

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, January 17, 2017
Council Chambers
7:00 p.m.**

ROLL CALL

Present: Council Members Van Hoose, Ipson, Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, and Mayor Hark – 6

Absent: Council Member Locke – 1

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

The 3rd, 4th, and 5th grade Girl Scout Troop led the Pledge of Allegiance to the Flag.

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

Motion carried.

APPROVAL OF AGENDA

Motion was made by Council Member Ipson to approve the agenda as presented and posted.
Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

APPROVAL OF MINUTES
Closed Session Meeting – June 7, 2016
Closed Session Meeting – November 2, 2016

Regularly Scheduled Council Meeting – January 3, 2017

Motion was made by Council Member Van Hoose to approve the minutes for the last regularly scheduled Council meeting that was held on January 3, 2017 and the Closed Session Meetings held June 7, 2016 and November 2, 2016. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS First Half – January, 2017

Motion was made by Council Member Ipson to approve the payroll and claims for the first half of January, 2017. Motion was seconded by Council Member Dobson.

Motion carried.

JAMES R. HARK – MAYOR Re: Letter of Appreciation to Hannibal Fire Department *Hannibal Rural Fire Protection District*

Mayor Hark then read a letter of appreciation that was sent to the Hannibal Fire Department from the Hannibal Rural Fire Protection District. Council Member Dobson then spoke giving the history of the Hannibal Rural Fire Department and Mutual aid agreements.

FREDRICH CRUSE – MUNICIPAL JUDGE Re: April, 2017 – Municipal Election – *Propositions 2 & 3* *Charter Amendments relating to Municipal Court & Judge Retirement Age* *(Bill Nos. 17-003 and 17-004, to follow)*

Judge Fredrich Cruse then addressed Council concerning Bill No. 17-003 and 17-004. The Bills were separated to remove judge qualifications from proposition 2 and into proposition 3. This would clarify the age qualifications relating to the municipal judge, bounding by the actual state statues. Council Member Ipson then questioned Judge Cruse if he was aware, the last time he ran, that he would be required to retire at age 70. He then questioned if our charter indeed used the number age 70. Cruse indicated the charter itself is not in conformity with state statues. If we follow the language it would already be age 75, as provided by state statues as it states “in conformity with the mandatory requirement of state statues”.

Mayor Pro Tem Knickerbocker indicated that because we are a charter city, our rules can be stricter than state statues. Judge Cruse indicated the charter was adopted when the judge retirement age was 70 for all judges according to state statue, which was in the 1950's. Ipson then questioned the Judge's thoughts on his awareness of the retirement age when he last ran. Judge indicated he was aware this was in the charter, but also that there was a discrepancy or interpretation issue on whether the age was indeed 70 or in conformity with state statues, age 75. City Attorney James Lemon stated that it was discussed several years ago and they

disagreed on the interpretation. He had advised something be done to clean it up, but nothing was done at that time. Judge Cruse said this is the first time that there was an opportunity to bring this to the ballot without additional costs to the city.

Council Member Ipson stated his concern was what the voters understood was the age when they voted for this position. He feels it is a matter of timing and it should be done the next time this position comes up for reelection. Judge Cruse indicated the challenge is that elected officials pay cannot change during their time in office; this was changed to coincide with what the employees receive. Submitting this now will allow anyone that runs in 2018 to know what the term and provisions are when they are running. If it is done next year the person will not be aware if the age limit is 70 or 75. Bill Nos. 17-003 and 17-004 to follow.

BRIAN CHAPLIN – DPW SUPERINTENDENT
Re: Request, Set Public Hearing – US 36 South & Lakeside Drive
(Tuesday, February 7, 2017 – 6:45 p.m.)
Smith & Campbell

Brian Chaplin, DPW Superintendent, came before Council to request a Public Hearing be set for the annexation of US 36 South and Lakeside Drive for Smith & Campbell. It would be held Tuesday, February 7, 2017 at 6:45 p.m. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion seconded by Council Member Dobson.

Motion carried.

Mayor Hark then recognized and expressed his appreciation to Brian Chaplin and his personnel for their work with the pre-treatment of our streets before the ice was scheduled to come.

BILL NO. 17-003

**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 – PROPOSITION 2**

Emergency Reading

Motion was made Council Member Van Hoose to give Bill No. 17-003 an Emergency Reading and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

Roll Call

Yes: Council Members Van Hoose, Ipson, Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, and Mayor Hark – 6

No: -0-

Absent: Council Member Locke - 1

Mayor Hark declared Bill No. 17-003 duly approved and adopted on this date.

BILL NO. 17-004

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 – PROPOSITION 3

Emergency Reading

Motion was made Mayor Pro Tem Knickerbocker to give Bill No. 17-004 an Emergency Reading and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

Roll Call

Yes: Council Member Van Hoose, Mayor Pro Tem Knickerbocker, Council Members Dobson, and Cogdal – 4

No: Council Member Ipson and Mayor Hark – 2

Absent: Council Member Locke - 1

Mayor Hark declared Bill No. 17-004 duly approved and adopted on this date.

CLOSED SESSION

In Accordance with RSMo. 610-021 (2)

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph (2), admitting himself, City Manager Jeff LaGarce, City Council, City Clerk, Economic Development Director George Walley, Committee Chairman Tom Boland, and Parks Director Andy Dorian. Motion was made by Council Member Ipson to enter into Closed Session. Motion was seconded by Council Member Dobson.

Motion carried.

Roll Call

Yes: Council Members Van Hoose, Ipson, Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, and Mayor Hark – 6

No: -0-

Absent: Council Member Locke - 1

Motion carried.

OPEN SESSION

Motion was made by Mayor Pro Knickerbocker to return to open session at this time. Motion was seconded by Council Member Ipson.

Motion carried.

ADJOURNMENT

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

Motion carried.