

# NOTICE OF PUBLIC HEARING

July 3, 2012  
6:45 p.m.

## CALL TO ORDER

At the appointed time, Mayor Hark called the public hearing to order.

### MARK REES – CITY ENGINEER

**Re: Rezoning – Lot 17 Cruikshank Subdivision, Out Lot Twenty Nine**  
*E-Commercial to A- One & Two Family*  
*(Sugar Maple Properties, LLC)*

City Engineer Mark Rees explained the purpose for the public hearing, which was to review a petition to rezone property located on Shaw Street, near the intersection of Bluff Street and Swan from E-Commercial to A-One and Two Family Zoning, since the owner of the property would like to build his home on the property. Rees said that although this property is currently adjacent to much E-Commercial-zoned property; however, all is being used as one and two family. These are apparently nonconforming since they are zoned E-Commercial. The request had been addressed at a recent Planning and Zoning Board meeting, according to Rees. He added that it had been their recommendation to approve this request and this was his recommendation, as well.

## PUBLIC COMMENTS

Mayor Hark asked for public comments for or against the matter at hand, the rezoning of the Shaw Street property. No one asked to speak.

## ADJOURNMENT

There being no other comments for or in opposition, Mayor Hark adjourned the public hearing.

# OFFICIAL COUNCIL PROCEEDINGS

Tuesday, July 3, 2012  
7:00 p.m.

## ROLL CALL

**Present:** Council Member Lionberger, Mayor Hark, Council Members Louderman, Hark, Mayor Pro Tem Knickerbocker and Council Member Dobson - 6

**Absent:** Council Member Draper - 1

## CALL TO ORDER

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

## INVOCATION

Representative Lyndell Shumate gave the invocation.

## PLEDGE OF ALLEGIANCE

Council Member Lionberger led the Pledge of Allegiance to the Flag. Motion was made by Council Member Louderman to excuse Council Member Draper. Motion was seconded by Council Member Hark.

Motion carried.

## APPROVAL OF MINUTES Regularly Scheduled Council Meeting – June 19, 2012

Motion was made by Council Member Louderman to approve the minutes of the regularly scheduled Council meeting that was held on June 19, 2012. Motion was seconded by Council Member Dobson.

Motion carried.

## APPROVAL OF PAYROLL AND CLAIMS Second Half – June, 2012

Motion was made by Council Member Dobson to approve the payroll and claims for the second half of June, 2012. Motion was seconded by Council Member Lionberger.

Motion carried.

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

Mayor Hark reminded Council of a candidate presented at the last regular Council meeting for the Hannibal Library Board. This was:

HANNIBAL LIBRARY BOARD

- **Cindy Lovell – appointment for a term to expire June, 2014**

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

Motion carried.

**Re: Recommendation of Appointment**

Mayor Hark made the following recommendations:

EMPLOYEE BENEFIT TRUST BOARD

- **Ryan Rapp –re-appointment for a term to expire May, 2015**

Mayor Hark asked City Manager LaGarce to make his recommendation for the Planning and Zoning Commission:

PLANNING & ZONING COMMISSION

- **Mike Kettelkamp – re-appointment for a term to expire June, 2016**

Both of these nominations will be considered for approval at the next regular Council meeting.

**KEVIN LIONBERGER – 3<sup>RD</sup> WARD COUNCIL MEMBER**  
**Re: Code Amendment, Chapter 16, Miscellaneous Provisions & Offenses**  
**Division III – *Sexually Oriented Businesses***  
*(Bill No. 12-027, to follow)*

City Attorney Lemon presented this next agenda item, at the request of Council Member Lionberger. Lemon had been working, in conjunction with Lionberger to develop Bill No. 12-027, amending Chapter 16 of the City Code, regarding sexually oriented businesses. This bill mirrors state statutes, with one difference, according to Lemon. The state statute includes a provision for special events that was not included on the proposed Bill No. 12-027, to follow. With Council approval, Bill No. 12-027 will have a first reading later, during this meeting.

**MIKE DOBSON – 2<sup>ND</sup> WARD COUNCIL MEMBER**  
**Re: Bill No. 12-026, amended – Purchasing Provisions for Local Businesses**  
*(Bill No. 12-026, as amended, to follow)*

Council Member Dobson asked that the amended Bill No. 12-026 be tabled at this time and returned to the committee for further revisions. He made a motion to this effect; and, Council Member Louderman seconded Dobson's motion.

Motion carried.

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

City Manager LaGarce reminded Council of a candidate presented at the last regular Council meeting for the Hannibal Board of Public Works. This was:

**HANNIBAL BOARD OF PUBLIC WORKS**

- **Betty Anderson – appointment for an unexpired term to expire July, 2014**

LaGarce reminded Council that Anderson would be replacing Jason Janes who would be moving out of the City. He thanked Janes for his service and asked Council for their approval of this nomination. Motion was made by Council Member Louderman to approve LaGarce's nomination. Motion was seconded by Council Member Hark

Motion carried.

**Re: Hannibal Nutrition Center – Contract for Services**  
*(Resolution No. 1833-12, to follow)*

City Manager LaGarce presented the next agenda item, a service agreement with the Hannibal Nutrition Center, approved with the approval of Resolution No. 1833-12, to follow. LaGarce reminded Council that, each year, for a number of years, the City has had a service agreement with the Hannibal Nutrition Center to provide nutrition and meals, exercises, activities, guest speakers, crafts, health tips, etc. It is the City Manager's recommendation to renew this service agreement at the current amount of \$18,357, and to make the 2012 payment. He noted that the approved amount is the same amount as last year's contribution.

LaGarce informed Council that the Code Red they had recently authorized has now been implemented. The system is operating and all land lines in Marion County are now in the 911 system and functional. The next step to complete is a process of registration for all remote phones which will include addresses, as well as phone numbers. This procedure will begin later in the current week and continue into next week. Council Member Dobson explained that he had registered his cell phone, adding that the link is actually operable on the Marion County 911 website.

**ANGELICA N. VANCE – CITY CLERK**  
**Re: Conflict of Interest Affirmation**  
*(Bill No. 12-026, to follow)*

City Clerk Vance presented the next item on the evening's agenda, which concerned Bill No. 12-026, reaffirming the conflict of interest procedures. According to RSMo 105.483 and 105.485.4, this must be done biennially in order to comply with statutory requirements. The Bill will affirm the City's procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials and employees. The Clerk explained that, if approved later during the meeting, this bill would ratify and reaffirm the City's intent to adhere to the policy, as adopted by the City Council on August 20, 1991 in Ordinance No. 4305. She added that the Missouri Ethics Commission requires completion of this process, no later than September 15, 2012.

**GAIL BRYANT – DIRECTOR, HANNIBAL CONVENTION & VISITOR'S BUEAU**  
**Re: Grant Award Acceptance – Notice of Award**  
*State of Missouri, Division of Tourism, Cooperative Marketing Program*  
*(Resolution No. 1832-12, to follow)*

HCVB Director Gail Bryant came before Council with a request for their approval to accept a matching grant, awarded to the Hannibal Convention and Visitor's Bureau, in the amount of \$5,000.00, with regard to the Small Projects Program for advertising in the Iowa market.

Bryant explained that matching funds are already incorporated into the HCVB FY2013 budget. She requested Council approval for the Mayor to execute a contract with the Missouri Division of Tourism in the aforementioned amount, by approval of the related Resolution No. 832-12, to follow.

Council Member Dobson questioned Bryant's plan for utilization of the grant monies. She responded by explaining that the money would be used for billboards and advertising in the Iowa market, so that the fall tourist season could be extended and possibly increased.

**Re: HCVB Tagline Line & Logo – Trademarks & Service Marks Application**  
*Missouri Secretary of State*  
*(Resolution No. 1836-12, to follow)*

Next, Bryant requested Council approval to obtain the Mayor's signature on a Trademarks & Service Marks application. This would initiate the process for registering HCVB's new logo and tagline as a service mark with the State of Missouri. She added that the new tagline would be unveiled on July 19<sup>th</sup>; and, Resolution No. 1836-12, to follow, would approve her request and authorize the Mayor to execute this application.

**BILL MADORE – FIRE CHIEF**  
**Re: Amendment, Longevity Pay Plan**  
*Training Officer Positions*  
*(Resolution No. 1835-12, to follow)*

Fire Chief Bill Madore presented the next item on the agenda, a request for approval of Resolution No. 1835-12, to follow, regarding an amendment to the Fire Department Longevity Pay Plan to include the training officer positions. Madore explained that, currently, all of the department's administrative staff is on the standard pay classification system.

Madore continued by saying that the training officer position is dynamic in the fact that individuals serve in this position, but eventually return to shift work. All other administrative positions with the HFD do not typically have that mobility. The inter-changing of pay systems that the Department currently uses creates an inequitable pay disparity.

According to the Fire Chief, even though both training officers are currently being paid according to the standard pay classification system, the inequity between the longevity pay plan and the standard pay classifications system are being realized. This situation will be further compounded by the possibility of the standard pay classification system raises not keeping up with the longevity scale. This can create a recruitment/retention problem for the Fire Department with the training officer positions. There would be an additional cost for the current budget year of 2012-13 since, once placed within the longevity system, an increase would be given when their respective anniversary date is achieved within the year; however, Madore assured Council that no additional funds would be needed, because the Fire Department budget could absorb this increase within the budget that was previously approved. He recommended amending the Hannibal Fire Department longevity pay plan to include the position of fire prevention/training officer.

**LEON WALLACE – STREET SUPERINTENDENT**  
**Re: Bid Award Approvals**

- **3 one-ton 4-wheel drive** – *Tom Boland Ford*
- **2 two-ton dump truck** – *Midway Freightliner, Inc.*
- **1 zero turn mower** – *Selby Implement Company*

Street Superintendent Leon Wallace completed the bidding process for assorted equipment with the following results.

- **SD/2012-04** – Three (3) new one-ton, 4-wheel drive, cab & chassis trucks & accessories – Three bids were submitted with the low bid, in the amount of \$153,672.00, received from Tom Boland Ford, Inc.
- **SD/2012-05** – Two (2) new two-ton dump trucks & accessories – One bid was submitted, in the amount of \$227,162.00, received from Midway Freightliner, Inc.

Wallace explained that the original bid was received for three dump trucks, as per bid specifications, but, because of budget restraints, there was only enough funding available

for the purchase of two dump trucks. (The purchase of three dump trucks would result in a \$60,000 shortage.)

- **SD/2012-06** – One (1) new zero turn mower – Six bids were submitted with the most favorable bid, in the amount of \$8,900.00, received from Selby Implement Company.

Wallace explained that, even though Selby was not the lowest bidder, Selby's bid was the most favorable since the bid was for a Kubota mower. Wallace added that the department has another Kubota of the exact model and in considering the savings for parts, blades, oil and fuel filters, etc. because of the interchangeability of these items he believed this option would be the most cost-effective.

Wallace requested Council approval for these recommendations. Motion to approve Wallace's recommendation was made by Council Member Hark. Motion was seconded by Council Member Louderman.

Motion carried.

**DOUG WARREN – FINANCE DIRECTOR**  
**Re: Audit Services – Engagement of Services Letter**  
*Wade Stables, P.C.*  
*(Resolution No. 1834-12, to follow)*

Finance Director Doug Warren came before Council with a request for approval of Resolution No. 1834-12, to follow, allowing Mayor Hark to execute an engagement of services letter for Wade Stables, P.C.

Warren explained that recently he had advertised and mailed Request for Proposals with regard to the City of Hannibal's audit needs earlier this calendar year. As a result, two proposals were received and subsequently rejected by Council, who wanted to see more competition (at least three responses). He added that, since timing was an issue, the old RFP was reviewed and it was discovered that the City could extend the services contract for one additional year with the current auditor, Wade Stables, who actually submitted pricing that was slightly less than last year's price.

Warren stated that the services will be re-bid in October or November, 2012 and attempt to complete a fully-competitive process with at least three responders. In the meantime, the audit process can proceed, since it is imperative that this be completed in a timely fashion.

**ANDY DORIAN, DIRECTOR – PARKS & RECREATION**  
**Re: Purchase Approval, 912 Vermont Street**  
*Marion County Commissioners*

Parks and Recreation Director Andy Dorian presented the next item on the agenda, a request for approval to purchase property, known as 912 Vermont Street. The County Commissioners have agreed to sell this vacant lot to the City for a price of \$200.00.

Dorian explained that he had recently been working with City Collector Phyllis Nelson, who had made a request to Marion County for acquisition of this property, located adjacent to City-owned property. This lot, according to Dorian, is located in the flood plain and is on the same block as multiple properties that were recently purchased through the residential flood buyout program. This acquisition would move the City one step closer to eliminating checker boarding in the area and would add property to any potential recreation projects in the future. Dorian concluded by saying that the Parks Department is seeking Council's authorization to purchase this property. Motion was made by Council Member Louderman to approve Dorian's request. Motion was seconded by Mayor Hark.

Motion carried.

**MARK REES – CITY ENGINEER**

**Re: Rezone – Lot 17, Cruikshank Subdivision, Out Lot Twenty Nine  
E-Commercial to A-One & Two Family**

*Sugar Maple Properties, LLC  
(Bill No. 12-028, to follow)*

City Engineer Mark Rees presented Bill No. 12-028, regarding the re-zoning request submitted to the Planning and Zoning Commission by Sugar Maple Properties LLC recently. He reminded Council that this issue was the subject of the public hearing earlier in the evening. The related Bill No. 12-028 would receive a first reading later, during the meeting, with Council approval. This property located on Shaw Street, near the intersection of Bluff and Swan Streets, is owned by Harold Haycraft, who wished to re-zone this property from E-Commercial to A-One and Two Family zoning so that he can build his home there. He added that the DPW was recommending approval of this request.

**Re: Traffic Committee Recommendations**

The City Engineer's last agenda item was recommendations from the Traffic Committee, as the result of a recent meeting. These were:

- Installation of two (2) Handicap Parking spaces on the 5<sup>th</sup> Street side of "The Crossing Church" from Broadway south.
- Installation of "Deaf Child" sign at 715 South Arch Street
- Approval of the amended Traffic Committee Ordinance (Section 17-59 – Membership) This would add one member to the current four-member committee, thus eliminating the possibility of a tie when voting on various traffic-related issues.

Since no action was taken by Council, this recommendation became effective, on this date.

**RESOLUTION NO. 1832-12**

**A RESOLUTION OF THE CITY OF HANNIBAL, CONVENTION AND VISITOR'S BUREAU AUTHORIZING THE ACCEPTANCE OF THE MISSOURI DIVISION OF TOURISM GRANT AWARD**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1832-12, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper - 1

Mayor Hark declared Resolution No. 1832-12, duly approved and adopted on this date.

**RESOLUTION NO. 1833-12**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT WITH THE HANNIBAL NUTRITION CENTER IN THE AMOUNT OF \$18,357 FOR SENIOR MEALS AND RELATED SERVICES**

Motion was made by Council Member Hark to have the City Clerk read Resolution No. 1833-12, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper - 1

Mayor Hark declared Resolution No. 1833-12, duly approved and adopted on this date.

**RESOLUTION NO. 1834-12**

**A RESOLUTION AUTHORIZING AND APPROVING A CONTRACT  
WITH WADE-STABLES P.C. FOR AUDIT SERVICES FOR THE CITY  
OF HANNIBAL INCLUDING LIBRARY AND BOARD OF PUBLIC  
WORKS IN THE  
AMOUNT OF \$41,500 (CITY \$25,500, BPW \$16,000)**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1834-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper - 1

Mayor Hark declared Resolution No. 1834-12, duly approved and adopted on this date.

**RESOLUTION NO. 1835-12**

**A RESOLUTION OF THE CITY OF HANNIBAL AMENDING THE HANNIBAL  
FIRE DEPARTMENT LONGEVITY PAY PLAN TO INCLUDE TRAINING  
OFFICER POSITIONS**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1835-12, and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper - 1

Mayor Hark declared Resolution No. 1835-12, duly approved and adopted on this date.

**RESOLUTION NO. 1836-12**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF HANNIBAL TO EXECUTE AN APPLICATION TO REGISTER THE HCVB NEW LOGO AND TAGLINE AS A SERVICE MARK IN THE STATE OF MISSOURI**

Motion was made by Council Member Hark to have the City Clerk read Resolution No. 1836-12, and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper - 1

Mayor Hark declared Resolution No. 1836-12, duly approved and adopted on this date.

**BILL NO. 12-020**  
*(as amended)*

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE I, OF THE CODE OF THE CITY OF HANNIBAL BY ENACTING A NEW SECTION 6 RELATIVE TO PURCHASING PROVISIONS FOR LOCAL BUSINESSES**

**SECOND AND FINAL READING**

Mayor Hark stated that Bill No. 12-020, as amended, was to be tabled at this time. This bill was returned to the committee for additional consideration and would be presented again, at a later, unspecified date.

**BILL NO. 12-025**

**AN ORDINANCE APPROVING AND ACCEPTING THE PLAT OF RIVER BLUFF SUBDIVISION 1<sup>ST</sup> ADDITION, A SUBDIVISION LYING IN PART OF THE SOUTHEAST QUARTER OF SECTION 13 TOWNSHIP 57 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

**SECOND AND FINAL READING**

Motion was made by Council Member Louderman to give Bill No. 12-025 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** Council Member Draper - 1

Mayor Hark declared Bill No. 12-025 duly approved and adopted on this date.

**BILL NO. 12-026**

**AN ORDINANCE RATIFYING AND REAFFIRMING CITY OF HANNIBAL, ORDINANCE NUMBER 3760; ESTABLISHING THE PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND EMPLOYEES AS REQUIRED, BIENNIALY, BY MISSOURI STATE STATUTES 105.483 & 105.485.4**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 12-026 a first reading. Motion was seconded by Mayor Hark.

Motion carried.

**BILL NO. 12-027**

**AN ORDINANCE AMENDING CHAPTER 16- MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE IV. - OFFENSES AGAINST PUBLIC MORALS, TO INCLUDE A NEW DIVISION III, REGARDING SEXUALLY ORIENTED BUSINESSES**

**FIRST READING**

Motion was made by Council Member Lionberger to give Bill No. 12-027 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

**BILL NO. 12-028**

**AN ORDINANCE REZONING, ALL OF LOT SEVENTEEN (17) IN CRUIKSHANK  
SUBDIVISION OF OUT LOT TWENTY-NINE (29) IN THE CITY OF HANNIBAL,  
MISSOURI FROM E – COMMERCIAL TO A – ONE AND TWO FAMILY ZONING  
DISTRICT AND AMENDING THE CITY’S ZONING MAP ACCORDINGLY**

**FIRST READING**

Motion was made by Council Member Dobson to give Bill No. 12-028 a first reading.  
Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**ADJOURNMENT**

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

Motion carried.