

# OFFICIAL COUNCIL PROCEEDINGS

December 6, 2011  
7:00 p.m.

## ROLL CALL

**Present:** Council Member Barta, Mayor Hark, Council Members  
Louderman, Hark, Draper, Mayor Pro Tem Knickerbocker and  
Council Member Dobson - 7

**Absent:** -0-

## 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 Louderman led the Pledge of Allegiance to the Flag.

## APPROVAL OF MINUTES

### Regularly Scheduled Council Meeting – November 15, 2011

Motion was made by Council Member Draper to approve the minutes of the last regular Council meeting that was held on November 15, 2011. Motion was seconded by Council Member Hark.

Motion carried.

## APPROVAL OF PAYROLL AND CLAIMS

### Second Half – November, 2011

Motion was made by Council Member Louderman to approve the payroll and claims for the second half of November, 2011. Motion was seconded by Council Member Draper.

Motion carried.

**JOSHUA CLARK – OWNER/MANAGER – MUGSHOTS**  
**Re: Appeal, Administrative Penalty - Section 3-85 Sale to Minors**

Mr. Joshua Clark, owner of Mugshots, was scheduled to appear before Council for the purpose of appealing the administrative penalty as set forth in Section 3-85 of the Hannibal City Code for the sale of liquor to minors. Mayor Hark suggested dropping the request from the agenda since Mr. Clark failed to appear and present his case; however, Mayor Pro Tem Knickerbocker pointed out that Clark had submitted his request in writing so he suggested that the issue be addressed. City Manager LaGarce agreed that, according to the ordinance, the business owner does not have to appear but can only submit in writing. He continued by saying that he would like to withdraw the business' liquor license.

Chief Davis stated that, according to Hannibal City Code Section 3-85 b (1) the allotted ten (10) days of service would apply from this date (12/06/11). If the penalty is not paid during that time, a suspension of the liquor license would then occur. Following this discussion, a motion was made by Mayor Pro Tem Knickerbocker to deny the request for appeal. Motion was seconded by Council Member Louderman.

Motion carried.

**TERRY THOMPSON – BUSINESS OWNER – BROADWAY BAR**  
**Re: Smoking Ban**

Terry Thompson, an owner of Broadway Bar, came before Council to speak in opposition of the proposed smoking ban. She explained that the bar had been in business for the past 30 years. Thompson stated that she does not smoke and neither does her family members; however, 75% of her patrons are smokers.

She admitted that she knew this was an issue that would be addressed soon, but was hoping that it would be enacted in the entire state and not only in Hannibal. Since Broadway Bar is her livelihood, she expressed concerns that, if this ban is approved, her customers will begin to travel to Palmyra or New London where they can smoke and drink. She believes everyone is basically in favor of whatever is best for the community, adding that even though Broadway Bar is a small bar/grill it still adds revenue into the City of Hannibal. Thompson said that the current economy has hurt local businesses, many of which are struggling and this decision could be the final straw.

Council Member Dobson questioned, since the Broadway Bar is a bar/grill, what percent of the clientele would be minors who only came to eat. Thompson responded that there are some, but only a few. She suggested two options. These were:

- Allow some establishments to be smoking and some to be smoke-free, which would give the clientele an option to decide, if they wanted a smoke-free environment, to patronize the places that had smoke-free accommodations.
- Create a special tax for those businesses that offer smoking.

Ultimately, Thompson had no hard and fast answers but she concluded by saying that, if this bill passes, much of her clientele will just stop coming in.

Council Member Louderman responded that this would be a vote of the entire City of Hannibal. He suggested that Ms. Thompson get a group of like-minded people, such as other business owners, to state their reasons for opposition to this ban, like the ‘Breathe Easy’ advocates do when speaking in favor of it.

Ms. Thompson thanked Council for allowing her a hearing.

**SUSAN SCHUBERT – CITIZEN  
Re: Opposition of Smoking Ban**

Ms. Susan Shubert, a private citizen, came to Council in opposition to the smoking ban, as well. She explained that she was a single mother and had been a mail carrier in the City for almost thirty years. Shubert believed that, although she was not a smoker and never had been, passage of this bill will be tearing down the economy of the businesses in Hannibal.

She suggested, instead, that business place a plaque outside their doors stating the establishment is a “Smoking Environment”. A monthly tariff or tax could be established to be paid to the City of Hannibal if they chose to be a smoking establishment.

**POLLYANN NICHOLSON – DIRECTOR, NEMO SHELTERED WORKSHOP  
RECYCLING CENTER**

**Re: 2012 Municipal Election – Proposition 2**  
*Continuation of \$.70/per Month Recycling Fee*  
*(Bill No. 11-030, to follow)*

Ms. Pollyann Nicholson, Director of the NEMO Sheltered Workshop Recycling Center, came before Council with a request for approval of Bill No. 11-030, to follow. If approved, this bill would place Proposition 2, regarding the continuation of the \$.70/month recycling fee, on the April 2012 Municipal Election. Bill No. 11-030 is scheduled for a first reading later in the meeting, with Council approval. Ms Nicholson explained that since 2009 the Workshop has processed close to 4.3 million pounds or 2,138 tons of recyclables for the City of Hannibal. She included a recycling calculator which shows the positive impact that the recycling program has had. She added that all this is accomplished by \$.02 per day.

Nicholson stated that the Hannibal Recycling Program employs forty-one (41) disabled employees, nine (9) supervisors. Drop-off locations include:

- 659 Clinic Road (Workshop location) 24/7
- 701 Warren Barrett Drive (Street Department)

Two trucks pick up cardboard/recyclables from 146 businesses and each week approximately twenty-five calls are received from elderly and/or disabled individuals requesting pick-up, according to Nicholson, who added that the business has grown substantially in the past 11/2 years. She commented that the Hannibal citizens are doing an outstanding job.

Nicholson explained that the organization would be looking at additional grant possibilities, even though grant money is very tight because of the current economy.

**MICHAEL J. DOBSON – HANNIBAL RURAL FIRE PROTECTION DISTRICT**  
**Re: Request, Street Closure – Firefighters Assoc. of MO State Convention Parade**  
*April 28, 2012 2:00 p.m. – 3:00 p.m.*

Council Member Mike Dobson presented the next item on the agenda, a request for Council approval of street closures for the Firefighters’ Association of Missouri/State Convention Parade. Dobson explained that ten years ago, the Director of Tourism, Faye Bleigh, levied for the City of Hannibal to hold the State Convention of Firefighters’ Association of Missouri in Hannibal.

This year, ten years later, the Firefighters’ Association has sought out Hannibal as their chosen location to hold their convention because they liked the City and the job that was done during their last visit. The Hannibal Rural Fire Protection District is organizing a parade to be held on April 28, 2012 in conjunction with the convention. Entries to be included will be modern and antique fire apparatus, walking entries, automobiles, floats, etc. Motion was made by Council Member Draper to approve Dobson’s request. Motion was seconded by Mayor Hark.

**Roll Call**

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

**No:** -0-

**Abstain:** Council Member Dobson - 1

Motion carried.

**JAMES LEMON – CITY ATTORNEY**  
**Re: Code Amendment – Chapter 17, Article V, Section 17-347**  
*Parking Prohibited in Certain Places*  
*(Bill No. 11-031, to follow)*

City Attorney James Lemon introduced an amendment to the City Code, regarding Chapter 17, Article V, Section 17-347 – ***Parking Prohibited in Certain Places***. Lemon explained that he had recently revised the parking ordinance in order to clarify the authority to establish temporary *No Parking* zones following a discussion with Chief Davis. Davis had concerns that there was no specific authority under the current *No Parking* ordinance.

James stated that his first draft of the amended bill was inadvertently submitted instead of the second draft which included Subsection 19 which reads, “*At any place which is at or near the scene of an accident, fire, emergency, crime scene, large gathering, riot, or other unplanned event or catastrophic occurrence, which for public safety reasons has been posted by the Chief of Police or the Chief of the Fire Department, or their designee*”. He requested that Subsection be added to the distributed copy and Bill No. 11-031, as amended, be given a first reading later, during the meeting.

Council Member Draper asked about terminology that was used in the bill, “*No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic...*”. Draper asked what it meant to ‘stand’ a vehicle. Lemon responded that he did not know, but thought it was terminology that had been taken from another ordinance.

**PHYLLIS NELSON – CITY COLLECTOR**  
**Re: Tax Collection – Marion & Ralls Counties**

City Collector Phyllis Nelson reminded Council that she had come before them last May to suggest the option to have Marion and Ralls Counties collect City taxes. This would be a contracted service, according to Nelson. She commented that it is now imperative to decide whether to proceed with this option or to spend substantial dollars on computer upgrades prior to the next tax year.

She asked for Council direction, regarding this matter, reminding them that she had voiced the pros and cons during previous discussions. Nelson added that it would take a few years to clean-up the old bills; but, ultimately, all would be done by the respective Counties.

City Collector Nelson said that in considering the percentage each County is charging, she believes that the option of County collection would be advantageous to the City, especially since the City must write-off taxes in excess of three years in age and the added cost of paper, postage and envelopes alone.

A question arose regarding the possibility of online payment, but Nelson said that although this option had never been discussed, she did not believe the County had that ability. At the present time, the County doesn’t accept credit cards.

A major advantage for County collection involves vehicle licensing, since the County requires paid taxes before license plates will be issued. Nelson explained that the City does not have any leverage regarding vehicle licensing. This as an added incentive because even if they move out of town and are still a resident of the state they have to pay their taxes before their vehicle license will be issued; and this would probably alleviate 90% of delinquencies, in Nelson's opinion.

The County is currently making changes, with costs totaling \$40,000 - \$60,000 and their estimation is that our cost would be similar, should we wish to continue collection of taxes.

In City Collector's opinion, this would be advantageous to the City and its citizens, as well as a cost saving option for the Collector's office. She added that her office has accepted a few additional duties from other departments and will continue to revisit this option as time allows.

Should Council give their blessing, Nelson advised that she would be negotiating a contract with the two counties and return with the proposed contracts for Council approval at a later date.

Mayor Pro Tem Knickerbocker commented that over the years Council has discussed numerous problems that this arrangement would resolve, including tax delinquencies, equipment upgrades, tax write-off and just general convenience. In his opinion, this is a win-win situation.

When City Manager LaGarce questioned details regarding the collections of the \$5.00 stickers and dog license, should this option be approved, Nelson explained that according to the Hannibal City Code the \$5.00 sticker would be called a "Vehicle Registration Fee" and the County would bill this on the City's behalf. No sticker would be issued; but only a receipt that could be carried in the glove compartment of the vehicle. She added that dog licenses would still be issued in the City Collector's office, as well as processing other revenue, BPW payments, building permits and various library payments. Nelson said that much more than City taxes is done in the Collector's office, reiterating that other City Hall tasks could be accepted, as the need arose. She will return with a contract for final approval at a later date, with Council approval.

Librarian Hallie Yundt-Silver stated that this change would have an impact on the library; however, since the Collector notified them in advance they were able to prepare and will work with her to do what is necessary. Motion was made by Council Member Dobson to approve the City Collector's request to allow her to proceed with contract development. Motion was seconded by Council Member Draper.

Chief Davis stated that this change was never brought before the Police & Fire Retirement Board. He added that, according to the City Charter, the City is the 'tax collecting agency' on the Library and the P&F Pension's behalf. He agreed that the City could sub-contract the task; but he was unsure whether the Charter would allow this fee to be passed onto the P&F Pension Fund, since it is ultimately the City's responsibility to collect taxes. He does not

know for sure, however, since the Pension Fund has never been billed for collection of taxes before. Nelson responded that the Fund is currently being billed for the assessor's fee. She added that she did not believe it would adversely affect the Fund, agreeing that the Fund would be paying a portion; however, but money would be saved, as well, by collection of delinquencies. .

Knickerbocker interjected that the City would still be the "Collector of Taxes" but would only be subcontracting the task to the County. Ultimately the City would still be the receiver of taxes. City Attorney Lemon agreed, stating that the County would merely be acting as agent of the City. He did admit that he had not researched this issue, so he was unsure what the Charter stated regarding the Pension Plan. Librarian Yundt-Silver requested that state law be researched regarding tax collection for libraries, as well. Lemon agreed, but added that his biggest concern was that this option may be a violation of the City Charter.

In response to a question from Council Member Louderman regarding the time-table for giving notification to the Counties, Nelson responded that nothing specific was discussed but she believed an answer should be given by late January. The County is currently in the process of installation and this would entail, at the least, a small modification.

Lemon agreed that a yes or no vote could be taken now, since he assumed that the County's contract, when completed would comply with state law. The City could proceed as long as there was no Charter violation. Mayor Hark called the question.

Motion carried.

**GAIL BRYANT – DIRECTOR, HCVB**  
**Re: Land Acquisition – Molly Brown Birthplace & Museum**  
*Missouri Department of Transportation*  
*(Resolution No. 1779-11, to follow)*

HCVB Director Gail Bryant explained that, with the current activity regarding the Bluebird Media project at the location of Dinkler Alley and Mark Twain Avenue, she was requesting Council support in the acquisition of approximately 130 ft. parcel of land, situated north of the Molly Brown Birthplace & Museum. This would be done in order to obtain visibility of the attraction from the street. This acquisition would also provide the opportunity for on-premise signage to promote the attraction. She has already expressed her desire to acquire this property to MoDOT, who have approved this parcel as access.

Bryant recommended Council approval to proceed with the acquisition and their approval of Resolution No.1770-01, to follow, regarding same.

**ANDY DORIAN – DIRECTOR, PARKS & RECREATION**  
**Re: Approval, Removal Hannibal Marina Covered Boat Docks**

Andy Dorian, Director of the Parks & Recreation Department, presented the next item on the agenda, a request for approval for the removal of the covered boat docks at the marina. Dorian explained that the Parks Department in conjunction with the Park Board has been working for several months and countless hours have been spent to find a solution and alleviate the dredging problems at the Hannibal Marina.

He stated that, at their November meeting, the Park Board voted unanimously to approve a proposal to slightly re-design the Marina. Dorian explained that the covered dock on the south side of the Marina is the area that is causing the greatest amount of concern because the river back-eddies into the Marina area, then sediment collects there. Unfortunately, the covered dock area is where five of the largest boats are located, two are owned by Hannibal residents. At least, one of the five boats require a draw of approximately five feet, so the Marina would need the five-foot depth there to keep it operating. The proposal that Dorian and the Park Board were recommending included the removal of the covered docks, which would then be moved to the Parks Maintenance Shop for use as a vehicle canopy. The remaining docks would be used as spare parts.

The south side of the Marina would be dredged out as deep as possible then be used as a retention basin. Sediment, over time, would fill the area in; however, the need to dredge would be only every seven to ten years. Along with the south side dredging, Dorian explained that the north side would be dredged, as well. He added that the north side does not fill in as quickly as the south side.

Dorian said that of the five boats currently in the covered dock area only two are actually under the canopy. The remaining three only utilize the electricity and the water there. Three of the five boats could technically be moved to the north slips; therefore, the greatest effect would be on two boats that would have to leave the Marina.

The Parks Director admitted that this was not a perfect solution, since \$100,000-\$150,000 would have to be spent to dredge this area again, removing sediment out of the current basin that is full. This option was chosen because other options were found to be extremely costly, with no guarantees. Dorian explained that the department had researched buying their own dredge, but after contacting a dredge consultant who highly advised not to choose this costly venture. Two different re-designs were also researched, with costs in excess of \$200,000 each. Both would still require dredging.

The option presented, according to Doran, affects the least amount of people and costs the taxpayers the least amount of money.

Council Member Dobson questioned whether a wing dam would help if it were to begin at the rock wall (the entrance to the harbor itself) and extending out. Dorian responded that in researching previous records, he had found that the Corps of Engineers would never authorize a structure that extended into the river's channel.



Dobson said that maybe the wing dam would not have to extend far enough to interfere with the channel, but still be an asset to the harbor. Dorian responded that the Corps might look at this option; but, they would do a study, and these, historically, take approximately two years to complete.

This would be an option to be researched, according to Dorian, but what actually happens is that the water is flowing back into the harbor and catching. Anytime the water is up and over, it fills itself in, as well. In looking to open on the south side (Bear Creek Side), the sediment is traveling down Bear Creek and the water was back-eddying itself in. The Marina may stay sediment-free, but the mouth is still going to be full of sediment, with the requirement to dredge, at a cost of at least \$50,000 (just to get the equipment to the location).

Marina slip rentals have been dramatically lower in recent times and during the past few years the river has been terrible. Another option would be to eliminate the Marina, but Dorian explained that no one was comfortable doing that, at this time. The reason this option was the most favorable, according to Dorian, was because it would buy the Department some time to compile additional data. Then in 5-10 years, it can be determined whether the Marina is a success or whether Hannibal even needs a Marina.

Mayor Pro Tem Knickerbocker believes that, even though this may not be the most popular with some people, Dorian's proposal was the best solution, overall. Dorian assured Council that he would be working with the five affected boat owners to insure that they had a favorable solution, possibly encouraging at least three to remain and move to the north slips.

In response to a question by Council Member Barta, Dorian said that one boat owner did not place his boat in the Marina this year, even though he paid the slip rental. For others, the reason they like the Marina is because they can keep their boats there, not often taking them out. Two boats are still somewhat trapped there. He concluded that it has been a tough couple years in boating. Motion was made by Mayor Pro Tem Knickerbocker to approve Dorian's request. Motion was seconded by Council Member Louderman.

Motion carried.

### **BILL MADORE – FIRE CHIEF**

#### **Re: Declaration of Surplus Property/Release of Title – 1997 Chevy Blazer**

Fire Chief Bill Madore came before Council, at this time, requesting Council approval to declare a 1997 Chevy Blazer and surplus property and permission to release the title. Madore explained that this was only a small administrative issue. Truck Number 7, the 1997 Chevrolet Blazer, was recently involved in an accident on November 16, 2011. Though there were no injuries to any of the parties. During a meeting with the insurance adjuster, it was determined that this vehicle was considered a total loss. Truck Number 7 has been in the Fire Department fleet for a number of years and has mileage in excess of 100,000, according to the Chief.

In reviewing the cost benefits, Chief Madore recommended that the vehicle be considered a total loss, that the vehicle be declared surplus property and release the title to Shelter Insurance Company.

Council Member Dobson made a motion to approve Chief Madore's request. Motion was seconded by Council Member Hark. Mayor Pro Tem suggested that the motion be amended so that, in declaring the vehicle as surplus property, the Fire Department did not have to offer it in the sealed bidding process. Council Member Dobson made an amended motion to accept the settlement with Shelter Insurance Company for the 1997 Chevrolet Blazer. Council Member Hark amended his second.

Motion carried.

**BRIAN CHAPLIN – ASSISTANT TO CITY ENGINEER**  
**Re: Request, Street Closure – BPW Watermain Project**  
*Monroe Street – Main to Sycamore Street*

Mark Rees, the City Engineer, presented the next items on the agenda instead of Brian Chaplin, his assistant. Rees explained that he had recently attended a BPW pre-construction meeting. During the meeting, they indicated that the water main project on Main Street could begin very soon, shortly after the first of 2012. This project will give them an opportunity to salvage a quantity of potentially very valuable pavers that are underneath the asphalt on Main Street for the Engineering Department.

Since Rees will need a location to store the pavers, allowing his crew to clean and palletize them, he has identified Monroe Street. He requested Council approval to close a portion of Monroe from Main Street to Sycamore for this purpose. Mayor Pro Tem Knickerbocker made a motion to approve Rees' request. Motion was seconded by Council Member Louderman.

Motion carried.

**Re: 2011 Crack Seal Project – Contract**  
*Charlton Paving*  
*(Resolution No. 1780-11, to follow)*

Rees' second item on the agenda was regarded the 2011 crack seal contract with Charlton Paving, and the related Resolution No. 1780-11, to follow. Rees explained that he had hoped to complete this project before the onset of winter weather; however, because of much controversy raised from all sides, he now requested the item be tabled at this time, with the intent to reject all bids and release bid bonds. It was Rees' intention to rebid this again next year with a much cleaner set of specifications and more time allotted to complete the project. Motion was made by Council Member Barta, as per Mr. Rees' request. Motion was seconded by Council Member Hark.

Motion carried.

**Re: Safe Routes to School Project – Contract, Engineering Design & Construction**

*M. Engineering, LLC d/b/a Cochran, Inc.*

*(Resolution No. 1781-11, to follow)*

Regarding the Safe Routes to School Project, Rees explained that Cochran, Inc. had been chosen to do the design and MoDOT has requested that the City of Hannibal enter into a contract with them. Following approval, coordination will be continued with MoDOT, according to Rees. He reminded Council that this project was 100% grant-funded. The original plan was to construct sidewalks to Riverview Park; however, because of funding, and the extra expense of a signalized crossing, it will only continue to Orchard Point. He assured Council that he had every intention of extending the sidewalk to Riverview Park entrance later.

Rees said that the budget for this project was approximately \$150,000 from the school entrance continuing to Orchard Point. From Orchard Point to the Riverview Park entrance, a distance just short of 950 feet would cost an additional \$98,000 for connection, according to City Engineer Rees. He recommended approval Resolution No. 1781, to follow, that would approve the contract for design with Cochran, Inc.

**DOUG WARREN – FINANCE DIRECTOR**

**Re: Approval, Bond Interest Payments**

*2008 Series A & B and 2010 Build America Bonds*

Finance Director Doug Warren presented the next item on the agenda, the approval of the 2008 Series A & B and 2010 Build America Bond payments. Warren explained that his was merely a simple housekeeping request, since these payments are due on January 1, 2012.

Typically, Council approves all monies prior to distribution, however, these payments, done by wire transfers, will need a voice vote since they will need to be completed prior to January 1, in order to be paid in a timely fashion. Total amount of the payments are \$135,000, which includes a portion from the Build America Bonds that will be reimbursed by the Federal Government sometime in January, 2012. This is a yearly request, according to Warren. Motion was made by Council Member Louderman to approve Warren's request. Motion was seconded by Council Member Hark.

Motion carried.

**RESOLUTION NO. 1779-11**

**A RESOLUTION FOR THE CITY OF HANNIBAL IN A LAND ACQUISITION FOR  
THE MOLLY BROWN BIRTHPLACE & MUSEUM FROM THE MISSOURI  
DEPARTMENT OF TRANSPORTATION**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No.1779-11 and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

**Yes:** Council Member Barta, Mayor Hark, Council Members Louderman, Hark, Draper, Mayor Pro Tem Knickerbocker and Council Member Dobson - 7

**No:** -0-

Mayor Hark declared Resolution No. 1779-11 duly approved and adopted on this date.

**RESOLUTION NO. 1780-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND CHARLTON PAVING IN THE AMOUNT OF \$64,250.00 FOR THE 2011 CRACK-SEAL PROJECT**

Was rejected by Council at this time, according to Mayor Hark.

**RESOLUTION NO. 1781-11**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND M. ENGINEERING, LLC d/b/a COCHRAN, INC. IN THE AMOUNT OF \$40,312.06 FOR THE DESIGN AND CONSTRUCTION ENGINEERING OF THE SAFE ROUTES TO SCHOOL PROJECT ON PALMYRA ROAD**

Motion was made by Council Member Draper to have the City Clerk read Resolution No.1781-11 and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

**Yes:** Council Member Barta, Mayor Hark, Council Members Louderman, Hark, Draper, Mayor Pro Tem Knickerbocker and Council Member Dobson - 7

**No:** -0-

Mayor Hark declared Resolution No. 1781-11 duly approved and adopted on this date.

**BILL NO. 11-025**

**AN ORDINANCE ASSIGNING A ZONE TO A TRACT OF LAND LYING IN A. S. ROBARDS SUBDIVISION OF OUT LOTS 87 AND 88, IN MARION COUNTY, MISSOURI FROM HAVING NO ZONE TO E-COMMERCIAL ZONING DISTRICT AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY**

**SECOND AND FINAL READING**

Motion was made by Council Member Draper to give Bill No. 11-025 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

**Roll Call**

**Yes:** Council Member Barta, Mayor Hark, Council Members Louderman, Hark, Draper, Mayor Pro Tem Knickerbocker and Council Member Dobson - 7

**No:** -0-

Mayor Hark declared Bill No. 11-025 duly approved and adopted on this date.

**BILL NO. 11-026**

**AN ORDINANCE AMENDING CHAPTER 10, ELECTIONS OF THE CODE OF THE CITY OF HANNIBAL IN REFERENCE TO WARD BOUNDARIES**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 11-026 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

**Yes:** Council Member Barta, Mayor Hark, Council Members Louderman, Hark, Draper, Mayor Pro Tem Knickerbocker and Council Member Dobson - 7

No: -0-

Mayor Hark declared Bill No. 11-026 duly approved and adopted on this date.

**BILL NO. 11-027**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF HANNIBAL AND DOUBLE 0 MISSOURI CORPORATION FOR USE OF PROPERTY LOCATED NEAR THE GRAPE STREET WATER TOWER**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 11-027 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Draper.

Motion carried.

**Roll Call**

**Yes:** Council Member Barta, Mayor Hark, Council Members Louderman, Hark, Draper, Mayor Pro Tem Knickerbocker and Council Member Dobson - 7

No: -0-

Mayor Hark declared Bill No. 11-027 duly approved and adopted on this date.

**BILL NO. 11-028**

**AN ORDINANCE OF THE CITY OF HANNIBAL PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD, TUESDAY, APRIL 3, 2012 FOR THE PURPOSE OF ELECTING A MUNICIPAL JUDGE AND COUNCIL MEMBERS OF THE FIRST AND THIRD WARDS**

**SECOND AND FINAL READING**

Motion was made by Council Member Barta to give Bill No. 11-028 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

**Roll Call**

**Yes:** Council Member Barta, Mayor Hark, Council Members  
Louderman, Hark, Draper, Mayor Pro Tem Knickerbocker and  
Council Member Dobson - 7

**No:** -0-

Mayor Hark declared Bill No. 11-028 duly approved and adopted on this date.

## **BILL NO. 11-029**

### **AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD TUESDAY, APRIL 3, 2012 TO DETERMINE WHETHER THE CITY OF HANNIBAL SHOULD ENACT ORDINANCES TO PROHIBIT SMOKING IN INDOOR WORKPLACES AND PUBLIC PLACES, TO BE KNOWN AS THE HANNIBAL SMOKE-FREE AIR ACT**

#### **SECOND AND FINAL READING**

Council Member Louderman questioned when this is put on the ballot, if it would be in ordinance form. City Attorney Lemon responded that it would not be in ordinance format, but it has particular provisions that would be a part of the ordinance. Lemon said that he used Dr. Draper's proposed ordinance that could be used if the issue passed on the April, 2012 ballot, unless Council chooses otherwise. This was what he used to draft the terminology for the ballot. He added that the ordinance was available to the public, prior to the ballot box.

Louderman questioned whether it was up to the Council how to handle the ordinance if it passes. Lemon responded that it would be up to Council to enact the ordinance, if it passes; however, it must be in accordance with the vote of the people. If the vote of the people requires a total smoking ban, and he believes this to be true, then that would be how Council would enforce it. The ballot language reads:

*Shall the City of Hannibal prohibit smoking in all enclosed public places, enclosed facilities within places of employment, enclosed residential care facilities and outdoor places within a reasonable distance of three (3) feet outside entrances, operable windows and ventilation systems of enclosed areas where smoking is prohibited?*

Lemon explained that Council would not be required to enact the specific version that Draper's provided; however, Council would be required to enact a bill that complies with the language on the ballot. Lemon continued by stating that Council could not put in a special tax for those wishing to continue smoking, if the proposition passes.

Council Member Dobson explained that he had wished to table for that very reason. He stated that he had visited with the American Legion who provided Bingo, but when the Hospital decided to be smoke-free, they discontinued the Bingo. He believes that there

should be exclusions to this proposition. Council Member Louderman agreed that this should be researched further.

Council Member Barta countered that the non-smoking proposition, when it was passed, did not prove to be a negative factor to our Illinois neighbors. Council Member Louderman made a motion to table this bill. Motion was seconded by Council Member Dobson.

Certification must be given to the County by the 28<sup>th</sup>, according to the City Clerk. Discussion continued until City Attorney Lemon commented that the definition of “Public Place” is subject to interpretation by Council. If Council chose to designate private clubs as not a “Public Place” they would be in compliance.

**Roll Call**

**Yes:** Mayor Pro Tem Knickerbocker and Council Member Dobson - 2

**No:** Council Member Barta, Mayor Hark, Council Members Louderman, Hark and Draper – 5

Motion failed. Motion was made by Council Member Draper to give Bill No. 11-029 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark. Mayor Pro Tem Knickerbocker wished to renew his objection to this bill. He explained that even though he is not opposed to the smoke-free proposition, he believed that it was not Council’s place to bring it forward. In his opinion, this should have been done by a petition.

Motion carried.

**Roll Call**

**Yes:** Council Member Barta, Mayor Hark, Council Members Hark and Draper, - 4

**No:** Council Members Louderman, Mayor Pro Tem Knickerbocker and Council Member Dobson - 3

Mayor Hark declared Bill No. 11-029 duly approved and adopted on this date.

**BILL NO. 11-030**

**AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 3, 2012 TO ALLOW HANNIBAL VOTERS TO CONTINUE A RECYCLING FEE OF \$.70 PER MONTH TO BE APPLIED TO EACH UTILITY BILL FOR THE PURPOSE OF FUNDING COMMUNITYWIDE RECYCLING TO BE OPERATED BY THE NORTHEAST MISSOURI SHELTERED WORKSHOP**



**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 11-030 a first reading.  
Motion was seconded by Council Member Barta.

Motion carried.

**BILL NO. 11-031**  
*(As amended)*

**AN ORDINANCE AMENDING CHAPTER 17, ARTICLE V, SECTION 17-347, OF  
THE CODE OF THE CITY OF HANNIBAL RELATIVE TO PARKING  
PROHIBITED IN CERTAIN PLACES**

**FIRST READING**

Motion was made by Council Member Draper to give Bill No. 11-031 a first reading.  
Motion was seconded by Council Member Hark.

Motion carried.

**CLOSED SESSION**  
**In Accordance with RSMo. 610-021 (2)**

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph two (2), admitting himself, rest of Council, City Manager LaGarce, City Attorney James Lemon, City Clerk Vance Parks Director Dorian. Motion was made by Council Member Louderman to go into Closed Session, as directed by Mayor Hark. Motion was seconded by Council Member Barta.

**Roll Call**

**Yes:** Council Member Barta, Mayor Hark, Council Members Louderman, Hark, Draper, Mayor Pro Tem Knickerbocker and Council Member Dobson - 7

**No:** -0-

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 Dobson.

Motion carried.

## **ADJOURNMENT**

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

Motion carried.