

**PUBLIC MEETING PROCEEDINGS**  
*(continuation from July , 2009)*

**July 21, 2009**  
**6:30 P.M.**

**CALL TO ORDER**

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

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

Mayor Hark recognized Mr. Bob Yapp, Vice-Chairman of the Historic District Development Commission, who spoke on their behalf with regard to a proposed code amendment of the Hannibal City Code, Chapter 32, Article XI *Historic Districts*.

Yapp began by explaining that the Commission had been formed in 1988 and subsequently, a guide booklet had been developed to oversee the first local historic district, located in the downtown area. At that time, historic preservation was embraced as a cultural aspect of life in Hannibal, as well as, an economic development tool for the area. Over a year ago, according to Yapp, the HDDC began a process of updating both the ordinance and the design guide to improve the pattern to reflect present standards. The main goal of the commission through this process was to have Hannibal become a ‘certified local government’ or *CLG*. Yapp added that becoming a *CLG* has nothing to do with anything but preservation and requires only that the City seeking this title have an updated ordinance with:

1. rules and procedures for the conduct of the commissioners, including public and private conduct in relation to their position on the commission.
2. an allowance for new local historic districts to be created (not contained in the original ordinance).

These are items that have been added into this new ordinance.

Looking at the design guidelines of this ordinance and comparing it to the covenants in new housing developments, Yapp stated that the covenants are far more restrictive than the guidelines in the proposed ordinance. As people upgrade these downtown neighborhoods, investing money and appreciating the original characters of these properties, making them livable for today, would like a way to protect their property rights. There is a system built into the ordinance allowing this, but is very arduous.

Within this system those property owners seeking the *CLG* must develop boundaries and must also rationalize why, in their opinion, this should be a *CLG* District. Following this, the property owners must appear before the Commission, who has a public hearing then makes a recommendation to the Planning and Zoning Board. Planning and Zoning will again repeat the process, then make a recommendation to Council, who then holds a third public hearing before approval is considered.

Most ordinances of this type that were examined during the development process required a petition to be circulated to neighborhood property owners with an approval rate of 51% for passage; however, in negotiating, Council Member Behymer suggested that a 'super majority', or 67%, be required for approval of a CLG. Yapp explained how this vote would work.

He continued by saying that this added classification would not change the underlying zoning in any way, if you live in a commercial district with a lot of residential houses mixed in, it could become a local historic overlay district, but the commercial zoning underlying it would remain the same. Property owners could return to Planning and Zoning Board and petition to change the zoning in a particular neighborhood; however this ordinance does not address that, according to Mr. Yapp.

Becoming a CLG has nothing to do with the inside of a building, but concerns only the exterior that can be seen from a public street or alleyway. The permission has been changed from *Certificate of Appropriateness* to *Letter of Approval* or *Letter of Denial*. Yapp cited several other changes that had been made by the HDDC then opened the floor up to any questions from the public.

Council Member Behymer spoke in regard to the upcoming ordinance voicing his concerns regarding the 67% percent majority vote approving a CLG District. His concerns centered on the remainder of property owners who did not wish to be included in the proposed *historic district*. He suggested that when the ordinance is presented for approval, it be amended to include an option for these property owners, whereas they would be given a *Letter of Exclusion* from the HDDC.

Mr. Yapp responded to Council Member Behymer's concerns by explaining property owners get no vote when building codes and zoning ordinances are put into place, adding that this process is the most democratic and inclusive in city government. It allows each and every parcel owner to vote and requires, not 51%, but 67% to pass. After becoming a 'certified local government', funds would then be available for training to make positive changes to properties for less money. Nothing is obtrusive to the design guidelines in this ordinance, according to Yapp; it just asks that the character of homes within the district is maintained.

Mayor Hark opened the floor for discussion at this time, recognizing Hallie Yundt-Silver who posed a question to Council Member Behymer. Her question was, "Should the property owner sell, would the *Letter of Exclusion* go to the next property owner, or would the buyer then fall underneath the *historic district*?"

Behymer stated that, in his opinion, the new property owner would have to petition the HDDC for inclusion in the *historic district* after purchasing the property.

Council Member Janes stated that, in his opinion, if a property owner is on the fringe of an overlay, it would be feasible to allow him to withdraw from that overlay; however, in a large district petitioning for an overlay, if one or two property owners in the center of that district are allowed to withdraw, the result would be 'spot zoning' which is unacceptable.

City Manager LaGarce said that there would be no legislation for this on the agenda for this meeting, but will be introduced at a later time.

## **ADJOURNMENT**

There being no further discussion, Mayor Hark adjourned the public hearing.

## OFFICIAL COUNCIL PROCEEDINGS

July, 21, 2007  
7:00 P.M.

### ROLL CALL

**Present:** Council Members Louderman, Behymer, Lyng,  
Knickerbocker, Janes, Mayor Pro Tem Wilson and Mayor Hark  
– 7

**Absent:** -0-

### CALL TO ORDER

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

### INVOCATION

Council Member Janes gave the invocation.

### PLEDGE OF ALLEGIANCE

Mayor Pro Tem Wilson led the Pledge of Allegiance to the Flag.

### APPROVAL OF MINUTES Regular Council Meeting – July 7, 2009

Motion was made by Council Member Louderman to approve the minutes of the last regular Council meeting that was held on July 7, 2009. Motion was seconded by Council Member Janes.

Motion carried.

### APPROVAL OF PAYROLL AND CLAIMS First Half of July, 2009

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

Motion carried.

**JIM BEHYMER – 5<sup>TH</sup> WARD COUNCIL MEMBER**  
**Re: BPW Exploration of Alternative Energy Sources**  
*(Resolution No. 1573-09, to follow)*

Council Member Behymer introduced Resolution No. 1573-09, to follow, regarding exploration of alternative energy sources. He began by reminding those in attendance that utility rates have increased substantially over the past 18 months. Resolution No. 1573-09, drafted by City Manager LaGarce and Council Member Behymer, was in response to these increases. If passed it would encourage the City and the Board of Public Works to explore alternative energy sources, such as geothermal, methane, wind-driven, solar and combination of wind-driven and solar energy. This may include feasibility studies to see if this area would be qualified for a wind farm. This resolution will be revisited later, during the meeting, for approval.

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

**HANNIBAL PARK BOARD**

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

City Manager Jeffrey LaGarce sought Council approval for his recommendation of Lent Johnson that was presented at the previous Council meeting on July 7, 2009. Motion was made by Mayor Pro Tem Wilson to approve LaGarce's recommendation. Motion was seconded by Council Member Louderman.

Motion carried.

**Re: Recommendation of Appointment**

**HANNIBAL BOARD OF PUBLIC WORKS**

- Tom Lemon – Reappointment for a term to expire July, 2013

Mr. LaGarce presented his recommendation of Tom Lemon to the Hannibal Board of Public Works for a term to expire July 2013. This nomination will be brought before Council at the next regular meeting for their approval.

**Re: 2010 U.S. Census, Public Awareness**  
**SYDNEE CHATTIN-REYNOLDS – KC DEPUTY REGIONAL DIRECTOR,**  
**U.S. CENSUS**  
*(Resolution No. 1572-09, to follow)*

City Manager LaGarce explained that his next item on the evening's agenda concerned the upcoming 2010 U.S. Census. He continued that Resolution No. 1572-09 was drafted to create public awareness for the U.S. Census being held in April of 2010. Approximately sixteen articles have been pre-written that will appear in the newspaper, bi-weekly, from October through Christmas and weekly from Christmas through the completion of the census. Since the census happens only once in every ten years, LaGarce stated that it is very important that Hannibal has an accurate census count for a number of reasons.

He then introduced Ronnie Watkins, Craig Best and Sydnee Chattin-Reynolds from the Census Bureau and asked them to speak. Mr. Best came forward to speak.

Mr. Best, the Assistant Regional Census Manager at the Census Bureau office in Kansas City, explained that the census is a 'photograph' or 'portrait' of our country. He stated that even though we have just elected our 43<sup>rd</sup> president, only 22 of these 'photographs' have been taken and 306 billion people have to be gathered for that one 'photograph'. "The census is only about power and money", Best continued. Adding that the census concerned:

- Power - in the way of representation at the national, state and local level
- Money – in the way of \$300 billion, each year, allocated by the federal government, based upon census data

He commended the City of Hannibal for understanding its importance and encouraging the citizens to participate in the census. As City Manager LaGarce said, an accurate census count is important because many programs are funded, based upon census count. Some of these are:

- Grants through WIC (Women, Infants and Children) Program
- Unemployment Benefits
- Medicaid for the Elderly
- Headstart
- Low-Income Energy Assistance Programs
- Title One Funding for Schools
- School Breakfast Program
- Various other programs

He asked Council to think about three things when encouraging the citizens to participate:

1. **Ease of Participation** – It takes approximately 10 minutes to complete the form.
2. **Importance of Participation** – The photograph that is taken next year will be the same one used for the next ten years in order to determine funding amounts for this area,
3. **Safety of Participation** – Every census employee takes a lifetime oath of confidentiality and violating that oath is punishable by a fine and imprisonment.

**Re: Hannibal Nutrition Center – Service Agreement**  
*(Resolution No. 1574-09, to follow)*

LaGarce introduced Resolution No. 1574-09, regarding a service agreement with the Hannibal Nutrition Center. He explained that the FY 2009 budget contains an appropriation of \$18,357 for the current agreement. These funds assist the Center in providing for seniors. The program provides things, such as nutrition & meals, exercises, activities, guest speakers, crafts, health tips and many other senior services. This resolution to follow, if approved, would renew the annual service agreement.

**Re: MoDOT 2007 SAFETEA Enhancement Grant Funds – Program Agreement**  
(Bill No. 09-013, to follow)

City Manager LaGarce reminded Council that two years ago, the City applied for a \$175,000 SAFETEA Enhancement Grant through the Missouri Department of Transportation. At that time, Hannibal was not selected; however, subsequently, one community that was selected has declined. Therefore, Hannibal will now receive that community's share, in an amount of \$118,570, to be used for the Main Street Sidewalks in the downtown area which is in this year's budget. LaGarce continued that in order to obtain these funds, the City must approve a funding agreement with MoDOT. Bill No. 09-013, to follow, would authorize this agreement.

LaGarce also informed Council that he had just been informed that Hannibal had been denied the 2010 Enhancement Grant that had been submitted; however, a supplemental CDBG grant of \$80,000 was also submitted, which is now essential, to complete this project. No word on this grant has yet been received. He concluded by saying that staff recommends the approval of Bill No. 09-013 authorizing the program agreement between the City and Missouri Highways and Transportation Commission (MoDOT).

**Re: Proposed Property Conveyance, MoDOT Surplus Property – Vesper Drive Site**

LaGarce's next agenda item concerned the proposed conveyance of MoDOT Surplus Property located on Vesper Drive. He explained that MoDOT is attempting to sell surplus property throughout Missouri. The site in question is surplus right-of-way from the old Section Street corridor. MoDOT proposes to deed this property, which comprises the cul-de-sac at the end of Vesper Street, to the City. This area is necessary for firetruck turnaround and street plowing operations. In LaGarce's opinion, it would be to the City's best interest to accept this parcel of land. For that reason, staff recommended Council's acceptance and authorization to prepare a deed, an ordinance and all necessary steps to complete the transaction.

Motion was made by Mayor Hark to approve LaGarce's request. Motion was seconded by Council Member Janes.

Motion carried.

**Re: Proposed Property Conveyance, MoDOT Surplus Property – Old Driftway Drive Site**

The final agenda item to be presented by the City Manager was another proposed property conveyance by MoDOT, regarding a parcel of land located in the vicinity of the old Driftway Drive subdivision. This is a 2.4 acre piece of property that MoDOT acquired when they built the Mark Twain Bridge over the Mississippi River.

In June, bone and coffin fragments were discovered along the property line, between City owned property, known as the Old Baptist Cemetery and the old Driftway Drive property, owned by MoDOT. After consultation with the State Historic Preservation Office, conclusion has been reached that these fragments were unearthed by rodents. This office also feels that the easternmost portion of the old Driftway Drive parcel could contain old, unrecorded gravesites.

For that reason, MoDOT proposes the following:

1. MoDOT would transfer the property to the City for \$1.00
2. MoDOT would fund the property survey
3. MoDOT would perform any cleanup of the property, such as clearing, prior to conveyance
4. If conveyed, a deed restriction would prohibit any land disturbance along the easternmost 130 feet to the site, per recommendation by the State Historic Preservation Office.

LaGarce added that the Parks and Recreation Director had been consulted regarding the possibility of using this parcel for a Park; however, since there is no easy access to the property, this was not feasible. After some discussion, it was decided acquisition of this property would provide no advantage to the City. Since no motion was made by Council, no action was taken.

**TIM CARTER – FIRE CHIEF**

**Re: Station 3 Kitchen/Living Room Renovation Project – Contract Agreement**  
*Bleigh Construction*  
*(Resolution No. 1571-09, to follow)*

Fire Chief Tim Carter introduced his first agenda item, a capital improvement project to renovate Fire Station #3 living room and kitchen. He explained that the Fire Department had originally budgeted \$60,000 for this project. Bids were recently let and one bid was received from Bleigh Construction in the amount of \$28,268.00. After review of this submittal, it is the recommendation of the Department to award this bid to Bleigh Construction and authorize Mayor Hark to sign the related contract with Bleigh. This recommendation would be approved with the approval of Resolution No. 1571-09, to follow.

**Re: Bid Award Approval, Hazardous Response Trailer**  
*Krigbaum Trailers, LLC*

The second item that Carter presented to the Council was a bid recommendation for purchase of a hazardous materials response trailer from Krigbaum Trailers, LLC. Chief Carter stated that the Fire Department had recently accepted bids for this piece of equipment, receiving two bids. After reviewing the bids that were submitted, Carter's recommendation was to award the bid to Krigbaum Trailer, LLC in the amount of \$39,750 the lower of the two bids submitted. Carter explained that this is fully funded by the Homeland Security grant funding. There is no cost share required. Motion was made by Council Member Knickerbocker to approve Carter's recommendation. Motion was seconded by Council Member Janes.

Motion carried.

**LEON WALLACE – STREET SUPERINTENDENT**

**Re: Purchase Approval, Sundry Items, New Street Department Facility**

Street Superintendent Leon Wallace presented the final item on the evening's agenda, a purchase approval for sundry items to be included in the inventory of the new Street



Department facility. Wallace explained and the City Manager concurred that bids for the new facility came in approximately \$217,000 less than projected by MECO Engineering. As a result, the engineers included in the plan that was approved in November, \$30,000 for various sundry items. This list included:

- Hydraulic Hose System
- Power Washer
- Parts Washer
- 3 Hydraulic Jacks with Air
- Mig Welder
- Water Fountain
- Electric Coil Range
- Tables for Break Room
- Chairs for Break Room

These items, according to LaGarce, were found to be bond reimbursable. After purchase, invoices would be submitted directly to the bond trustee and paid. Each item that exceeded the bid limit would be let for bids. It would be the intent of the Department to keep the total for these items below \$30,000. Motion was made by Mayor Pro Tem Wilson to allow Wallace to begin the purchasing process for these items. Motion was seconded by Council Member Behymer.

Motion carried.

#### **RESOLUTION NO. 1571-09**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AGREEMENT BETWEEN THE CITY OF HANNIBAL, FIRE DEPARTMENT AND BLEIGH CONSTRUCTION COMPANY IN THE AMOUNT OF \$28,268 FOR THE FIRE STATION 3, INTERIOR RENOVATION, PHASE II CAPITAL IMPROVEMENT PROJECT**

Motion was made by Council Member Knickerbocker to have the Deputy City Clerk read Resolution No. 1571-09 and call the roll for adoption. Motion was seconded by Council Member Janes.

Motion carried.

#### **Roll Call**

**Yes:** Council Members Louderman, Behymer, Lyng,  
Knickerbocker, Janes, Mayor Pro Tem Wilson and Mayor Hark

- 7

**No:** -0-

Mayor Hark declared Resolution No.1571-09 duly approved and adopted on this date.

**RESOLUTION NO. 1572-09**

**A RESOLUTION OF THE CITY OF HANNIBAL SUPPORTING THE UNITED STATES CENSUS 2010, CREATING PUBLIC AWARENESS, AND ISSUING A CALL-TO-ACTION FOR EVERY RESIDENT OF OUR CITY TO PARTICIPATE IN THE CENSUS AND BE COUNTED IN 2010**

Motion was made by Mayor Pro Tem Wilson to have the Deputy City Clerk read Resolution No. 1572-09 and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

**Yes:** Council Members Louderman, Behymer, Lyng, Knickerbocker, Janes, Mayor Pro Tem Wilson and Mayor Hark  
- 7

**No:** -0-

Mayor Hark declared Resolution No. 1572-09 duly approved and adopted on this date.

**RESOLUTION NO. 1573-09**

**A RESOLUTION OF THE HANNIBAL CITY COUNCIL STRONGLY URGING THE HANNIBAL BOARD OF PUBLIC WORKS AND THEIR ADMINISTRATIVE LEADERSHIP TEAM TO EXPLORE AND ACCESS THE FEASIBILITY OF VARIOUS ENERGY SOURCES ALTERNATIVE TO THOSE BEING EMPLOYED TODAY**

Motion was made by Council Member Louderman to have the Deputy City Clerk read Resolution No.1573-09 and call the roll for adoption. Motion was seconded by Behymer.

Council Member Behymer commended City Engineer Mark Rees for his work on this project. Rees had contacted Howard R. Green Company, who analyzes land fills and researches alternative energy options. Rees, Behymer and a representative from this company had recently met for a preliminary discussion prior to their research work. At that time Howard R. Green Company was provided with information to assist in this research.

Earlier in the week, Rees had been in receipt of a letter from this company in which it was determined that the City's landfill was not producing the required amount of methane to use as an alternative energy source.

Motion carried.

**Roll Call**

**Yes:** Council Members Louderman, Behymer, Lyng,  
Knickerbocker, Janes, Mayor Pro Tem Wilson and Mayor Hark  
- 7

**No:** -0-

Mayor Hark declared Resolution No. 1573-09 duly approved and adopted on this date.

#### **RESOLUTION NO. 1574-09**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT WITH THE HANNIBAL NUTRITION CENTER IN THE AMOUNT OF \$18,357 FOR SENIOR MEALS AND RELATED SERVICES**

Motion was made by Council Member Behymer to have the Deputy City Clerk read Resolution No. 1574-09 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Wilson.

#### **Roll Call**

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

**Abstain:** Mayor Hark - 1

**No:** -0-

Motion to read carried.

#### **Roll Call**

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

**Abstain:** Mayor Hark - 1

**No:** -0-

Mayor Hark declared Resolution No. 1574-09 duly approved and adopted on this date.

#### **BILL NO. 09-013**

#### **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROGRAM AGREEMENT BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE RECEIPT OF TRANSPORTATION ENHANCEMENT FUNDING RELATIVE TO THE**

## **CONSTRUCTION OF SIDEWALKS ALONG MAIN STREET**

### **FIRST READING**

Motion was made by Council Member Knickerbocker to give Bill No. 09-013 a first reading. Motion was seconded by Council Member Behymer.

Motion carried.

### **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, Deputy City Clerk Rebecca Graves 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 Louderman, Behymer, Lyng,  
Knickerbocker, Janes, Mayor Pro Tem Wilson and Mayor Hark  
- 7

**No:** -0-

Motion carried.

### **OPEN SESSION**

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

Motion carried.

### **ADJOURNMENT**

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

Motion carried.