

# OFFICIAL PROCEEDINGS OF THE PUBLIC HEARING

Tuesday, April 3, 2012  
6:45 p.m.

## CALL TO ORDER

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

**MARK REES – CITY ENGINEER**  
**Re: Rezoning, 8701 County Road 418**  
**F – Industrial to A – One and Two Family Zoning**  
**Josh and Kristen Vandiver**

City Engineer Mark Rees explained that the re-zoning of 8701 County Road 418 was a topic at the recent Planning & Zoning meeting, at the request of the owners, Josh and Kristen Vandiver. Subsequently, a public hearing was held by the Planning and Zoning Commission on March 15, 2012.

Rees stated that this is an existing non-conforming use, since there is a single family house on property that is currently zoned F-Industrial. The owners are wishing to have said property re-zoned to A-One and Two Family zoning. Rees added that this would not be spot zoning since there is an adjacent A-zone that was previously granted. Planning and Zoning Commission made the recommendation to approve this request; and, in order to re-zone the property from F-Industrial to A-One and Two-Family zoning, this public hearing is a requirement of the City Code, according to Rees. He stated that most of the property in that area is agricultural in nature.

## PUBLIC COMMENTS

Jason Janes, of Janes Surveying, came forward and responded to a question posed by Council regarding the reason for the current zoning on this small piece of property. He explained that the west side of this property located at 8704 County Road 418 is outside of Hannibal city limits and a part of Marion County, probably zoned “Agricultural”. Some years ago, when the City of Hannibal annexed property for the Municipal Airport, all was zoned F-Industrial. Janes continued by adding that Connie Abright had a subdivision that was later re-zoned to A-One and Two Family Zoning. The Vandiver property is a portion of property that was previously owned by Abright, according to Janes. Mayor Hark asked if anyone else wished to speak, at this time; however, no one wished to speak for or in opposition to the proposed re-zoning.

## ADJOURNMENT

Since there were no additional comments, Mayor Hark called the Public Hearing to a close.

# OFFICIAL COUNCIL PROCEEDINGS

April 3, 2012  
7:00 p.m.

## ROLL CALL

**Present:** Mayor Hark, Council Members Louderman, Hark, Mayor Pro Tem Knickerbocker and Council Member Barta - 5

**Absent:** Council Members Draper and Dobson – 2

## 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

All Members of Council that were present led the Pledge of Allegiance to the Flag. Motion was made by Mayor Pro Tem Knickerbocker to excuse Council Members Draper and Dobson. Motion was seconded by Council Member Louderman.

Motion carried.

## APPROVAL OF MINUTES

**Regularly Scheduled Council Meeting – March 20, 2012**  
**Closed Session Meeting – September 20, 2011**  
**Closed Session Meeting – December 6, 2011**  
**Closed Session Meeting – March 20, 2012**

Motion was made by Council Member Louderman to approve the minutes of the Closed Session meetings that were held on September 20, 2011, December 6, 2011 and March 20, 2012 and the regularly scheduled Council meetings that were held on March 20, 2012. Motion was seconded by Council Member Hark.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**Second Half – March, 2012**

Motion was made by Council Member Barta to approve the payroll and claims for the second half of March, 2012. Motion was seconded by Mayor Pro Tem Knickerbocker.

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

Motion carried.

**JILL JANES – HANNIBAL PUBLIC SCHOOLS**  
**MARCIA BRINKLEY – HANNIBAL PUBLIC SCHOOLS**  
**Re: Request, Street Closure & Police Service**  
*5K Run/5K Walk – April 28, 2012*  
*7:45 a.m. – 9:00 a.m.*

Mr. Dana Ruhl, representing the Hannibal Public Schools, was in attendance in place of Jill Janes and Marcia Brinkley, to present a request for the City's assistance in conjunction with a second annual event, known as the Pirate Pride Challenge 5K Run/5K Walk on April 28, 2012. He referenced a map that had been included with the special event and asked for approval of street closings and police assistance at the intersection of Palmyra Road and the roadway to the Hannibal Middle School parking lot. Motion was made by Mayor Hark to approve Ruhl's request. Motion was seconded by Council Member Louderman.

Motion carried.

**BRAD PETERS - DEVELOPER**  
**Re: Request, Authorization for Private Street Construction Standard**  
*Hillcrest Subdivision*

Mr. Jeff Curl appeared, on behalf of Brad Peters who was also in attendance. Their appearance was to request Council approval/authorization for continued development of a private street construction in Hillcrest Subdivision. The engineering plans and development of this property has already begun and some of the lots have already been sold; however, the project has been halted in order that Council may consider the development of this subdivision. Curl added that, at some point City Engineer Mark Rees had approved construction of these private streets; and, for that reason the project had begun. Mayor Pro Tem Knickerbocker suggested that Council should take this opportunity to modernize and update the rules that govern plats and subdivisions, and the specifics regarding the difference between public and private streets, as the City Manager brought to light in his memo; however, in Knickerbocker's opinion, Mr. Peters should not be prevented from continuing with his current development plans. Motion was made by Mayor Pro Tem Knickerbocker to approve Peters' request to continue forward; and, in addition, that Council revise the ordinances to be in line with the current standards.

Council Member Louderman questioned the number of streets that were included in this subdivision. Peters responded that one main street enters the subdivision from Clinic Road, on the south side of the Apostolic Church and exits at the top of Hillcrest. He added that he had purchased a plat that was approved in the 1960's or 1970's. Prior to his purchase, he had attended a meeting with the City of Hannibal and was then given approval to develop it as it was on the plat. No additional streets will be added, according to Peters.

Knickerbocker reminded Council of a point LaGarce had made, "street width", as defined by Peters, was more in accordance with current standards than the City's regulations. LaGarce added that the City's standards, as written, may actually hinder the economics of a good, solid development of projects. Mayor Hark reminded Council of the motion that was on the table. Motion was seconded by Council Member Barta.

Motion carried.

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

Mayor Hark made the following recommendation:

**HANNIBAL HOUSING AUTHORITY ADVISORY BOARD**

- Ed Trotter – Re-appointment for a term to expire April, 2016

Hark explained that he had recently spoken with Mr. Jack McCord, who is very much in favor of Trotter remaining on the Hannibal Housing Authority Advisory Board. This nomination will be considered for approval at the next regular Council meeting.

**JAMES LEMON – CITY ATTORNEY**  
**Re: Municipal Judge Salary - Bill No. 12-012, as amended**

City Attorney James Lemon explained that he and Judge Cruse did additional research regarding the salary of the Municipal Judge and if Bill No. 12-012, as amended, will deal with this issue in an appropriate manner.

Lemon stated that, after reviewing the constitution, he believes that the controlling issue is whether or not the scheme is put into effect prior to the individual taking office. If the wage is set prior to the beginning of the judge's term of office, it would be valid. Bill No. 12-012, as amended, will be given a second reading, later in the meeting, with Council approval.

**JEFF LAGARCE - CITY MANAGER**  
**Re: Capital Improvement Plan – 2012-2017**  
*(Resolution No. 1806-12, to follow)*

City Manager LaGarce first order of business was Resolution No. 1806-12, to follow, approving the Five-Year Capital Improvement Plan for 2012-2017. LaGarce explained that

this comes before Council around this time each year. Planning and Zoning Commission heard the plan that was developed in January, at their March meeting, with unanimous approval. LaGarce included a transmittal letter with the plan that defines the goals by department. LaGarce stated that in the plan, Council will see the departments that are largely labor intensive minimizing their capital outlay, while the departments that are capital intensive optimizing their capital outlay. He stressed that this Plan is simply a guide and a few items that are not included in the Plan since it was completed in January, have been included in the transmittal letter. He thanked all departments for being so diligent in completing their portion of this Plan. The Five-Year Capital Improvement Plan will be adopted and approved with the approval of Resolution No. 1806-12, to follow.

**Re: Stardust Diamond Munger TDD/TIF Project – Engagement Letter**

*Armstrong Teasdale*

*(Resolution No. 1807-12, to follow)*

The City Manager's next agenda item was regarding the Stardust Munger Diamond TDD/TIF Project. As he had recently informed Council, this project is due to expire and the maturing date is scheduled for May 1, 2012. Much work is still to be done before the May 1<sup>st</sup>, date, including post-audit and additional filings. Not many have closed-out TIF Projects, according to LaGarce, who added that the TIF law began in the 1980's and ran twenty-three years, so the relative processes are still open.

Since Attorney Robert Klahr has served as the legal council for the Stardust Diamond Munger TDD since inception, LaGarce requested Council approval to retain him for the undertaking of all legal processes and proceedings necessary to effectively close-out this TDD/TIF project. City Manager LaGarce stressed the importance of retaining legal council for this process since there is:

- A 5/8-cent tax to be liquidated, which includes many notifications and processes.
- A property tax liquidations that must occur
- A surplus of funds that must be dispersed back to the various tax entities, including the school district

LaGarce stated that he would be returning, in two weeks, with a proposal from the City's auditors that will verify and certify the amounts, pre-audit and post-audit, as required by law. He asked Council to approve Mr. Klahr's engagement letter to retain his services in the amount of \$25,000 and his proposed timeline, which includes a host of mandatory steps for closure. Council approval of Resolution No. 1807-12, to follow, would approve the City Manager's request and authorize the Mayor to execute.

**Re: 1107 Carr Street Acquisition – Contract for Sale of Real Estate**

*Russell and Dana Brooks*

*(Resolution No. 1808-12, to follow)*

City Manager LaGarce explained that Resolution No. 1808-12, to follow, dealt with the acquisition of 1107 Carr Street, which was a flood buyout property that was eliminated from the Residential Flood Buyout Program because it was purchased ten years ago as a commercial property. LaGarce added that he did not understand all the details; however, the

State of Missouri and the appraiser both agreed that this was not unusual, since they had seen this happen before in instances such as this. He assured Council that the City had the funds for the 100% purchase amount, through cost savings from the CDBG grant funding. He added that Council had previously authorized him to make an offer on the property; therefore, based on the appraised value, appraisal review and duplication of benefits information provided by SEMA, he tendered an offer of \$85,446.51 that has now been accepted by Russell and Dana Brooks, the owners.

LaGarce asked for Council approval of Resolution No. 1808-12, to follow, authorizing the Mayor to execute a real estate contract with the Russell and Dana Brooks for the aforementioned amount.

### **Re: Approval, City Hall Improvements**

LaGarce's final agenda item concerned the improvements to the City Hall building. He noted that this was rare, since he tended not to bring unbudgeted items before Council for approval; however, there had been enough uniform interest in this matter to warrant Council's consideration. He added that part of the requested improvements are for aesthetic purposes and part are utilitarian.

The City Manager explained that, a meeting with the City Clerk, Chief Davis and Lieutenant Mike McHargue, resulted in some very good ideas. McHargue has done significant work at the Police Department at insignificant expense and he believes that Council Chambers can be decorated at a very reasonable cost. Some of the upgrades are as follows:

- Replacement of old dais panel frontage with modern woodwork
- Replacement of dais table top with flat black laminate material
- Re-edge of conference table with same wood-look
- Replace existing podium with new portable podium
- Replace nameplates with brass or gold-look plates
- Wiring for overhead projector to drop-down from ceiling (to project onto a screen at side wall)
- Painting - three colors (Council now has three-color scheme)
- Installation of commercial-grade carpeting.
- Placement of a large, full-color City seal on front center of dais
- Installation of three murals in Chamber
- Reupholster conference table chairs
- Possible I-Pad system for Council (pricing of this is not included in these totals)

LaGarce stated that these upgrades could be done for approximately \$12,000 and added that, in his opinion, a nice Chamber benefits Council and the Community. In order for this to happen, some exterior changes must also be made.

The exterior fascia of City Hall's upper parapet is crumbling. Though the repair would be bid, a contractor estimate of \$11,627 has been obtained. In addition, a parapet cap would be installed along the top, protecting these areas from weather leaks. The parapet cap estimate is \$7,568. Total estimate for the exterior improvements is \$19,194. These improvements, according to LaGarce, are imperative, whether or not any interior improvements are made.

There is one additional decision that Council must make - whether or not to reupholster the audience chairs for an additional \$6,000. Although these chairs are still in good condition and he prefers to keep costs down, at a meeting earlier in the month, there were some disparate viewpoints on audience chairs. For that reason, Council's pleasure is sought. Mayor Hark believes that all improvements, including upholstering the audience chairs, should be done at one time.

LaGarce concluded by saying that staff recommends authorization to bid the exterior and get quotes for interior City Hall improvements. Motion was made by Council Member Louderman to approve City Hall upgrade, including reupholstering the audience chairs, a new clock and door locks. Motion was seconded by Council Member Barta.

Motion carried. City Manager LaGarce wished to include two informational items that were not included on the agenda:

**Absence** - He would be absent from City Hall on April 4<sup>th</sup>, the next day, but he wished to have a planning meeting regarding all the aspects of the upgrade upon his return.

**Sponsored Bill** - A Missouri Legislator was sponsoring a bill to close the use tax that the Supreme Court opened up last week. LaGarce was requesting permission to sign letters of support on and send to the State Senator and Representative. He added that he did not know the details or specific bill numbers, but he wishes to support the concept. He stressed that it was not for the benefit of the City, but for the benefit of local businesses. Motion was made by Mayor Pro Tem Knickerbocker to allow the City Manager to sign letters of support and send to the Senator and State Representative. Motion was seconded by Mayor Hark.

Motion carried.

### **ANDY DORIAN, DIRECTOR – PARKS & RECREATION**

#### **Re: Admiral Coontz Armory Engineering Services – Supplemental Agreement No. 1**

*Poepping, Stone, Bach & Associates*

*(Resolution No. 1809-12, to follow)*

Parks & Recreation Director Andy Dorian explained that he has been working with Poepping, Stone Bach & Associates on three renovation projects at the Admiral Coontz Armory. These are

- Removal of crumbling plaster walls on the second floor
- Replace aging lights on second floor boxing room
- Replace electrical receptacles in all three rooms of second floor

PBSA has submitted a lump sum not to exceed \$2,500 supplemental agreement to produce design/construction documents for this additional work. This would increase the overall engineering agreement to \$49,500. The Parks Department budgeted \$150,000 in the 2011-12 Budget for this project. He explained that the current electrical system is outdated and possesses a risk to the building and to potential users. For that reason the Parks Department

and Dorian made the recommendation that Council authorize the Mayor to execute a supplemental engineering/architectural/service agreement with Poepping, Stone, Bach & Associates, Inc. for the lump sum of \$2,500 for additional improvements to be made at the Admiral Coontz Armory. This would be approved with the approval of Resolution No. 1809-12, to follow.

**Re: Bid Award Approval, ADA Pool Lift**

*Arlan Company, Inc.*

Dorian presented his final item on the evening's agenda, Council approval for the purchase of an ADA pool lift from Arlan Company, Inc. Dorian explained that, on March 27, 2012, sealed bids were opened for the purchase of an ADA pool lift for the Hannibal Community Pool, which will allow individuals with disabilities greater access to the Community Pool. This purchase will also allow the Parks Department to comply with the new ADA standards set by the Department of Justice. One bid was submitted by Arlan Company, Inc. in the total amount of \$5,825.00. \$20,000 was budgeted in the current 2011-12 budget for pool improvements. Dorian recommended Council approval of this bid.

Motion was made by Council Member Hark to approve Dorian's recommendation. Motion was seconded by Council Member Draper.

Motion carried.

**MARK REES – CITY ENGINEER**

**Re: Rezone Property – 8701 County Road 418**

*Josh & Kristen Vandiver*

*(Bill No.12-013, to follow)*

Rees reminded Council that this rezoning request by owners, Josh and Kristen Vandiver, for 8701 County Road 418 from F-Industrial to A-One & Two Family zoning, 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. The related Bill No. 12-013, to follow, would be given a first reading, with Council approval.

**RESOLUTION NO. 1806-12**

**A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING AND ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM 2012-2017 FOR THE CITY OF HANNIBAL, MISSOURI**

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1806-12, and call the roll for adoption. Motion was seconded by Council Member Barta.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Dobson – 1

Mayor Hark declared Resolution No. 1806-12, duly approved and adopted on this date.

**RESOLUTION NO. 1807-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MARCH 20, 2012  
ENGAGEMENT LETTER WITH ARMSTRONG TEASDALE, LLP FOR LEGAL  
SERVICES RELATED TO THE CLOSEOUT OF THE STARDUST DIAMOND  
MUNGER TDD/TIF PROJECT**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1807-12, and call the roll for adoption. Motion was seconded by Council Member Draper.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Dobson – 1

Mayor Hark declared Resolution No. 1807-12, duly approved and adopted on this date.

**RESOLUTION NO. 1808-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE  
PURCHASE CONTRACT WITH RUSSELL AND DANA BROOKS IN THE  
AMOUNT OF \$85,446.51 FOR THE ACQUISITION OF 1107 CARR STREET IN  
HANNIBAL**

Motion was made by Council Member Barta to have the City Clerk read Resolution No. 1808-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Dobson – 1

Mayor Hark declared Resolution No. 1808-12, duly approved and adopted on this date.

**RESOLUTION NO. 1809-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 WITH POEPPING, STONE, BACH & ASSOCIATES TO PROVIDE ADDITIONAL DESIGN/CONSTRUCTION DOCUMENTS TO ADD NEW LIGHTING AND ELECTRICAL RECEPTACLES TO THE SECOND FLOOR ROOMS AT THE ADMIRAL COONTZ ARMORY IN THE AMOUNT OF \$2,500**

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1809-12, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Dobson – 1

Mayor Hark declared Resolution No. 1809-12, duly approved and adopted on this date.

**BILL NO. 12-012**  
*(as amended)*

**AN ORDINANCE AMENDING THE PAYROLL ORDINANCE OF THE CITY OF HANNIBAL ESTABLISHING THE SALARY FOR THE MUNICIPAL JUDGE BEGINNING FISCAL YEAR 2012-2013**

## **SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 12-012, as amended, a second and final reading and call the roll for adoption. Motion was seconded by Council Member Hark.

### **Roll Call**

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

**No:** -0-

**Absent:** Council Member Dobson – 1

Mayor Hark declared Bill No. 12-012, as amended, duly approved and adopted on this date.

## **BILL NO. 12-013**

**AN ORDINANCE REZONING, AN 21.0 ACRES +/-, MORE OR LESS, TRACT OF LAND LYING IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 57 NORTH, RANGE 5 WEST, ALSO KNOWN AS 8701 COUNTY RD 418, IN THE CITY OF HANNIBAL, MISSOURI FROM F – INDUSTRIAL TO A – ONE AND TWO FAMILY ZONING DISTRICT AND AMENDING THE CITY’S ZONING MAP ACCORDINGLY**

## **FIRST READING**

Motion was made by Council Member Barta to give Bill No. 12-013 a first reading. Motion was seconded by Council Member Louderman.

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, subparagraph 1, admitting himself, the rest of Council, City Manager LaGarce, City Attorney Lemon, City Clerk Angelica Vance and Building Inspector Joey Burnham. Motion was made to go into closed session as Mayor Hark directed by Council Member Louderman. Motion was seconded by Mayor Pro Tem Knickerbocker.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Dobson – 1

Motion carried.

**OPEN SESSION**

Motion was made by Mayor Pro Tem Knickerbocker to return to open session. Motion was seconded by Mayor Hark.

Motion carried.

**ADJOURNMENT**

Motion was made by Mayor Pro Tem Knickerbocker to adjourn. Motion was seconded by Mayor Hark.

Motion carried.

