

OFFICIAL PROCEEDINGS OF PUBLIC HEARING

July 7, 2009
6:30 P.M.

CALL TO ORDER

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

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

Mayor Hark informed those in attendance that this public hearing would be postponed until July 21, 2009 at 6:30 P.M., since the Planning & Zoning Commission would not meet until July 16, 2009 to make a recommendation. He expressed his apologies to those who were in attendance and gave anyone a chance to comment, adding that comments would be more effective if they were presented following the commission's recommendations at the next meeting.

PUBLIC COMMENTS

There were no comments from the floor.

ADJOURNMENT

Mayor Hark continued this public hearing until July 21, 2009, at 6:30 P.M.

OFFICIAL COUNCIL PROCEEDINGS

July 7, 2009
7:00 p.m.

ROLL CALL

Present: Mayor Hark, Council Members Louderman, Behymer, Lyng, Knickerbocker and Janes - 6

Absent: Mayor Pro Tem 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 Lyng. Motion was made by Council Member Janes to excuse Mayor Pro Tem Wilson from the proceeding. Motion was seconded by Council Member Knickerbocker.

Motion carried.

APPROVAL OF MINUTES Regular Council Meeting – May 19, 2009

Motion was made by Council Member Behymer to approve the Council minutes of the regular Council Meeting held on June 16, 2009. Motion was seconded by Council Member Louderman.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS Second Half – June, 2009

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

Motion carried.

LARRY OWENS – HANNIBAL BASEBALL INVESTMENT GROUP
Re: Discussion, Real Estate Development Proposal

Mr. Larry Owens, representative from the Hannibal Baseball Investment Group, came before Council with a proposal, regarding real estate development of a 2-acre parcel located adjacent to the ball park. This parcel was improved by Owens' organization and he offered this piece of property for consideration and possible purchase to the Hannibal Parks & Recreation.

Council Member Knickerbocker spoke in favor of this proposed purchase, explaining that, in his opinion, the City could use a 'multi-use' area to hold large entertainment events, such as National Tom Sawyer Days, recently held there and sponsored by the Hannibal Jaycees, an organization of which Knickerbocker is a member. Knickerbocker added that he thought the Parks Department should consider this purchase, making a motion to pass this recommendation to the Park Board for their consideration. Motion was seconded by Council Member Louderman.

Motion carried.

JEFF LAGARCE – CITY MANAGER
RE: Approval of Appointments

City Manager LaGarce reminded Council of candidates presented at the last regular Council meeting for the following boards and commissions, and asked their approval of his recommendations. These were:

BOARD OF ADJUSTMENT

- Debbie Catlett - Reappointment for a term to expire May, 2014
- Jerry Irick (alternate) - Reappointment for a term to expire May, 2014

Motion was made by Council Member Knickerbocker to approve LaGarce's recommendation for these reappointments to the Board of Adjustment. Motion was seconded by Council Member Behymer.

Motion carried.

HANNIBAL MUNICIPAL ASSISTANCE CORPORATION

- Jack Herring - Reappointment for a term to expire June, 2012

Motion was made by Council Member Knickerbocker to approve LaGarce's nomination of Jack Herring to the Hannibal Municipal Assistance Corporation. Motion was seconded by Council Member Behymer.

Motion carried.

LIBRARY BOARD

- Amber Baxter - Appointment for a term to expire June, 2012

Motion was made by Council Member Knickerbocker to approve the LaGarce's recommendation of Amber Baxter to the Library Board. Motion was seconded by Mayor Hark.

Motion carried.

HANNIBAL PARK BOARD

- David Bleigh - Reappointment for a term to expire July, 2012
- Brian Albright - Reappointment for a term to expire July, 2012

Motion was made by Council Member Knickerbocker to approve LaGarce's recommendation for these reappointments to the Hannibal Park Board. Motion was seconded by Council Member Behymer.

Motion carried.

Re: Recommendation of Appointment

City Manager LaGarce made the following recommendation:

HANNIBAL LIBRARY BOARD

- Lent Johnson - Reappointment for a term to expire July, 2012

This nomination will be considered for approval at the next Council meeting, to be held on July 21, 2009.

MARK REES – CITY ENGINEER

Re: Approval, 2009 Chipseal Program

Mr. Mark Rees, City Engineer, came to Council seeking their approval of the 2009 chipseal program. He also presented his tentative list of recommended streets for this program. He explained that his staff had worked very hard to grade all the streets in Hannibal. This was done in conjunction with Pat Palmer of Missouri Petroleum, who donated his time, according to Rees.

Rees briefly explained the steps that were involved in this process and pointed out that the listing was only tentative, since the bidding process had not yet been completed. Once bids are received, he added that he would then have a more definite plan for specific number of streets to be repaired.

He asked for Council approval to proceed with the advertising of bids for hauling of the aggregate that would be used and for the application of the chipseal in mid to late August. Rees added that the chipseal program consists of a seven-year cycle in which all asphalt streets should be touched. Motion was made by Council Member Behymer to approve Rees' request. Motion was seconded by Council Member Knickerbocker.

Motion carried. City Manager LaGarce reported that informational articles will be distributed to the media to help educate the public on the program.

LYNDELL DAVIS – CHIEF OF POLICE

Re: Request, Removal “No Parking” Restriction - Warren Barrett Drive
(Main Street to 8th Street)

Chief Lyndell Davis began by reminding Council of the “No Parking” restrictions that were placed in designated areas of Warren Barrett Drive in early June. These were to be in effect for no more than thirty days.

Davis' requested Council approval to continue the “No Parking” restriction as a permanent solution on Warren Barrett Drive from Main Street to 8th Street for future events held at the Admiral Koontz Armory and the Soccer Field during various times of the year. He added that little or no problems had been experienced as a result of these restrictions. Opinions of the Fire Department and the Street Department were sought prior to this request, according to Davis, with no objections noted. Motion was made by Council Member Knickerbocker to remove the parking restriction. Motion was seconded by Council Member Louderman.

Motion carried.

CONNIE QUINN – ASSISTANT BUILDING INSPECTOR

Re: Old Baptist Cemetery Mowing – Contract Agreement
Michael Niffen
(Resolution No. 1570-09, to follow)

Assistant Building Inspector Connie Quinn presented the next agenda item, the contract agreement with Michael Niffen for the Old Baptist Cemetery mowing. She explained that an invitation for this bid was published, with five responsive bids. As a result, Quinn stated that it was the recommendation of the Building Inspection Department to award this contract to Michael Niffen, with a contract amount of \$4,200. The mowing term, according to Ms. Quinn, shall run from July 1, 2009 through June 30, 2010.

This contract would be approved with the approval of related Resolution No. 1570-09, to follow. Quinn noted that this was the second time that the bidding process had been performed, since the first bids came in over-budget.

HALLIE YUNDT-SILVER – HANIBAL FREE PUBIC LIBRARY

Re: Presentation, Gratitude and Commendation – Hannibal Police Department & Corporal Darrin DeLaPorte

Librarian Hallie Yundt-Silver began by thanking Council for the opportunity to make a presentation to the Hannibal Police Department and specifically to Corporal Darrin DeLaPorte.

Yundt-Silver explained that the Library Board had composed a resolution to thank and commend Corporal Darrin DeLaPorte and HPD for services rendered. She read a portion of the commendation which stated, *“after learning of the computer equipment needs of the Hannibal Free Public Library and recognizing that surplus equipment at the Hannibal Police Department would meet these needs...the Hannibal Police Department donated computer equipment and software; and Corporal Darrin DeLaPorte not only delivered and set up the equipment, he loaded software and contributed greatly to the Library’s ability to provide services.”*

She concluded by saying that the Library deeply appreciated his contribution and that of the Police Department.

RESOLUTION NO. 1570-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND MICHAEL NIFFEN FOR 2009 OLD BAPTIST CEMETERY MOWING, IN THE AMOUNT OF \$4,200

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1570-09 and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

Roll Call

Yes: Mayor Hark, Council Members Louderman, Behymer, Lyng, Knickerbocker and Janes – 6

No: -0-

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Resolution No. 1570-09 duly approved and adopted on this date.

BILL NO. 09-011

AN ORDINANCE TO PAY OFFICERS AND EMPLOYEES OF THE CITY OF HANNIBAL, MISSOURI FOR THE FISCAL YEAR 2009/2010

SECOND AND FINAL READING

Motion was made by Council Member Knickerbocker to give Bill No. 09-011 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried

Roll Call

Yes: Mayor Hark, Council Members Louderman, Behymer, Lyng, Knickerbocker and Janes – 6

No: -0-

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Bill No. 09-011 duly approved and adopted on this date.

BILL NO. 09-012
(As amended)

**AN ORDINANCE APPROPRIATING TO THE VARIOUS DEPARTMENTS,
BOARDS, COMMISSIONS AND AGENCIES OF THE CITY GOVERNMENT OF
THE CITY OF HANNIBAL, MISSOURI FOR THE FISCAL YEAR ENDING
JUNE 30, 2010**

SECOND AND FINAL READING

Motion was made by Council Member Janes to amend Bill No. 09-012, relative to Board of Public Works, line item #10 amending the BPW appropriations from \$38, 211,184 to \$37,387,867 by reflecting an \$823,317 reduction in the water and sewer rates by 5% and 15%, respectively. Motion was seconded by Council Member Louderman.

City Attorney James Lemon explained that after his extensive review of the City Charter, it was his legal opinion, that the Board of Public Works budget should not be included in the City's budget. He continued by saying that Council could impeach and remove the BPW board members; however, they have no authority over the Board's budget. Lemon added that the Board of Public Works' only requirement is to file their budget with the City Clerk, and we (the City) are "stuck" with it unless Council decides to remove BPW board members. The Board has exclusive control over their rates and Council can not veto their rate increases, according to City Attorney Lemon.

Mayor Hark questioned why Board checks were signed by the Mayor and the City Clerk. City Attorney Lemon did not have an answer to Mayor Hark's question. Mayor Hark asked Council Member Janes, in light of this new information, if he wished to withdraw his motion; however, Council Member Janes replied that he did not wish to withdraw.

Roll Call

Yes: Council Members Louderman and Janes – 2

No: Mayor Hark, Council Members Behymer, Lyng and Knickerbocker -4

Absent: Mayor Pro Tem Wilson - 1

Motion failed. Council Member Louderman expressed his concerns regarding the accountability of the Board of Public Works and Council's lack of ability to govern their budget. Mayor Hark agreed.

At this time, Council Member Janes made a motion to amend Bill No. 09-012, the City's appropriation bill by removing Board of Public Works, line item #10. Motion was seconded by Council Member Louderman.

Motion carried.

Motion was made by Council Member Janes to give Bill No. 09-012, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried

Roll Call

Yes: Mayor Hark, Council Members Louderman, Behymer, Knickerbocker and Janes – 5

No: Council Member Lyng - 1

Absent: Mayor Pro Tem Wilson - 1

Mayor Hark declared Bill No. 09-012, as amended, duly approved and adopted on this date.

Council Member Louderman stated that he would like to direct City Attorney Lemon to investigate the procedure for changing the City Charter in order to allow Council greater control of the Board of Public Works.

Council Member Janes made a motion of 'no-confidence' with removal of every board member from the Board of Public Works Board. City Attorney Lemon interjected that, in his opinion, Council would need to vote on each member, individually, removing each by the vote of five Council Members. Voting on the entire board, as a whole, would be considered inappropriate.

Council Member Janes restated that there was a motion on the table to remove ALL members of the Board of Public Works Board; however, Lemon insisted that could only

be done by impeachment or Resolution. By Resolution, there remains the requirement of public notice since this issue is not eligible for an emergency reading. Lemon added that in the event of impeachment, an impeachment hearing is required, needing notice, as well. Mayor Hark asked Janes if he wanted to withdraw his motion; however, Council Member Janes was not willing to withdraw. Motion was seconded by Council Member Lyng.

Roll Call

Yes: Council Members Louderman and Janes – 2

No: Mayor Hark, Council Members Behymer, Lyng and Knickerbocker -4

Absent: Mayor Pro Tem Wilson - 1

Motion failed.

ADJOURNMENT

Motion was made by Council Member Knickerbocker to adjourn. Motion was seconded by Mayor Hark.

Motion carried.