

## OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, August 1, 2017  
Council Chambers  
7:00 p.m.**

### ROLL CALL

**Present:** Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, Mayor Hark, Council Members Van Hoose, Welch, and Veach - 7

**Absent:** -0-

### CALL TO ORDER

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

### INVOCATION

The invocation was given at this time by Council Member Van Hoose.

### PLEDGE OF ALLEGIANCE

Mayor Pro Tem Knickerbocker led the Pledge of Allegiance to the Flag.

### APPROVAL OF AGENDA

Motion was made by Council Member Dobson to approve the agenda. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

### APPROVAL OF MINUTES

#### **Regularly Scheduled Council Meeting – July 18, 2017**

Motion was made by Council Member Van Hoose to approve the minutes for the last regularly scheduled Council meeting that was held on July 18, 2017. Motion was seconded by Council Member Veach.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**Second Half – July, 2017**

Motion was made by Council Member Dobson to approve the payroll and claims for the second half of July, 2017. Motion was seconded by Council Member Veach.

Motion carried.

**ADRIENNE ABRIGHT – HANNIBAL JAYCEES**  
**Re: Request, Purchase of Amphitheater Structure**

Adrienne Abright, with the Hannibal Jaycees, advised she had attended last month's meeting regarding the intent of the Hannibal Jaycees to purchase the amphitheater structure. She came before Council to formally present her request for the Jaycees to purchase in the amount of \$100.

Mayor Pro Tem Knickerbocker advised he felt it was a good idea and the structure is a liability to the City and will either have to be taken down, perform maintenance or could even possibly fall into the river. The Jaycees will be able to repurpose this structure and they have plans to use it to benefit the community.

Council Member Dobson then questioned if the Jaycees had worked out access to the property. She advised they are currently working towards that and do not anticipate it being a problem. The Hannibal Jaycees are working out an arrangement with the adjacent property owner for access, who is a former Jaycee's member.

Council Member Cogdal then asked Jeff LaGarce to explain to the public the issue with access to the property, further why it would not be a good idea for the City to open the property and use it themselves. LaGarce advised a bridge would have to be constructed, or cross the railroad tracks to even gain access to the property and it is very unlikely the railroad would even grant open access to the public, by easement to the City.

Andy Dorian advised they had met with an engineer regarding the site when looking for a possible boat harbor and they were advised this area is now considered a wet land and would require mitigation which would cost several hundred thousand dollars. Clemens Field is a 3,000 seat facility that could be used to host concerts as well, which has access and accessibility. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion was seconded by Council Member Dobson.

Motion carried.

**CARRIE DANNER – ACCESS TO HEALING & WELLNESS**  
**Re: Request, Street Closures – Zombie Run**  
*Saturday, September 30, 2017 – 4:00 p.m. – 6:30 p.m.*

Carrie Danner, with Access to Healing & Wellness, came before Council to request street closure for their Zombie Run. The event will be held Saturday, September 30, 2017 from

4:00 p.m. to 6:30 p.m. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion seconded by Council Member Veach.

Motion carried.

**JAMES R. HARK - MAYOR**  
**Re: Approval of Appointments**

Mayor Hark reminded Council of a candidate presented at the last meeting for the following Board:

**HANNIBAL CONVENTION & VISITORS BUREAU**

➤ **Beth Knight – appointment for a term to expire September, 2020**

He asked Council for their approval of this recommendation. Motion was made by Council Member Veach to approve the Mayor's recommendation of Beth Knight to the Hannibal Convention & Visitors Bureau; appointment for a term to expire September, 2020. Motion was seconded by Council Member Welch.

Motion carried.

**JEFF LAGARCE – CITY MANAGER**  
**Re: Lease of City Owned Property, 3752 Warren Barrett Drive – Assignment & Second Amendment to Lease**  
*General Mills Operations*  
*(Resolution No. 2102-17, to follow)*

Jeff LaGarce, City Manager, informed Council that the city leases warehouse property at 3752 Warren Barrett Drive to General Mills. This property is a key component to General Mills production process.

The original lease began in January 2003, and prescribed pre-determined market-lease rates until January 2015. In early 2014, the lease was then renewed for the 3-year period 2015 – 2017. The current lease expires December 31, 2017.

Tonight's Resolution would renew this lease for the ten (10) year period 2018 through 2027. The first year's lease payment provides for 1% growth over the current payment, and each subsequent year of the lease provides for 1% growth annually, as well. This is a productive lease for the city; the lease currently generates over \$310,000 in income annually.

The proposed lease extension does provide General Mills the opportunity to terminate the lease during the 5th year. While they have no intent of invoking termination, their corporate offices desire that flexibility, in the event company direction would happen to change. We have no objection to this. Under the present 3-year lease arrangements, they already possess the opportunity to "walk away" every 3 years. LaGarce recommended approval of the Resolution authorizing a 10-year lease extension with General Mills for use of the warehouse building at 3752 Warren Barrett Drive. Resolution No. 2102-17, to follow.

**Re: “Proposition 1” Legal Services – Engagement Letter**

*Leonatti & Baker*  
*(Resolution No. 2103-07)*

LaGarce then informed Council that the Hannibal Board of Public Works has brought suit against the City over Ordinance 4751; the chloramine ordinance. LaGarce stated that while the suit understandably seeks injunctive relief from the 90-day deadline for removing ammonia from drinking water, it also seeks to set-aside the April 4 referendum results on-same. Specifically, BPW’s claim involves whether this particular Initiative Petition enters into areas legally off-limits from Initiative Petitions; specifically, “the budget or capital program or any ordinance relating to appropriation of money”.

LaGarce then stated that he believes he speaks for the entire elected body when he states the 90-day provision cannot be met without simultaneous violation of federal and state environmental law, and must therefore be extended to some reasonable, yet diligent period. They are opposed to the challenge being brought against the April 4 referendum itself, and must oppose this in-court.

City Attorney James Lemon serves as legal counsel to both the city and BPW. As such, it would be difficult for Attorney Lemon to represent the city in this case. Therefore, Lou Leonatti, of the firm Leonatti & Baker from Mexico, MO has been selected. LaGarce has had minimal interaction with Mr. Leonatti over the years, but has personally known him for 25 years. He served as Mexico’s city attorney when he worked there in the early 1990s, and he remains Mexico’s city attorney today. Mr. Leonatti is a fine attorney and has many years of experience; municipal and otherwise.

The Resolution would authorize the Mayor to execute an Engagement Letter with Mr. Leonatti for his services as special counsel. LaGarce recommends approval of the Resolution authorizing the Mayor to execute the Engagement Letter of Leonatti & Baker for legal services. Resolution No. 2103-07, to follow.

**Re: Recommendation of Appointment**

Jeff LaGarce, City Manager, made the following recommendations:

**BOARD OF PUBLIC WORKS**

- **Bill Fisher – appointment for a term to expire July, 2021**

These nominations will be considered for approval at the next regular Council meeting to be held August 17, 2017.

**ANGELICA ZERBONIA – CITY CLERK**

**Re: Approval, Destruction of Records**

Angelica Zerbonia, City Clerk, then informed Council that the Missouri Secretary of State oversees document retention in Missouri’s political subdivisions. According to the Missouri Records Retention Manual published by that office, certain records need only be retained for limited periods of time, at which point they can be destroyed.

Over the years, the City has not been following a consistent records retention schedule which led to a large volume of records and a lack of storage place. David Snead, Archivist for the State's local records division was onsite to review the documents determined by staff as eligible to destroy. That list of documents requested to be destroyed was provided to the Council Members.

Shredding of the documents is estimated at \$150-200; this is not an expressly budgeted item; but adequate funds exist in the ARP budget to cover this expense.

Following Council approval, staff will oversee the shredding and disposition of the records, which will be securely provided on-site by *On-Site Information Destruction*. As required; the minutes of this meeting authorizing the destruction along with the list of information destroyed, will serve as the permanent record in accordance with the practice outlined by the Secretary of State's office.

Council Member Van Hoose questioned if a loss of historical records was anticipated by destroying these records. Zerbonia responded that only the Library has shown interest in some of the records, but a lot of it is things like bank statements from the 1990s. Electronic storage was also questioned, to which the City Clerk responded that it has been looked into but is costly and time consuming. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion seconded by Council Member Dobson.

Motion carried

**Re: Policemen & Firemen's Retirement Fund – Amended Plan Document**  
*Section VI - Disability Benefits – 6.01 & 6.02 & Other Clarifying Modifications*  
*(Bill No. 17-018, to follow)*

City Clerk Angelica Zerbonia then presented a P&F plan document amendment. This is an amendment that the P&F Board began working on in 2007, as it would decrease some liability of the plan and place it onto a third party long term disability plan. The plan's funding status prevented approval of this in the past, even though it could improve the funding status. This modifies the disability benefits provided under the Plan for those who incur disabilities on or after September 1, 2017, and will make certain other clarifying modifications.

This modification is yet another proactive measure of the Board to reduce direct liability to the Plan due to potential disability claims. Modifying the disability benefits also provides for a group disability insurance plan where neither the Fund nor the City shall be obligated to pay any disability benefits, other than premiums on such policy.

Proposals were solicited, received and reviewed by the P&F Retirement Board; with the Board voting to accept the proposal submitted by *The Standard*. This proposal provides for a plan design most beneficial to the employee while also being the most cost effective for the Plan. The Fund has budgeted for the payment of such group disability policy in the fiscal year 2017/2018 budget. The cost is .540 percent of earnings per member; which equates to approximately \$1,548 per month, with a three year rate guarantee.

The actuary and the State of Missouri, Joint Committee on Public Employee Retirement Systems are both in favor of this modification to reduce the Plan's overall liability, with no cost impact, as determined by the actuary. Bill No. 17-018, to follow.

**KAREN BURDITT – FINANCE DIRECTOR**  
**Re: Request, Set Public Hearing – 2017 Property Tax Levy**  
*August 15, 2017, 6: 30 p.m.*

Karen Burditt, Finance Director, asked Council to set a Public Hearing for the Property Tax Levy at 6:30 PM on Tuesday August 15, 2017 prior to the City Council meeting. The subject of the meeting will be the ad valorem tax rate for property in the City. Motion was made by Council Member Dobson to approve the request. Motion seconded by Council Member Welch.

Motion carried.

**BRIAN CHAPLIN – DPW SUPERINTENDENT**  
**Re: Alley Vacation – Cruikshank Alley, McDonald's Subdivision**  
*(Bill No. 17-019, to follow)*

Brian Chaplin, DPW Superintendent, informed Council that on Thursday, July 20th, 2017 the Planning and Zoning Commission met in regards of vacating the Southwestern section of the Cruikshank alley in the McDonald's Subdivision. The Northern portion of the alley, which is the only drivable entrance into alley, was previously vacated and is now considered private property. The commission had previously asked for a survey of the alley to see exactly where the boundary lines laid. Once the survey results came back, it revealed that the property belonging to Mr. Daniel Golian, who is opposed to the alley being vacated, encroaches into the south end of the city alley. Also, since the Northern portion of the alley is the only entrance into the alley and has been vacated there is no logical reason to keep the southwestern portion of the alley a city maintained alley. At this time, a positive recommendation was made to council to vacate the southwestern portion of the Cruikshank Alley in the McDonald's Subdivision. LaGarce stated that if a future use could be seen for the alley, a vacation would not be done. Council Member Dobson indicated that the present house is two feet into the alley. Bill No. 17-019, to follow.

Chaplin then apologized to Council for the e-mail stating that Bross Construction would not be back this year. The e-mail was incorrect. Paving will begin again on 8/3/17 or 8/4/17. Approximately 4,000 tons of asphalt will be put down in the next six days. Bross is moving plants so their availability will be more sporadic, but they will lay as much asphalt as they can. Mayor Hark indicated that the amount expected to be done for the year, has already been done. The project is ahead of schedule.

**RESOLUTION NO. 2102-17**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TEN (10) YEAR EXTENSION OF A LEASE AGREEMENT WITH GENERAL MILLS, INC. FOR THE USE OF CITY PROPERTY LOCATED AT 3752 WARREN BARRETT DRIVE, HANNIBAL, MISSOURI**

Motion was made by Council Member Veach to have the City Clerk read Resolution No. 2102-17 and call the roll for adoption. Motion was seconded by Council Member Van Hoose.

Motion carried.

**Roll Call**

**Yes:** Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, Mayor Hark, Council Members Van Hoose, Welch, and Veach - 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 2102-17 duly approved and adopted on this date.

**RESOLUTION NO. 2103-17**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGAGEMENT LETTER WITH LEONATTI & BAKER FOR THE PROVISION OF LEGAL SERVICES**

Motion was made by Mayor Pro Tem Knickerbocker to have the City Clerk read Resolution No. 2103-17 and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

**Roll Call**

**Yes:** Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, Mayor Hark, Council Members Van Hoose, Welch, and Veach - 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 2103-17 duly approved and adopted on this date.

**BILL NO. 17-018**

**AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI RESTATING THE CITY OF HANNIBAL, MISSOURI POLICEMAN AND FIREMAN RETIREMENT FUND AND ADOPTING AMENDMENTS TO THE PLAN'S DISABILITY BENEFITS**

*First Reading*

Motion was made by Mayor Pro Tem Knickerbocker to give Bill No 17-018 a first reading. Motion was seconded by Council Member Dobson.

Motion carried.

**BILL NO. 17-019**

**AN ORDINANCE APPROVING A PARTIAL VACATED ALLEY LYING IN THE MCDONALD'S SUBDIVISION, INTO THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

*First Reading*

Council Member Dobson asked Council if the land owners could speak. Daniel Golian of 828 Bird, then informed Council that he has maintained the right-of-way for 30 years and now the mansion wants to take half of it. This is the only access he has to his home. On the west side of the alley there is a buried gas line, and on the east side there is a sewer line which runs to his home. Between the alley and the home is 3 feet of ground that just sits. They are requesting another 4 feet, which will knock the access to his home. It is not a problem for them to use the property, but blocking it off is a problem. He knows this as being what is left of north 9th street, not an alley.

Mayor Pro Tem Knickerbocker then questioned if when the alley is split, will it cause Daniel Golian to lose access to his home. Chaplin stated that the portion of the property that allows him access has already been vacated. The portion in question is a bluff. Chaplin questioned why the drive couldn't be widened if he has issues accessing the property.

Warren Bittner, owner of the lot 1 of the McDonald's subdivision, then spoke. His property is directly west of this property. A section of the Rockcliff retaining wall had fallen during abnormally high amounts of rain and he was notified by his neighbor Mr. Golian. He then called the City to check the status of the alley and see if he needed a building permit to repair the wall. He found out that part of the alley was already vacated and the other part was "land locked" and not vacated. At the time Golian did not object, but has since changed his mind. Through a land survey it was discovered that Mr. Golian was the one crossing into the alley and therefore the Planning & Zoning committee believed the best plan of action was to vacate the alley and give 8 feet to each land owner.

Mayor Hark questioned the surveyor if the map provided was true and accurate. The surveyor responded that it was.

Motion was made by Council Member Van Hoose to give Bill No 17-019 a first reading. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**BILL NO. 17-017**

**AN ORDINANCE APPROVING A MINOR SUBDIVISION AT 1200 COLLIER AND A VACATED ALLEY AT LEMON STREET, COLLIER STREET AND WARREN BARRETT FOR EZRA BLUE AND SONS, INTO THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

*Second & Final Reading*

Motion was made by Council Member Dobson to give Bill No. 17-017 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Roll Call**

**Yes:** Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, Mayor Hark, Council Members Van Hoose, Welch, and Veach - 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 17-017 duly approved and adopted on this date.

**CLOSED SESSION**

*In Accordance with RSMo. 610-021:*

- *(1) – Litigation, Proposition 1*
- *(2) – Real Estate Negotiations*
- *(3) - Personnel*

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph (1), (2), and (3), admitting himself, City Manager Jeff LaGarce, City Council, Attorney Lou Leonatti, and City Clerk Angelica Zerbonia. Motion was made by Council Member Dobson to enter into Closed Session. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Roll Call**

**Yes:** Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, Mayor Hark, Council Members Van Hoose, Welch, and Veach - 7

**No:** -0-

**Absent:** -0-

Motion carried.

### **OPEN SESSION**

Motion was made by Council Member Dobson to return to open session at this time. Motion was seconded by Council Member Veach.

Motion carried.

### **ADJOURNMENT**

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

Motion carried.

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**James R. Hark, Mayor**

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**Angelica N. Zerbonia, MRCC - City Clerk**