

OFFICIAL COUNCIL PROCEEDINGS

**March 15, 2011
7:00 p.m.**

ROLL CALL

Present: Council Member Lyng, Mayor Pro Tem Knickerbocker, Council Members Dobson, Barta, Mayor Hark and Council Members Louderman and Hark - 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 Regular Council Meeting – March 1, 2011

Motion was made by Council Member Dobson to approve the minutes of the last regular Council meeting that was held on March 1, 2011. Motion was seconded by Council Member Hark.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – March, 2011

Motion was made by Council Member Louderman to approve the payroll and claims for the first half of March, 2011. Motion was seconded by Council Member Barta.

Motion carried.

MICHAEL O'CHELLTREE – HISTORIC HANNIBAL MARKETING COUNCIL

Re: Request, Street Closure

Twain on Main Festival – June 4 & 5, 2011

Mr. Michael O'Chelltree, on behalf of the Historic Hannibal Marketing Council, came before Council at this time, seeking approval of street closure during an event, the Annual Twain on Main Festival, to be held on June 4-5, 2011. Requested areas to be closed are:

1. Main Street - from North Street to Broadway
2. Bird Street, Center Street and Hill Street - east of Main Street

Motion was made by Council Member Louderman to approve O'Chelltree's request. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

JR BAREIS – Y MEN'S CLUB

Re: Request, Street Closure

Down By the River – 5/13, 6/10, 7/8, 8/12 & 9/9/2011
Mud Volleyball Tournament – June 22 – July 5, 2011

Mr. J.R. Bareis, on behalf of the Y Men's Club, came to Council seeking approval regarding two separate requests. The first request was for permission to block streets for the upcoming *Down by the River* concerts. This request included Council approval for alcohol sales at these events. Scheduled dates of the *Down by the River* events are: May 13th, June 10th, July 8th, August 12th and September 9th, 2011.

Bareis also made a request regarding approval of street closure for the Mud Volleyball Tournament to be held June 22nd through July 5th, 2011 and to allow alcohol sales for this event, as well.

Motion was made by Mayor Pro Tem Knickerbocker to approve Bareis' requests. Motion was seconded by Council Member Dobson.

Motion carried.

JILL JANES – HANNIBAL SCHOOL DISTRICT
Request, Partial Street Closure & Police Assistance

5K Road Race – Walk/Run – May 7, 2011

Ms. Jill Janes, came before Council, on behalf of the Hannibal School District to request the City's assistance in conjunction with a fund-raising event, known as the 5K Road Race on May 7, 2011. She noted that, in order to sponsor this event she was requesting street closings and police assistance. Janes explained that a definite route had not yet been established, adding that she had spoken to City personnel, who had ideas regarding the proposed route of the race.

Mayor Hark explained that City officials were not opposed to offering suggestions; he commented that the Street Superintendent was a slightly apprehensive about the route that Janes had suggested, which included Country Club Drive and Pleasant Avenue, because of the

narrowness of these streets. At the Mayor and Mayor Pro Tem's direction, she would meet with the Street Superintendent and the Police Department to finalize the route. Motion was made by Council Member Dobson to approve Jane's request, pending finalization of the Race's route. Motion was seconded by Mayor Hark.

Motion carried.

OC LATTA – MARK TWAIN CORVETTE CLUB

Re: Request, Street Closure

Corvette Show – July 6, 2011

Mr. O.C. Latta, representing the 5th Annual Mark Twain Corvette Club, came to Council with a request for Council permission of street closure during the annual Corvette Show to be held on August 6, 2011. The City Clerk indicated that, according to her records, the date requested for the Corvette Show was July 6, 2011. Latta advised that the correct date for this Show, was August 6, 2011.

Motion was made by Mayor Pro Tem Knickerbocker to approve Latta's request. Motion was seconded by Council Member Dobson.

Motion carried.

FREDRICH J. CRUSE – HANNIBAL MUNICIPAL JUDGE

Re: Supervised Probation Services, LLC – Contract

(Resolution No. 1714-11, to follow)

Judge Fred Cruse came before Council with a request for a contract approval. Accompanying him was Mr. Curtis Sanders, from the private probation services. Cruse asked Council to approve a contract with Sanders' company, Supervised Probation Services, LLC for another five (5) years. City Attorney Lemon commented that he had reviewed the contract and found it appropriate. It was noted that this approval would have no monetary impact on the City. This contract would be approved later, during the meeting, with the approval of Resolution No. 1714-11.

BARRY LOUDERMAN – 4TH WARD COUNCIL MEMBER

Re: Request, Set Public Hearings – Annexation

March 23 – 6:00 p.m.

March 30 – 6:00 p.m.

April 6 – 6:00 p.m.

Fourth Ward Council Member Barry Louderman requested Council approval to set public hearings at 6:00 p.m. on the following dates: March 23rd, March 30th and April 6th. The purpose of these hearings, according to Louderman, is to invite people that are in pockets within the limits of the City to discuss annexation into the City of Hannibal. He made a request that the Fire Chief, the Police Chief, the BPW General Manager, the City Manager and some insurance agents be on hand to answer any questions that may arise, regarding voluntary annexation into the city.

Motion was made by Mayor Hark to approve this request. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

JAMES LEMON – CITY ATTORNEY
Re: Code Amendment – Chapter 16, Article V – Mind Altering Substances
(Bill No. 11-008, to follow)

City Attorney Lemon's first request was for approval of an amendment to the City Code with regard to Chapter 16, Article V – Mind Altering Substances, adding a ban for both the sale and possession. This is designed to address a current problem with K-2.

According to Mr. Lemon, the state created a statute banning K-2; however, within a few months, the producers had slightly altered the chemical composition to a point that it no longer matched the definition of this statute and the products were placed back on the market, being sold as a "legal" high. Lemon continued by saying that there is also an issue with entities selling synthetic marijuana, herbs, incense and bath salts for human consumption. Ordinance No. 11-008, to follow, will address both of these issues.

Mayor Pro Tem Knickerbocker, who is a probation/parole officer, agreed that this is a huge problem, becoming ramped within the City. A large amount of people are using these substances. The effects of these substances are very bad with users experiencing psychotic behavior, sometimes injuring themselves and others around them.

Re: Code Amendment – Chapter 17, Article IX – Red Light Enforcement Signage
(Bill No. 11-009, to follow)

The City Attorney explained that this ordinance was drafted, at the request of MoDOT, who wishes to regulate the distance between the red lights and the red light enforcement signage. They also wish to design these signs. After speaking with the Police Chief who has no objections, Lemon said that he had drafted the proposed ordinance that merely tweaks the existing ordinance regarding the Red Light Enforcement. Bill No. 11-009, to follow, if approved will make this change to the City Code.

JEFF LAGARCE – CITY MANAGER
Re: Code Amendment – Chapter 19, Articles 1 & 11 – Keeping or Parking Commercial Vehicles & Construction or Commercial Grade Equipment upon Residential Property
(Bill No. 11-101, to follow)

City Manager LaGarce explained that his one item on the evening's agenda regarded a code amendment to restrict commercial vehicles and construction or commercial grade equipment from being kept or parked at homes. LaGarce reminded Council that this bill was originally brought forth and tabled on December 21, 2010, then tabled again on January 4th, pending a series of public input workshops. He commented that these workshops were very helpful; and, as a result, a concept was developed regarding a "waiver process" in which a measure of exemption could be provided. This exemption or *Administrative Variance* allows any property owner to make an appeal until August 1, 2011 (four months following the adoption date of April 5th). He explained the terms of this appeal process, similar to the process for rezoning approval.

The purpose of this proposed bill, according to the City Manager, is to preserve the quality of life by limiting all zoned property *only* to its permitted uses. Residential areas are intended to be free of unnecessary noise, smog, pollution, customers, employees, excessive lighting, traffic congestion, plant and equipment, and other commercial/industrial characteristics.

LaGarce explained that of the three hearings scheduled on January 26th, February 2nd and February 9th, only two were actually held, since the hearing scheduled on February 2nd was cancelled because of snow. He added that approximately seven people attended the hearings and offered input. LaGarce requested Council approval to give Bill No. 11-101, to follow, a first reading.

ANDY DORIAN – DIRECTOR, PARKS AND RECREATION
Re: Bid Award Approval, Pool Chemicals
Arlan Company, Inc.

Andy Dorian, Director of the Parks & Recreation Department, came before Council with the next item on the evening's agenda, a request for bid approval. Dorian explained that, as the result of the bidding process, one sealed bid was submitted to provide pool chemicals for the upcoming season. This bid, from Arlan Company, Inc. in the amount of \$9,450.65, was opened on March 5th. He commented that the Parks Department budgeted \$12,000 for chemicals this year.

Dorian requested Council approval to accept this bid, as recommended by the Parks & Recreation Department, for the purchase and delivery of 4,000 pounds of Calcium Hypochlorite tablets, 300 pounds of Granular Shock and 60 gallons of Muriatic Acid for the Hannibal Aquatic Center. Motion was made by Mayor Pro Tem Knickerbocker to approve Dorian's request. Motion was seconded by Council Member Louderman.

Motion carried.

At this time, City Manager LaGarce interjected that bid specs would be developed for bulk purchasing from various companies to allow department heads to make bulk purchases at an affordable cost.

MARK REES – CITY ENGINEER
Re: Market Street Storm Water Runoff Improvements – Contract Agreement
(Resolution No. 1715-11, to follow)
Bill Sullivan Excavation

City Engineer Mark Rees brought one item before Council, the approval of a contract agreement with Bill Sullivan Excavation for the Market Street Storm Water Runoff Improvements Project. Rees reminded Council that this project had previously come in slightly over-budget; however, after he and the City Manager took a closer look, it was determined that money saved from the department's salary line because of vacancies within the department, could be utilized to help cover the overage cost. Rees asked Council approval of Resolution No.1715-11, to follow, allowing the Mayor to execute a contract with Bill Sullivan Excavation, the successful low bidder for this project.

LEON WALLACE – STREET SUPERINTENDENT

Re: Request, Sale of Surplus Property

2000 Street Sweeper

Street Superintendent, Leon Wallace, presented the final item on the agenda, a request to sell surplus property, specifically the 2000 Street Sweeper that is no longer in use by the Street Department. If approved, this item would be offered for sale by a sealed bidding process. Wallace explained that a new sweeper is to be delivered within the next thirty days. Motion was made by Council Member Hark to approve Wallace's request. Motion was seconded by Council Member Louderman.

Motion carried.

RESOLUTION NO. 1714-11

A RESOLUTION OF THE CITY OF HANNIBAL, AUTHORIZING THE MAYOR TO EXECUTE A THREE-YEAR CONTRACT WITH SUPERVISED PROBATION SERVICES, L.L.C. TO PROVIDE SUPERVISED PROBATION FOR INDIVIDUALS CONVICTED OF MUNICIPAL ORDINANCE VIOLATIONS

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1714-11, and call the roll for adoption. Motion was seconded by Council Member Barta.

City Clerk Vance questioned Judge Cruse's comment that the agreement was for five (5) years, explaining that the Resolution read three (3) years. Judge Cruse explained that the agreement was actually for five years; however, after examining Resolution No. 1714-11 and the attached contract, the contract period was three (3) years.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1714-11, duly approved and adopted on this date.

RESOLUTION NO. 1715-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BILL SULLIVAN EXCAVATION, INC IN THE AMOUNT OF \$188,102.00 FOR THE CONSTRUCTION OF STORMWATER RUNOFF IMPROVEMENTS ON MARKET STREET AVENUE

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1715-11, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1715-11, duly approved and adopted on this date.

BILL NO. 11-007

AN ORDINANCE REVISING THE GOVERNING STRUCTURE OF THE HANNIBAL CONVENTION AND VISITORS BUREAU BY REPEALING CHAPTER 2, ARTICLE VI, DIVISION 5, OF THE HANNIBAL CITY CODE AND REPLACING IT WITH A NEW ARTICLE VI, DIVISION 5, SETTING FORTH NEW GOVERNING PROVISIONS

SECOND AND FINAL READING

Motion was made by Council Member Barta to give Bill No. 11-007 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Dobson.

Mayor Hark explained that Mr. Mike O'Chelltree had asked to address Council regarding the issue at hand. He was given five minutes, which he deferred to Judy Reagan of Reagan's Queen Anne Bed & Breakfast. Ms. Reagan came forward, introduced herself and proceeded to address Council. She told Council that she had been appointed to the HCVB Board in November, 2010, adding that she was new to the Board, but not to the world of tourism. She asked Council to listen without bias; then explained that her husband and her Bed & Breakfast was their sole livelihood, adding that they had no other source of income. She commented that the HCVB, including Faye Bleigh, Beau Hicks, and Megan Rapp could be credited with a significant part of their success due to their efforts in promoting and advocating Hannibal and Missouri tourism.

Reagan went on to say that all citizens are affected, directly and indirectly, by the tourism industry in Hannibal. Citizens vote for a City Manager form of government to govern over departments, such as Police, Fire, Parks & Recreation, etc. which makes sense since those departments are supported by taxpayer's money, according to Reagan. She explained that the HCVB is a separate entity which draws approximately 95% of operating capital from taxes collected from visitors who stay in Hannibal area lodging. The lodging tax pays for HCVB expenditures, like salaries, health insurance, premiums, work comp, utilities, etc. These things, in Reagan's opinion, separate the HCVB from other City Departments, making it different. She stated that it is extremely rare for HCVB's to operate under City government, since history has proven that they are most efficient and effective when governed by an HCVB Board. She

suggested that Council should step out of the picture and allow the HCVB Board to operate as it should, separate – but in cooperation with the City.

According to Reagan, travel is an \$11.4 billion industry in Missouri. The State receives \$3 in tax revenues for every \$1 invested in the Missouri Department of Tourism budget and for every \$1 invested in marketing tourism \$53 is returned in visitor expenditures. Reagan said that we all depend on travel, adding that merchants in all areas of Hannibal, not just downtown, including non-profits, museums, attractions, lodging, restaurants, along with all Hannibal citizens benefit from visitors, who make purchases and pay taxes to support Hannibal. With the hard work from the current HCVB (governing) Board, who have implemented new and better plans to keep a watchful eye on every aspect of the HCVB and its entire staff, tourism in Hannibal will continue to grow and improve.

She emphasized that the HCVB should not be supervised by the City Manager form of government, since the City Manager nor Council are trained to be tourism experts. Reagan believes that if this bill is passed, tourism will decline which will adversely affect approximately 17,000 people, citizens of Hannibal. The only necessary change, according to Reagan is to change the procedures and create an administrative structure which would allow for oversight without changing the basic structure or governing capabilities of the HCVB Board.

She then presented results from petitions, explaining that the petition represented 48 business owners and included 541 signatures. She stated that the signatures represented those who intimately know and understand what the proposed changes mean. She also distributed the Missouri Tourism Report and asked that Council vote 'no' for this bill or offer one full tourist season to show that it is entirely possible for the City and the HCVB Board to operate efficiently and effectively as separate entities.

Mayor Pro Tem Knickerbocker commented that he had given a great deal of thought to this issue and added that currently, Council was in the position that he believed was untenable. Although, Ms. Reagan indicated that the HCVB Board should be separate from the City of Hannibal, the reality is that they are not. They are under the City, which leaves the City in a position of responsibility, accountability and liability for HCVB. Since the City currently has no ability for oversight, this bill is Council's attempt to have that. Knickerbocker asked the same question of Ms. Reagan, "Give us a year and we'll see how it works."

Knickerbocker continued by saying that if the HCVB's intention was to be totally separate, then he suggested that is what they do. They should devise a proposal and present it to the citizens by having it placed on the ballot proposing that the HCVB be completely separate, with its own governing body and completely out from underneath the City of Hannibal, assuming their own responsibility, accountability and liability. The City of Hannibal would have no more involvement in the governing of HCVB and they would be completely free to govern themselves. They could then accept those things which the City of Hannibal is now trying to take some form of control over so that it has some accountability of its own situation. He concluded by saying that, if the HCVB Board puts it together and it looks good, he would even vote for it.

Mayor Hark commented that although he agrees in-part with what Reagan is saying, he believes the City currently does much for the HCVB, adding that the City does their payroll, accounts payable, carries them on the City's health/dental and liability insurance. He noted that there are many benefits derived from the City that they would not recognize if they were their own entity.

The City Clerk added that all bed taxes are currently being collected by the City, including delinquent tax collections. HCVB is not currently being charged for checks or supplies that are used in any of these processes or for processing any of their accounts.

When asked by the Mayor whether or not it was Council's intention to take over the HCVB to dominate or run it, Council Member Barta responded that was absolutely not the Council's intention. Council's intention was not to take over the daily operations, but to improve the coordination with the rest of the City.

Council Member Louderman clarified that there was no intent to change the current operation of the HCVB, the only difference being the oversight of the City.

Council Member Barta reiterated that each Department Head runs his/her own Department, they take care of the day-to-day operations. He assured HCVB that the City Manager would not interfere with the governing of their Board.

Mr. Bob Yapp stated that 98% of all convention bureaus operate independently from their City. They usually begin through the Chamber of Commerce. He added that it is highly unusual for this entity to fall under the City's supervision.

Council Member Louderman explained that this is merely an ordinance change, not a charter change; therefore it does not require a vote of the people to make a change. He added that if the HCVB Board devised a workable plan that incorporated both the City and the Tourism Board, they could request that the ordinance be amended.

Ms. Reagan asked about the term advisory vs. governing. Louderman responded that the Board would continue to make the day-to-day decisions regarding the workings of the HCVB, only with the added benefit, the City Manager's help, if needed. Reagan again asked about the term "advisory" board. Council Member Barta responded that all other boards are advisory boards, which is not a bad thing.

Ms. Reagan recommended that the board and the City work together without taking away the HCVB Board's governing power; however, Mayor Pro Tem Knickerbocker restated that this concerns the City's ability to have accountability and management authority. Currently the City has the responsibility, accountability and the liability; however, the City Manager or City has no authority and no way to deal with issues that may arise. That is needed, in his opinion, while still allowing the Board to govern the HCVB.

Mayor Hark stated that he would like assurance that nothing will change for tourism and that they will continue to make their own decisions and do their own thing, as they have in the past.

Mayor Pro Tem Knickerbocker addressed the Mayor's comment by saying that the current Council, nor any future Council, could give that guarantee. The only way that would be possible would be with a referendum in which the people vote to take the responsibility from the City, because Council Members are elected in three year terms.

Ms. Reagan agreed, but added that other HCVB Board's work with City governments, completely independent. She assured Council of the Board's willingness to cooperate with the City. She inquired whether or not the name of the Director was changed in the bill, or the designation of "Hannibal Visitors' and Convention Bureau". Council Member Barta responded that no changes were made since no official suggestions were received. The belief

still stands that the title is only a title and is meant to bring the name in line with other departments.

Michael O'Chelltree stated their position - they do not have a problem being under the City, the City Council or the City Manager, their problem is with the City Manager being over the director. The Board wishes to be over their own Director.

Mr. Bob Yapp wished to clarify that the Board would still select the Executive Director and the City Manager would have no part in that process. Council Member Barta responded that the City Manager would participate in the hiring process, as he does with the Fire Chief, etc.

There was some question regarding Board Member qualifications. Since the ordinance changes the nature of the Board, Board Members will be lost as a result. The only clarification made was the type of background some members might be required to have; therefore, several Board Members would be lost because of this.

Mayor Pro Tem assured the concerned parties that there was nothing included that would change the constitution of the Board in that way, causing it to lose members. It was noted that some current members on the Board who do not meet the definition included in the ordinance. The verbiage was "experienced in tourism" and it was noted that two people would have to come off; however Mayor Pro Tem Knickerbocker, Council Member Barta and Mayor Hark disagreed. City Attorney Lemon stated that there was no requirement of the ordinance to remove any existing Board Members. He also stated that he was unsure of the term "knowledgeable in tourism", that Ms. Reagan had wished would replace "experienced in tourism".

Council Member Lyng stated that this change would give the Director no real responsibility to the HCVB Board. Barta responded that this scenario would be no different than all other departments.

Reagan questioned that if the name of the Director is changed after the ordinance is passed, what would the name be changed to. Council Member Barta responded that the name would be changed to the Director of Tourism, instead of the HCVB Director. Mayor Pro Tem Knickerbocker asked that the vote be called.

Roll Call

Yes: Mayor Pro Tem Knickerbocker, Council Members Dobson, Barta, Mayor Hark, Council Members Louderman and Hark - 6

No: Council Member Lyng - 1

Mayor Hark declared Bill No. 11-007 duly approved and adopted on this date.

BILL NO. 11-008

AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 16, ARTICLE V, OF THE CODE OF THE CITY OF HANNIBAL, RELATIVE TO MIND ALTERING SUBSTANCES

FIRST READING

Motion was made by Council Member Dobson to give Bill No. 11-008 a first reading. Motion was seconded by Council Member Louderman.

Motion carried.

BILL NO. 11-009

AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 17, ARTICLE IX, RELATIVE TO RED LIGHT ENFORCEMENT SIGNAGE

FIRST READING

Motion was made by Council Member Louderman to give Bill No. 11-009 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

BILL NO 11-010

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 give Bill No. 11-010 a first reading. Motion was seconded by Council Member Barta.

Motion carried.

ADJOURNMENT

Motion was made by Council Member Louderman to adjourn the meeting. Motion was seconded by Council Member Hark.

Motion carried.