

# OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, January 3, 2017  
Council Chambers  
7:00 p.m.**

## ROLL CALL

**Present:** Mayor Hark, Council Member Van Hoose, Mayor Pro Tem Knickerbocker, Council Members Dobson, and Cogdal - 5

**Absent:** Council Member Ipson and Locke - 2

## 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

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

Motion was made by Council Member Dobson to excuse Council Member Ipson and Locke. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

## APPROVAL OF AGENDA

Motion was made by Council Member Van Hoose to approve the agenda as presented and posted. Motion was seconded by Council Member Dobson.

Motion carried.

## APPROVAL OF MINUTES

**Regularly Scheduled Council Meeting – December 20, 2016**

Motion was made by Mayor Pro Tem Knickerbocker to approve the minutes for the last regularly scheduled Council meeting that was held on December 20, 2016. Motion was seconded by Council Member Cogdal.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**Second Half – December, 2016**

Motion was made by Mayor Pro Tem Knickerbocker to approve the payroll and claims for the second half of December, 2016. Motion was seconded by Council Member Van Hoose.

Motion carried.

**DENNIS KOLARIK – 536 RIVERSIDE**  
**Re: Establish an Ethics Committee for Hannibal City Government**

Dennis Kolarik, 536 Riverside, then addressed Council concerning an ethics resolution that was passed last year, where the intent was a good, however, there are no consequences spelled out. He is asking tonight for Council to form an ethics committee for Hannibal city government. He feels accountability is needed and the ethics committee would investigate and bring forth issues to Council. If there is nothing to be complained about there is nothing for the ethics committee to discuss. He feels that sometimes issues at Council are sugar coated and people become misinformed. This past year we have had some problems with the water, we lost Ralls County water for several reasons. One reason we lost them was the safety of the water they were receiving from the City and the other was the way negotiations were handled. Mr. Kolarik asked if anyone from Council spoke with Ralls County to see why they quit the negotiations.

Mike Dobson indicated he had spoken with Ralls County water who advised due to lack of a back of supply was their reason for wanting to leave the BPW. He feels if an ethics committee would check into this they would come back with some recommendations for the City Council. Mr. Kolarik stated that we are losing millions of dollars over the next 20 years. Another issue that the ethics committee could have taken up is the contractor company who was going to conduct the water study. It was discovered that they had already done business in the City and so someone else was used for the study. He indicated four people from the City met with the contractors doing the water study and no one from the water group was even invited to this meeting, not even the head person for the City water group. He feels an ethics committee would be a fair thing to do and a continuation of the ethics resolution passed last year.

Council Member Cogdal then questioned who he proposed would make up the ethics committee. Mr. Kolarik indicated a public forum should be held, asking what people wanted, how many citizens, and how many council members. Something other than the "buddy/pal/friend" relationship that goes into city government. She then pointed out to Kolarik that there is a Missouri ethics board, however, he feels the city should police their own.

**JAMES R. HARK – MAYOR**  
**Re: Approval of Appointment**

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

**HANNIBAL TREE BOARD**

➤ **Steve McGregor – reappointment for a term to expire September, 2017**

The Mayor asked Council for their approval of this recommendation. Motion was made by Council Member Dobson to approve the City Manager's recommendation of Steve McGregor to the Hannibal Tree Board for reappointment for a term to expire September, 2017. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**FREDRICH CRUSE – MUNICIPAL JUDGE**

**Re: April, 2017 – Municipal Election – Proposition B Charter Amendments relating to  
Municipal Court**

*(Bill No. 17-001, to follow)*

Judge Fredrich Cruse then addressed the Council concerning a proposed ballot issue, known as Proposition B with respect to charger changes that would bring our charter into compliance with state law. The first item he notes is that the charter caps at a fine of \$50 or imprisonment of 10 days; which costs the city \$37.50 a day to house someone at the county jail as we no longer have our own. He would suggest punishment in accordance with state law; which does change from time to time. The second item is the judge serves until age 70; state statute has the requirement of age 70. However, the constitution allows the municipal judge to serve to age 75. If we have the need for temporary replacement for the Municipal Judge our charter indicates the City Manager appoints the replacement, however, the state statute indicates that the presiding judge appoints the replacement. This came about in 1978 to make municipal courts a division of the Circuit Court. This change also removed Jury trials from municipal courts so that they are held in state court. The Missouri Supreme has determined the method and amount of costs to be applied, our Charter is not in compliance with this. There is also a section that requires the Judicial branch be separated as much as possible from the Executive Branch. He would like to remove the section that allows a Court Clerk to be a member of the Police Department. The last section he addressed was the section that puts a limit of a year for probation where state law allows up to two years.

Because these are all provisions that are a matter of matching state law, it would be proposed to either agree to modify to state law as a single issue or not agree. Mayor Pro Tem Knickerbocker indicated that it appears we need to bring the charter into compliance with state law, however, we can do things more strictly or differently. There are, however, several we should comply with. Knickerbocker indicated the age of the judge stood out to him asking what the reasoning was behind wanting to increase the age. Cruse indicated it is confusion with the language; state statute says age 75 and the age 70 only applies to full-time judges. Knickerbocker indicated that should not prohibit the charter to establish an age limit. City Attorney Lemon indicated it is a matter of interpretation and it would go to the intent of what was wanted when the charter took

place, not necessarily going along with what the state wanted. He is not certain what the legislative intent was as it has been in there long before he was city attorney. He feels either point is a valid interpretation. Knickerbocker feels the judge age requirement is a separate issue and would be more appropriate as a separate ballot issue. Cruse feels that is very akin to the court cost issue. Judge Cruse indicated these issues were the ones that needed dealt with the most to be clear with state law. Knickerbocker feels some are compliance issues and the age issue is different. Lemon feels the judge is correct that every one of the issues is needing to be addressed. He feels if council wants to keep the age of 70 it could be cleaned up some, however, should council wish to increase to age 75 the language would certainly need to be cleaned up. Knickerbocker feels that they should be separate ballot issues. Mayor clarified that the age requirement is a qualification and the others are operational, Knickerbocker concurred, advising they should be separate ballot issues.

The City Clerk advised that should the bill be amended it would require an emergency reading at the next council meeting as the time constraints do not allow for a first and second reading. Cruse indicated that part of the reasoning why these issues were submitted now is that there is already a ballot issue and there would be no additional cost. This would not add additional costs that are not already budgeted for. Council Member Dobson does not see a reason not to separate it out and the average life expectancy for a male in Missouri is 75.2 years. City Attorney Lemon feels it would be better to read as an emergency measure during the next meeting. This will also allow Lemon an opportunity to split the ballot issues out. Judge Cruse agreed to assist the City attorney with the modifications. Mayor Pro Tem Knickerbocker made a motion for the counselor to draft separate ballot issues. Motion was seconded by Mayor Hark.

Motion carried.

City Attorney Lemon indicated when appropriate the existing bill should be tabled. Bill No. 17-001, to follow.

**JAMES LEMON – CITY ATTORNEY**  
**Re: Code Amendment, Chapter 16 – Graffiti & the Prevention of**  
*(Bill No. 17-002, to follow)*

City Attorney James Lemon then addressed Council concerning adding a graffiti ordinance that has been previously submitted to Council. It would be for a first reading. Mayor Pro Tem Knickerbocker indicated that he received an email today from Mr. Tomko expressing concerns relating to the graffiti bill. He feels council should look at it further instead of trying to recraft it on the council floor. He feels the group of concerned parties should meet and bring it back to Council with suggested changes. He will recommend that this issue be tabled this evening to give additional opportunity for the council to receive input. Council Member Dobson would like to see a committee be formed and to include Chief Davis and some of the business owners. Council Member Cogdal indicated she too would like to see it tabled and discussed further. Knickerbocker feels Mr. Tomko, the police chief or his designee, a couple of business owners, 2 or 3 council members, and the City Attorney should sit on this committee. Lemon indicated he feels he could be involved on an advisory committee not sit on the actual committee.

Mr. Tomko then addressed council on the debate of this proposal. He indicated in his proposal it would be done like the Palm Springs ordinance. His only recommendation is that there would be an even number on the committee as well as a committee chairman. There have been previous

moments in city government where a committee could not come to an agreement therefore an item would be dropped. He feels it should also include the City Manager and the City street department, as well as the city attorney. Mr. Tomko indicated that the issue of entering private property because of graffiti and how to handle that situation was spelled out very clearly in the original proposal of the ordinance. He asked for there to be fair oversight and balance so that the committee did not fall apart over the course of three or four months. The Mayor feels this should be accomplished within 1-2 meetings as most of the work has been done, it just needs to be cleaned up to fit this area and the pallet of the community. City Attorney Lemon looked at Mr. Tomko's proposal and made amendments based on the council comments and concerns specifically. Some items in Tomko's proposal did not adhere to the way things are handled in Missouri but more towards how they are handled in California, which are very different. City Manager Jeff LaGarce then questioned the committee members. Mayor clarified two council members, police chief or designee, Mr. Tomko, a couple of people from the business community, and a member of the street department. The Mayor also suggested a member of the parks department as well as they have experience with the removal of graffiti. A motion was made by Council Member Knickerbocker to establish a committee as outlined to further look at the issue. Motion was seconded by Council Member Van Hoose.

Motion carried. Bill No. 17-002, to follow.

**Re: Hannibal Regional Airport, Private Hangar – Landlord's Estoppel Certificate Lexie Pexie, LLC**

*(Resolution No. 2074-17, to follow)*

Lemon then addressed Council on the Private Hangar agreement. Commerce Bank has requested the City do a certification that they agree the lease is in affect and that the Bank has a security interest in the hanger. This gives them the ability to step in if the lease holder does not pay under the lease. Resolution No. 2074-17, to follow.

**RESOLUTION NO. 2074-17**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LANDLORD'S ESTOPPEL CERTIFICATE REGARDING THE PRIVATE HANGAR LEASE WITH LEXIE PEXIE, L.L.C.**

Motion was made by Mayor Pro Tem Knickerbocker to have the City Clerk read Resolution No. 2074-17 and call the roll for adoption. Motion was seconded by Council Member Dobson

Motion carried.

**Roll Call**

**Yes:** Mayor Hark, Council Member Van Hoose, Mayor Pro Tem Knickerbocker, Council Members Dobson, and Cogdal - 5

**No:** -0-

**Absent:** Council Member Ipson and Locke - 2

Mayor Hark declared Resolution No. 2074-17 duly approved and adopted on this date.

**BILL NO. 16-037**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT #3 TO THE STATE BLOCK GRANT AGREEMENT BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE TAXIWAY EXTENSION AND FUTURE T-HANGER PROJECT AT THE HANNIBAL MUNICIPAL AIRPORT IN THE AMOUNT OF \$16,446.00**

*Second & Final Reading*

Motion was made by Council Member Dobson to give Bill No. 16-037 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Van Hoose.

Motion carried.

**Roll Call**

**Yes:** Mayor Hark, Council Member Van Hoose, Mayor Pro Tem Knickerbocker, Council Members Dobson, and Cogdal - 5

**No:** -0-

**Absent:** Council Member Ipson and Locke - 2

Mayor Hark declared Bill No. 16-037 duly approved and adopted on this date.

**BILL NO. 16-038**

**AN ORDINANCE REVISING CHAPTER 16, MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE IV. –OFFENSES AGAINST PUBLIC MORALS, BY ADDING DIVISION 4 PROSTITUTION**

*Second & Final Reading*

Motion was made by Council Member Dobson to give Bill No. 16-038 a second and final reading and call the roll for adoption. Motion was seconded by Mayor Hark.

Motion carried.

**Roll Call**

**Yes:** Mayor Hark, Council Member Van Hoose, Mayor Pro Tem Knickerbocker, Council Members Dobson, and Cogdal - 5

**No:** -0-

**Absent:** Council Member Ipson and Locke - 2

Mayor Hark declared Bill No. 16-038 duly approved and adopted on this date.

**BILL NO. 17-001**

**AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 4, 2017, TO ALLOW HANNIBAL VOTERS TO CONSIDER AN AMENDMENT TO THE CHARTER OF THE CITY OF HANNIBAL FOR PROVISIONS RELATING TO THE MUNICIPAL COURT TO BE CONSISTENT WITH STATE LAW, TO BE KNOWN AS PROPOSITION 2**

*First Reading*

Motion was made by Mayor Pro Tem Knickerbocker to table this item until the next Council meeting. Motion was seconded by Council Member Dobson.

Motion carried.

**BILL NO. 17-002**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE ORDINANCES OF THE CITY OF HANNIBAL, INCLUDING NEW SECTIONS REGARDING GRAFFITI AND THE PREVENTION OF GRAFFITI**

*First Reading*

Motion was made by Mayor Pro Tem Knickerbocker to table this item until the next Council meeting. Motion was seconded by Council Member Van Hoose.

Motion carried.

**ADJOURNMENT**

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

Motion carried.