

## OFFICIAL PROCEEDINGS OF THE PUBLIC HEARING

**Tuesday, October 1, 2013  
6:45 p.m.  
Council Chambers**

### CALL TO ORDER

At 6:45 P.M., the appointed time, Mayor Hark called the public hearing to order.

**MARK REES – CITY ENGINEER**  
**Re:** Re-zone 207 A. North 5<sup>th</sup> Street  
*(Alice Pipkin)*

City Engineer Mark Rees explained that the Planning & Zoning Commission reviewed a petition by Alice Pipkin, to rezone a tract of land, located at Lot 2, Block 30 of the Original Town in the City of Hannibal, known as 207A North 5<sup>th</sup> Street, from E-Commercial to B-Multiple Family Zoning. He added that the proposed use for the property is for multiple-family residential.

### PUBLIC COMMENTS

Mr. Jason Janes indicated that his firm represented Ms. Pipkin and he offered to answer any questions that may occur. In response to a question posed with regard to the length of time this property was zoned commercial, Rees explained that he was not privy to how long the property was zoned E-Commercial, but believed it had been a non-conforming use for quite a while. He added that, until recently, there had been a number of non-conforming uses in the same area; however, many had been fixed. There was a brief discussion by Council regarding the property and the zoning issues.

### ADJOURNMENT

Since there were no other comments, for or against this zoning request, Mayor Hark adjourned the public hearing.

**OFFICIAL PROCEEDINGS OF THE COUNCIL MEETING**

**Tuesday, October 1, 2013  
Council Chambers  
7:00 p.m.**

**ROLL CALL**

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

**Absent:** Council Member Locke - 1

**CALL TO ORDER**

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

**INVOCATION**

At this time, Mayor Hark asked Council Member Lionberger to give the invocation.

**PLEDGE OF ALLEGIANCE**

Council Member Dobson led the Pledge of Allegiance to the Flag. Mayor Hark entertained a motion to excuse Council Member Locke from the meeting. Motion was made by Mayor Pro Tem Knickerbocker and seconded by Council Member Dobson, as directed by the Mayor.

Motion carried.

**APPROVAL OF MINUTES  
Regularly Scheduled Council Meeting – September 17, 2013**

Motion was made by Mayor Pro Tem Knickerbocker to approve the minutes of the regularly scheduled Council meeting that was held on September 17, 2013. Motion was seconded by Council Member Dobson.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**Second Half – September, 2013**

Motion was made by Mayor Pro Tem Knickerbocker to approve the payroll and claims for the second half of September, 2013. Motion was seconded by Council Member Dobson.

Motion carried.

**JENNIFER FOSTER – HANNIBAL JAYCEES**  
**Re: Request, Street Closures – Zombie/Pumpkin Run**  
*(Saturday, October 19, 2013 – 3:00 p.m. – 6:30 p.m.)*

Jennifer Foster, representing the Hannibal Jaycees, came before Council with a request for approval of street closures during the proposed Zombie/Pumpkin Run, to be sponsored by her organization. Foster explained that all necessary paperwork had been submitted and she had spoken with Richard Dauma, of the Street Department, who had agreed to supply barricades. She had also contacted Lieutenant Davis who would provide Police for traffic control on the high traffic areas.

Foster added that the Pumpkin Run, for the children, would begin at 4:00 p.m. and the Zombie Run would begin at 5:00 p.m. She asked for Council approval of the street closures so the event could be held on October 19, 2013, the same weekend as the Historic Folklife Festival. Motion was made by Council Member Dobson to approve Foster's request. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**JOHN RYAN – YMCA/YMCA Y-MEN'S**  
**Re: Request, Purchase City Owned Property – Y Men's Pavilion**

John Ryan Bareis, on behalf of the YMCA, came before Council to inquire about the purchase of the Y-Men's Pavilion in downtown Hannibal. This Pavilion, owned by the City, is used for several annual events sponsored by the Y-Men's Club, including the Mud Volleyball that just celebrated its 34<sup>th</sup> year in July. According to Bareis, the Y-Men Club is dedicated to raising money that assists projects at the YMCA, including the Bowling Wellness Center, the Coons Teen Center and the new ADA compliant playground in front of the YMCA building. He commented that the YMCA is growing and doing great, especially with kids, since two awesome programs that the YMCA is able to offer the community, the YMCA after-school tutoring program and the summer day-camp, grows yearly. Bareis also pointed out a number of other areas in which the Y-Men's Club had assisted various community organizations and programs throughout the year, using the downtown Pavilion.

Bareis gave a brief history of the Pavilion that had been built in 1993 by the Hannibal Y-Men's Club. Originally, it was owned by the Hannibal YMCA; however, the City requested that the YMCA add public restrooms to serve the downtown area. For maintenance reasons, the Pavilion and land was donated, not sold, to the City.

Bareis advised that, since 1993, the Hannibal Y-Men's Club has raised \$394,000 for projects and improvements at the YMCA. During the same time span, the Club has also invested \$135,000 to the land and Pavilion. Approximately ten years ago, the City built the trailhead. So, currently, there are public restrooms available in the downtown area so the Pavilion restrooms are no longer needed.

Now, the YMCA would like to buy back the Pavilion from the City. Two options were presented:

- Buy back the Pavilion for \$1.00 more than the City paid to acquire it (Most ideal option, according to Bareis)
- Buy back the Pavilion, using some type of long-term lease agreement

Bareis stated that the plan is to continue making this Pavilion accessible to the public; however, the only difference would be in booking. Instead of contacting the Hannibal Parks and Recreation for reservations, the YMCA would be contacted. Everything else, including pricing, would remain the same. In conclusion, he asked Council to reflect on the good of the YMCA clubs and all that they have done for the Hannibal community before making their decision.

Mayor Pro Tem Knickerbocker suggested that the Y-Men's Club/YMCA submit an actual, written proposal to Council that could be discussed in Closed Session at the next Council meeting, to be held on October 15, 2013. At that time, Council could review how to proceed with regard to City Code and/or Charter requirements. When asked, City Attorney Lemon stated that the procedure for disposing of real estate is primarily by ordinance; therefore, Council, by their action could proceed however they wished. Knickerbocker made a motion that, if a proposal were received from the YMCA, it would be reviewed at the next Council meeting during Closed Session. Motion was seconded by Council Member Hark.

Motion carried.

**DEBBIE KENDRICK – REALTOR**  
**Re: Request, Easement – Kiowa Drive**

Ms. Debbie Kendrick, a Realtor for See Real Estate, came before Council with a request for approval of a 30-foot roadway and utility easement to unlock a landlocked piece of property located south of the old city dump at Rensselaer, MO on behalf of the Wright Family. According to Kendrick, the Wright's did not seek to buy this property, but accepted it in payment of a debt owed and do not care to own it any longer. An easement is necessary so this real estate can be legally transferred.

It was noted that there was some concern with this request because of its proximity to the landfill, which must be kept DNR compliant and because of the location of a police firing range in the same area. For that reason the City has a locked gate barring public entry located along Kiowa Drive. Mayor Pro Tem Knickerbocker suggested that, prior to granting this easement, Council should seek advisement from City staff/department heads. He

recommended that DPW Director Mark Rees, as well as Police Chief Lyndell Davis, Street Superintendent Leon Wallace and City Manager LaGarce may have input with regard to this issue and Kendrick seek counsel from them prior to returning with a proposal to grant this easement. City Manager LaGarce also requested that Janes Surveying provide the easement overlaid on a satellite or aerial map so City staff could see what area would be traversed.

Mayor Pro Tem Knickerbocker made a motion to table this request, pending staff input. Motion was seconded by Mayor Hark. Kendrick requested that the matter be handled expediently, since she had a pending contract of the property that is scheduled for closure on November 15<sup>th</sup>. Council agreed to expedite as much as possible.

Motion carried.

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

Mayor Hark reminded Council of candidates presented at the last meeting for the Landmarks & Monuments Board, the Hannibal Library Board, The Airport Advisory Board and the Historic Development District Commission. These were:

LANDMARKS & MONUMENT BOARD

- **Dena Ellis – Reappointment for a term to expire January, 2016**

HANNIBAL LIBRARY BOARD

- **Kim Ahrens – Appointment for a term to expire June, 2016**

HANNIBAL AIRPORT ADVISORY BOARD

- **Dick Rupp – Reappointment for a term to expire September, 2016**

HISTORIC DEVELOPMENT DISTRICT COMMISSION

- **Debbie Catlett – Appointment for a term to expire May, 2018**

He asked Council for their approval of these nominations. Motion was made by Council Member Louderman to approve Mayor Hark's recommendations. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Re: Recommendation of Appointment**

Mayor Hark made the following recommendation:

POLICE & FIREMEN'S RETIREMENT BOARD

- **Albert Higdon – Appointment for an unexpired term to expire December, 2016**

This nomination will be considered for approval at the next regular Council meeting, to be held on October 15, 2013.

**JEFF LAGARCE – CITY MANAGER**  
**Re: Flood Buyout Property - Environmental Covenant**  
*322 South 8<sup>th</sup> Street*  
*(Bill No. 13-023, to follow)*

City Manager LaGarce introduced the next item on the evening's agenda, an environmental covenant for flood buyout property, specifically, 322 South 8<sup>th</sup> Street. He reminded Council that, originally, twenty-five (25) properties were purchased by the City through the Commercial Flood Buyout Program. Of these, five (5) properties were contaminated sites; and, of those, three (3) have now been cleared by DNR. This means that all Brownfields activities are completed on these sites with the exception of restrictive environmental covenants that the City must willingly record with these properties. The covenant requires several things, including:

- No future residential use
- No ground water wells or well-drilling on site
- Deed restriction must be provided to any construction company performing on-site work
- Annual reporting to DNR assuring adherence to these covenants over any preceding 12-month period
- Provision of this covenant to any future owner prior to sale or transfer

Bill No. 13-023, to follow, will receive a first reading later during the meeting. Approval and adoption of this bill would approve the environmental covenant for the property known as 322 South 8<sup>th</sup> Street, the location formerly owned by Chuck Anderson.

**Re: Flood Buyout Property – Environmental Covenant**  
*400 South 11<sup>th</sup> Street*  
*(Bill No. 13-024, to follow)*

LaGarce stated that Bill No. 13-024, to follow, will also receive a first reading later during the meeting. Approval and adoption of this bill would approve a similar environmental covenant for the property known as 400 South 11<sup>th</sup> Street, the former location of Hannibal Machine.

**Re: Flood Buyout Property – Environmental Covenant**  
*700 South Main Street*  
*(Bill No. 13-025, to follow)*

Finally, City Manager LaGarce explained that Bill No. 13-025, to follow, would receive a first reading later during the meeting. Approval and adoption of this bill would approve a similar environmental covenant for the property known as 700 South Main Street, the former location of Joe's Garage.

LaGarce commented that the City does not intend any of these restricted activities anyway, so the covenants provide no hardship or additional burden whatsoever. Of the original five (5) contaminated properties, only two still require closure. These properties are the former Elzea gas station on the South Side and the former Display Center location.

Council Member Dobson questioned whether the annual reporting to DNR would be a “forever” requirement. City Manager LaGarce responded that it was and admitted that he had tried to negotiate that out of the deed restrictions and added that this would be the responsibility of his office. He stated the possibility of having this done by the same party that currently handles the City’s annual reporting of the flood plain properties to assure compliance.

**ANGELICA VANCE – CITY CLERK**  
**Request, Street Closure – 65<sup>th</sup> Annual Band Day Parade**  
*(Tuesday, October 8, 2013 – 3:00 p.m. – 5:00 p.m.)*

City Clerk Vance explained that she was submitting this request, on behalf of the Hannibal High School. Vance requested permission for the approval of the Band Day Parade event, scheduled for Tuesday, October 8, 2013, from 3:00 p.m. until 5:00 p.m. She explained that the event would be in conjunction with the 65<sup>th</sup> Annual Hannibal Band Day. This request, according to the City Clerk, was similar to past requests, with the exception that this year, when the parade reaches Main Street, participants will stay on the right side, where busses will be parked. The parade will disassemble at this point to avoid obstruction of bank traffic. Motion was made by Council Member Dobson. Motion was seconded by Council Member Hark.

Motion carried.

**PHYLLIS NELSON – CITY COLLECTOR**  
**Re: Delinquent Business Licenses – Closures**

City Collector Phyllis Nelson explained that, recently, her office and the Clerk’s office had been attempting to get all delinquent business licenses renewed. She added that the list now contains only thirty (30) businesses that still have not acquired their 2013-2014 business licenses. Of these, eight (8) are out-of-town, which could indicate that they acquired a license for a particular purpose and is no longer needed.

Nelson commented that a few delinquent licenses are for local businesses, which have been operating in Hannibal for a number of years. She added that, in spite of various phone calls, letters and certified letters, these businesses still have been unresponsive. The next step is to seek Council authorization to close these businesses, in accordance with Chapter 15, Section 15-32, of the Hannibal Municipal Code. With Council approval, delinquent businesses will have a 30-day window in which to protest in writing. If no protest is made, the Chief of Police (or his designee) shall lock or chain the doors to prevent further sales.

The City Collector indicated that this is an ongoing problem with the same offenders from year to year. According to the Hannibal City Code, any business that remains delinquent after October 1<sup>st</sup> must make application to acquire a new business license, requiring new inspections, as well. Motion was made by Mayor Pro Tem Knickerbocker to proceed with the closure of these delinquent businesses. Motion was seconded by Council Member Hark.

Motion carried.

**MARK REES – CITY ENGINEER**  
**Re: Re-zone, 207 A. North 5<sup>th</sup> Street**  
*Alice Pipkin*  
*(Bill No. 13-022, to follow)*

City Engineer Mark Rees reminded Council of the public hearing that had been held prior to the Council meeting. This public hearing was regarding the proposed zoning change for the location, known as 207A North Fifth Street, as requested by Alice Pipkin. The property is currently zoned E-Commercial; however, Pipkin is requesting it be re-zoned to B-Multiple Family, since her proposed use (currently being used as residential) is for residential use. If approved, the related Bill No. 13-022, to follow, would receive a first reading.

Rees explained that the Planning and Zoning had reviewed this request and made a recommendation for Council approval of a zoning change. During the public hearing, no one spoke in opposition of the request for rezoning.

**ROBERT STEVENSON – HANNIBAL BPW GENERAL MANAGER**  
**Re: Quarterly Report**

Hannibal BPW General Manager, Robert Stevenson, came before Council to give a report, regarding activities at the Board. Highlights included:

- **Sewer System** – A DNR operating permit was received last spring; however, because of delays, the five year cycle that this permit was issued for is almost at a close and application for a new permit has already been submitted.

Engineering contracts have been awarded for sewer system improvements to study and conceptually design what is needed to come into compliance with the new permit before the three-year deadline is reached.

Cleaning of the sewer collection system progresses daily, with almost all of the 130 miles of sewer mains cleaned for the first time. All that remains is some low-lying areas that have never been cleaned before.

- **Water System** – There is a persistent problem with disinfection byproducts leaving the water plant in the finished water. An engineer has been studying this problem and doing “jar tests” for approximately two years. He continues to use various chemical combinations in attempting to get things to settle out. It was believed that

a solution had been reached; however something changed in the river water, causing them to begin again. The study work continues as quickly as employees can make it happen.

Stevenson explained that BPW had entered into an agreement with DNR, an administrative order of consent, allowing them an extension on their deadline to find a solution to this problem. (Council Member Dobson suggested that the Board seek advice from another City along the river; however, Stevenson responded that this had already been done, with no good answers forthcoming. He added that this problem seemed to be unique to Hannibal's plant. He briefly explained the process.)

Stevenson stated that Homer & Shifrin, has provided a report, as the result of a grant from the MoDNR, evaluating the City's whole water system and recommending improvements. This report will be the basis of the water financing project and has provided what the BPW needs to make plans for the next twenty years.

- **Water and Sewer Bonds** – The bond referendum was very successful with an 89% approval rating. Since that time, the Board has done extensive work in order to complete the process and make the sewer bonds ready to offer to buyers. He detailed the timeline for this procedure. Stevenson also advised that there is an upcoming “rating call” scheduled with Moody's. During this he and the City Manager will strive for a bond rating that will return a decent interest rate.
- **Electric System** – Performances of the Prairie State Energy Campus have been far below expectations. Two problems exist, according to Mr. Stevenson. First, the plant's reliability has been problematic, with tube leaks, and unsatisfactory ash handling. He explained that July was dismal; and, even though August operated at approximately 75%, Stevenson said that the expectation was 95% through the summer months. Now the management team is adding new more-experienced members to their staff which, he is hopeful, will make a large difference.

The second problem concerns the price of energy in the MISO market. General Manager Stevenson noted that this is mostly outside of BPW control, being related to the general economy and the price of natural gas, which is very low by historical standards.

Stevenson assured Council that the Board is attempting to react to these problems since they are watching their monthly budget, by controlling expenditures. He projected, however, that by the end of the current fiscal year the Board would be dipping into the cash reserves that were built up expressly for this purpose. He explained, in response to recent questions and concerns, that the Marceline situation has now been resolved without creating any negative impact on the City of Hannibal.

- **Customer Energy Efficiency** – The Board is about to begin a trial relationship with a new company from Nebraska to assist citizens who are living in homes that are not energy efficient. Potential issues include bad insulation, siding or weather

stripping, as well as, outdated furnaces. This unique enterprise will partner with the BPW; and, having a trained staff and all the right testing equipment, they will advertise and do free energy audits. After these audits, if the citizen is willing, the company will agree to complete the improvements for a fee that can be paid over time by the homeowner. Often this fee will be small enough that actual energy savings will make the payment each month, according to Stevenson.

The BPW's part in this partnership is that the Board will provide usage data as customers request it and will provide billing and collection service as part of its utility billing. This is risk-free to the BPW in that, it is merely a line item on the bill and when payments are received a monthly check is sent to them for all customers.

- **Public Utilities Week** – The upcoming Public Utilities Week is the third one that has been held. There are slight changes each year with this year containing some “public service” projects. Included are local veterans at-home needs, a local parochial school's unbudgeted needs and Old Baptist Cemetery cleanup. He was proud to announce that “virtually every employee has volunteered their time to help with this”. Thursday of that week will be *Family Fun Night* with bucket truck rides, refreshments, etc. for the public.
- **I-72 Business Park** - About a year ago, BPW hired Klingner & Associates to create a plan to develop the property on MM Highway, jointly owned by the City and the BPW. Stevenson indicated that one reason behind the intent to develop this business park was to attract new business to the area. He admitted that he also had an ulterior motive - to construct a new home for the Hannibal Board of Public Works since they have outgrown their current facility, inside and outside.

During his presentation, Stevenson pointed out a couple of the plan's features, which included:

1. *A Traffic Circle, with pedestrian walkways*
2. *A 16-Acre Stormwater Retention Lake, with fishing and a walking trail*

One thing that was requested by the Economic Development Commission was to have this site certified, which is a new requirement by the State of Missouri. This means that all environmental reports and geological studies have already been completed, which insures that everyone's interests are met. That being done, the Economic Development Commission has a good negotiating tool during meetings with prospective businesses.

A Brief question and answer period followed BPW General Manager Stevenson's presentation.

## **BILL NO. 13-021**

### **AN ORDINANCE FIXING AND ADOPTING THE RATE OF TAXATION FOR THE YEAR OF 2013 AND LEVYING TAXES THEREFORE**

## SECOND AND FINAL READING

Motion was made by Council Member Dobson to give Bill No. 13-021 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

### Roll Call

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

**No:** -0-

**Absent:** Council Member Locke - 1

Mayor Hark declared Bill No. 13-021 duly approved and adopted on this date.

## BILL NO. 13-022

**AN ORDINANCE REZONING, A 2,452 SQUARE FEET +/-, MORE OR LESS, TRACT OF LAND LYING IN PART OF LOT 2 OF BLOCK 30 OF THE ORIGINAL TOWN, ALSO KNOWN AS 207 A. N 5<sup>TH</sup> STREET, IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI, FROM E-COMMERCIAL TO B-MULTIPLE FAMILY ZONING DISTRICT AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY**

### FIRST READING

Motion was made by Council Member Louderman to give Bill No. 13-022 a first reading. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

## BILL NO. 13-023

**AN ORDINANCE ADOPTING FINAL ENVIRONMENTAL COVENANTS RELATIVE TO 322 SOUTH EIGHTH STREET, TO BE FILED WITH THE MARION COUNTY RECORDER OF DEEDS, PURSUANT TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES' BROWNFIELDS/VOLUNTARY CLEANUP PROGRAM, FOR COMPLIANCE WITH PROVISIONS OF THE COMMERCIAL FLOOD BUYOUT PROGRAM**

**FIRST READING**

Motion was made by Mayor Pro Tem Knickerbocker to give Bill No. 13-023 a first reading. Motion was seconded by Council Member Dobson.

Motion carried.

**BILL NO. 13-024**

**AN ORDINANCE ADOPTING FINAL ENVIRONMENTAL COVENANTS RELATIVE TO 400 SOUTH ELEVENTH STREET, TO BE FILED WITH THE MARION COUNTY RECORDER OF DEEDS, PURSUANT TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES' BROWNFIELDS/VOLUNTARY CLEANUP PROGRAM, FOR COMPLIANCE WITH PROVISIONS OF THE COMMERCIAL FLOOD BUYOUT PROGRAM**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 13-024 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

**BILL NO. 13-025**

**AN ORDINANCE ADOPTING FINAL ENVIRONMENTAL COVENANTS RELATIVE TO 700-02 SOUTH MAIN STREET, TO BE FILED WITH THE MARION COUNTY RECORDER OF DEEDS, PURSUANT TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES' BROWNFIELDS/VOLUNTARY CLEANUP PROGRAM, FOR COMPLIANCE WITH PROVISIONS OF THE COMMERCIAL FLOOD BUYOUT PROGRAM**

**FIRST READING**

Motion was made by Mayor Pro Tem Knickerbocker to give Bill No. 13-025 a first reading. Motion was seconded by Council Member Louderman.

Motion carried.

**ADJOURNMENT**

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

Motion carried.