDER**

At 6:30 p.m., the appointed time, Mayor Hark called the public hearing to order.

**JASON JANES – SECOND WARD COUNCIL MEMBER  
Re: Code Amendment Chapter 29, Article II, Division 3 *Final Plat*,  
Section 29-89 *Contents***

➤ **Removal of Easement Certification by Private Utility Companies**

Jason Janes, Second Ward Council Member, introduced the purpose of the public hearing, which was the removal of easement certification by private utility companies. Mr. Janes explained that whenever a plat or subdivision is filed with the City, signatures are required from the City Engineer, the Planning & Zoning Commission, the Board of Public Works, as well as Atmos Energy and AT&T to be placed on the drawing. The present ordinance states specifically '*private utility company*'. In the past, according to Janes, Atmos Energy had a local office; however, currently, the developer must send these documents away for the required signatures, which typically takes 30-45 days, but may take as long as six months. This procedure directly hinders any development plans. He assured all in attendance that this change would not take any rights of the utility companies, including the approval of easements on these drawings. Approval is still an important component; however, the change to eliminate the requirement of private utility company signatures will streamline the whole process.

**PUBLIC COMMENTS**

Mayor Hark asked for public comments for or against the matter at hand, the removal of easement certification by private utility companies. No one asked to speak.

**ADJOURNMENT**

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

**OFFICIAL PROCEEDINGS OF PUBLIC HEARING  
(2)**

**September 2, 2008  
6:45 p.m.**

**CALL TO ORDER**

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

**JEFFREY LAGARCE – CITY MANAGER  
Re: Annexation of Property**

➤ **#1-5 Lady Sioux Court – Mike Miles, Property Owner**

City Manager Jeffrey LaGarce explained that a request had recently been received from Mr. Mike Miles, regarding his property located at #1 – 5 Sioux Court. His request was to have these properties annexed into the City of Hannibal. LaGarce continued that Miles had recently had some sewer/septic related problems needs to connect to the City's sewer system. This would be done with the approval of annexation. This property, according to LaGarce is contiguous and/or adjacent to property located within the City boundaries.

**PUBLIC COMMENTS**

Mayor Hark asked for public comments for or against the matter at hand, the annexation of the property owned by Mike Miles, known as #1 – 5 Lady Sioux Court. No one asked to speak.

**ADJOURNMENT**

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

# OFFICIAL COUNCIL PROCEEDINGS

September 2, 2008  
7:00 p.m.

## ROLL CALL

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

Council Member Lyng led the Pledge of Allegiance to the Flag. Motion was made by Mayor Pro Tem Dexheimer to excuse Council Member Wilson from the proceedings. Motion was seconded by Council Member Behymer.

Motion carried.

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

Motion was made by Council Member Behymer to approve the Council minutes of the Regular Council Meeting held on August 19, 2008. Motion was seconded by Mayor Hark.

Motion carried.

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

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

Motion carried.

**Re: Request, Street Closure – 4<sup>th</sup> Annual Halloween Parade  
(Saturday, October 25, 2008, 6:30 – 7:30 p.m.)**

Ms. Jean McBride came before Council on behalf of the Marion County Health Department to request Council approval to hold the 4<sup>th</sup> Annual Happy, Healthy, and Safe Halloween Parade on Saturday, October 25, 2008, from 6:30 p.m. until 7:30 p.m. Ms. McBride explained that the purpose of this event is to promote family time together and physical activity, adding that no candy is used in the parade, only healthy-choice treats. If approved, the parade would begin at the Save-A-Lot parking area where floats would be lined up, continuing down Broadway, ending at Main Street. Motion was made by Mayor Pro Tem Dexheimer to approve McBride's request. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**HEIDI MARK – THE NORTH WALL  
Re: Request, Street Closure & Sale of Alcohol – 1<sup>ST</sup> Year Anniversary Party  
(Saturday, October 11, 2008, 5 p.m. – midnight)**

The next order of business was presented by Heidi Mark of The North Wall, regarding street closure for an event that she wished to sponsor on October 11, 2008 from 5 p.m. until midnight. She explained that her request was identical to the event that was held one year ago, which was to close the Street at Main & North Street, as well as the east side of the entrance to the museum parking lot. Mark noted that a tent will not be constructed, weather permitting. Motion was made by Council Member Knickerbocker to approve the street closure. Motion was seconded by Mayor Pro Tem Dexheimer.

**Roll Call**

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

**No:** Council Member Janes - 1

**Absent:** Council Member Wilson – 1

Motion carried.

**JAY THORPE – LOAFERS CAR CLUB  
Re: Request, Street Closure – Spring 2009 Car Show  
(Saturday, May 9, 2009, 6:00 a.m. – 6:00 p.m.)**

Mr. Jay Thorpe of the Hannibal Loafer's Car Club presented the next agenda item, which was his request for street closure on Saturday, May 9 2008, in order to sponsor the 14<sup>th</sup> Annual Loafer's Car Club Car Show. He continued that with Council's approval, this event would be held in the Downtown area, as in the past, blocking Main street from North Street to Broadway, including east/west alleys (Thorpe stated that alleyways would not be blocked). He explained that, even though the event was not on the calendar until May, 2009, with the high price of gasoline, the Club was working to insure a good the number of participants. Motion was made by Mayor Pro Tem Dexheimer to approve Thorpe's request. Motion was seconded by Mayor Hark.

Motion carried.

**DANIEL SANDERS – DRS CONSULTING**  
**Re: Request, Letter of Support – MHDC Tax Credits**  
*(Hannibal Arms Apartments Rehabilitation Project)*

Dan Sanders, on behalf of Delta Area Economic Opportunity Corporation, a non-profit agency, introduced the next item on the agenda, the Hannibal Arms Apartments Rehabilitation Project. Sanders explained that his consulting firm had Hannibal Arms under current contract and were making application to the Missouri Housing Development Commission for financing and tax credits to acquire and rehabilitate this property. As part of this process, he came before Council seeking a letter of support from the Mayor and Council to accompany their application. Motion was made by Council Member Behymer to approve this request. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**BRIAN JONES – MILLENNIA**  
**Re: Request, Letter of Support – MHDC Tax Credits**  
*(Hannibal Manor Apartments Rehabilitation Project)*

Ms. Julie Barttle, appearing of behalf of Brian Jones, of Millennia Housing Development, LTD introduced the next item on the agenda, the Hannibal Manor Apartments Rehabilitation Project. According to Ms. Barttle, Millennia is currently under contract to purchase the Hannibal Manor Apartments. They also needed a letter of support from the Mayor and Council in order to secure MHDC tax credits to complete the rehabilitation project. Motion was made by Council Member Knickerbocker to approve this request. Motion was seconded by Council Member Behymer.

Motion carried.

**CHERYL & HAROLD PICKERN – FLOODGATE GALLERY**  
**Re: Request, Variance for Businesses Near Roadways**  
*(Shaved Ice Cart- South Main Street)*

Mr. Harold Pickern came before Council with a request for a variance on behalf of his business, The Floodgate Gallery, located on the southwest corner of Main Street and Broadway. He continued that on the ground floor of the building, he operates a small family business, known as the Floodgate Gallery, also offering hot & cold beverages. In May, 2007 his business began selling shaved ice from a small cart on the South Main Street side of the gallery, with the approval of the Building Inspector's office, not being in violation of any City Ordinance, at that time. He gave a detailed description of the cart and its placement, adding that, although it can be seen, it offers no obstruction to traffic.

Upon commencing operation during the summer season this year; Mr. Pickens was informed of the new ordinance, prohibiting itinerant vending in certain areas, including the vicinity of street intersections. He immediately ceased the street vending sales; and is now seeking a variance for the purpose of again placing his shaved ice cart in this area.

Following Mr. Pickens' presentation, City Attorney Lemon was solicited for his input in the matter at hand. He stated that:

1. Variances are appropriate, primarily for zoning matters.
2. This is not a zoning matter be an ordinance drafted through the 'business organization' section of the code.
3. With Council's approval, the more appropriate way of handling this issue would be to amend the original ordinance, and consider the difference in lines of sight' in the Downtown area, as opposed to highway traffic.
4. This ordinance was not solely for itinerant merchants, as Mr. Pickens suggested, but ANYONE interfering with the line of sight.

After some discussion, motion was made by Mayor Pro Tem Dexheimer to give temporary permission to sell on the street and direct the City Attorney to compose an amendment, taking this issue into consideration. Motion was seconded by Council Member Behymer.

Motion carried.

**JASON D. JANES – 2<sup>ND</sup> WARD COUNCIL MEMBER**  
**Re: Code Amendment – Section 29-89(9)**  
**Removal of Easement Certification by Private Utility Companies**  
*(Bill No 08-041, to follow)*

Council Member Janes spoke, referencing the public hearing that took place, prior to the regular Council Meeting, introducing Norman Ellebrock of MECO Engineering, who gave some background regarding the public hearing and the initial request to remove the easement certification by private utility companies. Mr. Ellebrock cited a prime example of the problems with this requirement. He explained that he currently has a subdivision that is awaiting this certification from a utility company that had been in possession of paperwork since July 28, 2008; adding that when he called, no one he spoke with knows the status, or the location, of this paperwork. He continued by saying that the City has made much effort in speeding up this process; however, these situations are not under the City's control. He concluded by saying that it was his hope for Council's support of this code amendment to be approved with Bill No. 08-041, to follow.

**JEFFREY LAGARCE – CITY MANAGER**

City Manager LaGarce stated that, even though this was not place on the agenda, it was his desire to introduce the new Director of Finance, Douglas Warren and his wife, Chris, who came to the City from Springfield, IL. Doug was welcomed to Hannibal by the City Manager, Mayor Hark and the rest of Council..

**Re: Approval of Appointments**

City Manager Jeff LaGarce reminded Council of a candidates presented at the last regular Council meeting for the Board of Public Works. These were:

#### HANNIBAL TREE BOARD

- Harold Volkmer – Re-appointment for a term to expire September, 2011
- Heidi Meyers – Re-appointment for a term to expire September, 2011

Motion was made by Mayor Pro Tem Dexheimer to approve these appointments to the Hannibal Tree Board. Motion was seconded by Council Member Behymer.

Motion carried.

#### HANNIBAL CONVENTION & VISITORS BUREAU

- Steve Ayers – Re-appointment for a term to expire September, 2013

Motion was made by Council Member Behymer to approve this appointment to the Hannibal Convention and Visitors Bureau. Motion was seconded by Council Member Knickerbocker.

Motion carried.

#### HANNIBAL AIRPORT COMMISSION

- John Ortwerth – Re-appointment for a term to expire September, 2011
- John Grossmeier – Re-appointment for a term to expire September, 2011

Motion was made by Council Member Janes to approve these appointments to the Hannibal Airport Commission. Motion was seconded by Mayor Hark.

Motion carried.

#### HANNIBAL LIBRARY BOARD

- Gordon Ipson – Appointment for a term to expire June, 2010

Motion was made by Council Member Knickerbocker to approve this appointment to the Hannibal Library Board. Motion was seconded by Council Member Janes.

Motion carried

#### **Re: Annexation - #1-5 Lady Sioux Court** *(Mike Miles, Property Owner)*

City Manager LaGarce's final order of business was regarding Bill No. 08-043 to be presented for a first reading later, during the meeting for a first reading. According to LaGarce this bill was for the annexation of three properties on Lady Sioux Court owned by Mike Miles and was the subject of a public hearing earlier in the evening. LaGarce explained that these properties are contiguous to the City and, therefore an annexation, will not pose any undue burden on existing public resources or services.

#### **CHRIS ATKINSON – DIRECTOR, PARKS & RECREATION** **Re: West Ely Park Access**

Director of Parks & Recreation Chris Atkinson began his presentation by reminding Council of a discussion that was held regarding West Ely Park during a Closed Session Meeting in July, 2008. Atkinson explained that this 8-acre park was built in the late 1970's off of West Ely Road, and land-locked, except for a 50-foot easement that Parks employees use when they maintain the property.

During this Closed Session Meeting, Council instructed Atkinson to do some research to find out the costs and/or procedures involved in:

1. Adding a pedestrian access
2. Adding a road access with parking, opening it up to the community
3. Selling the park (Federal dollars were used to acquire the park; therefore, in order to sell, Atkinson discovered that property of similar size needs to be located and purchased in order to provide a replacement for similar usage.)

Atkinson added that he can not advance without talking to the residents of the area, adding that the few people he had talked with were trying to get access into the park because they did not wish to lose the advantage of having a park so close. The Parks Department realizes that any of the options listed have an impact on the residents of that neighborhood. That is why Atkinson suggested organizing this meeting with nearby residents, approximately 50-60 households. This would allow the City to explain the overall problem to the neighbors and discover what option may be most desirable to them. He added that the residents may have other solutions to discuss, as well. His request was for Council approval to organize this meeting.

During the time of discussion, Atkinson was asked how he would notify the property owners. He responded that neighboring residents within 185 feet of the park, similar to a zoning request, would be notified and invited to the meeting. Motion was made by Mayor Pro Tem Dexheimer to approve Atkinson's request to hold the neighborhood meeting. Motion was seconded by Mayor Hark.

After a lengthy discussion, motion carried.

**TIM CARTER – FIRE CHIEF**  
**Re: Bid Award Approval, Custom Built Rear Mount Pumper**  
*(Alexis Fire Equipment)*

Fire Chief Tim Carter came before Council with a request for the bid approval of Alexis Fire Equipment for a custom built rear mount pumper. Carter relayed to Council the details of the bid process, adding that Alexis Fire Equipment was one of three bidders involved. Carter said that the Department was recommending Alexis Fire with a sum of \$349,376.00. Motion was made by Council Member Janes to approve the Chief's request. Motion was seconded by Council Member Behymer.

Motion carried.

**Re: Fire Station(s) Capital Improvement Projects – Engineering Services Agreement**  
**Klingner & Associates**

(Resolution No. 1487-08, to follow)

The final item that Carter brought before Council was approval of Resolution No. 1487-08, to follow, that regarded a contract between the City of Hannibal and Klingner & Associates for engineering management work to be completed on the Capital Improvement Project. Carter added that the sum for this contract would be \$32,500.00, and asked that this Resolution be approved when it came to a vote later during the meeting.

Council Member Janes asked Fire Chief Carter for an update on the KHQA conveyance of their building. Carter explained that he had been in contact with the KHQA General Manager who said that her company is drafting the required documentation, such as the hold harmless agreement, to complete this transaction. This documentation is now in the corporate offices and his department is waiting to have this paperwork forwarded to the City, according to Carter.

### **RESOLUTION NO. 1487-08**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF HANNIBAL, FIRE DEPARTMENT AND KLINGNER & ASSOCIATES FOR ENGINEERING SERVICES OF THE FIRE DEPARTMENT STATION(S) CAPITAL IMPROVEMENTS IN THE AMOUNT OF \$32,500**

Motion was made by Council Member Behymer to have the City Clerk read Resolution No.148y-08 and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

#### **Roll Call**

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

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Resolution No. 1487-08 duly approved and adopted on this date.

### **BILL NO. 08-041**

#### **AN ORDINANCE AMENDING CHAPTER 29, ARTICLE II, DIVISION 3 *Final Plat*, Section 29-89 *Contents* OF THE CODE OF THE CITY OF HANNIBAL BY REMOVING SUBPARAGRAPH 9 RELATIVE TO EASEMENT CERTIFICATION BY PRIVATE UTILITY COMPANIES**

**FIRST READING**

Motion was made by Council Member Janes to give Bill No. 08-041 a first reading. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**BILL NO. 08-043**

**AN ORDINANCE APPROVING ANNEXATION OF A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER SECTION 25, TOWNSHIP 57 NORTH, RANGE 5 WEST, AND WHAT IS KNOWN AS LOT 12 OF HAYES HAVEN, (#1 – 5 LADY SIOUX COURT) INTO THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**FIRST READING**

Motion was made by Council Member Behymer to give Bill No. 08-043 a first reading. Motion was seconded by Mayor Hark.

Motion carried.

**BILL NO. 08-042**

**AN ORDINANCE RATIFYING AND REAFFIRMING CITY OF HANNIBAL, ORDINANCE NUMBER 3760; ESTABLISHING THE PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND EMPLOYEES AS REQUIRED, BIENNIALY, BY MISSOURI STATE STATUTES 105.483 & 105.485.4**

**SECOND AND FINAL READING**

Motion was made by Council Member Janes to give Bill No. 08-042 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Wilson - 1

Mayor Hark declared Bill No. 08-042 duly approved and adopted on this date.

**CLOSED SESSION**

***In Accordance with RSMo. 610-021 (1) & (3)***

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraph one and three, admitting himself, the rest of Council, City Manager LaGarce, City Attorney Lemon and City Clerk Angelica Zerbonia. Motion was made to go into closed session as Mayor Hark directed by Mayor Pro Tem Dexheimer. Motion was seconded by Council Member Knickerbocker.

**Roll Call**

**Yes:** Mayor Pro Tem Dexheimer, Council Members Behymer, Lyng, Knickerbocker, Janes and Mayor Hark - 6  
Janes and Wilson – 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 Mayor Pro Tem Dexheimer to adjourn. Motion was seconded by Council Member Knickerbocker.

Motion carried.