

OFFICIAL COUNCIL PROCEEDINGS

May 19, 2009
7:00 p.m.

ROLL CALL

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

Absent: -0-

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

Council Member Louderman led the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES Regular Council Meeting – May 5, 2009

Motion was made by Council Member Behymer to approve the minutes of the Regular Council Meeting that was held on May 5, 2009. Motion was seconded by Council Member Louderman.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – May, 2009

Motion was made by Mayor Pro Tem Wilson to approve the payroll and claims for the first half of May, 2009. Motion was seconded by Council Member Behymer.

Motion carried.

ROY G. HARK – MAYOR

Re: Oath of Office

(3rd Ward Council Member – E. Kyle Wilson)

Mayor Hark administered the Oath of Office to Kyle Wilson, being sworn in as the 3rd Ward Council Member.

He was congratulated and took his place on the dais.

Re: Approval of Appointment

Mayor Hark reminded Council of a candidate presented at the last regular Council meeting for the Hannibal Housing Authority. This was:

HANNIBAL HOUSING AUTHORITY

- William Tate – Appointment for term to expire April, 2013

He asked Council for their approval of this nomination. Motion was made by Mayor Pro Tem Wilson to approve the nomination of William Tate for an appointment to the Hannibal Housing Authority. Motion was seconded by Council Member Behymer.

Motion carried.

Re: CWC Meeting – BPW Work Session

(May 27, 2009 – 6:00 p.m.)

As the result of a recent discussion with the Board of Public Works, Mayor Hark requested setting a BPW work session on May 27, 2009, at 6:00 p.m. Motion was made by Mayor Pro Tem Wilson and seconded by Council Member Behymer to approve the Mayor's request.

Motion carried.

JASON JANES – 2ND WARD COUNCIL MEMBER

JOHN YANCEY – NORTHEAST MISSOURI SHELTERED WORKSHOP

Re: Emergency Reading, Referendum Authorizing August 4, 2009 Election

*Establish Recycling Fee of \$.70 for funding the Northeast Missouri Sheltered Workshop
Community Wide Recycling Program*

(Bill No. 09-010, to follow)

Mayor Hark recognized 2nd Ward Council Member Janes who asked John Yancey, of the Northeast Missouri Sheltered Workshop, to present the next item on the agenda, the introduction of Bill No. 09-010. If approved and given an emergency reading, this bill would authorize an August 4, 2009 election for the purpose of establishing a recycling fee of \$.70 for funding a recycling program.

Mr. Yancey reminded Council of the unsuccessful attempt on the April, 2009 ballot to get passage of a recycling program. In retrospect, Yancey stated that, in his opinion, the ballot issue was unclear regarding the cost of the program and who would perform the service. This issue failed by thirteen votes.

He recapped information that had been given prior to the election. Northeast Missouri Sheltered Workshop:

- has 30-35 handicapped people who do recycling service (and have done it for the past two years).
- lost \$65,000-\$68,000 through recycling program last year
- needs recycling program as a means of support for the Workshop's handicapped personnel

He asked that Council approve Bill No. 09-010 authorizing an August ballot issue whereas, “A *\$.70 charge will be added to every utility bill, residential **and** commercial, for a recycling program, with the service provided by the Northeast Missouri Sheltered Workshop*”.

Council Member Behymer questioned whether or not the Sheltered Workshop had other contracts to perform services, besides the recycling program. Mr. Yancey responded that they make pallets for shipment of agricultural chemicals; however, since January 1 the Workshop has made only 1,000 pallets, an amount that was previously made in one month. The market for these has declined because of the rainfall this spring. Yancey added that they had also done fence assembly for the lumberyard; but, currently this work is being done in-house or being purchased from sawmills, pre-made, because of the economy.

If Council would approve his request, Yancey explained that the Sheltered Workshop is willing to pay the expenses associated with the election, assuring the Council Members that there would be no cost to the City. According to Marion County Clerk Bob Ravenscraft, if paper ballots are used, the entire cost will be \$8,000-\$10,000.

Mr. Yancey said that some of the 30-35 handicapped individuals have worked at the Sheltered Workshop for thirty years and they can do nothing else. For individuals, such as these, Senate Bill 52 was passed in 1965 giving people with disabilities the ability to work in a ‘sheltered’ environment. Following the implementation of this bill, the Hannibal JayCees founded the Northeast Missouri Sheltered Workshop, the second ‘sheltered’ facility in Missouri, at that time.

Council Member Behymer then asked if the Sheltered Workshop could be designated as the funding recipient by the City. City Attorney James Lemon responded that, previously his concern was that a bidding process was necessary, being required by City Charter and Ordinances, since services would be provided using City funds. He continued that, in this instance, if funding were to go directly to the Sheltered Workshop, the City's involvement would end with the collection of money by BPW.

Council Member Wilson questioned the result, if the Northeast Missouri Sheltered Workshop should fail. City Attorney Lemon stated that the way the ballot issue is drafted, the money is to be paid to the Sheltered Workshop; however, if the entity fails to exist, the tax would be eliminated.

Council Member Lyng asked if the City could fund the recycling program; and City Manager LaGarce responded that the FY2009/10 Budget was balanced with a \$342 margin.

A short discussion followed, ending with Mayor Hark informing Council that the ordinance would be presented for an emergency reading later in the meeting. Hark reminded Council that a 2/3 approval would be needed for passage.

AL PATEL – OWNER/OPERATOR, HANNIBAL INN & COMFORT INN
Re: Request, Penalty Waiver – December 2008 & January 2009 Motel Tax

In the absence of Mr. Patel, owner and operator of the Hannibal Inn and Comfort Inn, motion was made by Mayor Pro Tem Wilson to table his agenda item, a request to waive penalties on his December 2008 and January 2009 bed taxes. Motion was seconded by Mayor Hark.

Roll Call

Yes: Council Members Behymer, Knickerbocker, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman – 5

No: Council Members Lyng and Janes - 2

Absent: -0-

Motion carried.

TED SAMPSON – HANNIBAL SENIOR HIGH SCHOOL
Re: Request, Street Closure
(Graduation – May 21, 2009, 6:45 p.m. – 8:30 p.m.)

Mr. Ted Sampson appeared on behalf of Hannibal High School to present the next item before Council. Sampson asked that Brookside, from McMasters Avenue to Edgewood, be shut down from 6:45 p.m. until 8:30 p.m. on Thursday, May 21, 2009 for the commencement ceremony at Hannibal High School. He also requested that barricades be provided to close the street at McMasters, Edgewood and Greenway for this purpose. Motion was made by Mayor Pro Tem Wilson to approve Sampson's request. Motion was seconded by Council Member Louderman.

Motion carried.

CARL FLEEGEL – HANNIBAL NEIGHBORHOOD IMPROVEMENT ASSOCIATION
Re: Downtown Traffic Issues

Mr. Carl Fleegel, on behalf of the recently formed Hannibal Neighborhood Improvement Association, began by thanking Council for the opportunity to be heard. He then explained that the Neighborhood Improvement Association had some concerns regarding vehicular traffic, specifically regarding the issue of life safety and unnecessary noise on City streets. He continued that his concern was not only for Broadway or the downtown area, but throughout the neighborhoods of Hannibal.

Mr. Fleegel cited one particular incident that both he and his wife had witnessed, involving a motorcyclist; then continued by explaining that, since he resides on Broadway, has been

witness to a variety of traffic violations, such as engine revving, tire squealing, street racing, shouting and profane speech. He noted that these are unlawful activities and inconsistent with others' public rights to safety, peace and quiet. He then reminded Council that the City has posted signs along highways stating "Noise Ordinance Enforced".

Fleegel continued by reading several City Codes, with regard to speeding, peace disturbance, unnecessary noise and muffler requirements. He commended the Hannibal Police Department for their efforts to enforce these ordinances and explained that, during a recent meeting with Chief Davis and Sergeant McHargue, he had been given HPD statistics which illustrated impressive and dramatic increases in arrests due to substantial enforcement efforts over the past few years. He said that, since that meeting, the HPD has made a very visible and concentrated effort to increase police presence on Broadway and the vicinity, and their efforts have resulted in many traffic stops.

Still, Mr. Fleegel stated that, according to HPD statistics many offending drivers are not deterred by the existing penalty structure. For that reason, in addition to issuing a traffic citation with a fine, the HNIA requested that Council consider an enhancement to the existing ordinances giving police the authority to tow/impound an offending driver's vehicle. This would be done by a City-authorized tow service at the offender's expense.

Other changes that were suggested for Council consideration included:

- Making it unlawful to modify the exhaust system of a motor vehicle in a manner that would amplify or increase the noise emitted by the engine
- Making it unlawful to operate a vehicle in a manner as to cause squealing, screeching or other such sound from the tires in contact with the ground because of rapid acceleration or excessive speed...
- Funding an additional officer in the Police Department

Mr. Fleegel, representing the Hannibal Neighborhood Improvement Association, had a list of miscellaneous suggestions that he did not read, but suggested that Council assign a taskforce to address these issues and help to develop changes.

An unknown woman from the audience spoke, noting that she had resided on Broadway since 1996 and was more worried about the drug situation than bike engines.

RON HAUGHT – B.O.S.S. SPOKESMAN
Re: Motorcycle Exhaust Noise Initiative

Mr. Ronald Haught spoke on behalf of the B.O.S.S. Motorcycle Club and other concerned bikers in the area, regarding the initiation of the noise laws that are currently being enforced. He suggested that the Hannibal Police were issuing citations randomly and indiscriminately.

He cited instances in which a cyclist was issued a warning or ticket, and the cyclist next to him with an equally equipped motorcycle was not. Mr. Haught said that members of his organization and other concerned cyclists did not see the need for enhancement of the existing ordinances or of their enforcement, since the Police now have the right to arrest any offending motorist.

Haught asked for clarification of their wrongdoing so that they may be compliant with the laws that are now in place. He explained that, if it was a 'peace disturbance' ordinance, they were not disturbing the peace but merely operating their equipment in a sensible and lawful way. He

explained that a two or four cylinder engine would make more noise than a V-8 engine and the equipment that is placed on their bikes is legal equipment to run on any road in the USA. He admitted that a person living on Broadway probably hears more exhaust during the day than someone living on Country Club Drive; however, that is a hazard of living in the downtown of a metropolitan area.

He has recently seen tickets for 'equipment failure', 'improper operation of equipment' and one ticket was issued to a motorcycle that was parked; therefore, Haught reiterated that area cyclists needed some clarification of the laws being violated so that they could comply. He continued that, with some exceptions, the equipment he and his colleagues purchase is described as 'legal equipment', a baffled device is considered legal, according to Haught. He said that many who were in attendance traveled by vehicle because they feared being ticketed.

Council Member Behymer questioned that if a task force were established, would Mr. Haught consider serving on it. Mr. Haught agreed to be a member of the task force, if it was put into operation. This task force could identify potential problems, if they exist, and work at finding possible solutions.

Mayor Hark summarized Council's position by stating that they were not trying to put unfair or unnecessary restrictions on the cyclists. He added that their only desire was to come to a conclusion that was favorable to all citizens. He then recognized Mr. Chris McClary, owner and operator of Hilltop Cycles in Hannibal.

Mr. McClary, also an active motorcycle enthusiast, stated that he needed guidance interpreting City Ordinance 16-166, that states, "*No person shall disturb the peace of others by the discharge into the open air of exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom*". McClary continued that the first portion of the ordinance was clear, but needed clarification of the second portion of the ordinance that stated, "*...except through a muffler or other device that will effectively prevent loud or explosive noises therefrom*".

He referenced a catalog from Parts Unlimited, one of the largest suppliers of after-market parts in the country, which he had brought to the meeting. He pointed out several possible styles of mufflers that offered various components, such as resonators, baffles and silencers, all of which would pass Missouri State inspections, according to McClary. He questioned whether or not these examples would meet Hannibal's definition of a '*muffler or other device*'? He stated that '*loud or explosive noises*' is opinion-based. He added that, as a business owner, he has no way to verify and advise his customers in the selection of mufflers that are compliant to the ordinance.

City Attorney Lemon responded that if it was legal, it would meet the City's standards, adding that he was unaware of any prosecutions of specific muffler cases in the past six months. He had, however, prosecuted unnecessary noise cases during that period, which meant that someone was doing something, such as revving an engine. Lemon continued that it did not matter what equipment was installed on a cycle, the operator, if he chose, could create an '*unnecessary noise*'. He asked that Chief Lyndell Davis confirm that no 'muffler' citations had been written as a result of City ordinance.

Chief Davis came to the podium prepared to answer questions that had been asked, during the past couple of weeks, the first being the issuance of tickets. Davis stated that motorcycles were not being 'targeted', only the noise. Since the beginning of the year, according to the Chief,

111 citations had been written for unnecessary noise in the City of Hannibal. The breakdown is as follows:

- 86 citations were written for vehicle stereos
- 2 citations were written for residential stereos
- 9 citations were for yelling and shouting in public
- 8 citations were for squealing of tires
- 6 citations were for exhaust and mufflers (3 were for cars, 2 were for motorcycles and 1 was for a truck)

The same gentleman received both citations for his motorcycle. He had previously been warned and has had 23 citations for unnecessary noise in the past, according to Sergeant McHargue.

Davis responded to a question regarding how loudness is measured or determined by investigating Police Officers. He explained that these officers are asked to use a 'distance benchmark', writing a statement on the back of the ticket, such as, "I could clearly hear the motorcycle or person yelling from two blocks away, or three blocks away; and, as I got closer, it got increasingly loud, rattling the windows on my car". He added that the reason the department does not use decibel meters to measure the noise is because the ordinance does not require it. Furthermore, accurate sound measurement by a decibel meter requires a controlled environment and is not something that can be done on a street.

Davis stated that a recent argument had been posed regarding the alleged offenders rights, to which he responded that riding a motorcycle in a manner that it creates such a noise is invading upon someone else's right to peace in their home. Enforcement is increasing because complaints are increasing, and the person the public is paying to make judgment determinations in these cases is the officer, according to Chief Davis.

Davis concluded by saying that he had done some research, as a result of the recent allegations and found that, according to the American Motorcyclists Association, the largest motorcycle organization in the world, "*few other factors contribute to more misunderstandings and prejudice against motorcycling community than the excessively loud motorcycles.*" This organization, consisting of 300,000 members, who are advocates for motorcycle riders and go before courts in order to get better rights for cyclists, makes the following recommendations:

- All motorcyclists should be sensitive to the community's standards and respect the right of fellow citizens to enjoy a peaceful environment
- Motorcyclists should not modify their exhaust systems in a way that would increase sound level to a level that is offensive
- Organizers of motorcycle events should take steps, through advertising, peer pressure and enforcement of themselves, to make excessively loud motorcycles unwelcome.

Sergeant McHargue, who had been asked to spearhead the enforcement of the noise ordinances in question, was asked to speak. Sergeant McHargue explained that from May 1 through May 11, copies of the 'muffler ordinance' were distributed and warnings were issued for violations, subsequent to that time, violators were subject to arrest. To date, 17 cyclists have been stopped and given warnings. He reiterated what the Chief had said earlier with regard to the two (2) citations that had been issued to the same individual.

Mayor Hark appointed members of a task force to look into the current noise issue. These members were:

- Council Member Behymer
- Council Member Knickerbocker
- Council Member Louderman
- Chris McClary
- Ron Haught
- Carl Fleegel
- Mike Leak

Following, was a somewhat heated discussion with regard to noise violations. Motion was made by Council Member Knickerbocker to close the discussion and move onto the next item on the agenda. Motion was seconded by Mayor Pro Tem Wilson. City Attorney Lemon clarified that the 'peace disturbance ordinance' was not the ordinance that was the topic of enforcement; but, the ordinance in question was the 'unnecessary noise ordinance'. One benchmark that needed to be proven was that the noise is 'unnecessary', according to Lemon. He said that his point was, in order to get someone prosecuted, he had to prove to the judge, beyond a reasonable doubt, that the noise was unnecessary and disturbed the comfort, peace and repose of another person. That can be an officer or another complaining citizen.

Mayor Hark called the question, motion carried.

RECESS

Motion was made by Council Member Knickerbocker and seconded by Council Member Janes to have a five-minute recess.

Motion carried.

OPEN SESSION

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

Motion carried.

JEFF LAGARCE – CITY MANAGER Re: Recommendation of Appointment

City Manager LaGarce made the following recommendations:

HANNIBAL LIBRARY BOARD

- Todd Ahrens - Reappointment for a term to expire June, 2012
- Pam Ginsburg - Reappointment for a term to expire June, 2012

These nominations will be considered for approval at the next Council meeting, to be held on June 3, 2009.

Re: Approval, Repair of Alleys and Underlying Retaining Walls

The City Manager's next item on the agenda was regarding a request for approval to repair two alleys and to include the repairs of the underlying retaining walls that are located on private property. LaGarce explained that, in each situation, the underlying retaining walls and therefore, the alleyway that is located atop these walls is in danger of collapse. He added that the City cannot repair the alleyway with the retaining wall in such bad shape. Likewise, the property owner cannot repair the retaining walls because of the alleyways location atop them. He asked Council's authority to address these as public measures. It was LaGarce's desire to intervene in each of these situations by sitting down with the Street Superintendent and the City Engineer in order to develop a plan to repair these two areas of concern. Motion was made by Council Member Janes to approve the City Manager's request. Motion was seconded by Council Member Louderman.

Mayor Hark asked how these repairs would be financed. To which, LaGarce replied that it was really too early to know how much the repairs would cost, this was merely establishing policy at this time. He added that he didn't wish to sit down and try to come to a conclusion regarding a repair that was unauthorized.

Motion carried.

MARK REES – CITY ENGINEER Re: City Action, Auctioneer Services

City Engineer Mark Rees' first order of business was an update on the City Auction. As a result of Council Member Janes' recommendation during the previous Council meeting, the process was begun to search for an auctioneer for this event. It proved more difficult than originally anticipated, being hard to compare the different services offered.

After a discussion at the last staff meeting, it was decided to postpone the auction until a later date in order that other departments could have time to more fully participate. It was decided to hold the auction in late July or August. Mr. Rees requested that Council approve his recommendation to do this.

The City Clerk clarified that the Department of Public Works wished to solicit bid quotes from local auctioneers, since the amount of money received from the surplus items has not exceeded the bid limit requirements in the past. This would be in lieu of actually proceeding with the bid process and incurring the unnecessary expense of advertising. Council Member Janes stated that he would feel comfortable with that process, so that we would not just give a City employee precedence over other potential auctioneers.

A discussion arose in which Mr. John Yancey offered his services as auctioneer, free of charge; however, if his staff was utilized, he would need to charge for them. The possibility of using City staff to perform the support personnel for Mr. Yancey was suggested. Mayor Hark asked City Engineer Rees to have the pertinent information compiled and an auctioneer recommendation for approval at the next Council meeting.

Re: Bid Award Approvals, Annual Street Department Materials FY2009/2010

- *Gasoline & Diesel Fuel – Big River Oil Company*
- *Aggregates – Central Stone Company*
- *Snow Removal Salt – North American Salt Company*

- *Liquid Calcium Chloride – Missouri Petroleum*
- *Concrete – Bleigh Ready-Mix*
- *CLSM (Flowable Fill) – Bleigh Ready Mix*
- *Asphalt – C.B. Asphalt*

Director of Public Works, Mark Rees, asked for Council approval of his recommendations to award the following bids for FY 2009/10 Street Department materials. These were:

- Gasoline & Diesel Fuel to Big River Oil Company
- Aggregates to Central Stone Company
- Snow Removal Salt to North American Salt Company
- Liquid Calcium Chloride to Missouri Petroleum
- Concrete to Bleigh Ready Mix Company
- CLSM (Flowable Fill) to Bleigh Ready Mix Company
- Asphalt to C.B. Asphalt

Motion was made by Mayor Pro Tem Wilson to approve Rees' recommendations. Motion was seconded by Council Member Knickerbocker.

Motion carried.

Re: Paris Gravel Road Improvements – Engineering Services Agreement

Klingner & Associates

(Resolution No. 1557-09, to follow)

Rees pointed out that Council had previously decided to remove Shinn Lane from the capital improvement program for the present time. He had suggested that Paris Gravel Road be substituted.

Rees' recommendation was to approve an engineering service agreement with Klingner & Associates for a complete reconstruction curb and gutter drainage, with two bidding alternates – concrete or asphalt. The amount of the contract is \$69,500. Mayor Pro Tem Wilson posed a question regarding where the money for this project would be coming from. Rees responded that funds would be coming from the bond issue. Council Member Knickerbocker clarified that Shinn Lane had not been removed, only re-prioritized, and Rees agreed. Resolution No.1557-09, relating to this project will be presented later, during the meeting, for approval.

TIM CARTER – FIRE CHIEF

Re: Station 3, Interior Renovation Phase 1 Capital Improvement Project

Bleigh Construction Company

(Resolution No. 1556-09, to follow)

Fire Chief Tim Carter stated that the Fire Department had recently let bids for Phase 1 of Station No. 3 Interior Renovations, the construction of bedrooms. Three bids were received; and, after reviewing each bid, it was Chief Carter's recommendation to award the bid to Bleigh Construction Company for the sum of \$28,447. Resolution No. 1556-09, if approved will authorize the Mayor to sign the related contract.

PHYLLIS NELSON – CITY COLLECTOR

Re: Request, 2008/2009 Fiscal Year End Budget Adjustments

City Collector Phyllis Nelson came before Council with a request to adjust the expenditure lines within the current year's budget. She assured Council that no money would be adjusted between funds without Council's express permission. Motion was made by Mayor Pro Tem Wilson to approve the request of the City Collector. Motion was seconded by Council Member Knickerbocker.

Motion carried.

LYNDELL DAVIS – CHIEF OF POLICE
Re: Approval, 40th Officer Hiring

Chief Davis explained that he was recently notified that (3) HPD officers had been called up for active duty assignments overseas. Upon receiving the news of the first two officers, Davis stated that he had planned to absorb the losses; however, with three officers being deployed for a period of twelve month military duty, he requested Council approval to hire the 40th officer. This officer was previously removed from the Police Department Budget. He assured Council that this request would not result in an increase in the proposed 2009/2010 budget. Motion was made by Mayor Pro Tem Wilson to allow the Chief to hire the 40th police officer. Motion was seconded by Council Member Behymer. Council Member Janes suggested the possibility of having a reserve officer program. Chief Davis explained that, even though reserve officers would usually prove helpful, in this instance, because of the loss of three full time officers, he did not feel that they would be of much benefit. Without a proper period of training, they may be able to handle parade duty or low-level calls, but would not be able or available to handle a variety of calls, as needed.

Motion carried.

RESOLUTION NO. 1556-09

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 \$28,447 FOR THE FIRE STATION 3, INTERIOR RENOVATION, PHASE 1 CAPITAL IMPROVEMENT PROJECT

Motion was made by Council Member Janes to have the City Clerk read Resolution No.1556-09 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Wilson.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 1556-09 duly approved and adopted on this date.

RESOLUTION NO. 1557-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AGREEMENT IN THE AMOUNT OF \$69,500 BETWEEN THE CITY OF HANNIBAL AND KLINGNER & ASSOCIATES FOR THE ENGINEERING DESIGN AND BIDDING SERVICES OF THE PARIS GRAVEL ROAD IMPROVEMENT PROJECT

Motion was made by Mayor Pro Tem Wilson to have the City Clerk read Resolution No.1557-09, and call the roll for adoption. Motion was seconded by Council Member Behymer.

Motion carried.

Roll Call

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

No: -0-

Absent: -0-

Mayor Hark declared Resolution No. 1557-09 duly approved and adopted on this date.

BILL NO. 09-010

AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, AUGUST 4, 2009 TO ALLOW HANNIBAL VOTERS TO CONSIDER APPROVAL OF A RECYCLING FEE OF \$.70 PER MONTH TO BE APPLIED TO EACH UTILITY BILL FOR THE PURPOSE OF FUNDING COMMUNITYWIDE RECYCLING TO BE OPERATED BY THE NORTHEAST MISSOURI SHELTERED WORKSHOP

EMERGENCY READING

Motion was made by Council Member Janes to give Bill No. 09-010, an emergency reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Wilson.

Roll Call

Yes: Council Members Knickerbocker, Janes, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman - 5

No: Council Members Behymer and Lyng - 2

Absent: -0-

Motion to read carried.

Roll Call

Yes: Council Members Knickerbocker, Janes, Mayor Pro Tem Wilson, Mayor Hark and Council Member Louderman – 5

No: Council Members Behymer and Lyng - 2

Absent: -0-

Mayor Hark declared Bill No. 09-010 duly approved and adopted on this date.

ADJOURNMENT

Motion was made by Mayor Pro Tem Wilson to adjourn. Motion was seconded by Mayor Hark.

Motion carried.