

## Official Council Proceedings

December 21, 2010  
7:00 p.m.

**Present:** Council Member Dobson, Mayor Hark, Council Members  
Louderman, Hark, Lyng and Mayor Pro Tem Knickerbocker- 6

**Absent:** Council Member Barta - 1

### CALL TO ORDER

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

### INVOCATION

Mayor Pro Tem Knickerbocker gave the invocation.

### PLEDGE OF ALLEGIANCE

Council Member Lyng led the Pledge of Allegiance to the Flag; then, a motion was made by Council Member Louderman and seconded by Council Member Dobson to excuse Council Member Barta.

Motion carried.

### APPROVAL OF MINUTES Regular Council Meeting – December 7, 2010

Motion was made by Council Member Louderman to approve the minutes of the last regular Council meeting that was held on December 7, 2010. Motion was seconded by Council Member Hark.

Motion carried.

### APPROVAL OF PAYROLL AND CLAIMS First Half – December, 2010

Motion was made by Council Member Dobson to approve the payroll and claims for the first half of December, 2010. Motion was seconded by Council Member Louderman.

Motion carried

**PAUL RICHARDS – WADE STABLES**

**Re: 2009/2010 Audit Presentation**

In the absence of Paul Richards, Steve, another representative of Wade Stables, made the 2009/2010 audit presentation on Mr. Richards' behalf. He began by explaining the independent report, Wade Stables opinion of the financial statements included in the audit. Also included, were the management's discussion and analysis, the financial highlights of the audit and the financial statements which compare this year's and last year's financial numbers.

He pointed out that the first column represented the Governmental Activities/City Hall, whose assets totaled \$49,551,745.00 at year-end and total liabilities were \$10,490,660.00; the second column represented the Business-type Activities/Board of Public Works, whose assets at year-end were \$67,392,202.00 and liabilities totaling \$19,112,925.00. He then continued by reviewing the audit in detail, explaining the various points of the audit. After finishing, he expressed Wade Stables' appreciation for the City staff and their cooperation with the audit.

Mayor Hark asked if there were any deficiencies or problems for which Council should be aware. Steve's response was that there were a few significant deficiencies, but these have decreased from the prior year, which is a great thing. He pointed these out and explained that they differed from material weaknesses, since they are less in scope than the material weaknesses and there were none of those this year.

Mayor Pro Tem Knickerbocker commented on the audit, adding that the list of deficiencies has been very long in the past. He commended the City staff for their diligence in dealing with these deficiencies and getting into compliance such as they have. He made a motion to approve the 2009/2010 Audit at this time. Motion was seconded by Council Member Louderman.

Motion carried.

**ROY G. HARK – MAYOR**

**Re: Approval of Appointments**

Mayor Roy Hark reminded Council of a candidate presented at the last regular Council meeting for the Police & Fire Retirement Board. This was:

**POLICE & FIRE RETIREMENT BOARD**

- Frank Desmond – Re-appointment for a term to expire December, 2013

He asked Council for their approval of this nomination. Motion was made by Council Member Louderman to approve the nomination of Frank Desmond for appointment to the Police & Fire Retirement Board. Motion was seconded by Council Member Hark.

Motion carried.

**Re: Recommendation of Appointment**

Mayor Hark made the following recommendation:

EMPLOYEE BENEFIT TRUST BOARD

- Bianca Quinn – Appointment for an unexpired term to expire May, 2011

This nomination will be considered for approval at the next regular Council meeting.

**Re: City Manager Employee Contract**

*Jeffrey L. LaGarce*

*(Resolution No. 1695-10, to follow)*

Mayor Hark asked Council consideration of the employment contract for City Manager Jeffrey LaGarce, which had been discussed during an earlier closed session meeting. The Mayor reminded Council that this contract would be approved with the approval of Resolution No. 1695-10, to follow.

**Re: City Clerk Appointment**

*Angelica N. Vance, Re-appointment for a term to expire December 2014*

Mayor Hark explained that City Clerk Angelica Vance's appointment was expired. Her re-appointment was also a topic of discussion during the recent closed session meeting. He then made a motion to re-appoint Vance for a term to expire December, 2014. Motion was seconded by Council Member Hark.

Motion carried.

**MIKE DOBSON – 2<sup>ND</sup> WARD COUNCIL MEMBER**

**LOU BARTA – 3<sup>RD</sup> WARD COUNCIL MEMBER**

**Re: Proposed Charter Changes**

In the absence of Council Member Barta, Council Member Dobson asked that this agenda item be tabled until the next Council meeting. Motion was made by Mayor Pro Tem Knickerbocker to table this agenda item until a later date. Motion was seconded by Mayor Hark.

Motion carried.

**JAMES LEMON – CITY ATTORNEY**

**Re: Code Amendment, Chapter 16, Article II, Section 16-29 *Harassment***

*Cyber bullying*

*(Bill No. 10-041, to follow)*

Mr. Jason Fleenor, appearing on City Attorney James Lemon's behalf, spoke, regarding a code amendment to **Chapter 16-29 *Harassment*** of the Hannibal City Code. This amendment, to be approved with the approval of Bill No. 10-041, to follow, was the result of a recent request made by Police Chief Lyndell Davis.

Fleenor explained that Davis had some concerns because the City's existing ordinance did not mirror revisions which were made to the state statute that would help his department address the issue of cyber bullying. After review, the City Attorney agreed that some changes were necessary; therefore, the amendment contained in proposed Bill No. 10-041, will bring the

ordinance language into line with the state statute and address the potential problem. With Council approval, Bill No. 10-041 will receive a first reading later, during the meeting.

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

City Manager LaGarce reminded Council of a candidate presented at the last regular Council meeting for the Hannibal Park Board. This was:

HANNIBAL PARK BOARD

- Stephen Sankpill – Appointment for an unexpired term to expire July, 2013

He asked Council for their approval of this nomination. Motion was made by Mayor Hark to approve the nomination of Stephen Sankpill for appointment to the Hannibal Park Board. Motion was seconded by Council Member Dobson.

Motion carried.

The City Manager presented the next items on the agenda, using a power point presentation and using pictures to illustrate his point of view. He explained that, included in the evening's agenda, there are four (4) ordinances and one (1) resolution.

**Re: Code Amendment, Chapter 19, Article IV**

*Parking or Storing Vehicles on Unimproved Surfaces on Residential Property*  
*(Bill No. 10-044, to follow)*

LaGarce explained that the first issue regarded hard surface parking on residential property ('No Parking' in front yards). This creates yard depressions, standing water, kills grass and vegetation, and tracks mud throughout neighborhoods. He included the steps in handling violators. If approved, this ordinance would take effect on January 4, 2011, but, according to LaGarce, enforcement would not begin until April 1, 2011 so that citizens may have the opportunity to accommodate home parking arrangements.

**Re: Code Amendment, Chapter 17, Article V, Section 345**

*Parking of Commercial Vehicles, Trailers, Equipment & Devices of Similar Scale on Public Streets in Residential Areas*  
*(Bill No. 10-045, to follow)*

City Manager LaGarce's intent is to restrict the practice of keeping commercial vehicles on residential streets with a code amendment to Chapter 17, Article V, Section 345 of the City Code. This practice, according to LaGarce, endangers corridor safety, impedes driver visibility and lines-of-sight, creates unnecessary blind spots along roads and hinders the ability of emergency vehicles to gain access, also converting neighborhoods into commercial and industrial zones. He included the steps in handling violators and added that, if approved, this ordinance would also take effect on January 4, 2011, but enforcement would not begin until April 1, 2011 so that citizens may have the opportunity to make alternative accommodations for commercial vehicles and equipment currently being stored at home.

**Re: Code Amendment, Chapter 19, Articles I & II**  
*Keeping or Parking Certain Commercial Vehicles & Construction or Commercial Grade  
Equipment at or upon Residential Property*  
(Bill No. 10-046, to follow)

The City Manager next item is regards a code amendment to Chapter 19, Articles I and II, which would restrict the practice of keeping/storing commercial grade equipment in residential areas. He explained that this practice converts such areas into commercial staging yards, suppresses surrounding property values, hinders the salability of homes, creates visual blight and produces unnecessary commercial/industrial noise in areas where people live. He included the steps in handling violators and said that this ordinance would take effect on January 4, 2011, but enforcement would not begin until April 1, 2011 so that citizens may have the opportunity to make alternative accommodations for commercial vehicles and equipment currently being stored at home.

**Re: Residential Driveway Standards**  
(Resolution No. 1696-10, to follow)

City Manager LaGarce explained that the purpose of this resolution was to augment the 'front-yard' parking ordinance by providing for a wide variety of possible driveway expansion schematics, yet limit driveway expansions within areas of front building line, the creation of front yard parking lots and pads, the installation of internal road systems in front yards and the building of roadside parking pads (another form of front yard parking).

Approval of Resolution No. 1696-10, to follow, would approve these standards, according to the City Manager. He noted that staff recommends the approval of each of the bills and this resolution.

**Re: Code Amendment, Chapter 7**  
*Temporary and Service Dumpsters & Adopting Regulations Thereof*  
(Bill No. 10-047, to follow)

LaGarce explained that the purpose of this bill is to establish a permitting process for dumpsters placed on streets, sidewalks, alleys or other city property, to assure placement at safe locations, to require safety reflectors, tarp covers for containing debris, ownership accountability for matters like cleanliness, sanitation and safety and establishing reasonable durations.

He continued by stating that the ordinance that restricts commercial vehicles from being parked or kept on residential streets also prohibits unpermitted dumpsters on residential streets. Even though dumpsters on streets, sidewalks and alleys can be a real safety hazard for motorists and pedestrians alike, they are entirely necessary, since reinvestment and rehabilitation is highly encouraged. Currently, however, there are no controls over placement or upkeep of these. According to the City Manager, if approved, Bill No. 10-047, would not deter citizens from obtaining a dumpster permit, yet their placement, upkeep and operation should be much safer during their duration.

Mayor Pro Tem Knickerbocker suggested that any discussion, questions or concerns regarding the previous resolution and/or four bills be addressed before continuing with the next agenda item.

Mr. Delmar Whitaker spoke, with regard to the ordinance that addressed the parking of commercial vehicles. He explained that six years ago, he had purchased a piece of property adjacent to his home. At that time, he contacted the City Building Inspector for a permit and was told that, as long as he was not operating a business from the building on this property, he could park his equipment there. He commented that he had invested approximately \$50,000 in the property and building, adding that he has been legal for the past six years, now the approval of this amendment will make his operation illegal. He was obviously opposed to the passage of this bill.

Mayor Hark stated that he had spoken with Mr. Whitaker and visited his property. He was aware of steps Whitaker had taken to clean up the property around his residence on 30<sup>th</sup> Street and commented that it was very nice and clean. Hark continued by saying that he believes this entire matter need further discussion before passage, since he has received a number of calls in regard to the matter at hand. He agreed that parking in front of a residence should not be permitted; however, did not see a problem with parking in the rear, as was done in Mr. Whitaker's case.

Mayor Hark cited another instance concerning a gentleman who lives on Market Street and parks his dump truck in the rear of his home. He has resided there for many years, as did his father before him, who also owned dump trucks. Until now, the practice of parking this equipment behind his residence has been acceptable. Mayor Hark concluded by saying that Council needed to give these amendments a little more thought before they are approved.

Council Member Hark commented that he had also spoken with Mr. Whitaker and visited his property. He believed Whitaker had a valid concern and added that he had received various calls from landscaping businesses, RV owners and others who were opposed to this amendment, since the media coverage of the proposed ordinance. Hark stated that he would support a modified version of the bill, but only after the modifications and guidelines are subject to public input.

Council Member Louderman responded by stating that if Council begins to tailor these ordinances to individuals, they may as well not have an ordinance and continue to allow people to park wherever they wish. He understands the concerns of the small business owners and those who operate businesses out of their homes, but what about neighbors with legitimate concerns. He questioned whether the City was doing them an injustice by not addressing the problems. Louderman contended that if Council doesn't make an effort to clean up the streets and de-commercialize residential areas then it is doing an even bigger disservice to the community as a whole. He hoped that Council was progressive and willing to move forward in cleaning up the City to make it a place that would attract new businesses and residents.

Mayor Hark argued that, even though he felt Council should be progressive, he did not agree to arbitrarily change codes with regard to people and their businesses that had been allowed for many years. He had no problem with requiring these individuals to move equipment behind or beside their residence and did not believe this would be an unsightly obstruction. He agreed that businesses still would not be allowed to operate in residentially zoned areas.

Mayor Pro Tem Knickerbocker wondered how the issue regarding Mr. Whitaker compared with one that Council had dealt with in a residential area off of West Ely Road a few years ago. He reminded Council of an individual who had invested in a piece of property, then commenced using it for a non-conforming use. This became a zoning issue with some

legal considerations. This was argued back and forth with the Planning & Zoning Board, since there was going to be trucks parked and unloaded in a residential area. The difference, as noted by Knickerbocker, was that Mr. Whitaker's property is very neat and he, or Whitaker's neighbors have no problem with his operation. In the West Ely instance, the neighbors were opposed. Knickerbocker concluded that, although the person, with regard to West Ely, had been given permission, it was Council's decision to prohibit him from continuing with his operations.

City Attorney Lemon clarified that Mr. Marks, the owner of the shopping center, dropped his case therefore, it did not become an issue. He did agree that some case-law was presented that indicated the operation could be ruled non-conforming and parking/unloading would be prohibited. He added that, if a roadway/driveway is paved and utilized for commercial purposes in a residential area; that would be improper use.

Knickerbocker interjected that, even though he did not wish to cause a problem, an individual who was parking in a residential area, such as the example, could be viewed as operating a business in that area, a non-conforming use; therefore, be in violation of the zoning ordinances. He has some concerns for that.

Mayor Hark agreed but added that many of the people that are being examined now have been living and operating in these areas for a number of years already.

Council Member Dobson suggested that, with regard to Mr. Whitaker and the Market Street corridor, this should be considered for commercial zoning, anyway.

Mayor Pro Tem Knickerbocker offered that Council could get input from the public and allow places that are already established to continue by setting criterion of a variance. He added that Council Member Louderman is correct by saying that Hannibal should be a progressive city. People want to come here and invest in Hannibal, but they do not want to invest in something that may be allowing non-conforming uses, residential neighborhoods that are turning into commercial, construction business zones, etc.

Mayor Hark stated that he had received numerous calls regarding the issues at hand and addressed one, in particular, RV parking. He stated that he had been contacted by an individual who owns an RV and keeps it at the Lake and/or parked in Ralls County. The exception is when it needs to be cleaned and re-stocked, during which he parks it at his residence. He pays taxes, year-round. The City Manager agreed that this would be in violation of the proposed ordinance.

Mayor Pro Tem Knickerbocker commented that many people had that same dilemma, and added that he was more concerned for the ongoing instances in which businesses were essentially operating out of residential areas.

Mr. Robert Walden, a concerned citizen, came forward. He explained that he lived on Market Street and owned equipment that sat behind his residence there (the area is fenced and not visible to the public). His concern is for the truck drivers who are not allowed to park on a city street. These drivers pick up their truck at the terminal, sometimes as far away as St. Louis, and are allowed to drive by their home and spend the day before continuing on their journey that may last as long as 8-10 weeks. Where should they park the truck when this occurs, since they are not allowed to park in the tourist area, and the truck stops are normally full? Council must remember that the driver lives and pays taxes here and delivers everything that is needed here.

He continued by stating that Council had attempted to make Market Street “No Parking”, but many homes on Market Street have no place to park except on the street. What are they to do? He commented that much money was spent on Grand Avenue, supposedly an extension to Industrial Drive, but have now prohibited semis from traveling on it. City Manager LaGarce rebuffed that, according to the ordinance, semis are not prohibited from parking in industrial areas, only residential streets.

Mayor Hark agreed that these ordinances were needed but was opposed to passing them without consideration of the issues brought forward. Mayor Pro Tem Knickerbocker agreed that the proposed ordinances were a good idea, but suggested that they need to be done correctly so they do not have to be amended later.

Council Member Louderman commented that three council members have spent the past three months on the proposed ordinances, looking at similar ordinances from across the country, not just the immediate area. This was not something that was taken lightly.

Mayor Pro Tem Knickerbocker suggested that more community input may be needed. Then Council Member Louderman commented that all proposed bills will stand alone so all could be approved, except the bill regarding commercial parking in residential areas. Mayor Hark agreed.

At this time, City Attorney Lemon requested admittance to the meeting. Lemon was admitted and Mr. Fleenor was excused.

### **Re: Approval, Sidewalk Funding Component**

City Manager LaGarce presented his final item on the evening’s agenda, the approval of a contract with Architechnics for a sidewalk funding component. He explained that he and several others from the City had met with a representative from Architechnics recently to review the Main Street Sidewalk Project and discuss line-item cost, since there is a desire to include curbs and gutters, in order to help preserve the adjoining pavement life and gutters was not included in the original plans.

Currently the curbing selected for this project is *integral curbing*, which contains no street gutter, but is a stand-alone structure, installed before the sidewalk pour and requires structural reinforcement. If traditional street curbing is used instead, an inherent street gutter is part of that curb structure and does not require additional stabilization. This type of curbing can be funded by street bonds, since it is fundamental to the street not the sidewalk.

LaGarce request was a shift in funding, approximately \$26,000 from the sidewalk project, to street bonds which are repaid by ½ cent sales tax. Motion was made by Council Member Dobson to approve LaGarce’s request. Motion was seconded by Council Member Louderman.

Motion carried.

**MARK REES – CITY ENGINEER**

**Re: Alleyway Vacation, Hunt’s Subdivision – Outlot 81**

*(Bill No. 10-042, to follow)*

City Engineer Mark Rees presented the next items on the agenda, the first being an alleyway vacation, located on out lot 81 of the Hunt’s Subdivision in the vicinity of 9<sup>th</sup> Street to Hill and North Streets. This vacation was requested by Kent Taylor and heard by the Planning & Zoning Commission during their meeting of November 18, 2010. All commissioners were in favor of granting this request and recommended a motion be heard by Council. Bill No. 10-042, to follow, regarding this vacation is on the agenda for a first reading, according to Rees.

**Re: Airport Access Road & Parking Lot – Airport Aid Agreement**

*(Bill No. 10-042, to follow)*

Rees’ next agenda item, he explained, was only a ‘house-keeping issue’. The airport access road and parking lot is being funded by state money; therefore, Bill No. 10-042 is the necessary step to approve the agreement, and take advantage of the money offered. Bill No. 10-042 will have a first reading, with Council approval.

**Re: Main Street Sidewalk Engineering Services – Architectural/Engineering Services Contract**

*Architechnics*

*(Resolution No. 1697-10, to follow)*

The Downtown Sidewalk Program is the subject of City Engineer Rees’ next item on the agenda. He reminded Council of the meeting with Architechnics, adding that he believed it was very productive. This is the contract, to be approved with Resolution No. 1697-10, to follow, is for the design work.

**Re: West Ely Road Project – Change Order No. 7**

*Bleigh Construction*

*(Resolution No. 1698-10, to follow)*

Lastly, Rees presented the final change order for the West Ely Road Project. He explained that this change order was the result of numerous utilities that were in the way of the project completion. Total amount of the change order was \$7,768.10 which includes an under-run of quantities on the overall project, totaling \$5,449.72. Resolution No. 1698-10, if approved, will close the books on West Ely, according to Mr. Rees.

**RESOLUTION NO. 1695-10**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT WITH JEFF LAGARCE FOR HIS SERVICES AS HANNIBAL CITY MANAGER**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1695-10, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

**Yes:** Council Member Dobson, Mayor Hark, Council Members Louderman, Hark, Lyng and Mayor Pro Tem Knickerbocker- 6

**No:** -0-

**Absent:** Council Member Barta - 1

Mayor Hark declared Resolution No. 1695-10, duly approved and adopted on this date.

**RESOLUTION NO. 1696-10**

**A RESOLUTION AMENDING RESIDENTIAL DRIVEWAY STANDARDS IN THE CITY OF HANNIBAL**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1696-10, and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

**Yes:** Council Member Dobson, Mayor Hark, Council Members Louderman, Hark, Lyng and Mayor Pro Tem Knickerbocker- 6

**No:** -0-

**Absent:** Council Member Barta - 1

Mayor Hark declared Resolution No. 1696-10, duly approved and adopted on this date.

**RESOLUTION NO. 1697-10**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ARCHITECTURAL/ENGINEERING SERVICES CONTRACT BETWEEN THE CITY OF HANNIBAL AND ARCHITECHNICS IN THE AMOUNT OF \$44,548.11 FOR ENGINEERING SERVICES RELATIVE TO THE DOWNTOWN MAIN STREET SIDEWALK PROJECT**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1697-10, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

**Yes:** Council Member Dobson, Mayor Hark, Council Members Louderman, Hark, Lyng and Mayor Pro Tem Knickerbocker- 6

**No:** -0-

**Absent:** Council Member Barta - 1

Mayor Hark declared Resolution No. 1697-10, duly approved and adopted on this date.

**RESOLUTION NO. 1698-10**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 7 WITH BLEIGH CONSTRUCTION RESULTING IN AN INCREASE AMOUNT OF \$7,768.10 FOR ADDITIONAL WORK NEEDED TO COMPLETE THE WEST ELY ROAD IMPROVEMENT PROJECT**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1698-10, and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

**Yes:** Council Member Dobson, Mayor Hark, Council Members Louderman, Hark and Mayor Pro Tem Knickerbocker- 5

**No:** Council Member Lyng - 1

**Absent:** Council Member Barta - 1

Mayor Hark declared Resolution No. 1698-10, duly approved and adopted on this date.

**BILL NO. 10-041**

**AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 16, ARTICLE II, *Section 16-29 Harassment* OF THE CITY CODE**

**FIRST READING**

Motion was made by Council Member Hark to give Bill No. 10-041 a first reading. Motion was seconded by Council Member Louderman.

Motion carried.

**BILL NO. 10-042**

**AN ORDINANCE VACATING A TRACT OF LAND LYING IN PART OF HUNT'S SUBDIVISION OF OUT LOT 81, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**FIRST READING**

Motion was made by Council Member Dobson to give Bill No. 10-042 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

**BILL NO. 10-043**

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE AN AIRPORT AID AGREEMENT BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR FUNDING OF AN ACCESS ROAD AND PARKING LOT AT THE HANNIBAL MUNICIPAL AIRPORT**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 10-043 a first reading. Motion was seconded by Council Member Dobson.

Motion carried.

**BILL NO. 10-044**

**AN ORDINANCE AMENDING CHAPTER 19 OF THE HANNIBAL CITY CODE BY AMENDING ARTICLE IV AND CREATING A NEW ARTICLE RELATIVE TO PARKING OR STORING VEHICLES ON UNIMPROVED SURFACES ON RESIDENTIAL PROPERTY**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 10-044 a first reading. Motion was seconded by Council Member Dobson.

Motion carried.

**BILL NO. 10-045**

**AN ORDINANCE AMENDING CHAPTER 17, ARTICLE V, SECTION 345 OF THE HANNIBAL CITY CODE RELATIVE TO THE PARKING OF COMMERCIAL VEHICLES, TRAILERS, EQUIPMENT, AND DEVICES OF SIMILAR SCALE ON PUBLIC STREETS IN RESIDENTIAL AREAS OF THE CITY**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 10-045 a first reading. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

BILL NO. 10-046

AN ORDINANCE AMENDING CHAPTER 19, ARTICLES I AND II OF THE HANNIBAL CITY CODE RELATIVE TO KEEPING OR PARKING CERTAIN COMMERCIAL VEHICLES AND CONSTRUCTION OR COMMERCIAL-GRADE EQUIPMENT AT OR UPON RESIDENTIAL PROPERTY

Motion was made by Council Member Louderman to table Bill No. 10-046 at this time. Motion was seconded by Mayor Hark.

Motion carried.

**BILL NO. 10-047**

**AN ORDINANCE AMENDING CHAPTER 7 OF THE HANNIBAL CITY CODE BY CREATING AN ARTICLE VII ENTITLED TEMPORARY AND SERVICE DUMPSTERS AND ADOPTING REGULATIONS THEREOF**

**FIRST READING**

Motion was made by Council Member Dobson to give Bill No. 10-047 a first reading. Motion was seconded by Council Member Louderman.

Motion carried

**BILL NO. 10-036**

**AN ORDINANCE OF THE CITY OF HANNIBAL PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD, TUESDAY, APRIL 5, 2011 FOR THE PURPOSE OF ELECTING COUNCIL MEMBERS OF THE FIFTH AND SIXTH WARDS**

**SECOND AND FINAL READING**

Motion was made by Council Member Dobson to give Bill No. 10-036 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Lyng.

**Roll Call**

**Yes:** Council Member Dobson, Mayor Hark, Council Members Louderman, Hark, Lyng and Mayor Pro Tem Knickerbocker- 6

**No:** -0-

**Absent:** Council Member Barta - 1

Mayor Hark declared Bill No. 10-036 duly approved and adopted on this date.

**BILL NO. 10-037**

**AN ORDINANCE AMENDING THE CITY OF HANNIBAL CODE, CHAPTER 12, ARTICLE II, DIVISION 1, SECTION 12-30 RELATING TO THE DISCHARGE, REMOVAL AND TERM LIMITS OF THE CHIEF OFFICER OF THE FIRE DEPARTMENT**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 10-037 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

**Roll Call**

**Yes:** Council Member Dobson, Mayor Hark, Council Members Louderman, Hark, Lyng and Mayor Pro Tem Knickerbocker- 6

**No:** -0-

**Absent:** Council Member Barta - 1

Mayor Hark declared Bill No. 10-037 duly approved and adopted on this date.

**BILL NO. 10-038**

**AN ORDINANCE AMENDING CHAPTER 12, ARTICLE II, SECTION 12-25 OF THE CODE OF THE CITY OF HANNIBAL, RELATING TO THE HANNIBAL FIRE DEPARTMENT PROMOTIONAL QUALIFICATIONS AND MERIT SYSTEM**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 10-038 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

**Roll Call**

**Yes:** Council Member Dobson, Mayor Hark, Council Members Louderman, Hark, Lyng and Mayor Pro Tem Knickerbocker- 6

**No:** -0-

**Absent:** Council Member Barta - 1

Mayor Hark declared Bill No. 10-038 duly approved and adopted on this date.

**BILL NO. 10-039**

**AN ORDINANCE AMENDING CHAPTER 12, ARTICLE III, OF THE CODE OF THE CITY OF HANNIBAL, RELATING TO FIRE CODE PERMITTING**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 10-039 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker. Council Member Dobson questioned whether this bill had been amended, as per the discussion at the previous Council meeting. Council Member Louderman responded that it had been amended, as such.

**Roll Call**

**Yes:** Council Member Dobson, Mayor Hark, Council Members Louderman, Hark, Lyng and Mayor Pro Tem Knickerbocker- 6

**No:** -0-

**Absent:** Council Member Barta - 1

Mayor Hark declared Bill No. 10-039 duly approved and adopted on this date.

**BILL NO. 10-040**

**AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 15, ARTICLE VI, SECTIONS 15-179 THROUGH 15-212 THUS ELIMINATING THE CITY VEHICLE LICENSE TAX**

**SECOND AND FINAL READING**

Motion was made by Council Member Lyng to give Bill No. 10-040 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Dobson. Mayor Pro Tem Knickerbocker disagreed with this bill, explaining that it would take away a source of revenue, during an extremely tight budget time. Since he was absent during the last Council meeting, he was unsure how this money would be replaced. Council Member Lyng responded that there was no intent to replace this line item.

Knickerbocker reiterated that the budget was currently very tight, with reductions that have helped meet the budget; however next year things will be even tighter, since the pension fund is going to increase by around \$108,000. Sales tax revenues are down by 3.4%, which totals an approximate loss of \$200,000 over a twelve month period. He continued by saying that with this approximate \$308,000 to be made up, Council should not approve this \$50,000 loss in revenue. Knickerbocker also noted that, although property taxes were going up there was no growth, therefore, it was not because of additional assessments, only re-assessments to current properties.

Taking all this into consideration, the City will experience a shortfall of \$176,000, passage of this bill will add an additional \$50,000 of revenue shortfall. This means, going into next year's budget, the City will have a revenue shortfall of \$226,000. Knickerbocker explained that the

\$50,000 (license fees) is money that helps support the City Street Department, probably about 1 ½ staff people from that department. He added that he had also received calls from people in his ward, regarding this change, who were not in favor of doing away with the city sticker fees.

The Mayor Pro Tem concluded that it has been said the City has in excess of \$400,000 savings at year end, that income exceed expenditures; however, he explained that is imaginary money and not money that is being put into savings. That is money to fund the budget for next year, money that is counted on to balance the budget for next year and really not 'excess money' that makes up for a loss of \$50,000.

Council Member Lyng interjected that 'imaginary money' was a poor choice of words. Knickerbocker responded that it was his choice of words since it was not money that is being put in the bank; it is money that is being used to balance the budget. He was adamantly opposed to eliminating this line item. This is also used for the collection of personal property taxes and this would eliminate the ability, in the future, to do that. The City cannot count on an economic upturn; according to Knickerbocker, but must plan for the future as it is now, and now, things are not good.

Knickerbocker said that it was mentioned that we (the City) should do something for the taxpayers, but a few years ago, the transfer rate for the utility fee was lowered from 5.5% to 5%. At some point we must say 'the City has to operate and have a Street Department, and we can't get rid of a \$50,000 line item.

Council Member Dobson asked Chief Davis when the last time that a ticket was written for failure to display a city sticker. Davis responded that he would have to research that, but it is not a frequent thing. Dobson questioned the Chief whether or not the city sticker and its enforcement was antiquated; however, the Chief chose not to respond since this was a political issue and he believed it was not appropriate for his position.

Mayor Hark commented that he had numerous people talk to him with regard to this issue and none were complaining about the \$5.00, only the sticker itself and the attachment to their window.

Council Member Lyng stated that his main concern is a small, but insignificant tax relief to the tax-paying citizens. He continued by saying that on the grand scale of the City budget, \$50,000 is not a significant amount of money and will not prohibit anything that was spent last budget year. He restated that during the past budget year, the revenue was \$400,000 over expenditures. He continued by saying that taxpayer budgets are also tight and when this amount is divided, it totals \$.70/month. This sounds somewhat familiar, since the recycling fee that was passed recently was promoted by saying, "It's ONLY \$.70/month". He asked what the City's reserve was.

City Manager LaGarce responded that it was supposed to be 20% of \$2,090,000; however, the budget balanced at about \$1,700,000.

Lyng contended that, after paying all the bills, the City still has \$1,700,000-\$2,000,000 in the bank, so nothing will be cut and we can still afford the services that are currently being done. He voted to eliminate this nuisance and give the taxpayer a small relief.

Knickerbocker argued that the City was currently budgeting below its reserve and has been doing this in recent history, since he has sat on Council. This is a continual problem, budgeting with a lower and lower reserve each year.

“Currently”, he stated, “this is the lowest that the City Manager has recommended we budget at. It is responsible for a City to have a certain amount of money.”

Council Member Louderman agreed with Council Member Lyng on the city sticker issue; however, believed that citizens elect Council to be good steward of the City’s money. He added that, in his opinion, it is irresponsible to think of the money as a replacement, or tool, for next year’s budget. In hard times, the budget is a very hard thing to balance and sometimes it can not be done; however, it can’t be said that Council can eliminate the city sticker because it has money left. He suggested that this bill be tabled, giving Council Member Lyng and Mayor Pro Tem Knickerbocker time to come up with an alternate funding source.

Council Member Dobson stated that Council had just voted on a proposal that will raise revenue in the Fire Department building inspections. He asked what the projected revenue income would be for that. He also suggested that the Fire Department charge for motor vehicle accidents with regard to non-residents of the City. These average about \$1,000 per vehicle. He suggested asking Chief Madore how many motor vehicle accidents the department works per year, figuring 25% are non-residents and chargeable.

Council Member Louderman questioned whether Council Member Dobson believed this revenue could be made up by charging for these services. He responded that he did believe this could be done, since the rural fire district was acquiring \$3,000-\$6,000 per year through these charges and the City’s volume is probably 10 times the amount of the rural department.

When asked if he would consider tabling at this time, until an alternate funding source was found, Council Member Lyng stated that the City would never move forward if Council were always counting on what has been done for so long in the past. His intent is to move forward, after the meeting, by having the County Collector collect the City’s personal property taxes and eliminate the need to have city stickers to enforce property tax collections.

Motion was made by Council Member Lyng to table Bill No. 10-040 at this time. Motion was seconded by Mayor Hark. City Collector Phyllis Nelson stated that the County Collector will not issue stickers; however, they would collect the “vehicle fee”, if Council chooses.

**Roll Call**

**Yes:** Mayor Hark, Council Members Louderman, Hark and Lyng - 4

**No:** Council Member Dobson and Mayor Pro Tem Knickerbocker - 2

**Absent:** Council Member Barta – 1

Motion to table carried. City Manager LaGarce suggested that this be revisited on the second Council meeting in January, since there was not much time, because of the holidays, before the next meeting. This would allow time to come up with an alternate funding source.

**CLOSED SESSION  
In Accordance with RSMo. 610-021 (3)  
Employee Grievance**

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph three (3), admitting himself, rest of Council, City Clerk Vance, City Attorney James Lemon, City Manager LaGarce, Police Chief Davis and Sergeant Karen Porter. Motion was made by Council Member Louderman to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Mayor Hark. Council Member Lyng questioned who was being hired, fired, disciplined or promoting. City Attorney Lemon stated that, according to the *Employee Guide to Success* this was the procedure for handling a grievance. A decision has been appealed and Council is the employee's next step in the appeal process. It is Closed Session because it is a personnel issue.

Lyng argued that only hiring, firing, disciplining or promoting was allowed under the Missouri Sunshine Law. The City Attorney responded that this was a discipline issue, but Council Member Lyng disagreed. After a lengthy discussion a vote was taken.

### **Roll Call**

**Yes:** Mayor Hark, Council Members Louderman, Hark and Mayor Pro Tem Knickerbocker - 4

**No:** Council Members Dobson and Lyng - 2

**Absent:** Council Member Barta – 1

Motion carried.

### **OPEN SESSION**

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

Motion carried.

### **ADJOURNMENT**

Motion was made by Council Member Louderman to adjourn the meeting. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.