

# OFFICIAL PROCEEDINGS OF THE PUBLIC HEARING

August 2, 2011  
6:30 p.m.

## CALL TO ORDER

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

### **MARK REES – CITY ENGINEER** **Re: Rezone – Moberly Avenue** *(F-Industrial to B-Multiple Family)*

City Engineer Mark Rees explained that recently it was discovered all of Moberly Avenue was zoned F-Industrial even though its majority, from 29<sup>th</sup> Street to the Altorfer property, is residential in use. Following this discovery, a public hearing had been held by the Planning and Zoning Commission, where residents were given the opportunity to voice their opinion regarding a zoning change. He said that not all parties were in favor of the rezoning. Twainland Express, whose property is contiguous with other F-Industrial property, wished to remain F- Industrial zoning, and another property owner wished to place a trailer, which is allowable under F-Industrial but not B-Multiple Family. The Planning and Zoning Commission recommended approval of rezoning Moberly Avenue; however, since the public hearing some changes have been proposed, including an exclusion of the two referenced properties, from F-Industrial to B-Multiple Family. The proposed use is residential property. Rees referenced a map that detailed this zoning change, adding that he had researched all the parcels involved in this rezoning change.

City Manager LaGarce indicated that the issue arose because someone wished to build a single family home in this neighborhood, similar to the issue that recently occurred on Church Street.

## PUBLIC COMMENTS

Ms. Tracy Lockey came forward with a question regarding the trailer park, and where it would be placed. In response, Rees stated that the request was for the placing of a single trailer and not a trailer park which would be placed on the same side of the street as Twainland Express.

## ADJOURNMENT

There being no other comments for or in opposition to the rezoning of Moberly Avenue, Mayor Hark adjourned the public hearing

**OFFICIAL PROCEEDINGS OF  
THE CITY COUNCIL**

**August 2, 2011  
7:00 p.m.**

**ROLL CALL**

**Present:** Council Members Dobson, Barta, Mayor Hark, Council Members Hark, Draper and Mayor Pro Tem Knickerbocker - 6

**Absent:** Council Member Louderman - 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 Draper led the Pledge of Allegiance to the Flag.

At this time, Mayor Pro Tem Knickerbocker made a motion to excuse Council Member Louderman. Motion was seconded by Mayor Hark.

Motion carried.

**APPROVAL OF MINUTES**

**Closed Session Minutes – October 6, 2009**

**Closed Session Minutes – July 19, 2011**

**Regularly Scheduled Council Meeting – July 19, 2011**

Motion was made by Council Member Hark to approve the minutes of the Closed Session held on October 6, 2009, Closed Session held on July 19, 2011 and the last regular Council meeting that was held on July 19, 2011. Motion was seconded by Council Member Draper.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**Second Half – July, 2011**

Motion was made by Council Member Barta to approve the payroll and claims for the second half of July, 2011. Motion was seconded by Council Member Dobson.

Motion carried.

**MICHAEL GAINES – HANNIBAL ARTS COUNCIL**

**Re: Request, Street Closure & Alcohol Sales**

*(35<sup>th</sup> Annual Folklife Festival - October 15 & 16, 2010)*

Mr. Michael Gaines appeared before Council on behalf of the Hannibal Arts Council regarding the upcoming 35<sup>th</sup> Annual Autumn Historic Folklife Festival. Gaines explained that the event is scheduled for October 15-16, 2011. His purpose for coming before Council was to secure their approval to use the following streets for the event:

- North Main – from Broadway to North Street
- Center Street – from Main Street to Alleys, both east & west of Main Street
- Bird Street – from Main Street to Alleys, both east & west of Main Street
- Hill Street – from Main Street to Alleys, both east & west of Main Street
- Main & Bird Street Parking Lot
- Ole Planters Parking Lot

The request is very similar to previous request, regarding this festival. Motion was made by Mayor Pro Tem Knickerbocker to approve the request made by Hannibal Arts Council and presented by Gaines. Motion was seconded by Council Member Dobson. Gaines thanked Council and the City and presented the 2011 Folklife Festival Poster that was recently unveiled.

Motion carried.

**JEAN MCBRIDE – MARION COUNTY HEALTH DEPARTMENT**

**Re: Request, Street Closure**

*(7<sup>th</sup> Annual Halloween Parade - Saturday, October 29, 2011, 6:00 pm – 8:00 pm)*

Ms. Jean McBride, of the Marion County Health Department, introduced herself to Council and explained that it was time for the 7<sup>th</sup> Annual Halloween Parade, scheduled for Saturday, October 29, 2011. Each year, this mile walk is held for kids and adults in costume, to promote physical activity and nutrition. She stressed that candy was not included in the parade since they strive to encourage healthy snacks and safety. She requested Council permission be given for the closure of Broadway and side streets from Save-A-Lot parking lot to Main Street. She added that the actual event would last approximately one hour and said that this is a community event, free to the public. Council Member Dobson made a motion to approve her request. The motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**STACEE CASSIDY – HANNIBAL NAACP YOUTH & COLLEGE COUNCIL**

**Re: Request, Street Closure & Traffic Control**

*(W.A.L.K. for Education – September 10, 2011, 7 am – 11am)*

Candice Abbey, Vice President of the Hannibal NAACP Youth & College Council, came before Council to present a request in place of Stacey Cassidy, who was scheduled to appear. Ms. Abbey explained that their request was for street closure and traffic control during the event, W.A.L.K. for Education, a 5K walk/run, to be held on September 10, 2011 from 7:00 a.m. until 11:00 a.m. She stated that the organization's goal, during the event, was to promote fitness and education. The Hannibal NAACP Youth & College Council is sponsoring a promotion to advocate youth to stay in school and to implore the state to appropriate funding back to the school system. This event would serve as a visible stance to that end and include a health station to share wise health decisions, as well as a membership drive and information to educate the community of these issues.

It was Ms. Abbey's desire, upon approval, to schedule a planning meeting with City officials to insure a safe and successful event, since safety is of utmost importance. Chief Davis commented that Dana Ruhl, of the Hannibal Schools, had requested to make contact with the group prior to the event so that paperwork could be completed and a route could be finalized. Rich Dauma, from the Hannibal Street Department also had questions regarding the route of the run/walk. Mayor Hark suggested these entities work together to firm up details regarding the event. Motion was made by Mayor Pro Tem Knickerbocker to approve Ms. Abbey's request. Motion was seconded by Council Member Dobson.

Motion carried.

**MAURICE SALIGHEH – PROPERTY OWNER**

**Re: Fencing Heights & Missouri Residency**

Maurice Saligheh, a local property owner, again requested audience with Council to discuss problems with his neighbor, regarding fencing heights within the City of Hannibal and also with the new ordinance regarding commercial items on residential property. Mr. Saligheh explained that he has a two-wheel dolly at his residence on Center Street and assured Council that since he owned this property and paid his taxes, according to an attorney and judge he had spoken with, he was entitled to keep the equipment there.

He continued by explaining that he has been a citizen in the City for sixteen or seventeen years; however, he has recently had issues with his neighbor, who has erected a fence that is nine (9) feet tall at her residence located at 1116 Center Street, adding that he felt like he was in jail. He argued that in other cities, fencing heights cannot exceed six (6) feet and most laws were developed because of something that made sense.

Mr. Saligheh referenced his neighbor, who had:

- Tied garbage bags onto her fence to use as a barrier for over a year before she was ordered to remove them.
- Constructed a nine (9) foot wooden fence between the two properties.

- Gathered her water at night and dumped it on his side of fence. (When he contacted the Hannibal Police, he was told that this was a civil matter.)
- Cut the fence at night and pushed it in front of two witnesses, but when he reported her to the Police for destruction of his property, nothing was done. (He admitted, when asked, that he had not seen her cut the fence.)
- Raised her property height so his property catches all the water going that should be going to her property.
- Made a compost area next to his property that contained trash, chemicals and dirt.
- Placed a huge box on sidewalk that blocked it for a week before it was removed.

Mr. Saligheh continued to implore Council to do something about these problems; however, when Mayor Pro Tem Knickerbocker asked the City Building Inspector, Joey Burnham about these allegations. Burnham stated that, after his office's investigations, no ordinance violations were found. Knickerbocker informed Saligheh that the Building Commission would be presenting a fencing ordinance in the near future. He also recognized that Mr. Saligheh and his neighbor had unresolved issues, but explained that Council was not a board to negotiate the feud between these two parties, if there were no ordinance violations found.

When Saligheh continued to argue, Mayor Pro Tem Knickerbocker insisted that Council was not a mediating body and explained that his complaints had been investigated, but no violations were noted. Saligheh complained about the compost area; but, was told that Chuck Anderson and Joey Burnham investigated his complaint, took the lid off of the compost area and reported that it only smelled like potting soil, with no flies, etc.

Mr. Saligheh became more agitated as the discussion continued. After trying to appease him, to no avail, Mayor Pro Tem Knickerbocker made the motion to end the discussion and proceed with the next agenda item. Motion was seconded by Council Member Dobson.

Motion carried. Mr. Saligheh complained that the neighbor was not a legal resident of Missouri; however, Mayor Hark informed him that she was violating no law by maintaining her residence in California.

**KEVIN LIONBERGER – PROPERTY OWNER**  
**Re: Commercial Vehicles on Residential Property**

Kevin Lionberger, a local property owner, came to Council with questions regarding the proposed "Commercial Vehicles on Residential Property" ordinance. In response to his question, whether or not the property owner has a vote when seeking a variance for his property, he was told that he would have a vote for each parcel owned, except the parcel in question. This parcel would not carry a vote, but it also would not be counted in the total votes needed, either. Lionberger was also of the opinion that the 75% needed to obtain a variance was higher than it should be.

He continued by saying that he had lived in Hannibal all his life, as had his father and grandfather and he had chosen to raise his children here, as well; however, it seemed that a large number of new ordinances have been passed, almost overnight! Ordinances dealing with zoning, dumpster permits, etc. Lionberger commented that there is much more to deal with than Council understands, regarding people who just want to work and raise their

families in this community. He added that he had invested in the property and now must begin the process of obtaining a variance by polling his neighbors. At this point he is not sure whether he will have a problem or not.

He explained that when his property was flooded by water running down the street, he did not fall upon the City to make needed repairs, but tended to that himself. He added that, in the past, when the Board of Public Works needed access his property in order to trim trees, he readily allowed that access. He believes that we all need to work together in the community; however, a specific worry that now is facing Lionberger is that his property is being targeted, as an example, since an employee from the Building Inspector's Office came to his residence and took a picture of it.

He is unsure why this was happening, since he has been residing in the same area for twenty-two years and the tractor he owns has been there since 1994! It is a small garden tractor with a blade that he keeps, mainly, at his farm. Lionberger stated that the tractor, which he uses to push snow, is in an area where no one can see it and he is willing to erect a fence or a garage, if needed, but has now been told this is in violation of the ordinance.

He explained that he always strives to get along with his neighbors and if he offends someone is the first to admit it and make amends. During the last snowstorm, he used this tractor to push snow until 1:30 a.m. in an effort to assist the Street Department and his neighbors. He said that is the kind of person he is and thanked Council for hearing him.

Mayor Pro Tem Knickerbocker commented that Council Member Barta had proposed the variance process for situations such as Lionberger's. He agreed that Mr. Lionberger is a good neighbor. There is also a provision in the ordinance for local use but not on a permanent basis. He said that he would move his equipment to Ralls County and, since he was a small operation, the City would probably not lose more than \$200.00, as a result of his move; however, that is money that the Schools need.

Knickerbocker commented that these rules were not a new development, since zoning ordinances had been in place for many years. This is merely clarification of those ordinances that are already in place. Lionberger explained that he was not 'in the business' and did not hire/rent out his equipment; however, he did not wish to take his trailers/equipment and place them on different pieces of property. He added that he had a \$600,000 investment in this property.

Lionberger concluded by saying that he did not wish to see property values in his neighborhood decrease and had researched this possibility. He found that of the twenty properties, one house decreased by 13%, eleven properties increased and eight properties remained the same. He said that he would do what was needed to abide by this rule, but ultimately, he did not agree with it.

Mayor Hark thanked Mr. Lionberger for attending and voicing his opinions and added that it was no secret how he felt about this ordinance. He agreed with Mayor Pro Tem Knickerbocker that zoning guidelines were already in place, and had been for some time. (The referenced bill was given a first reading at the July 19<sup>th</sup> Council Meeting and would receive a second reading later in the meeting, with Council's approval.)

**ROY G. HARK - MAYOR**  
**Re: Approval of Appointment**

Mayor Hark reminded Council of a candidate presented at the last regular Council meeting for the Hannibal Historic Development District Commission. This was:

HANNIBAL HISTORIC DEVELOPMENT DISTRICT COMMISSION

- Dian Volkmer – Re-appointment for a term to expire May, 2016

He asked Council for their approval of this nomination. Motion was made by Council Member Hark to approve this nomination. Motion was seconded by Council Member Dobson.

Motion carried.

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

City Manager LaGarce made the following recommendation:

HANNIBAL PARK BOARD

- DR. Ed Cline – Appointment for a term to expire July, 2014

He explained that this appointment would be considered for approval at the next regular Council meeting.

**Re: Hannibal Rural Fire Protection District – Tentative Annexation Agreement**

City Manager LaGarce introduced a tentative annexation agreement to Council. LaGarce reminded Council that recently the City had made post-annexation payments on fourteen (14) properties to the Rural Fire Protection District, pursuant to RSMo 321.322, which requires that cities of a certain size compensate rural fire districts for a period of five (5) years following municipal annexation of territory into those fire districts. At that time, Council requested that an agreement be developed between the two entities for future, consistent application.

As a result, LaGarce drafted an agreement, which provides two options:

- **Option #1** - Make payments to the Fire District for each of the upcoming five years, with computations graduated (100%, 80%, etc.)
- **Option #2** – Make a lump sum payment following annexation, using the base value of property on the day of annexation and computing a payment of 100%, 80%, 60%, 40% and 20% (or 300% total). Since this payment is made up front, future property values are unknown; therefore, an additional 10% is calculated to allow for a presumed 2% growth in assessed values to occur each year of the upcoming five year period. (LaGarce indicated that this option was the one that he preferred.)

He is unsure whether the Rural Fire Protection District will accept this agreement; and, he was not asking Council approval at this time, only assurance that they were in support of this approach.

Council Member Dobson added that this approach was based upon state statutes, so it is already a requirement.

**Re: Commercial Flood Buyout Program – Real Estate Purchase Contracts (25)**  
*(Resolution No. 1744-11, to follow)*

The City Manager's final item on the agenda was presentation of Resolution No. 1744-11, to follow, that would authorize the Mayor to execute twenty-five (25) real estate purchase contracts for acquisition of commercial flood buyout properties, totaling \$1,797,390.

He explained that, since no financially catastrophic discoveries were made in the five (5) properties that were contaminated, the Missouri Department of Economic Development Office has cleared the City to proceed with property acquisition. He said that real estate offers have been tendered to all twenty-five (25) property owners, and he added that the closing process could take from ten to fourteen days to complete.

LaGarce advised that one property owner had contacted the CDBG office six to eight months ago asking if they could remain on their property after it was purchased. The CDBG responded that, if the City had no objections, neither did they. LaGarce said that he didn't have a reason to deny this request and had directed the City Attorney to draft an agreement that would be presented to Council in two weeks.

Since some property owners have many personal belongings to remove, they are requesting thirty (30) days to complete this task. LaGarce commented agreements for 30 day extensions may be brought to Council for approval at some point following the closing process.

**MARK REES – CITY ENGINEER**

**Re: Approval, Waive Bidding Process – Manchester Tank Landscaping**

City Engineer Rees made a request for Council approval to waive the bidding process for drainage improvements and landscaping at the old Manchester Tank Building, now being used as a General Mills warehouse. Rees explained that when this process was began, he believed this work would fall under the 'Repairs on Light Equipment and Buildings' category with a bid limit of \$11, 032; and, since the total repairs were \$10,992 the amount fell was under bid limits. Subsequently, he was advised that the project was categorized as 'Service Contracts' with a limit of \$4,969, these improvements were in excess of these limitations; however, the work was already completed outside of the sealed bidding process. For this reason, Rees was making this request, which would allow him to pay the contractor for this work. Motion was made by Mayor Pro Tem Knickerbocker to approve Rees' request. Motion was seconded by Council Member Dobson.

Motion carried.

**Re: Market Street Storm Water Improvement Project – Change Order No. 1**  
*(Resolution No. 1739-11, to follow)*  
*Bill Sullivan Excavating*

Rees advised that the work involved had already been completed; therefore, Change Order No. 1 was a necessity. He explained that this was changes to the original plan, regarding a replacement of curb inlet tops with drive-over grates, also adding a manhole structure. This change order, in the amount of an additional \$5,202, would be completed with approval of Resolution No. 1739-11, to follow.

**Re: Market Street Storm Water Improvement Project – Change Order No. 2**  
*(Resolution No. 1740-11, to follow)*  
*Bill Sullivan Excavating*

City Engineer Rees stated that Change Order No. 2 had not yet been completed, adding that it was a matter of convenience. He explained that a local merchant had brought this additional improvement opportunity to his attention and he, in turn, asked the contractor to give a quote on this improvement, involving collection and conveyance of storm water on Prince Avenue. Rees indicated that it was not imperative that this improvement be made, but it would help alleviate the ponding issue. He admitted that the additional amount would need to be taken from the General Fund, which is already strained. Resolution No. 1740-11, if approved later in the meeting, would approve Change Order No. 3 and cost an additional \$4,250.

**Re: Paris Gravel Road Improvement Project – Change Order No. 3**  
*(Resolution No. 1741-11, to follow)*  
*Chester Bross Construction*

Rees' next two agenda items concerned the Paris Gravel Road Improvement Project. The first was a request for approval of Resolution No. 1741-11, to follow, regarding Change Order No. 3. This change order was for necessary changes to:

- Provide a temporary access to a Preferred Health Care parking lot
- Remove and replace unsuitable subgrade
- Replace concrete pavement on MoDOT right-of-way

The total of this change order would be an additional \$5,623.19, if approved; and, Rees indicated that it was the recommendation of the Department of Public Works to accept this change order by approval of the related Resolution No. 1741-11, to follow.

**Re: Paris Gravel Road Improvement Project – Change Order No. 4**  
*(Resolution No. 1746-11, to follow)*  
*Chester Bross Construction*

City Engineer Rees presented the second change order for the Paris Gravel Road Improvement Project, Change Order No. 4, regarding a \$5,410.72 reduction in the project cost. He explained that unsuitable subgrade was discovered in segment two, making it necessary to excavate and replace. During that time, some cost-saving options were identified. The decision to allow the Street Department to undertake the striping was a last minute deduction which resulted in a deduction of \$5,410.72 in the contract, to be approved

with the approval of Resolution No, 1746-11, to follow. The Department of Public Works recommended this approval.

**Re: Hannibal Regional Airport – FBO Services**

*(Resolution No. 1745-11, to follow)*

*Baron Aviation*

At the request of George Walley, Rees asked that Council Table Resolution No. 1745-11, regarding the Hannibal Regional Airport FBO services Contract. Rees explained that Walley, who had assisted in drafting this contract, had indicated that he had found a couple of inconsistencies in it. Motion was made by Mayor Hark to table this item until the next Council meeting. Motion was seconded by Council Member Barta.

Motion carried.

**Re: Rezoning – Moberly Avenue F-Industrial to B-Multiple Family**

*(Bill No. 11-016, to follow)*

Rees reminded Council that this rezoning request had been the subject of the public hearing that took place directly before the Council meeting. He asked if anyone had additional questions or concerns. Since there were none, Rees asked that this bill be given a first reading later, during the meeting.

**BILL MADORE – FIRE CHIEF**

**Re: Approval, Bid Award – Rescue/Extraction Equipment**

*Towers Fire Apparatus*

Fire Chief Bill Madore presented the next item on the agenda, a bid recommendation approval for rescue/extraction equipment. He explained that this was the result of a 2010 Assistance to Firefighters Grant award, a 95/5 grant. Of the \$33,200 total cost of this equipment, FEMA would provide \$31,540 (95%) and the City's portion would be \$1,660 (5%). Madore indicated that this amount was included in the current budget.

Sealed bids were let, with two bidders responding. The bid of \$28,743 50, the lowest, was received from Towers Fire Apparatus. He noted that staff recommends this bid be awarded to Towers Fire Apparatus in the amount of \$28,743.50. He added that the Fire Department would also be purchasing a hydraulic pedal cutter with the grant funds, as well.

Motion was made by Mayor Hark to approve this request. Motion was seconded by Council Member Dobson.

Motion carried.

**DOUG WARREN – FINANCE DIRECTOR**  
**Re: Banking Depository & Related Services – Depository Contract and Pledge Agreement**

*(Resolution No. 1742-11, to follow)*  
*F&M Bank and Trust Company*

Finance Director Doug Warren presented Resolution No. 1742-11, stating that this resolution was basically a housekeeping measure, authorizing the Mayor to execute the related depository contract and pledge agreement with F&M Bank and Trust Company. At the current time, F&M Bank is the only facility that has City money; however, any bank that has City money would have to sign a similar agreement, according to Warren. This mirrors the agreement used by the Missouri State Treasury, as did the previous agreement. Since they have now loosened the requirements of what would be acceptable investments to be set aside as collateral for public dollars held by the various banks, the City is adjusting our agreement in the same way.

Warren noted that F&M Bank has signed the agreement and approval of Resolution No, 1742-11, to follow, will allow the Mayor to do the same.

**MEGAN RAPP – HCVB ASSISTANT DIRECTOR & GROUP SALES MANAGER**

**Re: 2011/2012 Budget Amendment – HCVB Revenue & Expenditure**

*(Resolution No. 1743-11, to follow)*

Megan Rapp, HCVB Assistant Director, also explained that she had a housekeeping item to present to Council. She stated that Resolution No. 1743-11 regarded a budget adjustment because the approved budget failed to include a line item reflecting the sale/trade of any HCVB vehicles. As previously advised, the HCVB is seeking to purchase a more fuel-efficient vehicle, and the Parks Department is interested in purchasing the Durango the Bureau currently owns. The adjustment would be:

- 48.1077 Misc. Income - \$17,500 *(to reflect sale of Durango to Parks)* - Revenue
- 48.48.911 Purchase Capital Equipment - \$17,500 *(to reflect vehicle purchase)* – Expenditure

She requested approval of this budget amendment with Resolution No. 1743-11, to follow.

**CHUCK ANDERSON – PROPERTY MAINTENANCE INSPECTOR**

**Re: Approval, Three (3) Year Rental Inspection Program**

Property Maintenance Inspector Chuck Anderson presented the final item on the evening's agenda, a request for approval of a three year rental inspection program. Anderson explained that their specific request was for Council to permit the Building Inspection Department to draft a change of the existing two (2) year inspection cited in Chapter 7, Article III, Division 5 – Non-owner Occupied Dwellings, to a three (3) year inspection program. This change was discussed during a recent meeting that Anderson had with two members of Council, Building Inspector Joey Burnham and several landlords; and Anderson believes this proposed change could be used to the City's advantage.

Anderson said that during the meeting, when asked how the City could assist the landlords, the response was to extend the length of time between inspections to five (5) years. He added that the Building Inspection Department compromised by suggesting this three (3) year plan.

After close review of this issue, Anderson explained that he conducted approximately 95% of rental inspections. Of these inspections, landlords will:

- Never call back for re-inspection
- Have a number of violations the must be repaired, not completed within thirty (30) day window

(In these cases, a one (1) year inspection is necessary, with a \$40.00 reassessment to be conducted at the end of the period.)

- Repair minor violations within a thirty (30) day time period.

(In these cases, a three (3) year inspection would be permitted)

If Council agrees to these changes, Anderson suggested a review of the entire ordinance to make any desired changes at that time.

Council Member Barta commented that he agreed with these changes, as did the landlords that were in attendance. They were also in favor of reviewing the entire ordinance to locate and eliminate any “loopholes” that may exist. He also suggested that a committee be formed with representatives from Council and the Building Inspection Department working together on revision of the entire ordinance. He gave details of several changes that he believed were necessary.

After a brief discussion of the exiting program and projected improvements, motion was made by Council Member Barta to create a committee consisting of volunteers from Council and members of the Building Inspector’s Office to review and change the existing Ordinance and return to Council for approval. Motion was seconded by Mayor Pro Tem Knickerbocker. Council Members Hark, Draper and Barta volunteered to serve.

Motion carried.

#### **RESOLUTION NO. 1739-11**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER 1 BETWEEN THE CITY OF HANNIBAL AND BILL SULLIVAN EXCAVATING IN THE AMOUNT OF \$5,202.00 FOR THE MARKET STREET STORM WATER IMPROVEMENT PROJECT**

Motion was made by Mayor Pro Tem Knickerbocker to have the City Clerk read Resolution No. 1739-11, and call the roll for adoption. Motion was seconded by Council Member Draper.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Barta, Mayor Hark, Council Members Hark, Draper and Mayor Pro Tem Knickerbocker – 6

**No:** -0-

**Absent:** Council Member Louderman - 1

Mayor Hark declared Resolution No. 1739-11, duly approved and adopted on this date.

**RESOLUTION NO. 1740-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER 2 BETWEEN THE CITY OF HANNIBAL AND BILL SULLIVAN EXCAVATING IN THE AMOUNT OF \$4,250.00 FOR THE MARKET STREET STORM WATER IMPROVEMENT PROJECT**

Motion was made by Council Member Hark to have the City Clerk read Resolution No. 1740-11, and call the roll for adoption. Motion was seconded by Council Member Draper.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Barta, Mayor Hark, Council Members Hark, Draper and Mayor Pro Tem Knickerbocker – 6

**No:** -0-

**Absent:** Council Member Louderman - 1

Mayor Hark declared Resolution No. 1740-11, duly approved and adopted on this date.

**RESOLUTION NO. 1741-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER 3 BETWEEN THE CITY OF HANNIBAL AND CHESTER BROSS CONSTRUCTION IN THE AMOUNT OF \$5,623.19 FOR THE PARIS GRAVEL ROAD IMPROVEMENT PROJECT**

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1741-11, and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Barta, Mayor Hark, Council Members Hark, Draper and Mayor Pro Tem Knickerbocker – 6

**No:** -0-

**Absent:** Council Member Louderman - 1

Mayor Hark declared Resolution No. 1741-11, duly approved and adopted on this date.

**RESOLUTION NO. 1742-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF HANNIBAL AND F&M BANK AND TRUST COMPANY FOR THE PURPOSE OF PROVIDING BANK DEPOSITORY AND RELATED SERVICES TO THE CITY OF HANNIBAL AND ALL COVERED ENTITIES**

Motion was made by Council Member Hark to have the City Clerk read Resolution No. 1742-11, and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Barta, Mayor Hark, Council Members Hark, Draper and Mayor Pro Tem Knickerbocker – 6

**No:** -0-

**Absent:** Council Member Louderman - 1

Mayor Hark declared Resolution No. 1742-11, duly approved and adopted on this date.

**RESOLUTION NO. 1743-11**

**A RESOLUTION AMENDING THE FISCAL YEAR 2011 BUDGET RELATIVE TO THE HANNIBAL VISITORS AND CONVENTION BUREAU REVENUES AND EXPENDITURES**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1743-11, and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Barta, Mayor Hark, Council Members Hark, Draper and Mayor Pro Tem Knickerbocker – 6

**No:** -0-

**Absent:** Council Member Louderman - 1

Mayor Hark declared Resolution No. 1743-11, duly approved and adopted on this date.

**RESOLUTION NO. 1744-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE TWENTY-FIVE (25) REAL ESTATE PURCHASECONTRACTS FOR THE ACQUISITION OF COMMERCIAL PROPERTY UNDER THE CITY OF HANNIBAL'S COMMERCIAL FLOOD BUYOUT PROGRAM**

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1744-11, and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Barta, Mayor Hark, Council Members Hark, Draper and Mayor Pro Tem Knickerbocker – 6

**No:** -0-

**Absent:** Council Member Louderman - 1

Mayor Hark declared Resolution No. 1744-11, duly approved and adopted on this date.

**RESOLUTION NO. 1745-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE TWENTY-FIVE (25) REAL ESTATE PURCHASECONTRACTS FOR THE ACQUISITION OF COMMERCIAL PROPERTY UNDER THE CITY OF HANNIBAL'S COMMERCIAL FLOOD BUYOUT PROGRAM**

Motion had previously been made to table this resolution until the next regular Council meeting.

**RESOLUTION NO. 1746-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER  
4 BETWEEN THE CITY OF HANNIBAL AND CHESTER BROSS  
CONSTRUCTION IN THE AMOUNT OF A \$5,410.72 DEDUCTION FOR THE  
PARIS GRAVEL ROAD IMPROVEMENT PROJECT**

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1746-11, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

**Yes:** Council Members Dobson, Barta, Mayor Hark, Council Members Hark, Draper and Mayor Pro Tem Knickerbocker – 6

**No:** -0-

**Absent:** Council Member Louderman - 1

Mayor Hark declared Resolution No. 1746-11, duly approved and adopted on this date.

**BILL NO. 11-015**  
*(as amended)*

**AN ORDINANCE AMENDING CHAPTER 19, ARTICLE II, SECTION 19-38 OF  
THE HANNIBAL CITY CODE RELATIVE TO KEEPING OR PARKING CERTAIN  
COMMERCIAL VEHICLES AND CONSTRUCTION OR COMMERCIAL-GRADE  
EQUIPMENT AT OR UPON RESIDENTIAL PROPERTY**

**SECOND AND FINAL READING**

Motion was made by Council Member Barta to give Bill No. 11-015, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Council Member Dobson commented that he had reservations, especially after the discussion earlier in the meeting. He noted a portion of the bill that read, “*Kept, means to place, park, or allow to remain on the subject premises for a period of time in excess of twenty-four (24) hours, whether inside or outside of a building, garage, carport or other structure...*”, commenting that he had a problem with restricting citizens from keeping/storing items inside a garage; and, believed that people should not be told that they can’t be allowed to keep vehicles, such as a classic car being restored, *inside* a garage or building where it is out of sight of the neighbors.

Council Member Barta addressed Dobson's concern by explaining that keeping a classic car is a hobby and not a commercial activity. The bill is addressing commercial equipment and not allowing the continuing commercial use of the property.

Mayor Hark agreed with Council Member Dobson, adding that he sees no problem with keeping a small tractor, if it is in a garage and out of sight as long as it is not used for a commercial business. He commented that this is not being enforced only on a 'complaint' basis, as some Council Members were assuming. Barta agreed, saying that 'commercial use' is the key.

Mayor Hark asked a gentleman in attendance about instances in which he had used his small Kabota tractor to assist his neighbors; and, since this was not for commercial use, it would be permitted, according to Barta. Employees of the Building Inspection Department stated that according to their interpretation of the bill, this would have been a violation and would not be permitted.

Mayor Hark explained that there is too much confusion with regard to what would or would not be permitted. Then Council Member Draper questioned what the exact intent of the ordinance was.

Council Member Barta responded that the intent of the ordinance was to clarify what the zoning was, with regard to residential neighborhoods. He added that the City has zoning ordinances for A & B-zoned areas, that have been in place since 1952, listing what a resident can do and build to occupy those properties; however, there is no "list" specifying what *can not* be done. Unfortunately, over the decades, people were taking advantage of the lack of enforcement, creeping in with commercial use and equipment, according to Barta. He continued to point out the reasoning behind development of this bill, including, cleaning up and making Hannibal better.

Council Member Dobson argued that, if a vehicle was parked inside, it is no longer a public nuisance but 'out of sight, out of mind'; however, Knickerbocker interjected that, if it is commercial grade equipment, it would still be a violation to keep it in a residential zone.

Council Member Dobson commented that no one was arguing with the intent of this proposed bill; however, the problem is with the collateral damage to citizens. After considerable discussion, it was decided to table the second reading of this bill until September 6, 2011. Council Member Barta withdrew his motion to give this bill a second and final reading and Mayor Pro Tem Knickerbocker withdrew his second. In conclusion, motion was made by Mayor Pro Tem Knickerbocker to table the second and final reading of this amendment until September 6, 2011, to await further amendments. Motion was seconded by Council Member Draper.

Motion carried.

**BILL NO. 11-016**

**AN ORDINANCE REZONING PROPERTIES ALONG A PORTION OF MOBERLY AVENUE FROM F-INDUSTRIAL TO ZONE B-MULTIPLE FAMILY ZONE, AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY**

**FIRST READING**

Motion was made by Council Member Dobson to give Bill No. 11-016 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

**CLOSED SESSION**

*In Accordance with RSMo. 610-021 (1)*

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph one (1), admitting himself, rest of Council, City Manager LaGarce, City Attorney James Lemon, City Clerk Vance City Engineer Mark Rees. Motion was made by Mayor Pro Tem Knickerbocker to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Hark.

**Roll Call**

**Yes:** Council Members Dobson, Barta, Mayor Hark, Council Members Hark, Draper and Mayor Pro Tem Knickerbocker – 6

**No:** -0-

**Absent:** Council Member Louderman - 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 Mayor Hark.

Motion carried.

**ADJOURNMENT**

Motion was made by Council Member Dobson to adjourn the meeting. Motion was seconded by Council Member Barta.

Motion carried.