

## Official Council Proceedings

**January 4, 2011  
7:00 p.m.**

**Present:** Council Member Barta, Mayor Hark, Council Members Louderman, Hark, Lyng, Mayor Pro Tem Knickerbocker and Council Member Barta - 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 Barta led the Pledge of Allegiance to the Flag at this time.

### APPROVAL OF MINUTES

**Closed Session Minutes – December 7, 2010  
Regular Council Meeting – December 21, 2010**

Motion was made by Council Member Louderman to approve the minutes of the last regular Council meeting that was held on December 21, 2010 and the Closed Session minutes for December 7, 2010. Motion was seconded by Council Member Dobson.

Motion carried.

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

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

Motion carried

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

Mayor Roy Hark reminded Council of a candidate presented at the last regular Council meeting for the Employee Benefit Trust Board. This was:

**EMPLOYEE BENEFIT TRUST BOARD**

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

He asked Council for their approval of this nomination. Motion was made by Council Member Louderman to approve the nomination of Bianca Quinn for appointment to the Employee Benefit Trust Board. Motion was seconded by Council Member Barta.

Motion carried.

**MIKE DOBSON – 2<sup>ND</sup> WARD COUNCIL MEMBER**  
**Re: April 5, 2011 Municipal Election – Proposition 1**  
*Abolishment of the Fire Board & Transfer of Authority to City Manager*  
*(Bill No. 11-001, to follow)*

Council Member Dobson yielded the floor to Council Member Barta, who had prepared a presentation regarding the next item on the agenda regarding proposed charter changes. He began by thanking the department heads for being prepared to meet with him, Council Member Dobson and Council Member Louderman, and for providing detailed examples of charter and ordinance problems that they had faced. He added that, because of the complexity involved in the update of the almost every department of the City regarding the charter, it was necessary to split the review in half.

Barta explained that the past six months had been consumed by a great amount of time and effort spent on issues of fire department management, tree ordinance, upcoming downtown sidewalks, DPW projects, Building Commission issues and ordinances (somewhat due to the collapsing buildings) and the ordinances that are slated for a second reading later, during the meeting.

Barta discussed proposed charter changes to appear on the April Ballot, which included four primary departments. Results of the recent study were:

- Library – Must operate as its own entity and should be left, as it is.
- Board of Public Works – Since it is a very complex and challenging business to operate and has proven to be a much larger issue than any of the other departments to review and placing Mr. Stevenson under the direction of the City Manager without any other operational changes would double the workload of the City Manager. For this reason, the panel is deferring a recommendation of public vote, at this time.
- Fire Department – Should be placed under direct supervision of the City Manager. The panel made a recommendation to eliminate the Fire Board and to create a Fire Board Commission which would operate as a ‘tool’ for the

Fire Department and Council, without any managerial authority, similar to the Building Commission.

- Hannibal Convention and Visitors' Bureau – The recent resignation of the HCVB Executive Director would allow for a smooth transition to place this department under the supervision of the City Manager, according to Barta. He explained that the Board would remain in place to make any marketing decisions, since they are experts in that field; however, allowing the HCVB to be placed under the direction of the City Manager would utilize time already being spent in a proactive manner instead of a reactive manner. Barta noted that, since the HCVB Board was created by ordinance not charter, his intentions between this time and February 1<sup>st</sup> would be to present a revised ordinance making this change to Council for consideration.

Council Member Dobson explained that his proposal regarded the ballot language that would be used to eliminate the Fire Board and place the Fire Department directly under the control of the City Manager. He added that, as stated in the Hannibal Courier Post during his campaign, he was in favor of changing the city charter by placing all city departments under the City Manager's supervision. He added that the City Manager is the person who deals with the daily, internal workings of the city, not a board or council member. He believes that consistency throughout the city government operations is strongly needed and in his opinion, City Managers are trained and experienced in fields such as personnel issues, budgeting and planning. He commented that City Managers are usually hired from outside of the community and, therefore, would not have alliances to any individual.

**MIKE DOBSON – 2<sup>ND</sup> WARD COUNCIL MEMBER**  
**LOU BARTA – 3<sup>RD</sup> WARD COUNCIL MEMBER**  
**Re: Proposed Charter Changes**

*(Partially covered with the previous agenda item, to be revisited later in the meeting.)*

**JAMES LEMON – CITY ATTORNEY**  
**Re: Full Deed of Release – Reba Williams**  
*(Resolution No.1700-11, to follow)*

City Attorney Lemon explained that he had placed approval of a full deed of release on the agenda. The approval of Resolution No. 1700-11, to follow, would allow the Mayor to execute this deed of release to Reba Williams. Ms. Williams obtained a rental rehab grant quite some time ago. An extensive review was done by the City Collector who determined that this was paid off; however the release was never recorded. Resolution No. 1700-11 will complete this process.

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

City Manager LaGarce reminded Council of Bill No. 10-046, designed to de-commercialize residential areas that had been tabled at the previous Council Meeting, held on December 21, 2010. LaGarce explained that approval of this bill would prohibit commercial vehicles and equipment from parking in residential areas, thereby decreasing property values, hindering the passage of emergency vehicles and creating unnecessary noise and visual blight. De-commercializing these areas restores true residential character, according to LaGarce. Under the proposed bill, there would be a seven-day warning notice sent to first time offenders and the failure to comply will result in the issuance of a summons.

He continued by citing the results of additional violations, according to the proposed bill, adding that, if approved by Council, the ordinance would go into effect on April 1, 2011.

Council Member Louderman expressed his desire to table Bill No. 10-046, at this time. His suggestion was to hold a series of public hearings with regard to this issue, and allow both sides to voice their opinions.

**Re: Non-Discrimination Policy & Formal Grievance Procedure – Americans' with Disability Act**

*(Resolution No. 1699-11, to follow)*

LaGarce explained that the City obtained a CDBG Block Grant in 2003 or 2004 for housing rehabilitation. As requirement of this existing grant the City is being asked to adopt two policies:

- A policy of non-discrimination on the basis of disability
- An ADA grievance procedure

The policy of non-discrimination is a statement of assurances and accompanying public information and the ADA grievance procedure is a process one can employ if he/she feels discriminated against. Under the proposed grievance procedure, the City Manager is the arbiter, and Council serves as the appeals board, in the event the applicant does not like the City Manager's decision.

According to Mr. LaGarce, Resolution No. 1699-11, if approved, would adopt both policies, since these policies work in-tandem with one another.

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

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

**Re: Proposed Charter Changes (Re-visited)**

Council Member Louderman asked to speak before presentation of the resolutions and bills, regarding the proposed charter changes. He agreed that changes needed to be made to the City's charter; however, he is concerned that Council is not looking at this as a change for the better, but as an emotional decision, to right a wrong.

He commented that, when an individual is elected to the office of Council Member, he/she is elected to serve the citizens within their ward, but also the citizens of Hannibal. Even though Council cannot please everyone, their duty is to do the most good for the most people.

He continued by saying that if this is being viewed in light of last year's controversy, then, in comparison, there has been past controversy in the Board of Public Works, the Tourism Board or the Tree Board. Decisions can not be made, based upon these controversies.

Louderman said that he had no problem with all department heads being subject to the City Manager; however, he believes that if that is the decision, than ALL departments should be under the City Manager's supervision, not just a few. He commented that he would vote against the charter change because he has told the Fire Department, who he backs very strongly, that he would continue to back them because of what they do and the skill in which they do it. Louderman believes that the department currently has a leader who has respect for all the members of the Fire Department and who will take the department far.

Again, he suggested that public hearings should be scheduled, in order to hear public opinion on this issue before placing it on the ballot, since citizens have the right to let their opinions be heard.

Louderman developed his own list of charter changes, and distributed it to Council, stating that the proposed changes need to be completed in a professional manner. He believes that the City Manager is already too busy, for that reason Hannibal continues to lose-out on new job opportunities to smaller towns who have less success than Hannibal.

Louderman stated that his goal, this year, is to move forward correctly, with regarding the proposed charter changes; not over-burdening the City Manager.

Mayor Pro Tem Knickerbocker made a comment, stating that when the abolishment of the Fire Board was initially proposed, he believed there was an emotional attachment. At that time, it was his opinion there would have been an emotional vote from Council and citizens, as well, since there were many things occurring and much publicity coverage in the paper. During that time there were many things that needed immediate attention and the question was asked, "Why do that now [make charter changes]. He believed that it was not the appropriate time to make changes, since everyone's vote would have been based upon emotions.

Knickerbocker added that he is a firm supporter of the 'City Manager' form of government and have been for a long time. He believes that we [the City] do need to move forward. Because of this opinion, he said that he was in favor of placing the proposed charter changes on the April ballot. He wished to point out one thing to Council Member Dobson, suggesting that the effective date be postponed until July 1<sup>st</sup>, the beginning of the next fiscal year, so the Fire Board can wrap up any unfinished business, before the City Manager takes over, if this proposal is approved by the people.

Council Member Dobson clarified a statement made by Mayor Pro Tem Knickerbocker, that the City Manager would be included in wrapping up any unfinished business.

Knickerbocker agreed, adding that the City Manager had been involved, actively, in the Fire Board's business for some time and he believed that would continue, pending the adoption of these changes, if passed.

Dobson also responded to Council Member Louderman's remarks by saying that, in his opinion, he was elected to be a policy-maker and not an administrator. There are currently people on the City payroll who make thousands of dollars per year, as City Administrators. He noted that, using the Fire Department as an example, many hours were spent interviewing candidates and choosing the most qualified one. He said that, ultimately, a Chief was chosen

who could be trusted; therefore, he asked, “Why not let him run his Department and let him answer to the City Manager, not attempting to (as a Councilman) micro-manage the City?”

Mayor Hark commented that he knew all the firefighters and believed the City has an excellent Fire Department. He explained that the Fire Board was enacted by a vote of the people and if the people wish to change it, they can vote to do so. If they do not wish to change it they can vote ‘no’ with regard to these charter changes. Give the people an opportunity to make this decision.

### **RESOLUTION NO. 1699-11**

#### **A RESOLUTION ENACTING A POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITY FORMAL GRIEVANCE PROCEDURE PURSUANT TO THE REHABILITATION ACT OF 1973 AND THE AMERICANS’ WITH DISABILITIES ACT**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1699-11, 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, Lyng, Mayor Pro Tem Knickerbocker and Council Member Barta - 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1699-11, duly approved and adopted on this date.

### **RESOLUTION NO. 1700-11**

#### **A RESOLUTION OF THE CITY OF HANNIBAL, AUTHORIING THE MAYOR TO EXECUTE A DEED OF RELEASE AS TO A CERTAIN DEED OF TRUST FROM REBA WILLIAMS TO THE CITY OF HANNIBAL**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1700-11, 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, Lyng, Mayor Pro Tem Knickerbocker and Council Member Barta - 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 1700-11, duly approved and adopted on this date.

**BILL NO. 10-046**

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

**FIRST READING**

Motion was made by Council Member Louderman to table this bill. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**BILL NO. 11-001**

*(As Amended)*

**AN OREINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 5, 2011, TO ALLOW HANNIBAL VOTERS TO CONSIDER AN AMENDMENT TO THE CHARTER OF THE CITY OF HANNIBAL TO PROVIDE FOR THE ABOLISHMENT OF THE FIRE BOARD, AND TRANSFER OF AUTHORITY TO THE CITY MANAGER, EFFECTIVE JULY 1, 2011**

**FIRST READING**

Motion was made by Mayor Pro Tem Knickerbocker to give Bill No. 11-001, as amended a first reading. Motion was seconded by Council Member Barta.

**Roll Call**

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

**No:** Council Member Louderman - 1

**Absent:** -0-

Motion carried.

**BILL NO. 10-041**

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

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 10-041 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Barta.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 10-041 duly approved and adopted on this date.

**BILL NO. 10-042**

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

**SECOND AND FINAL READING**

Motion was made by Council Member Dobson to give Bill No. 10-042 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 10-042 duly approved and adopted on this date.

**BILL NO. 10-043**

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE AN AIRPORT AID  
AGREEMENT BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI**

**HIGHWAYS AND TRANSPORTATION COMMISSION FOR FUNDING OF AN  
ACCESS ROAD AND PARKING LOT AT THE HANNIBAL MUNICIPAL AIRPORT**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 10-043 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Barta.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 10-043 duly approved and adopted on this date.

**BILL NO. 10-044**

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

**SECOND AND FINAL READING**

Motion was made by Council Member Barta to give Bill No. 10-044 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Louderman.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 10-044 duly approved and adopted on this date.

**BILL NO. 10-045**

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

## **SECOND AND FINAL READING**

Motion was made by Council Member Barta to give Bill No. 10-045 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Louderman.

### **Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 10-045 duly approved and adopted on this date.

## **BILL NO. 10-047**

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

## **SECOND AND FINAL READING**

Motion was made by Council Member Dobson to give Bill No. 10-047 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Louderman.

### **Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 10-047 duly approved and adopted on this date.

## **ADJOURNMENT**

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

Motion carried.