

# OFFICIAL COUNCIL PROCEEDINGS

August 18, 2009  
7:00 p.m.

## ROLL CALL

**Present:** Council Members Knickerbocker, Janes, Mayor Hark and Council Member Louderman – 4

**Absent:** Council Member Lyng, Mayor Pro Tem Wilson and Council Member Behymer - 3

## CALL TO ORDER

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

## INVOCATION

Council Member Janes gave the invocation. Council Member Lyng entered the meeting.

## PLEDGE OF ALLEGIANCE

Mayor Hark introduced Boy Scout Troop 100 who led the Pledge of Allegiance to the Flag. At this time Council Member Janes made a motion to admit Council Member Lyng. Motion was seconded by Council Member Knickerbocker.

Motion carried. Motion was made by Council Member Janes to excuse Mayor Pro Tem Wilson and Council Member Behymer. Motion was seconded by Council Member Knickerbocker.

Motion carried.

## APPROVAL OF MINUTES

### Regular Council Meeting – August 4, 2009

Motion was made by Council Member Louderman to approve the minutes of the last regular Council meeting that was held on August 4, 2009. Motion was seconded by Council Member Janes.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS  
First Half – August 2009**

Motion was made by Council Member Louderman to approve the payroll and claims for the first half of August, 2009. Motion was seconded by Council Member Louderman.

Motion carried.

**TOM WOMBLES & GARY DITTMER – HANNIBAL ROCK, LLC**  
**Re: Request, Street Closures and Open Alcohol Consumption – 2<sup>nd</sup> Annual Rock Crawl  
Inspection**  
*(Friday, August 28, 2009 – 2:00 p.m. – 8:30 p.m.)*

Mr. Tom Wombles of the Hannibal Rock, LLC, introduced himself to Council and explained that it was time for the 2nd Annual Rock Crawl Inspection, scheduled for Friday, August 28, 2009. He stated that this national event would be identical to the one held last year and requested that Main Street be closed from Center Street continuing south to the HNB Bank entrance. He added that the event would last from 2:00 P.M. until 8:30 P.M. Wombles said that this year games, including a NASCAR simulator, would be included for the children in attendance.

The request included approval for open alcohol consumption at that time. It was noted that the consumption of alcohol would be confined to a designated area and signs would be posted on barricades with no alcohol allowed beyond that point. Council Member Knickerbocker made a motion to approve her request for street closures and open alcohol consumption. Motion was seconded by Council Member Louderman.

**Roll Call**

**Yes:** Council Members Lyng, Knickerbocker, Mayor Hark and  
Council Member Louderman – 4

**No:** Council Member Janes – 1

**Absent:** Mayor Pro Tem Wilson and Council Member Behymer – 2

Motion carried.

**BOB YAPP – HISTORIC DISTRICT DEVELOPMENT COMMISSION**  
**Re: Code Amendment - Chapter 32, Article XI *Historic Districts***

Mr. Bob Yapp, of the Historic District Development Commission (HDCC), was next on the agenda. Mr. Yapp introduced himself and thanked Council for allowing him to speak with regard to the new historic preservation ordinance that had a first reading during the previous Council meeting. He reminded the Council Members that design guidelines for had also been passed during that meeting. He explained that he was in attendance to discuss the amendment that had been added to the bill, saying that there had been misunderstandings about the original

bill presented and the need for amendment of that bill. Yapp stated that he wished to clear up these misunderstandings and he urged Council to remove the related amendment.

Yapp began by saying that the reason property owners would want to be included in a 'local historic overlay district' was to protect the special character of the downtown historic neighborhoods. These neighborhoods, according to Mr. Yapp, have a special place, not in just the communities, but nationally and internationally, as well. He added that houses and buildings last for hundreds of years and property owners come and go.

The design guidelines only cover major exterior changes or renovations. He said that if a neighborhood becomes a local historic overlay district, no one will have to do anything to their home, in other words, all existing conditions of every property within that historic district are grandfathered in. He felt that this was the misconception during the previous Council meeting.

He reminded Council Members of the great success regarding the current H1 District, explaining that no one is allowed to 'opt-out' of that historic district. Even though there are property owners there who do not like being in the district, they comply by keeping the character, because of the guidelines. This results in much revenue for the community. He said that by including this amendment, the resulting local historic overlay district would not be able to enjoy the same benefits as the H1 District.

Yapp continued by saying that Hannibal has no Planning Department and no neighborhood revitalization plans. According to Mr. Yapp, this designation provides the only chance for neighborhood revitalization in this community. He added that millions of dollars are being spent in these areas for restoring homes and bed & breakfast facilities, but they continue to be surrounded by blight. This ordinance would give property owners a fighting chance. Mr. Yapp explained that the property he now owns and is renovating, property that was built by a prominent resident of Hannibal in the 1850's, was 'chopped-up' into apartments and occupied by drug dealers prior to his purchase. It was blighted and in danger and even though it is now being renovated, properties in the vicinity are still in danger.

Yapp then referred to the amendment as being anti-democratic. Adding that the original bill allows people to vote whether or not they wish to be included in a local historic overlay district, and has been increased from an approval margin of 51% to 67% (98% of all communities only require 51%, according to Yapp). According to the amendment, a vote will be taken and if it passes, those wishing to 'opt-out' can still do so, giving them two votes and those wanting the district getting only one vote. That is what he called - anti-democratic.

The bill in question has had much work and consideration, and requires the bare minimum to become a certified local government or CLG, bringing in thousands of dollars to the community. He listed a few of the 48 CLG's in Missouri, including Cape Girardeau, Cuba, Kirksville, St. Charles and Warrensburg, adding that all have an ordinance of this type that does not include a clause for 'opting-out'. Choosing to include the amendment would make the bill unenforceable, since properties could opt-out when an attempt was made to enforce it. There will be no way to enforce this as in the H1 District, located downtown. Yapp added that, if it works downtown, it could also work in the other neighborhoods. The worst property owners, such as the slumlords and those who will not maintain their property will be the ones 'opting-out'. Yapp stated that this amendment is 'pure spot zoning'. He added that, for decades, spot zoning has been successfully challenged in court; and, if this amendment stands, that is where the City will be. Citizens are not able to 'opt-out' of other ordinances or building codes.

He concluded his presentation by sharing a letter from Joann Radatick, a State Historic Preservation Officer and CLG Coordinator. In it she urges the City to exclude the amendment from the bill because of the serious legal implications.

Council Member Louderman stated that citizens have a right to voice their opinion if they don't think they are being treated fairly when it comes to their home renovations within a historic district. We are telling them 'too bad'. Yapp responded that, in his opinion, if 67% of these neighborhood property owners have come together to make the decision, the other property owners should be made to comply – similar to new developments that have regulations.

Mayor Hark interjected that, in his opinion, this was not anti-democratic, and asked Mr. Yapp why he had come to Hannibal if he felt this way. He added that he would be opposed to a select group of people telling him that he could not place vinyl siding on his home. He said that if he moved into an established historic district, he would know he had to conform to the guidelines when he purchased the property. He concluded by saying that a fourth person was added to the Building Inspector's Office at Yapp's request to clean up the 'slumlord' situation.

Council Member Knickerbocker reminded Yapp that during the first part of his presentation, he assured Council that this ordinance would not require any property owners to do anything to their property; however, after the first few paragraphs of his presentation, the remainder was about forcing out slumlords and making people fix their property. He added that many elderly people live in these areas, zoned a certain way. The consideration is to now overlay it with the city's most restrictive zoning specifications, as apply in the H1 district. This would be a huge, added responsibility for these folks. He concluded by saying that, if being in compliance is as easy as Yapp says, then getting 100% vote will not be a problem; however he believes that compliance is not that simple.

Yapp clarified his statement regarding anti-democratic, saying that it only referred to the amendment. He added that this amendment gives two votes to the people who don't want the overlay and only one for those who do want it. He proposed, if this amendment were omitted, adding another that local overlay historic districts can only be within existing National Registered Districts. He asked for a show of hands from people supporting the ordinance, who would like to see the amendment removed.

Council Member Knickerbocker proposed, if the amendment was removed, changing the vote requirement to 100%.

Yapp reiterated that the amendment he was proposing would restrict the CLG districts to areas within the National Registered Districts, or the Maple Street District and the Central Park District only. As for the final vote, Yapp reminded Council that they had the final vote regarding boundaries anyway.

In response to a question posed by Mayor Hark, Mr. Yapp responded that, should an elderly person on a fixed income, living in a historic, small house within a National Registered District, the HDDC would send people to help her find cost-effective ways to preserve the character for less money than it would cost to do it otherwise.

Council Member Janes made a recommendation that Council table this ordinance and re-send it to Planning and Zoning Commission for another public hearing and reevaluation, starting back at square one. (Motion will be made during second reading of the bill.)

Yapp stated that HDDC had previously tried to iron out differences by holding a meeting and inviting Council and no Council Member attended. He added that this had already been through this process and was unclear why it needed to go through the process again. Janes responded that he lived in the Central Park District and agrees that, to pass the ordinance-with amendment, would be spot-zoning, which is unacceptable. He understands all concerns, however, he is in favor of the idea and feels something should be developed that all parties agree upon. Janes said that he did not feel there was a need to hurry and wished to get everything right prior to approval. After a heated debate, motion was made by Council Member Knickerbocker to end the discussion. Motion was seconded by Mayor Hark.

Motion carried. The item was ended until a later date.

**JASON JANES – 2<sup>ND</sup> WARD COUNCIL MEMBER**  
**Re: Code Amendment, Chapter 7, Article VI *Building Demolition, Permit***  
*(Bill No. 09-018, to follow)*

Council Member Jason Janes presented the next item on the evening's agenda, regarding the code amendment of Chapter 7, Article VI *Building Demolition, Permit*. He explained that he had received a notice around the end of July, from a constituent that a building was being demolished. The question was raised, whether or not the proper notification procedures had been followed. When researching this, it was discovered this type of procedure was not in place. He elaborated by saying that if a property owner is going to raze any structure on his property, proper notification needs to be given to the adjacent neighbor or neighbors for safety reasons. He added that it was his understanding that the Building Inspector's Office was already doing this; however, it was Janes desire that these procedures be established, officially.

Janes noted that, in looking at this portion of the City Code, Council Member Knickerbocker had suggested a wording change in Section No., 7-371. Subparagraph 3(a) reads, "*If you wish to object to a planned demolition, you must contact the City Engineer's Office*". It is their thought that this should read, "*If you wish to object to a planned demolition, you must contact the Building Inspector's Office*" instead.

**KEVIN KNICKERBOCKER – 1<sup>ST</sup> WARD COUNCIL MEMBER**  
**Re: Proposed Amendment – Bill No. 09-017 – *Unnecessary Noise***

Council Member Knickerbocker expressed his regret that he was not able to attend the previous Council meeting and speak in regard to the Unnecessary Noise Ordinance. After reading this ordinance, he presented some proposed amendments that would clarify; but, according to Knickerbocker, would not change the substance of the ordinance. Section 2, in particular, could benefit by including a definition for '*loud and annoying*' that the Task Force had developed. He recommended that the definition be place in Paragraph 2, Subsection 2 and also to be consistent definition, as used in Subsection 5, which the Task Force specifically addressed.

Other amendments were made simply to clean up language and make the ordinance clearer. These were reviewed by the Chief of Police and the City Attorney, prior to his presentation, according to Council Member Knickerbocker. Both agreed that the language was appropriate and the meaning and/or significance were not changed. City Attorney restated that he had no problem with the change in wording, adding that these amendments were essentially what Mr. Warren was saying during the previous Council meeting. Knickerbocker concluded by stating

that he would recommend these changes be adopted and the second reading of this ordinance be, as amended.

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

LaGarce also made the following recommendation:

**AIRPORT ADVISORY BOARD**

- John McCoy – Reappointment for a term to expire September, 2012
- George Walley – Reappointment for a term to expire September, 2012

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

**Re: Approval of Appointment**

City Manager LaGarce reminded Council of a candidate presented at the last regular Council meeting for the Hannibal Convention & Visitors' Bureau. This was:

**HANNIBAL CONVENTION & VISITORS' BUREAU**

- Michael O'Cheltree – Appointment for a term to expire September, 2014

He asked Council for their approval regarding Michael O'Cheltree's nomination. LaGarce reminded Council that he had made this recommendation during the previous meeting. Motion was made by Council Member Janes to approve the appointment of Mr. O'Cheltree to the Hannibal Convention & Visitors Bureau. Motion was seconded by Council Member Lyng.

Motion carried.

**Re: Request, Set Public Hearing – 2009 Tax Levy**  
*(September 1, 2009 – 6:45 p.m.)*

City Manager LaGarce addressed Council with a request to hold a public hearing regarding the 2009 Tax Levy on September 1, 2009 at 6:45 p.m. LaGarce stated that, originally, the public hearing was to have been set for September 15<sup>th</sup> at the same time; however, since the numbers have been received he was requesting a change to the original request to September 1<sup>st</sup>. Motion was made by Council Member Janes to approve the City Manager's request to set the public hearing on September 1, 2009 at 6:45 p.m. Motion was seconded by Council Member Louderman.

Motion carried.

**ANGELICA N. VANCE – CITY CLERK**  
**Re: Certification of August 4, 2009 Special Municipal Election**

**CERTIFICATION OF ELECTION**  
**Results of the Special Municipal Election of**

August 4, 2009

**Proposition 1**

*Shall the Citizens of Hannibal support the Northeast Missouri Sheltered Workshop, and the City of Hannibal's Drop Off Recycling Program as presently operated by the Northeast Missouri Sheltered Workshop by approving a recycling fee of \$.70 (seventy cents) per month to be applied to each utility bill issued by the City of Hannibal Board of Public Works for service provided within the City Limits of Hannibal, Missouri? Said funds collected shall be paid to the Northeast Missouri Sheltered Workshop monthly. If adopted, this new fee shall take effect on September 10, 2009 and shall continue for a period of 3 (three) years.*

	<b>Yes</b>	<b>No</b>
<b>Marion/Ralls County</b>	<u>816</u>	<u>444</u>
<b>TOTAL VOTES</b>	<b>816</b>	<b>444</b>

**Showing a total vote of 1,260 for Proposition 1 for the City of Hannibal: 816-YES and 444-NO votes; declaring Proposition 1 having passed by 372 votes.**

**We the undersigned Mayor and Council Members hereby certify that the attached Certification of Election is correct as taken from the tally sheets provided by the Marion County Clerk for the Special Municipal Election held on August 4, 2009.**

\_\_\_\_\_  
Roy G. Hark, Mayor

\_\_\_\_\_  
Kevin L. Knickerbocker, Council Member First Ward

\_\_\_\_\_  
Jason D. Janes, Council Member Second Ward

\_\_\_\_\_  
E. Kyle Wilson, Council Member Third Ward

\_\_\_\_\_  
Barry E. Louderman, Council Member Fourth Ward

\_\_\_\_\_  
James Behymer, Council Member Fifth Ward

\_\_\_\_\_  
Jeff Lyng, Council Member Sixth Ward

City Clerk Zerbonia read the certification of election. Motion was made by Council Member Knickerbocker to approve the Certification of Election as presented by the City Clerk. Motion was seconded by Council Member Janes. Council Member Lyng posed the question regarding consequences for non-payment of this fee. He asked if the City had the power to discontinue utility service in the event that the recycling charge was not paid. City Attorney Lemon indicated that, since this was not a BPW fee, enforcement would not be administered by the Board of Public Works; however, the City had the power to enforce this fee. He suggested that an ordinance be drafted specifically for the collection of these fees. Otherwise, action would be determined in the Municipal Judge in City court and would have to be filed under general enforcement procedures. City Manager LaGarce stated that this was approved by a vote of the people; therefore, would be treated as law with regard to non-payment.

Motion carried.

**LEON WALLACE – STREET SUPERINTENDENT**  
**Re: Bid Award Approval – Heated Power Washer**  
*ZEP Manufacturing Company*

Street Superintendent Leon Wallace came before Council at this time with a request for approval of a bid award to ZEP Manufacturing Company for a heated power washer. Wallace explained that recently bids were let by the Street Department for this item. As a result, only one bid was received from ZEP Manufacturing. The initial bid was for \$6,800 with an installation fee of \$2,265. Upon further investigation, it was determined that the building did not have enough gas pressure to operate this piece of equipment. After ZEP Manufacturing was consulted, Wallace decided to consider a kerosene-fired burner for the same amount; however, installation was only \$1,200. Installing the proper amount of gas for the original power washer would cost an additional \$2,500.

City Attorney Lemon advised that the bidding process should be redone, since specification had been changed on this piece of equipment. Motion was made by Mayor Hark to table this agenda item until the piece of equipment was re-bid. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**LYNDELL DAVIS – CHIEF OF POLICE**  
**Re: Approval, State Contract Purchase – Portable Radios and Accessories**  
*Wireless USA*

Chief of Police Lyndell Davis came before Council seeking the purchase approval of replacement portable radios and accessories for the animal control officers from Wireless USA. Two vendors were located that have current state bid contracts, according to Davis. Lowest bid from the two acceptable bidders was \$33,006.60. He asked for Council approval to accept this quote from Wireless USA, the company submitting the bid. He concluded his request by explaining that these items had been included in the FY2009/10 budget. Motion was made by Mayor Hark to approve Davis' request. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**MARK REES – CITY ENGINEER**  
**Re: Approval, Airport Terminal/Hanger Design**

City Engineer Mark Rees' first order of business was a request for approval of the design for the airport terminal/hanger. Rees explained that the original terminal included a number of features that were ineligible for MoDOT grant reimbursement. Fund-raising was considered, but proved to be an unacceptable option. Rees added that at their recent meeting, held on August 12, the Airport Advisory Board had voted to pursue a terminal/hanger combination design. In the meantime, the City was notified that MoDOT would not allow phasing the finishing work on the terminal building. After some research, DPW has decided that the best course of action would be to build a stand-alone terminal, as recommended by MoDOT. He said that he was now seeking Council's commitment for a City match of an estimated \$30,000 to construct this terminal. This would be a scaled-down version of a finished terminal with no hanger included, since MoDOT would not approve the terminal/hanger design..

In response to a question from Council Member Janes, this amount is not currently budgeted. Rees went on to say that the design match was included but the construction match is not. Rees explained that, originally, a much fancier terminal was planned. Funds were to be raised by the Airport Advisory Board; however fund-raising was unsuccessful.

City Manager LaGarce explained to Council that funds would need to be expended from the current FY2009/10 budget. He gave details regarding the funding options, stating that the City has four collective years of \$150,000, 95% grants from MoDOT for the project; however, a match is still required from the City. Also available is a Local Government Trust Grant of \$166,000 that MoDOT administers for infrastructure. Total eligibility with all this considered is \$766,000, but \$150,000 will be lost at the end of September, if no commitment is made by then.

LaGarce continued by saying that this terminal would be a much quicker design and build than originally anticipated. When asked what was needed from Council, Rees responded that a commitment was needed. He continued that he was prepared to bring an agenda item to the next Council meeting, since Crawford, Murphy & Tilly, the engineering firm, are working to prepare an estimate, fee and scope; however, if a commitment is not forthcoming, this would not be necessary. Council Members Janes and Knickerbocker expressed their support, provided the funding is available.

LaGarce advised that \$25,000 is in contingency and \$200,000 is allocated for stormwater, admitting that the FY 2009/10 budget is very tight. Council Member Knickerbocker stated that, prior to committing, he would like a recommendation made regarding where these funds would be coming from. When LaGarce was asked about the loss of \$150,000 at the end of September, if a commitment was not made, he responded that this portion was from the 2006 fiscal year. There would still be over \$600,000 available, an amount that LaGarce felt was sufficient for completion of this project.

Council Member Lyng asked if the Airport Advisory Board would have sufficient time to fund-raise, should Council wait until next fiscal year to commit. City Manager LaGarce added that he had chosen not to hire the Flood Buyout Consultant, which will save \$40,000. He assured Council that this project was being done 'in-house'. Council Member Janes commented that he thought flood-buyout was more important, even though the airport terminal project was important. Council Member Lyng commented that he did not think the airport terminal project was important. Motion was made to table this item until the September 1st Council meeting. Motion was seconded by Mayor Hark.

Motion carried.

### **Re: Traffic Committee Recommendations**

Next, Mr. Rees' presented traffic committee recommendations to Council. These were the result of a recent Traffic Committee meeting, held on August 12<sup>th</sup>.

- Temporary Request from Hannibal Housing Authority – Since they are rehabbing parking lots outside of Laura Hawkins Apartments and Schwarz Manor, they have made a request to temporarily restrict parking on the north side of Broadway, from 10<sup>th</sup> Street to Maple Avenue, allowing exclusive parking for residents of these to facilities, until completion of both parking lot projects.

- Request from Residents of Mark Twain Apartments - 30 minute loading/unloading zone on east side of Main Street, consisting of two parallel parking spaces for safety and convenience of seniors.
- Request from Residents of Robinson/Arch Street Area – A Yield sign located on Arch /Robinson be replaced with a Stop sign because of intersection angles to avoid accidents and putting pedestrians at risk.
- Request from School District for New Mark Twain School Site – Permanently eliminate Hawkins Street between Hill Street and Bird Street. Widening of Hill Street and Bird Street at school site to allow safe cueing of vehicles.

Council Member Janes reminded Council of a previous request that had been made regarding closure of Hawkins Street in this same area for safety concerns. That request had never been approved. He asked for an explanation with regard to the same issue; specifically, why Hawkins Street couldn't be closed before the school construction was complete. He added that his wife is a teacher at Mark Twain Elementary and crosses Hawkins with school children several times each school day. He continued that cars speed through this area, and, even though on one has been injured, to date, it is a valid concern. Since this will not be an issue when the new after the new facility is completed, he questioned whether or not the street closure could be accomplished now.

City Engineer Rees said that, unfortunately, the committee had not discussed that option, but only voted on closure following completion of the new facility. He advised that Council could make that determination if they wished. Motion was then made by Council Member Janes to close that portion of Hawkins Street, between Hill and Bird Streets indefinitely, beginning as soon as possible. Motion was seconded by Council Member Louderman.

Council Member Knickerbocker expressed his reservations in making this decision without placing the specific issue on the agenda and allowing others the opportunity to discuss the pros and cons of the issue. Janes responded that if this closure was approved by the traffic committee, which consists of the Police, Fire and Street Departments, following the completion of this facility, why couldn't it be closed immediately.

Mr. Dana Ruhl, school administrator, stated that he would like to see the street closed now; however, during the meeting, it was decided that the street would be closed when the school was built. Mayor Hark asked if the closure, prior to construction, would have an impact on the bond issue, to which Ruhl responded that he did not know. He continued that he truly respected and liked the idea of immediate closing of Hawkins; however, he did not know what effect this would have on residents in the neighborhood and whether they would be opposed since this decision was not what was originally planned during the Traffic Committee meeting.

Council Member Louderman suggested that the close the street by placement of chains while school is in session. Council Member Janes sought the opinion of the City Attorney Lemon whether or not this would be an acceptable option, in the absence of proper procedure, i.e.: public hearings, etc.

He stated that he would research for a definitive answer. In the meantime, he is not aware of a reason why Council would not have the power to temporarily close streets whenever they wish. Ruhl stated that, at the present, the school still needs to continue using the area for parking. The Street Superintendent said that if it was to be closed, he would rather see it closed permanently with a guardrail as opposed to chains. Since Council Member Janes felt that it was the school's wish for this street to remain open at this time, he withdrew his motion.

Since Council did not take specific action against any of the recommendations, they were automatically approved.

**Re: Munger Lane Bridge Restoration – Contract Amendment**

*Bleigh Construction*

*(Resolution No. 1580-09, to follow)*

Munger Lane Bridge was successfully restored and the ribbon-cutting ceremony was recently held, according to City Engineer Rees. Now he requested a contract amendment to adjust final quantities. He noted that two items surfaced during construction. These were:

- Original bid quantity for the riprap erosion protection on both ends of the bridge – bid at slightly less than needed
- Upon relocating utilities, the gas company disturbed more pavement than originally anticipated, upon replacement more asphalt was used in order to make pavement over the culvert better.

For these reasons approval of Resolution No. 1580-09, to follow, is needed, to adjust final quantities and pay Bleigh Construction an additional \$17,750.00 over the original contracted amount of \$107,534.00.

**RESOLUTION NO. 1580-09**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AMENDMENT WITH BLEIGH CONSTRUCTION IN THE AMOUNT OF \$17,750 FOR ADDITIONAL FEES ASSOCIATED WITH THE MUNGER LANE BRIDGE RESTORATION**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1580-09 and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

**Yes:** Council Members Knickerbocker, Janes, Mayor Hark, and Council Member Louderman – 4

**No:** Council Member Lyng - 1

**Absent:** Mayor Pro Tem Wilson and Council Member Behymer - 2

Mayor Hark declared Resolution No. 1580-09 duly approved and adopted on this date.

**BILL NO. 09-018**

*(As amended)*

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE VI BUILDING DEMOLITION, SECTION 371 PERMITS, OF THE CODE OF THE CITY OF HANNIBAL**

## FIRST READING

Motion was made by Council Member Janes to amend Bill No. 09-018, changing the wording in Section No., 7-371. Subparagraph 3(a), which reads, “*If you wish to object to a planned demolition, you must contact the City Engineer’s Office*” to read, “*If you wish to object to a planned demolition, you must contact the Building Inspector’s Office*” instead. Motion was seconded by Mayor Hark.

Motion carried. Motion was made by Council Member Janes to give Bill No. 09-018, as amended, a first reading. Motion was seconded by Mayor Hark.

Motion carried.

## BILL NO. 09-014

### AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI APPROVING AND ACCEPTING A SETTLEMENT AGREEMENT WITH AT&T/SBC LANDLINE

#### SECOND AND FINAL READING

Motion was made by Council Member Janes to give Bill No. 09-014 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

#### Roll Call

**Yes:** Council Members Lyng, Knickerbocker, Janes, Mayor Hark, and Council Member Louderman – 5

**No:** -0-

**Absent:** Mayor Pro Tem Wilson and Council Member Behymer - 2

Mayor Hark declared Bill No. 09-014 duly approved and adopted on this date.

## BILL NO. 09-015 (As amended)

### AN ORDINANCE REPEALING CHAPTER 32, ARTICLE II OF THE HANNIBAL MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 32, ARTICLE XI OF THE HANNIBAL MUNICIPAL CODE RELATIVE TO HISTORIC DISTRICTS

#### SECOND AND FINAL READING

Motion was made by Council Member Janes to table Bill No. 09-015, as amended, and return it to the Planning and Zoning Commission. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**BILL NO. 09-017**

*(As amended)*

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE V, SECTION 164, OF THE  
CODE OF THE CITY OF HANNIBAL, RELATIVE TO UNNECESSARY NOISE**

**SECOND AD FINAL READING**

Motion was made by Council Member Knickerbocker to amend Bill No. 09-017, per his recommendations submitted earlier in the meeting. Motion was seconded by Mayor Hark.

Motion carried. Motion was made by Council Member Knickerbocker to give Bill No. 09-017, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

**Yes:** Council Members Lyng, Knickerbocker, Janes, Mayor Hark, and Council Member Louderman – 5

**No:** -0-

**Absent:** Mayor Pro Tem Wilson and Council Member Behymer -2

Mayor Hark declared Bill No. 09-017, as amended, duly approved and adopted on this date.

**CLOSED SESSION**

**In Accordance with RSMo 610-021 (1)**

At this time, Mayor Hark asked for a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph 1, admitting himself, rest of Council, City Manager Jeff LaGarce, City Attorney James Lemon, City Clerk Angelica Vance and Finance Director Doug Warren. Motion was made by Council Member Knickerbocker to go into closed session, admitting those that Mayor named. Motion was seconded by Mayor Hark.

**Roll Call**

**Yes:** Council Members Lyng, Knickerbocker, Janes, Mayor Hark, and Council Member Louderman – 5

**No:** -0-

**Absent:** Mayor Pro Tem Wilson and Council Member Behymer -2

Motion carried.

### **OPEN SESSION**

Motion was made by Council Member Knickerbocker to return to open session at this time.  
Motion was seconded by Mayor Hark.

Motion carried.

### **ADJOURNMENT**

Motion was made by Council Member Louderman to adjourn the meeting. Motion was seconded by Mayor Hark.

Motion carried.