

OFFICIAL COUNCIL PROCEEDINGS

May 1, 2012
7:00 p.m.

ROLL CALL

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

Absent: -0-

CALL TO ORDER

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

INVOCATION

Council Member Draper gave the invocation.

PLEDGE OF ALLEGIANCE

Council Member Hark led the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

Regularly Scheduled Council Meeting – April 17, 2012

Motion was made by Council Member Louderman to approve the minutes of the regularly scheduled Council meeting that was held on April 17, 2012. Motion was seconded by Council Member Dobson.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

Second Half – April, 2012

Motion was made by Council Member Barta to approve the payroll and claims for the second half of April, 2012. Motion was seconded by Council Member Louderman.

Motion carried.

ANGELICA N. VANCE – CITY CLERK
Re: Certification of Election

➤ Municipal Election - April 3, 2012

Mayor Hark asked City Clerk Vance to read the Certification of the April 3, 2012 Municipal Election, at this time. She read:

CERTIFICATION OF ELECTION
Results of the Municipal Election of
April 3, 2012

For Municipal Judge	<u>Marion</u>	<u>Ralls</u>	<u>Total</u>
Fredrich J. Cruse	2,209	19	2,228

Declaring Fredrich J. Cruse winner of the Municipal Judge seat.

For Council Member – First Ward	<u>Marion</u>	<u>Ralls</u>	<u>Total</u>
Kevin L. Knickerbocker	391	N/A	391

Declaring Kevin L. Knickerbocker winner of the First Ward Council seat.

For Council Member – Third Ward	<u>Marion</u>	<u>Ralls</u>	<u>Total</u>
Kevin Lionberger	177	N/A	177
Lou Barta	117	N/A	117
Monica Williams	52	N/A	52

Declaring Kevin Lionberger winner of the Third Ward Council seat.

Proposition 1

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

	<u>Yes</u>	<u>No</u>
Marion County	1,642	1,296
Ralls County	<u>11</u>	<u>13</u>
TOTAL VOTES	1,653	1,309

Showing a total vote of 2,962 for Proposition 1 for the City of Hannibal: 1,653 -YES and 1,309 - NO votes; declaring Proposition 1 having passed by 344 votes.

Proposition 2

Shall the Citizens of Hannibal continue to support the Northeast Missouri Sheltered Workshop, and the City of Hannibal’s drop-off recycling program as presently operated by the Northeast Missouri Sheltered Workshop by approving a recycling fee of \$.70 (seventy cents) per month to be applied to each utility bill issued by the City of Hannibal Board of Public Works for service provided within the city limits of Hannibal, Missouri? Said funds collected shall be paid to the Northeast Missouri Sheltered Workshop monthly. If adopted, the new fee shall take effect on September 10, 2012 and shall continue for a period of three (3) years.

	<u>Yes</u>	<u>No</u>
Marion County	2,348	572
Ralls County	<u>19</u>	<u>5</u>
TOTAL VOTES	2,367	577

Showing a total vote of 2,944 for Proposition 2 for the City of Hannibal: 2,367 -YES and 577 - NO votes; declaring Proposition 2 having passed by 1,790 votes.

Proposition 3

Shall Section 11.05 of the Home Rule Charter of the City of Hannibal be amended to allow the Board of Public Works to hold its meeting at additional public facilities other than City Hall?

	<u>Yes</u>	<u>No</u>
Marion County	1,870	990
Ralls County	<u>11</u>	<u>13</u>
TOTAL VOTES	1,881	1,003

Showing a total vote of 2,884 for Proposition 3 for the City of Hannibal: 1,881 -YES and 1,003 - NO votes; declaring Proposition 3 having passed by 878 votes.

Proposition 4

Shall Section 11.06 of the Home Rule Charter of the City of Hannibal be amended to allow one member of the Board of Public Works per meeting to attend electronically to ensure that a quorum is present?

	<u>Yes</u>	<u>No</u>
Marion County	1,815	1,042
Ralls County	<u>11</u>	<u>12</u>
TOTAL VOTES	1,826	1,054

Showing a total vote of 2,880 for Proposition 4 for the City of Hannibal: 1,826 -YES and 1,054 - NO votes; declaring Proposition 4 having passed by 772 votes.

Motion was made by Council Member Louderman to approve the Certification of Election for the April 3, 2012 Municipal Election. Motion was seconded by Council Member Hark.

Motion carried.

Mayor Hark presented Council Member Barta with a plaque and recognized him for his service to the City of Hannibal in the years 2010-2012. The Mayor thanked him for being instrumental in helping the City to move forward and enhance the quality of life for its citizens and businesses. He then wished Council Member Barta well in his future endeavors.

ADJOURNMENT

Sine-Die

Motion was made by Council Member Hark to adjourn the meeting, sine-die. Motion was seconded by Council Member Draper.

Motion carried.

ROY G. HARK – MAYOR

Re: Oath of Office

- *Municipal Judge – Fredrich Cruse*
- *1st Ward Council Member – Kevin Knickerbocker*
- *3rd Ward Council Member – Kevin Lionberger*

Mayor Hark administered the Oath of Office to Fredrich J. Cruse, being sworn in as the Municipal Judge. Next Judge Cruse administered the Oath of Office to the two newly elected Council Members: Kevin Knickerbocker, 1st Ward Council Member and Kevin Lionberger, 3rd Ward Council Member.

ROLL CALL

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

Absent: -0-

CALL TO ORDER

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

RYAN SHARKEY – HANNIBAL HIGH SCHOOL

Re: Request, Street Closure

2012 Commencement Ceremony

Thursday, May 17, 2012 – 6:45 p.m. – 8:30 p.m.

City Clerk Angelica Vance presented a request on behalf of Hannibal High School and in the absence of Mr. Ryan Sharkey, for street closure and provision of barricades during the Hannibal High School Commencement program on May 17, 2012, between 6:45 p.m. – 8:30 p.m. She asked that Brookside, from McMasters Avenue to Edgewood and Greenway, be closed for the commencement ceremony at Hannibal High School. Street Department has

agreed to provide barricades as was requested, to close the street at McMasters, Edgewood and Greenway during the event. Motion was made by Council Member Dobson to approve Sharkey's request, as presented by the Clerk. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

MICHAEL GAINES – HANNIBAL ARTS COUNCIL

Re: Request, Street Closures & Sale of Alcohol

36th Annual Autumn Historic Folklife Festival

October 20-21, 2012

Mr. Michael Gaines appeared before Council on behalf of the Hannibal Arts Council regarding the upcoming 36th Annual Autumn Historic Folklife Festival. Gaines explained that the event is scheduled for October 20-21, 2012. His purpose for coming before Council was to secure their approval to use City streets for the event. He said that this year's request was similar to requests in the past. Motion was made by Mayor Pro Tem Knickerbocker to approve the request made by Hannibal Arts Council and presented by Gaines. Motion was seconded by Council Member Dobson.

Motion carried.

KRISTIN CALLICOTT – THE POWDER ROOM

Re: Request, Permission to Block two (2) Parking Spaces

Customer Appreciation BBQ

May 5, 2012

Ms. Lesley Daniels came before Council and explained that scheduling conflicts had made it necessary to withdraw their request at this time. She thanked the Mayor and Council for their time and consideration.

BILL WEBBER – KIWANIS CLUB OF HANNIBAL

Re: Request, Street Closures

36th Annual Samuel L. Clemens Arts & Crafts Festival

July 2-4, 2012

Mr. Bill Webber, representing the Kiwanis Club of Hannibal came before Council with a request to use Central Park for the 36th Annual Samuel L. Clemens Arts & Crafts Festival to be held July 2-4, 2012. He noted that this year's request was similar to requests from the past. Dobson questioned Webber, regarding the number of years that he had, personally, been involved with this event. Webber responded that he believed it had been 17 years since he had begun making these requests. He added that he was attempting to find someone else to take-on these duties; but, had been unsuccessful, to date. He said that it was a full-time job to take care of 125 craft booths in the park. Since there were no concerns, motion was made by Council Member Louderman to approve Webber's request. Motion was seconded by Council Member Hark.

Motion carried.

PETE KAONOHI – ROAD RIDERS FOR JESUS

Re: Request, Street Closure

Day in the Park

August 18, 2012 – 9:00a.m. – 10:00 p.m.

Ms. Lexie Kaonahi, on behalf of the Road Riders for Jesus presented the next item on the agenda in place of Pete Kaonahi, who was originally scheduled to present this request. Ms. Kaonahi explained that the Road Riders for Jesus ministry was requesting the use of Central Park on August 18, 2012 to hold an event known as, “A Day in the Park”. She added that no street closures would be necessary. In response to a question posed by Mayor Pro Tem Knickerbocker, Kaonahi commented that she had spoken with the Parks Department and was advised that Central Park is available on that date. The Police Department was contacted, as well, and they have no objection to this request, according to Ms. Kaonahi. The Marion County Health Department has given their approval, since food will be served on that date.

The City Clerk stated that the Parks Department recommended approval, pending submission of liability insurance prior to the event. Motion was made by Mayor Pro Tem Knickerbocker to approve this event, based upon the insurance submission. Motion was seconded by Council Member Lionberger.

Motion carried.

LISA MARKS – HISTORIC HANNIBAL MARKETING COUNCIL

Re: Request, Waiver of H-1 Zoning District Law

2012 Farmer’s Market – May 19 – October 13, 2012

Saturday’s – 8:00 a.m. – 1:00 p.m.

Ms. Lisa Marks and David Scharnhorst came before Council on behalf of the Historic Hannibal Marketing Council and the Farmer’s Market vendors, to request waiver of the H-1 Zoning District Law in order to hold the 2012 Farmer’s Market. Following a meeting on March 28, 2012, in which a resolution was sought regarding whether or not there was still public support to keep the market, a committee of eight members was formed and assigned the task of redesigning the market.

Marks explained that, in meeting with the Parks Director, Andy Dorian, the decision was made to have the Farmer’s Market be independent from the City. According to Marks, Dorian explained that, in order to have the market truly independent, it must be on private, rather than City-owned property; therefore, after researching options, an alternative location has been chosen, which is the patio and the parking lot directly behind Kerley’s Pub at 214 North Main Street, which he was donating, free of charge. Mr. Kerley was present to show his support for that plan. Marks added that the Historic Hannibal Marketing Council, a body of more than forty members, have all approved holding the market at this location and wish to sponsor this event.

There is some concern that, because the proposed location of this event is in the H-1 Historic District, there may be a problem with “outdoor selling” since there is a city ordinance that prohibits a vendor from locating on sidewalks in this area. Even though Marks believed that the ordinance was not applicable since the market will be located on private property, she

believed that it was important to appear before Council and obtain a letter of approval. The tentative open date is May 19, 2012.

City Attorney Lemon respectively disagreed with Marks' opinion that the ordinance did not apply, since city ordinances pertain to all property, both public and private within the City boundaries. He did, however, contend that since the organization, HHMC, is non-profit, there is some argument that it could fall under that exception, as long as the event is no longer than seven consecutive days. Even though it will be held once per month those are not consecutive days. Marks clarified that the farmer's market would be held once per week on each Saturday – 8:00 a.m. -1:00 p.m., from May 19th through October 13, 2012.

Mayor Pro Tem Knickerbocker questioned whether or not this item would need approval from Council if it were already compliant, based upon the exception, provided vendors already had paid their taxes, had a valid business license, etc. Lemon contended there is also some argument that the issue does not fall under the exception; and therefore, would need the waiver by Council. He added that he believed there was a strong argument that would suggest it is compliant, however, this is not precisely the situation for which the exception was written. It was clearly written for the idea of downtown festivals and things of a similar nature. Since the ordinance is being expanded beyond the original intention, he suggested that Council should put this to a vote.

Mayor Pro Tem Knickerbocker questioned how the market would be organized. Marks and Scharnhorst explained that:

- A Market Master would be in attendance each Saturday
- The HHMC will be the major sponsor
- Any donations or fund-raising will be money to the HHMC, allocated to the Farmer's Market Committee, a sub-committee to the HHMC
- Primary concern is a "grower's market" but will have some arts/craft vendors, as well
- Customers will buy directly from a vendor, so the sale actually takes place on the private property outside and not inside the building.
- Currently it is each vendor's responsibility to cover his own sales tax and submit to the state
- Grower's will not need business license, since they are exempt; however, crafter's will be required to comply with City regulation and purchase a City business license

Knickerbocker asked the City Attorney about the issue of compliance with business licenses and tax collection. City Attorney Lemon explained that compliance is the law, but agreed that the collection and documentation of sales tax will likely be problematic, but it will be the vendor's duty, alone, to handle. Lemon added that he had not heard of a plan or course of action that addressed these issues and suggested that Council take this into consideration during the vote.

Knickerbocker questioned whether it was prohibited under the H-1 Zoning to have individual businesses selling merchandise outside. City Attorney Lemon responded that this question referred back to the earlier conversation regarding exemptions. The original legislative intent was probably pretty clear, according to Lemon, and he didn't want this particular ordinance to interfere with specials that the City wished to have in the downtown area. For that reason,

he reiterated that it would be appropriate for Council to vote and decide whether or not they were willing to allow this expansion of the original intent. He believed that it was within Council's scope of power and noted that the ordinance could be expanded to encompass this event; however, he believed it would be more beneficial to handle it by specifically addressing the Farmer's Market in the downtown area.

Lemon stated that the Farmer's Market is a public event, plays a part in bringing people to the downtown area and is in line with the type of events that are held during a festival; however, it is clearly an expansion of the original intent. Council Member Hark voiced his concerns with regard to changing an ordinance or making an interpretation; but, believed that Council should follow the letter of the law. If it is not specified, Council should not make exceptions because he has always dealt with the law as it is written and interpretation is not usually there for individuals to decide.

When asked, Mr. Scharnhorst commented that the first event was scheduled for May 19th and this agenda item was time-sensitive. Because of the fragmentation of the market last year, the committee was experiencing some difficulty in assembling. He added that pushing back the dates of the Farmer's Market would have a detrimental effect on the success of the event.

Knickerbocker agreed with Hark, adding that, even though he enjoyed the Farmer's Market, he tended to be strict in adhering to the letter of the law. He said that Council had the ability to make the change prior to the time period. If Council assured the committee of its intent to change the ordinance, that would allow them to proceed. Then Council could give the amended ordinance an emergency reading at the next regular Council meeting.

City Manager LaGarce explained that the requested change would first have to be presented at the Planning and Zoning meeting, since this would be modifying permitted uses in the H-1 District so that a Farmer's Market is a permitted use. There is a meeting in sixteen days, but there would not be ample time to meet the fifteen day publication requirement. He added that, if Council had the intent to approve this item, it could be taken to Planning and Zoning, allowing for a first reading in late-June. Knickerbocker responded that this option would derail the May dates.

City Attorney Lemon offered a suggestion, stating that Council could vote on granting a temporary waiver, pending a permanent approval following the outcome of the Planning and Zoning meeting, which would allow for the normal process without having to rush. This option would also give the appropriate people time to consider and, if they desired, the change could be finalized in July.

Mr. John Lyng spoke in favor of the Market, stating that what they are attempting to do is legal. The question remains whether or not the change needs to be made. He believes that they are in the clear since this event is not different than the Down by the River event. Lemon agreed that Mr. Lyng was 'on-point'. Motion was made to approve the Marks' request. Motion was seconded by Council Member Dobson.

Motion carried.

PETE KAONOHI – VIETNAM VETERAN

Re: Private Club Smoking Issues

Mr. Pete Kaonohi, a Vietnam Veteran and a member of VFW and the American Legion, addressed Council regarding the next agenda item, Private Club Smoking Issues. Mr. Kaonohi explained that it was citizens' freedom and right not to breathe smoke of others. He believes that, since the City passed the no-smoking law the VFW and the American Legion should adhere to that law.

**STEPHANIE THOMECZEK – CITIZENS FOR SMOKEFREE
HANNIBAL COMMITTEE**

**Re: Support of Bill No. 12-017 as to be presented by Richard Draper,
6th Ward Council Member**

Stephanie Thomeczek, Chairman of the Citizens for Smoke free Hannibal and a member of Breathe Easy Hannibal, spoke to Council in support of Bill No. 12-017. Thomeczek stated that on April 3, 2012 over 1,600 people said "yes" to Proposition One. She explained that the question asked if they wanted **all** indoor workplaces and **all** public places in Hannibal to be smoke free. She commented that the vote of the people was crystal clear, "any place where people are working should be smoke-free, whether it be an office, a restaurant, a bar, a bowling alley or a hall".

She said that Council Member Draper had proposed an ordinance in which the definitions and details are made clear regarding what the law includes, also defining a "place of employment" and a "public place". This ordinance, according to Ms. Thomeczek, is simple and fair and will eliminate confusion. It will make enforcement easier and give full health protection to all employees and patrons. She said that a broad membership club loophole, like the one suggested at the previous meeting, would create an unlevel playing field, needlessly compromise health and it would not follow the direction given by the public vote in April. Some membership clubs are not private, at all, some may be led to mistakenly believe they are private spaces; however, in practice they are open to the public at certain times and have paid employees. These should all be treated the same as any other workplace. It is these committees' opinions that all employees deserve smoke-free protections, regardless of where they work.

ROY G. HARK – MAYOR

Re: Council Committee Appointments

- ❖ **Building Commission**
- ❖ **Bicentennial Committee**

Mayor Hark made the following recommendations:

BUILDING COMMISSION

- Barry Louderman

BICENTENNIAL COMMITTEE

- Kevin Lionberger

Motion was made by Council Member Draper to approve the Mayor's recommendations. Motion was seconded by Mayor Hark.

Motion carried.

RICHARD DRAPER – 6TH WARD COUNCIL MEMBER

Re: Hannibal Smoke-Free Air Act

(Bill No. 12-017, to follow)

Sixth Ward Council Member Richard Draper presented Bill No. 12-017 approving the Hannibal Smoke-Free Air Act, for Council consideration. With Council approval, this bill would be effective July 1, 2012.

Mayor Pro Tem Knickerbocker asked to speak with regard to this bill. In speaking about legislative intent, Knickerbocker explained the importance of including this into ordinances that are approved/adopted for historical purposes. He commended Council Member Draper for his expertise and detail in writing this bill; but pointed out that the first two "Whereas" statements were not needed since this was the result of a vote of the people. He said that the third "Whereas" was the only one needed since it succinctly states exactly what was on the ballot. Knickerbocker also pointed out some typographical errors that would need correction.

He addressed the issue of "Private Clubs" that was detailed in Section 7, Paragraph 3. He noted that Council had indicated that they had the power to determine what could be considered a "Private Club"; however, he suggested that leaving in the words. "no employees" could hinder that freedom.

One of the more important things, according to Knickerbocker, is the enforcement issue. There are a couple of things that must be possible, when enforcing this ordinance, according to Knickerbocker. These are:

1. Pinpoint the person violating this law
2. Counselor must be able to establish their state of mind when prosecuting them in court

With this in mind, Knickerbocker made a suggestion regarding Section 12, Paragraph B, which reads,

Except as otherwise provided in Section 10, a person who owns, manages, operates or otherwise controls a public place or place of employment, and who fails to comply with the provisions of the ordinance shall be guilty of an infraction, punishable by...

Knickerbocker believes that this paragraph should be more strictly defined, whereby the person responsible would be the manager on duty or the person in charge at that facility, at that time. This individual would be the one responsible for the infraction and would receive the ticket. He also believed that a clause, establishing the state of mind should be included.

Council Member Draper argued that following Knickerbocker's suggestion on Section 12 would eliminate the legal concept that who's in charge is in charge, it's not a matter of determining what level they are in charge, just that they are. They are responsible for the

activities of their agent and to throw that agent “under the bus” attaches responsibility to the wrong person.

City Attorney Lemon advised that trying to prosecute businesses is going to be a pain and prosecuting individuals is going to be much easier. Council Member Draper responded that at least a decision can be made whether or not to prosecute. If the City excuses the legal owners from responsibility, it would give up that ability.

Lemon stated that he was only addressing the practicalities of this and under the theory that Draper mentioned, the City could pick how far up the chain to go in determining responsibility. Council Member Hark stated that enforcement of something as simple as the sale of liquor to minors, the responsible party is usually the person who committed the act or the person who allowed it to occur on the premise. He questioned whether or not the same would apply in this instance.

Lemon said that he did like the wording in the ordinance because the previous section gives the ability to go after the property owner, and that section will be, in his opinion, much more beneficial to eliminate the problem if there is an entity that is allowing smoking on the premises, in violation of the law. As a general rule, Lemon said that it is extremely difficult to get someone’s attention in City court for these types of matters. Although Mayor Pro Tem Knickerbocker has some validity, he believes that the wording in the bill is sufficient.

Council Member Draper commented that just because it is difficult doesn’t mean that the City shouldn’t hold them to that standard. Lemon agreed.

After additional discussion, Council Member Hark said that Council was probably belaboring this more than necessary, since he had seen two pretty strong smoker-based businesses with signs posted the day after the election and both were still full. Businesses are already conforming to an ordinance that the City does not yet have.

Council Member Lionberger had some concerns regarding the three-foot clause. He added that if an owner could not afford hire a monitor to stand outside their establishment and an individual is smoking within three feet of the doorway, that places a burden on that business. City Attorney Lemon addressed Lionberger’s concerns by saying that Mayor Pro Tem Knickerbocker’s suggestion of putting language in the ordinance regarding “knowingly” may address that issue. He added that the way this is currently written, it could be a strict liability situation whereas the owner or person in charge could be charged whether they had knowledge of a violation or not.

City Manager LaGarce interjected that typically, in ordinances such as this, the person causing the problem would be the one cited, unless the owner is an enabler. Draper reviewed the wording on this ordinance.

MIKE DOBSON – 2ND WARD COUNCIL MEMBER
Re: Code Amendment, Chapter 16 – Miscellaneous – Intentional False Alarms
(Bill No. 12-018, to follow)

Second Ward Council Member Mike Dobson presented the next item on the agenda, a code amendment to Chapter 16 entitled *Miscellaneous – Intentional False Alarms* and explained

that it had recently been brought to his attention by the Marion County 911 that there had been occasions of repeated abuse of the 911 system. These abuses have been reported to the Hannibal Police Department in the past; however, the ordinance is silent with regard to the abuses in that when these occurred, it was not clear who could sign the complaint. Bill No. 12-018, to follow, modifies this section of the City Code to include a mechanism by which either Marion County 911 or a City employee can sign a complaint against an abuser of the Emergency Services telephone line. He added that he had consulted with both the Police Chief and the Fire Chief in doing so.

BARRY LOUDERMAN – 4TH WARD COUNCIL MEMBER
Re: Humpty Dump Bridge Engineering & Replacement

Fourth Ward Council Member Barry Louderman spoke, in reference to the humpty dump bridge engineering and replacement. Louderman explained that recently, he had met with City Manager LaGarce, Street Superintendent Leon Wallace and City Engineer Mark Rees on Lindell Avenue and Robinson, regarding the bridge at that location. He added that one-third of the structure is steel with the rest composed of poured concrete. Currently the steel portion is badly rusted. It is a nuisance since kids go over the bridge very fast. He asked Council approval for engineering services and replacement of this structure. A home owner in the adjacent vicinity asked whether the plan was to widen the bridge and the response was that the replacement would only encompass the current area. Mayor Pro Tem Knickerbocker stated that any engineering plan and design would have to take into account reasonable access to the property owner's driveway, regardless of whether the bridge was repositioned or not. Motion was made by Council Member Hark to approve Louderman's request and proceed with the bridge replacement. Motion was seconded by Council Member Dobson.

Motion carried.

JAMES LEMON – CITY ATTORNEY
Re: Board of Public Works Meeting Locations
(Bill No. 12-014, to follow)

City Attorney Lemon explained that, pursuant to the vote of the people, a change of the City Charter was necessary. Bill No. 12-014, to follow, if approved would allow the Hannibal Board of Public Works to conduct meeting in locations, other than City Hall. Bill No. 12-014 would be given a first reading, later in the meeting, with Council approval.

Re: Board of Public Works Electronic Board Members
(Bill No. 12-015)

City Attorney Lemon explained that, pursuant to the vote of the people, a second change of the City Charter was also necessary. Bill No. 12-018, to follow, if approved would allow the Hannibal Board of Public Works Board Members to electronically attend Board meetings. Bill No. 12-015 would be given a first reading, later in the meeting, with Council approval.

JEFF LAGARCE – CITY MANAGER
Re: Request, Set Public Hearing – Budget Work Session
Tuesday, May 22, 2012 – 6:00 p.m.

City Manager Jeff LaGarce requested that Council set a work session on Wednesday, May 22, 2012, at 6:00 p.m. The purpose of this meeting would be to discuss the FY2012-13 Budget. Public Hearing for the budget would be scheduled for June 5, 2012 at 6:00 p.m. with Council approval. Motion was made by Council Member Louderman to approve the City Manager's request. Motion was seconded by Council Member Hark.

Motion carried.

Re: Request, Set Public Hearing – Stardust Diamond Munger
TIF/TDD Project Closure
Tuesday, June 5, 2012 – 6:30 p.m.

City Manager LaGarce requested that Council set the public hearing for the TIF/TDD Stardust Diamond Munger Project. In order to calibrate this requirement with all other "closure" processes, Special Counsel Robert Klahr recommended Tuesday, June 5, 2012 for this hearing. LaGarce requested setting this public hearing at 6:30 p.m. following the FY2012-13 Budget public hearing. Motion was made by Council Member Louderman to approve LaGarce's request. Motion was seconded by Council Member Hark.

Motion carried. Mayor Hark entertained a motion to take a brief recess because of the length of the Council meeting. Motion was made by Mayor Pro Tem Knickerbocker to take a brief, five-minute recess. Motion was seconded by Council Member Hark.

Motion carried.

LYNDELL DAVIS – CHIEF OF POLICE
Re: Code Amendment, Chapter 23, Article I – Police Cadets
(Bill No. 12-016, to follow)

Chief of Police Lyndell Davis presented the next item on the evening's agenda a code amendment to Chapter 23, Article I, regarding Police Cadets. Davis began by informing Council that all the Department's current positions are filled, adding that several applications are received every week. The Police Cadet option that he was proposing was an attempt to "cast a wider net" and open the flood gates for other applicants that the Police Department cannot currently access.

He gave a brief history of this ordinance. Points he highlighted were:

- In 2001, Council approved an ordinance request from a former police chief, regarding formation of a Police Cadet position with the Hannibal Police Department
- The plan was designed to attract applicants 18-21 year of age who might become interested in the law enforcement career, allowing them to do some tasks with officers and detectives
- Since that chief resigned before the plan was initiated, it was never utilized.

Davis' current proposal was to modify and expand the original intent from ages 21 to individuals no older than 36 years of age who have passed all current testing requirements for the position of police officer but have not yet obtained their Missouri Peace Officer License.

If approved, according to Davis, the beginning salary for a cadet would be approximately \$7,000 less than a certified, licensed police officer would start out, at entry level. The Department would then sponsor that cadet through the Police Academy or other appropriate training facility within the State of Missouri. The contract would require the candidate who voluntarily left that position within three years to repay the cost of the academy training at a pro-rated amount. Even though this is not a new concept, it has been 10-15 years since it was in force. He added that two members who currently in attendance, started at the Police Department through a similar program, Chief Davis, himself and one of the Council Members.

He stated that when Missouri changed their licensing requirements several years ago, it put Police Departments at a disadvantage. In Illinois, Police Departments can hire someone and then send them to academy. At the current time, his department does not have that luxury, in Missouri. He assured Council that he was getting good quality candidates at the current time but he would like a wider spectrum because he believed that he was missing some people who might be great assets to the department.

In response to a question posed, Chief Davis responded that the cost, depending on the academy chosen would be approximately \$5,300, which includes tuition, meals and lodging. He commented that his preference was Missouri State Highway Patrol. He assured Council that he was not seeking any increase to his budget; however, approval would give the HPD a new tool for hiring and make them even more competitive.

A question was asked regarding the number of applicants that would be accepted per year. Davis responded that the number would be dependent upon what the budget could afford and this would be based upon the need, possibly 0 -3 applicants per year. This program may be utilized to acquire a minority applicant or a female since HPD needs diversity on the force.

City Manager LaGarce commented that the Department may have three vacancies, one or two may already have their certification and the other could be sent to the academy. Davis agreed and asked Council to consider Bill No. 12-016 when it was presented later, during the meeting, for a first reading.

GAIL BRYANT – HCVB DIRECTOR

Re: Missouri Outstanding Citizen – Margaret “Molly” Tobin Brown

HCVB Director Gail Bryant shared with Council that one of Hannibal's “own” was recently recognized at the state level as a Missouri Outstanding Citizen. She read the resolution from the Missouri House of Representatives that recognized Margaret “Molly” Tobin Brown for attaining considerable distinction as a survivor of the Titanic disaster, becoming known as the “Unsinkable Molly Brown”. On April 11, 2012, Molly Brown received well deserved honors and accolades from state legislators and the Missouri House of Representatives for her role, where she performed in Missouri, as a community leader.

Molly Brown did more than help save the lives of her fellow passengers. She was instrumental in raising funds for the Denver Cathedral of Immaculate Conception, working with Judge Lindsay to help destitute children and establish the first United States Juvenile Court and championing the rights of workers, women's rights, education, literacy of children, historic preservation and the American Committee of Devastated France. She received the French Legion of Honor Medal during her lifetime and was installed on the Missouri Walk of Fame in 2006 in Mansfield, Missouri. Bryant added that the Resolution would be proudly displayed in the museum.

ANDY DORIAN – DIRECTOR, PARKS & RECREATION
Re: Bid Award Approval, Riverview Park Restroom Project
Bleigh Construction

Parks & Recreation Director Andy Dorian addressed Council, seeking approval of a bid award to Bleigh Construction for the Riverview Park Restroom Project. Dorian explained that this would replace the restroom that was destroyed by fire in July, 2011. According to Dorian, two bids were received for the project, with Bleigh Construction submitting the low bid of \$134,000.

Dorian said that, technically, there was no set budgeted amount for this project since the fire occurred after the budget was completed and approved. He indicated that the Department would be receiving a \$98,570.00 insurance reimbursement. Half of this amount has already been received and the remaining funds would be received upon completion of the project.

Dorian explained that he had set a budget amount of \$110,000-\$115,000 for the project. He admitted that he was not comfortable with the bid amount of \$134,000, but this was a well-used restroom and he was unsure that re-bidding the project would result in more favorable bids. After meeting with the City Manager and the City Clerk, regarding options, a decision was made to present Bleigh's bid for approval and then seek another approval to work with Bleigh and Architechnics regarding some value engineering that may reduce the initial bid. Dorian indicated that he had already met with the two entities and had a tentative reduction in cost to \$110,000-\$115,000. Motion was made by Council Member Louderman to approve Bleigh Construction's bid. Motion was seconded by Council Member Hark.

Motion carried.

MARK REES – CITY ENGINEER
Re: Traffic Committee Recommendations

City Engineer Mark Rees explained that the Traffic Committee had met earlier in the day and he wished to present the recommendations of that meeting. Motion was made by Council Member Hark to add this item to the agenda. Motion was seconded by Council Member Draper.

Motion carried. Recommendations of the Traffic Committee were, as follows:

- Install Handicap Parking Space: 901 Center Street - The resident's need is real and legitimate; they do not meet the guideline criteria.

- Designate both sides of 29th Street as “No Parking Any Time”, from Market Street up to the apartment complex - Safety is the main concern for making this request. Twenty-ninth Street measures 17 ft. wide along most of its length. A fire truck requires 20 ft. width due to outrigger and ladder.

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

Re: City Hall Renovation Project – Contract Agreement

*Mike’s Construction LLC
(Resolution No. 1811-12, to follow)*

Rees explained that his next item on the agenda was a request for approval of Resolution No. 1811-12, to follow, that would also approve a contract with Mike’s Construction LLC for the City Hall Renovation Project. He added that this contract was for the exterior repair of the City Hall building, regarding the cornice work and waterproofing.

Mike’s Construction was the sole bidder in the amount of \$12,127.00. The scope of work would include the exterior façade where it is rotting, plaster, sand and smooth out, patching needed areas. This will restore the exterior to the original façade. Work is scheduled to begin within the next week.

Re: 2012 Floodwall Mowing – Contract Agreement

*Shawn’s Landscaping Contractors LLC
(Resolution No. 1812-12, to follow)*

Rees’ next item on the evening’s agenda was the request for approval of Resolution No. 1812-12, to follow, regarding an agreement with Shawn’s Landscaping Contractors LLC for the 2012 floodwall mowing contract. He added that four bids were received and opened on April 25, 2012 with Shawn’s Landscaping Contractors LLC being the apparent low bidder. Rees explained that it was the recommendation of staff to award the bid to Shawn’s with a bid amount of \$4,925.00 or \$337.50 per cut. According to Rees, the “per cut” amount is only included in the event of unusual circumstances. If the original contract should expire before a new contract is approved, the per cut amount could be used to do additional cutting. The contract with Shawn’s Landscaping will be approved with approval of Resolution No. 1812-12 by Council.

Re: 2012 Airport Mowing – Contract Agreement

*Shawn’s Landscaping Contractors LLC
(Resolution No. 1813-12, to follow)*

City Engineer Rees explained that after advertising, sealed bids were received and opened on April 25, 2012 for the 2012 airport mowing. A total of six bids were received for this project with Shawn’s Landscaping Contractors LLC being the most favorable bidder, since the apparent low bidder realized that he could not handle this job. He concluded by saying that staff’s recommendation was to accept Shawn’s Landscaping Contractors. LLC bid in the amount of \$4,500. He requested Council approval of Resolution No. 1813-12, to follow, which would give Mayor Hark authorization to execute the related contract with Shawn’s Landscaping Contractors LLC in the aforementioned amount.

Re: Bid Award Approval, Surplus Non Directional Beacon
Private Flight Services

Rees final item was the sale of surplus material. He explained that, recently, the non-directional beacon was declared surplus. Subsequently the Department of Public Works advertised for bidders in selling this piece of equipment. He added that only one bid was received in the amount of \$5.00. He asked Council approval of this bid. Motion was made to approve the sale of the non directional beacon for an amount of \$500 by Council Member Louderman. Motion was seconded by Council Member Hark.

Motion carried.

RESOLUTION NO. 1811-12

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT
BETWEEN THE CITY OF HANNIBAL AND MIKE'S CONSTRUCTION LLC FOR
2012 CITY HALL RENOVATIONS IN THE AMOUNT OF \$12,127.00**

Motion was made by Council Member Louderman to have the City Clerk read Resolution No. 1811-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1811-12, duly approved and adopted on this date.

RESOLUTION NO. 1812-12

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT
BETWEEN THE CITY OF HANNIBAL AND SHAWN'S LANDSCAPING
CONTRACTORS LLC FOR 2012 FLOODWALL MOWING, IN THE AMOUNT OF
\$4,925.00 WITH A PER CUT FEE OF \$337.50**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 1812-12, and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1812-12, duly approved and adopted on this date.

RESOLUTION NO. 1813-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND SHAWN'S LANDSCAPING CONTRACTING LLC FOR 2012 AIRPORT MOWING, IN THE AMOUNT OF \$4,500.00 WITH A PER CUT FEE OF \$450.00

Motion was made by Council Member Draper to have the City Clerk read Resolution No. 1813-12, and call the roll for adoption. Motion was seconded by Council Member Hark.

Motion carried.

Roll Call

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

No: -0-

Mayor Hark declared Resolution No. 1813-12, duly approved and adopted on this date.

BILL NO. 12-014

AN ORDINANCE AMENDING SECTION 11.05 OF THE HOME RULE CHARTER OF THE CITY OF HANNIBAL IN COMPLIANCE WITH THE VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF HANNIBAL IN THE MUNICIPAL ELECTION HELD APRIL 3, 2012 RELATIVE TO MEETING LOCATIONS OF THE HANNIBAL BOARD OF PUBLIC WORKS, TO BE EFFECTIVE JULY 1, 2012

FIRST READING

Motion was made by Council Member Louderman to give Bill No. 12-014 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

BILL NO. 12-015

AN ORDINANCE AMENDING SECTION 11.06 OF THE HOME RULE CHARTER OF THE CITY OF HANNIBAL IN COMPLIANCE WITH THE VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF HANNIBAL IN THE MUNICIPAL ELECTION HELD APRIL 3, 2012 RELATIVE TO ELECTRONIC MEETING ATTENDANCE BY BOARD MEMBERS, TO BE EFFECTIVE JULY 1, 2012

FIRST READING

Motion was made by Council Member Louderman to give Bill No. 12-015 a first reading. Motion was seconded by Council Member Draper.

Motion carried.

BILL NO. 12-016

AN ORDINANCE AMENDING CHAPTER 23 – POLICE, ARTICLE I. – IN GENERAL SECTION 23-2, POLICE CADETS

FIRST READING

Motion was made by Council Member Draper to give Bill No. 12-016 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

BILL NO. 12-017

(as amended)

AN ORDINANCE ADOPTING PROVISIONS TO PROHIBIT SMOKING IN INDOOR WORKPLACES AND PUBLIC PLACES, HEREBY KNOW AS THE HANNIBAL SMOKE-FREE AIR ACT, AS APPROVED BY THE CITY OF HANNIBAL QUALIFIED ELECTORS, TO BE EFFECTIVE JULY 1, 2012

FIRST READING

Motion was made by Council Member Draper to give Bill No. 12-017 a first reading. Motion was seconded by Council Member Hark. During time of discussion, motion was made by Mayor Pro Tem Knickerbocker amend Bill No.12-017 by removing the first two paragraphs, beginning with *WHEREAS*. Motion was seconded by Council Member Louderman. After a lengthy discussion, regarding protocol and Mayor Pro Tem Knickerbocker's reasoning behind his request for the amendment, roll was taken.

Roll Call

Yes: Mayor Pro Tem Knickerbocker, Council Member Dobson, Lionberger and Louderman – 4

No: Council Member Hark, Draper and Mayor Hark - 3

Motion carried. Mayor Hark called the question, regarding the intent to give Bill No. 12-017, as amended, a first reading.

Motion carried.

BILL NO. 12-018

**AN ORDINANCE AMENDING CHAPTER 16 - MISCELLANEOUS PROVISIONS
AND OFFENSES ARTICLE VII. - OFFENSES AGAINST GOVERNMENT,
SECTION 16-226, Intentional false alarms unlawful**

FIRST READING

Motion was made by Council Member Dobson to give Bill No. 12-018 a first reading.
Motion was seconded by Council Member Hark.

Motion carried.

CLOSED SESSION

In Accordance with RSMo. 610-021 (3)

At this time, Mayor Hark entertained a motion to go into closed session, in accordance with RSMo 610-021, subparagraph 3, admitting himself, the rest of Council, City Manager LaGarce, City Attorney Lemon, City Clerk Angelica Vance, Street Superintendent Leon Wallace and Fire Chief Bill Madore. Motion was made to go into closed session as Mayor Hark directed by Council Member Louderman. Motion was seconded by Council Member Hark.

Roll Call

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

No: -0-

Motion carried.

OPEN SESSION

Motion was made by Mayor Hark to return to open session. Motion was seconded by Council Member Hark.

Motion carried.

ADJOURNMENT

Motion was made by Mayor Hark to adjourn. Motion was seconded by Council Member Hark.

Motion carried.