

# OFFICIAL COUNCIL PROCEEDINGS

**May 18, 2010  
7:00 p.m.**

## ROLL CALL

**Present:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark,  
Council Member Louderman, Mayor Pro Tem Behymer and Council  
Member Lyng – 7

**Absent:** -0-

## CALL TO ORDER

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

## INVOCATION

Council Member Knickerbocker gave the invocation.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Dobson.

## APPROVAL OF MINUTES Regular Council Meeting – May 4, 2010

Motion was made by Mayor Pro Tem Behymer to approve the minutes of the regular Council Meeting held on May 4, 2010. Motion was seconded by Council Member Louderman.

Motion carried.

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

Motion was made by Mayor Pro Tem Behymer to approve the payroll and claims for the first half of May, 2010. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**MONICA WILLIAMS – PYRFEECT ORGAINZATION**

**Re: Request, Street Closure**

*(Juneteenth Celebration – June 18-19, 2010)*

Ms. Monica Williams, on behalf of Pyrfeect, came to Council with a request for their approval to close 4<sup>th</sup>, 5<sup>th</sup>, and Center, as done in past years, beginning at 1:00 p.m. on June 19<sup>th</sup> and continuing until 11:00 p.m. on June 20<sup>th</sup>, 2010 during the Juneteenth Celebration. Ms. Williams explained that since the Juneteenth Celebration has now been named a National Holiday, there is a special cause for celebration. She also asked for permission to use water, electric and bathroom facilities in Central Park on those dates. Motion was made by Mayor Pro Tem Behymer to approve Williams' request. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**DENA ELLIS – MARK TWAIN HOME FOUNDATION**

**Re: Request, Sale/Consume Alcohol on City Owned Property – Boyhood Home Garden & Mall Area**

*(Music Under the Stars – June 3, 10, 17, 24; July 1, 8, 15, 22, 29; August 5, 12, 19, 26 and September 2, 2010)*

Dena Ellis, representing the Mark Twain Home Foundation, came before Council with a request for permission to allow alcohol to be sold and consumed during the summer events known as the "Music Under the Stars". The sale of alcohol, if approved, would take place on the Boyhood Home Gardens at these events, scheduled every Thursday beginning June 3, 2010 and continuing until September 2, 2010, additionally on September 11, 2010. The original request did not include September 11<sup>th</sup>. Wine and beer vending would begin at approximately 5:30 p.m., according to Ellis, and conclude at 9:00 p.m., with no drinks being sold after that time. Motion was made by Council Member Knickerbocker. Motion was seconded by Council Member Louderman.

**Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark, Council Member Louderman and Council Member Lyng – 6

**No:** Mayor Pro Tem Behymer - 1

**Absent:** -0-

Motion carried.

**RONDA OSWALT & MIKE BARRON – BLUE RYNO FOUNDATION**  
**Re: Requests, Sale/Consume Alcohol and Overnight Camping on Airport Property and**  
**Use of Parks and Recreation Equipment**  
*(Jump for a Cure – June 25, 26, & 27, 2010)*

Ronda Oswald, representing the Blue Ryno Foundation, came before Council, at this time, with a request to hold a fundraiser at the Hannibal Municipal Airport. The event, known as ‘Jump for a Cure’ is to aid children with cancer. Since Mike Barron, from the Hannibal Airport and Barron Aviation, could not attend the meeting Julie Welchert assisted in the presentation. After Welchert distributed informational flyers, regarding the proposed events at the airport, Oswald explained that the money that is raised at these events stays in the Midwest.

Various activities would include tandem jumping, glider rides, vendor sales, food and a variety of entertainment for the entire family, according to Ms. Oswald. She added that the foundation would be providing some food to raise additional funds.

Council Member Knickerbocker stated he believed the City’s insurance carrier would not cover an event such as this one, since these events are often problematic. Ms. Welchert responded that Mike Barron, the airport’s FBO, carries a \$2 million policy for everything that happens on the premises. Oswald explained that the Blue Ryno Foundation also carries a \$1 million dollar policy for any of their sponsored events; additionally, all jumpers will be required to sign a waiver.

Mayor Hark asked Welchert to detail the overnight camping on the airport property with regard to location and what this would involve. She answered that no campers would be allowed, but tent camping only.

Since this is the first such event to be held by Blue Ryno Foundation or Hannibal Municipal Airport, there was no experience with this type of activity; however, when asked about the chance that alcohol and skydiving would be mixed, Welchert assured Council that this would not occur. She added that Mike Barron runs a professional operation at the airport; and Rapid Descent Skydiving personnel are all professionals who understand that, if you drink, you do not jump. There are NO exceptions.

The question of security arose. Ms. Welchert stated that she had spoken with Chief of Police Eddie Bogue regarding how security would be handled. She explained that Bogue, the Chief of Police in Palmyra is one of her board members and he will be helping to secure the area and with other general security issues. In the past, when events are held, off-duty police officers are asked to donate their time or work the event in exchange for a meal. Occasionally, officers are paid to come and help.

If they have more participants than initially expected, Welchert said that they would have to hire officers. The number of officers solicited will depend on the number of participants/spectators, usually 15-20 officers for a crowd of 500-1,000 people. She added the 2-3 officers would spend the night.

Police Chief Davis made it clear that he was not in favor of this event, adding that after checking with Quincy, IL, he received less than favorable reviews. The Quincy Police Department reported various problems with events of this type, including nudity, under-age drinking, rape reports, illegal drug use, drowning in portable pools, death investigation of skydivers, assaults, increased hospital services and reports of property damage. Davis added that, as a result, the City of Quincy ended up in litigation.

Chief Davis also advised that his officers were not allowed to donate their time, since it is against department policy and because of his concerns, he prefers not to participate in this event.

Welchert responded to a comment made by Davis, saying that none of the Quincy organizers were involved with 'Rapid Descent'. The proposed event would be nothing like the one held in Quincy. She continued by saying that every instructor and pilot 'Rapid Descent' will have at the drop-zone is FAA certified. Every jumper that is an instructor has passed an FAA medical certificate. There will not be 5,000 people in attendance at this event, according to Welchert.

Council Member Louderman asked if there would be a problem should alcohol not be approved. Oswalt's response was that she did not have a problem with 'no alcohol'. She added that she had organized other events, such as concerts (both Country-Western and Rock), all without incident. Offering alcohol at this event, according to both women, is just another means of fund-raising. Additionally, in their opinion, participants are coming to jump not to party and get drunk; and the pilot that is coming in is a NASA pilot.

Council Member Knickerbocker questioned how they would plan for security, since they were expecting 500-1,000 people. He asked if they would be limiting the number of attendees. Welchert responded that they would have security, based upon a much larger estimate, so that there would be more than enough security for this event. It was noted that the 1,000 estimate was for total participants/spectators; the number of jumpers would be much less than 500.

Oswalt and Welchert responded to a question posed by Council Member Lyng, regarding the camping issue by assuring Council that camping would not be open to the public. The only persons who would have the option of camping would be the registered jumpers and most of those would be staying in area hotels/motels. Welchert added that only one jumper, to date, had inquired about camping.

Emergency services were also a concern, and Welchert explained that the hospital had been contacted regarding the possibility of having an ambulance on-site.

Mayor Pro Tem Behymer stated that his biggest concern was the possibility of MIRMA, the City's insurance carrier, not covering this event. He questioned the substitutability of a waiver in the court of law. Welchert responded that, in the past, injured persons have tried to sue after signing a waiver, and no one has ever been successful, since the waivers will stand in court.

Council Member Barta asked if it was an accurate statement that tandem jumping was already being done at the airport and that this activity was nothing new. Welchert responded that this statement was correct. This is merely a more specialized event with antique planes on display for the general public and other things to see and do besides jumping. She restated that they would not have a problem with dropping the alcohol request.

Ms. Welchert explained that a hanger would be set up with a stage for the bands that would be performing. She added that Murphy Lawn Service had been hired to seed; however, this area would not be used for camping, but the grassy area in back.

City Attorney James Lemon, when asked for counsel regarding this issue at hand, stated that the stand MIRMA, the City's insurance company, had taken was not a new one, very few insurance companies will insure a municipality against activities such as this and, even if it

were available, the cost for this coverage would be astronomical. He explained that much research had been done regarding lawsuits and case laws are pretty clear that if an individual gives an informed consent on this type of activity the likelihood of winning a lawsuit against the municipality is very limited. In fact, no case was found whereas people were able to successfully sue a municipality. He did advise that in the case of tandem jumps, it needs to be 'informed consent' where participants must be put on notice with regard to the actual danger, signature on a waiver alone does not qualify as 'informed consent'. He suggested that all prospective jumpers must view a video and participate in a period of question and answer before signing the waiver. According to Lemon, at that point, the City would be fully covered by the waiver. Welchert explained that this procedure is already in place and currently being done at the airport.

Council Member Knickerbocker offered that, during the period of live entertainment on Friday and Saturday nights, if alcohol is not permitted, the fund-raising will not be as successful. He then suggested that sales and consumption of alcohol be limited until the jumping activities are over. Welchert responded that this rule was already in force in their drop-zone, adding that she thought they had made clear that no alcohol would be permitted until the last plane takes off.

Council Member Knickerbocker asked Welchert to again confirm that the Quincy organizers were not the same individuals who are organizing this event. Welchert assured Council that she was the main organizer of the event, working directly with Ronda Oswalt and Mike Barron is the DZO. Welchert added that this is a totally different event than the one held in Quincy, since this is a fund-raiser for children and Quincy's event was not a fund-raiser. When asked, Chief Davis responded that, if Council was comfortable with this event and if they believed that it would be safe, he would follow their direction.

Welchert said that their hope was that future events would be larger, being managed and growing in a positive way. Because most of the jumpers are coming from out of town, they will be spending money in Hannibal for those three days.

Chief Davis agreed that during the event in Quincy, the professional jumpers arrived, completed their jumps and then left. It was mainly the patrons who caused the problems, compounded with the lack of control and security.

In response to a question posed by Council Member Barta, Welchert stated that Blue Ryno would be obtaining a liquor license and selling the beer. Entertainment for the event would continue until approximately 10:00 p.m.

Council Member Dobson made a motion to approve the event, with alcohol sales after the jumping was completed only and closing the event at 10:00 p.m., with the exception of one men's' night jump in which ten men will perform a jump in order to set a record. Motion was seconded by Council Member Louderman. Council Member Barta asked the possibility of a 'rain-date'; however, Welchert responded that there was no rain-date in the plan.

When Council Member Lyng questioned staff's recommendation, City Manger LaGarce stated that he believed all major areas of concern had been factored out. Even though he could not give Council a professional opinion regarding sky-diving, this was his opinion.

Mayor Pro Tem Behymer commended Blue Ryno for this undertaking, but explained that he would have to vote no because of the alcohol.

## **Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark,  
Council Member Louderman and Council Member Lyng – 6

**No:** Mayor Pro Tem Behymer - 1

**Absent:** -0-

Motion carried.

### **ROY G. HARK – MAYOR Re: Recommendation of Appointments**

Mayor Hark made the following recommendations:

#### ***HANNIBAL MUNICIPAL ASSISTANCE CORPORATION***

- Tom Boland – Re-appointment for a three (3) year term to expire, June, 2013
- Jon Oberman – Re-appointment for a three (3) year term to expire, June, 2013

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

### **MIKE DOBSON – 2<sup>ND</sup> WARD COUNCIL MEMBER Re: August 2010 Election – Fire Department Charter Amendment *August 3, 2010 (Bill No. 10-015, Emergency Reading, to follow)***

Council Member Dobson explained that he had made the following statement in his campaign biography: “I am in favor of changing the City Charter to have all City departments report to the City Manager. The City Manager is the person who deals with the daily, internal workings of City government, not a board of individual Council Members. Consistency throughout the City government operations is strongly needed. City Managers are educated and experienced within their fields, such as personnel, budgeting and planning issues. City Managers are usually hired outside the community and, therefore, would not directly have alliances to any one individual or group. The City Manager works at the pleasure of the City Council so the checks and balance system is still in place if we want to change.”

Another benefit, according to Dobson, would be that reporting to the City Manager would require employees and supervisors to follow the chain of command, instead of circumventing, and going to board members or Council Members prior to an issue being resolved in the proper channels and in a professional manner. Dobson continued by explaining that, during his campaign, voters were most concerned about the issues of the Fire Department, adding that he was also concerned because of the pending litigation.

Dobson said that Council Members, serving on the Fire Board, will no longer find themselves facing divided alliances between what is best for the Fire Department vs. the City as a whole, during budget time. With this change, according to Dobson, Council Members will no longer

have to be involved in grievances within the Department, unless the grievance makes its way to Council.

HCVB and the Library Board could be placed under the direction of the City Manager with an ordinance change, which is much easier than a Charter change, requiring a ballot issue; however, he believes that the Board of Public Works would be a much more complicated issue.

Dobson stated that he has worked with the Hannibal Fire Department on many occasions and has the utmost respect for them, their capabilities and professionalism. He said that he was not anti-fire department, only pro-city employee. Benefits, according to Dobson, should be equal between all City employees. He noted the differences in benefits between the Fire Department and the other City Departments, adding that all employees are equally important and vital parts of the overall operations of the City.

Dobson also referenced the Sunshine Law with regard to the Fire Board, explaining that, if the Fire Chief has a problem in which the Fire Board needs to be involved, when discussing this problem or issue, Fire Board members, if they have a quorum, have then violated the Sunshine Law. In the same manner, if two members of the Fire Board go to the Fire Department to discuss a departmental issue with the Chief, they are violating the Sunshine Law, as well, according to Dobson. These violations can be avoided, if the Fire Department is placed under the direction of the City Manager.

Dobson referred to an article in a November, 2000 Hannibal Courier Post in which George Danforth, a long-time Council Member of the 2<sup>nd</sup> Ward and then chairman of the Police Board, stated that the discontinuance of the Fire Board was needed. Dobson concluded by referring to a 05/04/10 quote, made by Council Member Barry Louderman, where he reminded Council that they represent the people and should not consider their own interests, when voting on the Council floor. City Manager form of government was approved by the people and they alone should decide if all departments should fall under the direction of that office, as well.

Mayor Pro Tem Behymer questioned Council Member Dobson reasons for bringing this change before Council at this time. Dobson responded that this was a promise that he had made to the people of the 2<sup>nd</sup> Ward before being elected.

Council Member Louderman recognized Dobson's concerns; however, he believes that removing the Fire Board at this time would do more damage than good. He agreed that, in the future, there would be no need for a Fire Board but the issue must be done correctly and in a timely manner. He added that the issue, now placed before Council has not been discussed for ten years, also questioning Dobson's timing in instigating these changes. When something happens and the Fire Board follows the procedure that has been set up, it becomes a hot topic issue, according to Louderman.

He explained that the Sunshine Law is not being violated, because he is aware of the rules of this statute and he follows them. In the past, violations to the Sunshine Law may have occurred, but that is not how he conducts the Fire Board. Fire Board does not run the department, the Chief does that, the Fire Board is only there to assist.

Louderman pointed out that the City Manager is a busy man, overseeing the budget and the City's day-to-day operations. Dropping another responsibility in his lap at this time is unacceptable. Louderman commended Dobson for his desire to keep his promises to the people, adding that he believed it to be a noble attempt, but this is not the right time for a change such as this.

Council Member Dobson argued that he had sat in the audience recently and watched Council Member Lyng ask a series of questions regarding the current issues in the Fire Department. Lyng got no answers because he was told this could not be discussed. Louderman countered that the Fire Board followed the steps that were put in place; and, since this was a personnel issue, and they were unable to discuss it in the public forum.

Mayor Pro Tem Behymer commented that when the dust settles from the hearing in June, Council needs to seriously consider the dissolution of the Fire Board. He respects Dobson's desire to keep his promises but agreed with Louderman that now is not the time. Healing needs to take place before other decisions are made. He also spoke of the cost, probably \$11,000-\$12,000, involved in placing this issue on the August ballot.

Council Member Knickerbocker agreed that much emotion is tied to this issue. These emotions are dividing people; therefore, making significant decisions in government management based upon emotions is not a good way to conduct business. These decisions should be made rationally, logically and with much forethought, considering all the possibilities. This decision could potentially undermine the hearing scheduled in June, according to Knickerbocker.

Mayor Hark agreed with Knickerbocker and explained that when the City Manager form of government was enacted, there was much discussion regarding what should or should not be put under his jurisdiction. He believes that it was piece-milled at that time instead of addressing all of the issues. He suggested that if Council is going to do initiate this change, it should be done correctly or not at all.

Council Member Dobson said that the groundwork has already been laid for disillusionment of the Fire Board, since this was done in the Police Department several years ago.

City Manager LaGarce explained that he did not wish to speak for or against this issue at hand; however he pointed out the challenges he faced in keeping current on the appointments of the City's twenty boards, which involve approximately 112 people. He said that typically, Mayors make these appointments in Third and Fourth Class cities, since it is an opportunity to place like-minded people into these positions. LaGarce believes that it is a political task, yet in Hannibal he has been forced into this role and does not feel comfortable with it. He added that he has voiced his concerns in the past regarding these duties. He asked that, if Council were to approve this change, he would also like to see the responsibility for appointments be moved to the Mayor, where it belongs.

There was a comment from the audience by Mr. William Kapke, who explained that he had been the president of the Grenada Sanitary District in California for two years. He stated that the reason special districts are independent is because of the management of their reserve funds. Their only responsibility is the fund, which can only be used for the particular district. He gave an example of what happens when this is not done. The City of San Francisco, when faced with replacement of old and outdated sewer systems, formed a 'super district' placing all the various water districts under it. In order for this district to raise the needed funds to replace the sewers, they had to triple water rates.

Mayor Hark thanked Mr. Kapke for his comments, and said that Bill No. 10-015 would be revisited for approval of an emergency reading later during the meeting.

**LOU BARTA – 3<sup>RD</sup> WARD COUNCIL MEMBER**  
**Re: Formation of Exploratory Task Force – City Charter**

Council Member Barta explained that he wished to submit, for Council consideration, formation of a task force to seek out and determine the necessary steps to take should the public approve a full Charter change, in the future, placing the Hannibal Convention and Visitors Bureau, the Library, the Board of Public Works and the Fire Department under the City Manager's responsibility. In the event that this change occurs, Council would need to identify proper staffing structures, the inclusion or exclusion of certain boards and the consideration of any pertinent state statutes. Barta suggested that the task force consist of a maximum of three Council Members, with the inclusion of the City Clerk, City Manager, City Attorney, department heads and the head of the four affected groups.

Barta explained that there are countless unknowns at this time. He added that Council needs to create a functional structure to streamline some responsibilities, control costs, improve communication between departments and enhance the coordination of all City efforts.

Council Member Knickerbocker commented that Council Member Barta's suggestion is a very good beginning; however, he believes that it does not go far enough. As Mayor Pro Tem Behymer had previously stated, the Charter, which includes a number of inconsistencies, has been around for a very long time and has needed fixing. He suggested Council look at these other things in the Charter, as well. One issue is the appointments that the City Manager addressed. Knickerbocker added that, during his seven years on Council, he had seen many out-of-date issues that should be addressed.

Council Member Dobson suggested that these discussions be open to Council, as a whole, as opposed to only three members. It was pointed out that, if more than three Council Members were included, there would then be a quorum, and a violation of the Sunshine Law. City Attorney Lemon agreed that was correct, so Mayor Pro Tem Behymer suggested having these discussions by scheduling CWC (Committee of the Whole Council) meetings on alternate Tuesdays. No official action can be taken at that time, but would have to go before Council at a regularly scheduled Council meeting.

After a brief discussion by City Clerk Vance, regarding the function of CWC meetings, Mayor Pro Tem Behymer commented that a task force would allow the flexibility to meet everyone's schedule.

Motion was made by Council Member Knickerbocker to establish a task force to examine the current City Charter, consisting of Council Members Barta, Dobson and Mayor Pro Tem Behymer. Motion was seconded by Council Member Louderman.

Motion carried.

**BARRY LOUDERMAN – 4<sup>TH</sup> WARD COUNCIL MEMBER**  
**LOU BARTA – 3<sup>RD</sup> WARD COUNCIL MEMBER**  
**Re: Formation of a Committee to Explore Annexation**

4<sup>th</sup> Ward Council Member Barry Louderman explained that, during the financial task force meetings that were recently held, the issue of annexation kept surfacing, with context to the

City. During that time, the task force explored ways to assure the long-term health, stability and viability of our municipal services. Solutions to this challenge represent elements that keep Hannibal a strong and tight-knit community in which people can live and raise families. He suggested that areas surrounding the City of Hannibal could be explored and asked to be voluntarily annexed into the City limits in order to fully enjoy all of its benefits, including the City's parks, Police and Fire protection, Street Department and Library services.

Council Member Louderman added that many recent instances have occurred in which Hannibal Police have had to respond just outside the City limits, because of the unavailability of other area law enforcement facilities. This is not supposed to be a bad reflection on these departments, according to Louderman, who realizes the County offices are operating with a limited amount of manpower.

He proposed the formation of a committee of three Council Members also including the City Engineer, the City Manager and delegates from the Police, Fire, Street and the Board of Public Works to explore our options regarding annexation.

Mayor Hark volunteered to sit on this committee, along with Council Member Louderman and Mayor Pro Tem Behymer.

Council Member Dobson commented that the City has had a steady trickle of voluntary annexations, pointing out that if the committee was looking at established properties, these properties would not have the option of utilities being provided by the Board of Public Works, since their utilities would already be established.

Louderman responded that the reason for this committee would be to determine by what means the City could encourage these property owners to be voluntarily annexed into the City. This may include services from City Police, Street Department, reduction in costs of insurance, sewer provision at reduced rates, inclusion in the Citywide cleanup program and free library cards as compared to a \$30 charge for persons who reside outside of the City limits.

Motion was made by Council Member Barta to approve formation of this committee. Motion was seconded by Mayor Hark.

Motion carried.

**PATRICK HANLON – PGAV CONSULTANTS**  
**Re: Dream Initiative – Downtown Hannibal Strategic Plan**  
*(Resolution No. 1650-10, to follow)*

Patrick Hanlon, a representative with PGAV Consultants, explained that he was working with the State of Missouri and the City of Hannibal on a three-year planning effort, known as the Dream Initiative. The Dream Initiative was geared to design a downtown revitalization plan.

He briefly reviewed the executive summary. This project is the culmination of approximately three years of planning. A number of focus groups were developed, surveys were conducted to receive resident and visitor input, public open forums were held, as well as multiple meetings between planning consultants and the Downtown Hannibal Development Corporation, retail trade studies were completed for Hannibal and a number of community visits were made by the consulting firm. As a result the Downtown Hannibal Strategic Plan was developed.

Findings were broken down into approximately ten goals and 75 recommendations. These goals included:

- Establish a community improvement district in the downtown area
- Attract a large restaurant development or a similar development as the former dealership on North Main
- Develop a 'quiet zone' in the downtown area
- Direct the improvements of buildings in downtown Hannibal
- Implement streetscape improvements, creating a nicer entrance to the riverfront area
- Increase downtown marketing, with focus on Broadway, as well as Main Street, creating a downtown 'brand' bigger than Mark Twain or Samuel Clemens
- Increase the literary focus of tourism
- Create a downtown business incubator, working with the Chamber of Commerce
- Expand retail development
- Bring in more retail services on Broadway, the other main corridor for downtown

Mayor Pro Tem Behymer posed a question regarding the CID's; he referred to the issue that occurred last year concerning the Downtown Historic District overlays. He asked what type of recourse a property owner would have if 51% of the property owners in the district say 'yes'. Previously it was determined that the minority would be included in the CID, even after voting 'no'.

Hanlon responded that:

- A petition of property owners by parcel would go into play
- The majority of assessed values would also be determined, i.e.: if a couple of property owners owned large, nice properties this could throw off the balance, preventing passage

Included in the petition, that the property owners are signing, is an explanation of five years of revenues and expenditures detailing exactly how the funds will be spent and how the board will be developed that would manage those revenues. Property owners would, again, have an opportunity to voice their opinions in that regard, according to Hanlon. He added that residential properties are typically not included in the community improvement districts (CID's) because they do not generate much revenue and do not receive much benefit. For instance, in Hermann, MO in excess of 60% of the tax burden on sales tax is driven by tourists, coming from outside the area.

Behymer again questioned if the business owner would have any recourse of say regarding whether or not he was to be included in a CID, should the majority voted for its development. Hanlon's answer was 'no'; however, it would then go to a public vote as to how that district is funded. He added that ultimately, majority rules.

Council Member Knickerbocker reminded Mayor Pro Tem Behymer that before this process was initiated, the business owners would have to secure the endorsement of the Council. The process would also include informing all involved parties and holding a public hearing.

Council Member Barta questioned if there was a minimum size for these CID's. Mr. Hanlon responded that there was not a minimum size, they could be formed by a single property owner or by several entities; however, they can not be non-contiguous.

City Manager LaGarce stated that this plan does not approve a CID, this is merely a strategic plan, and CID's are strictly property-owner driven. This would only provide a future opportunity for business owners to develop the type of district that would allow some improvements within their particular district, above and beyond what the City of Hannibal is able to provide.

**JEFF LAGARCE – CITY MANAGER**

**Re: Approval of Appointments**



City Manager Jeff LaGarce reminded Council of a recommendations presented at the last regular Council meeting for the various boards. These were:

***BOARD OF ADJUSTMENT***

- Raymond Witt – Reappointment for a term to expire, May, 2015
- Harold Volkmer – Reappointment for a term to expire, May, 2015

***HISTORIC DISTRICT DEVELOPMENT COMMISSION***

- Dr. Cindy Lovell – Reappointment for a term to expire, May, 2015

***EMPLOYEE BENEFIT TRUST BOARD***

- BJ Stewart – Reappointment for a term to expire, May 2013
- Bill Osborne – Reappointment for a term to expire, May, 2013

***PLANNING & ZONING COMMISSION***

- Terry Sampson – Appointment for a term to expire, June, 2014

***LIBRARY BOARD***

- Gordon Ipson – Reappointment for a term to expire, June, 2013
- Mike Scholes – Reappointment for a term to expire, June, 2013
- Pam Warfield – Reappointment for a term to expire, June, 2013

He asked Council for their approval of these nominations. Motion was made by Council Member Knickerbocker to approve these nominations for the various boards. Motion was seconded by Council Member Louderman.

Motion carried.

**ANGELICA N. VANCE – CITY CLERK**

**Re: Requests, Street Closure & Barricades – Hannibal High School Commencement**

*(May 27, 2010 – 6:45 p.m. – 8:30 p.m.)*

City Clerk Angelica Vance presented a request on behalf of Hannibal High School for street closure and provision of barricades during the Hannibal High School Commencement program on May 27, 2010, between 6:45 p.m. – 8:30 p.m. Vance asked that Brookside, from McMasters Avenue to Edgewood and Greenway, be closed for the commencement ceremony at Hannibal High School. She noted that a separate request had been received by the HPD to staff officers for this event. The use of barricades was also requested, to close the street at McMasters, Edgewood and Greenway for this purpose. Motion was made by Mayor Pro Tem Behymer to approve Vance's request. Motion was seconded by Council Member Lyng.

Motion carried.

**MARK REES – CITY ENGINEER**

**Re: Airport Farm Lease - Farm Lease Cash Agreement**

*Brad Craven*

*(Resolution No. 1649-10, to follow)*

City Engineer Mark Rees came before Council with a request for approval of an airport farm lease with Brad Craven. This lease would approve the leasing of the airport property, as detailed in exchange for cash rent that would be placed into the City's General Fund. In the past, according to Rees, the farm ground was leased in exchange for mowing services; however, this year the committee opted for cash rent instead. Rees explained that the department advertised, resulting in the receipt of one bid, from Mr. Craven. Rees was seeking Council approval to enter into a contract with Craven. This would be accomplished with the approval of Resolution No. 1649-10, to follow.

**Re: West Ely Road Improvement Project – Change Order No. 5**

*Bleigh Construction*

*(Resolution No. 1649-10, to follow)*

Rees stated that his next item on the agenda regarded Change Order No. 5 of the West Ely Road Improvement Project. He explained that, while there have been changes made to the plans with regard to a private drive owned by Kevin and Sherri Wiley, this item is not actually a change order, since the added \$1,290 cost of changing the asphalt portion of this driveway to concrete, at the request of the Wiley's, will be paid to the City by the property owners. This would be approved with Resolution No. 1649-10, to follow, according to Rees.

**Re: Budget Amendment – Revolving Loan Fund**

*General Mills Warehouse Repairs*

*(Resolution No. 1652-10, to follow)*

Rees' final agenda item concerned the old Manchester Tank building that the City leases to General Mills to be used as a warehouse. He explained that recently, attempts were made to repair some degraded interior concrete joints at this location as advised by the contractor; however, General Mills was unhappy with the results. Rees added that DPW has now decided to do saw cuts, full-depth concrete repair at an additional cost of \$13,000. He requested Council approval to have this additional amount placed into the budget's Revolving Loan Account, 92.65.299, in order to complete the needed repairs. Resolution No. 1652-10, to follow, if approved would also approve the budget amendment.

**DOUG WARREN – DIRECTOR OF FINANCE**  
**Re: Request, Set Public Hearing – 2010/2011 Fiscal Year Budget**  
*(June 15, 2010 – 6:30 p.m.)*

Director of Finance Doug Warren requested that Council set a budget public hearing on June 15<sup>th</sup>, 2010, beginning at 6:30 p.m. Warren added that the City Manager had previously distributed the proposed budget and a budget workshop will be conducted on May 26<sup>th</sup> for this same issue. Motion was made by Council Member Barta to approve Warren's request. Motion was seconded by Council Member Louderman.

Motion carried. City Manager LaGarce requested that all Council Members and involved individuals read the transmittal letter. It puts staff's position into perspective.

**JOEY BURNHAM – BUILDING CODE OFFICIAL**  
**Re: Amendment Article III – Flood Prevention**  
*Floodplain Map Adoption*  
*(Bill No. 10-016, to follow)*

Joey Burnham, the City Building Code Official, presented the final item on the evening's agenda, the adoption of the floodplain map. Burnham explained that his department had recently received the new flood insurance study and the floodplain maps from FEMA. The new study and the maps are scheduled to go into effect on July 22, 2010, according to Burnham. He added that the City must adopt the maps and study and amend the current ordinance prior to July 22<sup>nd</sup> in order to remain compliant with the National Flood Insurance Program.

Burnham noted that this will be the first map update that the City has had since March 1, 1982. He stated that, after review of the new maps, he could only find one increase in the flood depth and that was at the confluence of Bear Creek and the Mississippi River. Burnham explained that when he measured the width of the floodplain on the old and new maps, he found no differences. He recommended Council begin the process of adopting the study and maps by approving a first reading of Bill No. 10-016, to follow.

**RESOLUTION NO. 1649-10**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A (CASH RENT) LEASE AGREEMENT BETWEEN THE CITY OF HANNIBAL AND BRAD CRAVEN FOR 2010 FARM LEASE CASH RENT AGREEMENT AT THE HANNIBAL MUNICIPAL AIRPORT, IN THE AMOUNT OF \$4,000.00 WITH THE OPTION TO EXTEND 2 ADDITIONAL YEARS WITH RATES PROVIDED FOR THE ATTACHED FARM LEASE (CASH RENT) AGREEMENT**

Motion was made by Mayor Pro Tem Behymer to have the City Clerk read Resolution No. 1649-10, and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark, Council Member Louderman, Mayor Pro Tem Behymer and Council Member Lyng – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1649-10, duly approved and adopted on this date.

**RESOLUTION NO. 1650-10**

**A RESOLUTION OF THE HANNIBAL CITY COUNCIL APPROVING THE DOWNTOWN STRATEGIC PLAN PREPARED UNDER THE PROVISIONS OF THE DREAM INITIATIVE**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1650-10, and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried.

**Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark, Council Member Louderman, Mayor Pro Tem Behymer and Council Member Lyng – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1650-10, duly approved and adopted on this date.

**RESOLUTION NO. 1651-10**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 5 WITH BLEIGH CONSTRUCTION RESULTING IN AN INCREASE AMOUNT OF \$1,290.00 FOR REVISIONS MADE TO THE PRIVATE DRIVES FOR THE WEST ELY ROAD IMPROVEMENT PROJECT**

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1651-10, and call the roll for adoption. Motion was seconded by Mayor Pro Tem Behymer.

Motion carried.

**Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark, Council Member Louderman, Mayor Pro Tem Behymer and Council Member Lyng – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1651-10, duly approved and adopted on this date.

**RESOLUTION NO. 1652-10**

**A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 BUDGET RELATIVE TO THE REVOLVING LOAN FUND FOR THE GENERAL MILLS WAREHOUSE IN THE AMOUNT OF \$13,000**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1652-10, and call the roll for adoption. Motion was seconded by Mayor Pro Tem Behymer.

Motion carried.

**Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark, Council Member Louderman, Mayor Pro Tem Behymer and Council Member Lyng – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1652-10, duly approved and adopted on this date.

**BILL NO. 10-012**

**AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES PERTAINING TO THE ADOPTION OF THE TECHNICAL CODES AND STANDARDS FOR BUILDINGS AND BUILDING REGULATIONS**

**SECOND AND FINAL READING**

Motion was made by Mayor Pro Tem Behymer to give Bill No.10-012 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried

**Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark, Council Member Louderman, Mayor Pro Tem Behymer and Council Member Lyng – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 10-012 duly approved and adopted on this date.

**BILL NO. 10-013**

**AN ORDINANCE AMENDING THE PROGRAM AGREEMENT AND FURTHERMORE AUTHORIZING THE MAYOR TO EXECUTE SAID 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**

**SECOND AND FINAL READING**

Motion was made by Mayor Pro Tem Behymer to give Bill No.10-013 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Knickerbocker.

Motion carried

**Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark, Council Member Louderman, Mayor Pro Tem Behymer and Council Member Lyng – 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 10-013 duly approved and adopted on this date.

**BILL NO. 10-014**

**AN ORDINANCE AMENDING CHAPTER 3, ARTICLE I, SECTION 3-1 OF THE  
CODE OF THE CITY OF HANNIBAL RELATIVE TO THE  
CONSUMPTION/POSSESSION OF ALCOHOLIC BEVERAGES  
IN PUBLIC LOCATIONS**

**SECOND AND FINAL READING**

Motion was made by Council Member Knickerbocker to give Bill No.10-014 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Lyng.

**Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark,  
Council Member Louderman and Council Member Lyng – 6

**No:** Mayor Pro Tem Behymer - 1

**Absent:** -0-

Motion to read carried.

**Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark,  
Council Member Louderman and Council Member Lyng – 6

**No:** Mayor Pro Tem Behymer - 1

**Absent:** -0-

Mayor Hark declared Bill No. 10-014 duly approved and adopted on this date.

**BILL NO. 10-015**

**AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD  
TUESDAY, AUGUST 3, 2010 TO ALLOW HANNIBAL VOTERS TO CONSIDER  
AMENDING THE CHARTER OF THE CITY OF HANNIBAL SECTION 4.09 FOR THE  
PURPOSE OF THE APPOINTMENT OF THE FIRE CHIEF BY THE CITY MANAGER,  
WITH THE ADVICE AND CONSENT OF THE CITY COUNCIL AND ELIMINATING  
THE FIRE BOARD**

**EMERGENCY READING**

Motion was made by Council Member Dobson to give Bill No. 10-015 an emergency reading and call the roll for adoption. Motion was seconded by Council Member Lyng.

**Roll Call**

**Yes:** Council Members Dobson and Lyng – 2  
**No:** Council Members Knickerbocker, Barta, Mayor Hark, Council Member Louderman and Mayor Pro Tem Behymer – 5  
**Absent:** -0-

Motion failed.

**BILL NO. 10-016**

**AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING ARTICLE III FLOOD DAMAGE PREVENTION RELATIVE TO THE CITY'S FLOODPLAIN MAP**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 10-016 a first reading. Motion was seconded by Council Member Barta.

Motion carried.

**CLOSED SESSION**  
**In Accordance with RSMo 610-021 (9)**  
*Employee Group Negotiations*

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph 9, admitting himself, rest of Council, City Manager Jeff LaGarce, City Attorney James Lemon and City Clerk Angelica Vance. Motion was made by Council Member Louderman to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Mayor Hark.

**Roll Call**

**Yes:** Council Members Knickerbocker, Dobson, Barta, Mayor Hark, Council Member Louderman, Mayor Pro Tem Behymer and Council Member Lyng – 7  
**No:** -0-  
**Absent:** -0-

Motion carried.

**OPEN SESSION**

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

Motion carried.

## **ADJOURNMENT**

Motion was made by Council Member Knickerbocker to adjourn the meeting. Motion was seconded by Council Member Lyng.

Motion carried.