

## **OFFICIAL COUNCIL PROCEEDINGS**

**Tuesday, June 20, 2017  
Council Chambers  
7:00 p.m.**

### **ROLL CALL**

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

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

### **APPROVAL OF AGENDA**

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

Motion carried.

### **APPROVAL OF MINUTES**

#### **Regularly Scheduled Council Meeting – June 6, 2017**

Motion was made by Council Member Van Hoose to approve the minutes for the last regularly scheduled Council meeting that was held on June 6, 2017. Motion was seconded by Council Member Dobson.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**First Half – June, 2017**

Motion was made by Council Member Van Hoose to approve the payroll and claims for the first half of June, 2017. Motion was seconded by Council Member Cogdal.

Motion carried.

**KIM WAELDER – LUTHER MANOR NURSING HOME**  
**Re: Request, Discharge Fireworks within City Limits**  
*Friday, June 30, 2017 – 5:15 p.m. -9:15 p.m.*

Kim Waelder, with Luther Manor Nursing Home, came before Council to request discharge of fireworks within City limits for their Family Night. The event would take place Friday, June 30, 2017 from 5:15 p.m. to 9:15 p.m. City Clerk Angelica Zerbonia stated that the Fire Department stated they could have a truck on standby if needed. Motion was made by Council Member Dobson to approve the request. Motion was seconded by Council Member Veach.

Motion carried.

**MELVA LEHENBAUER – FIRST UNITED METHODIST CHURCH**  
**Re: Request, Alley Closure – Vacation Bible School**  
*August 10, 11, 12 & 13, 2017*

Melva Lehenbauer, with First United Methodist Church, came before Council to request alley closure for their Vacation Bible School. They requested closure behind First United Methodist Church from South 9<sup>th</sup> St to the end of their property. The event would take place August 10, 11, 12, and 13, 2017. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion was seconded by Council Member Welch.

Motion carried.

**DENNIS KOLARIK – 536 RIVERSIDE**  
**Re: Hiring a City Engineer**

Dennis Kolarik of 513 Riverside Street then addressed Council advising that last meeting Mr. Lyng spoke about the City Engineer and violating ordinances by not having one. It is also his opinion that we should hire a city engineer and if we had one and went the charcoal system, the City engineer would know the system complies. There is also a \$40 million storm water system that a city engineer could solve and not having to hire one from outside for exorbitant fees. He is asking City council to hire one as quick as we can and should be looking for one for the City tonight and it does not need to go to any meetings after this council meeting.

**GEORGE WALLEY – NORTHEAST MISSOURI ECONOMIC DEVELOPMENT**  
**Re: General Mills Operations Project – Taxable Industrial Development Bonds**  
*(Resolution No. 2097-17, to follow)*

George Walley then addressed Council concerning the expansion of a Hannibal business for chapter 100 bonds for a \$65 million expansion investment. He then provided the history of two other expansion projects done by General Mills as well.

Mr. Walley then introduced John Komor, the new Plant Manager of General Mills. He has been with General Mills/Pet since 1986. He indicated that when they agree to invest in a site it does give some sense of stability for a time at least. He indicated an additional soup line would be added with this investment. Currently payroll is in excess of \$80 million. They do business with vendors all across town, having a much bigger impact than hiring employees directly. Currently there are 920 employees at the Hannibal facility.

Council Member Dobson then questioned if the operations would be highly automated. Mr. Komor indicated it is more automated than other lines, however, packing, etc. is not. They try to reduce touch but increase job positions in other ways.

Walley indicated part of the agreement we negotiated with General Mills is we secured the 10 year renewal of the General Mills east warehouse and requested them to enroll in the Missouri community workforce community and they have done so. Resolution No. 2097-17, to follow.

**JAMES LEMON – CITY ATTORNEY**  
**Re: Clemens Field – Lease Agreement**  
*Clemens Field Management LLC*  
*(Resolution No. 2094-17, to follow)*

James Lemon, City Attorney, came before Council to present the Clemens Field new Lease Agreement. Changes include provisions for maintaining the property and an annual fee. They are hoping to get a new team in there next year. Resolution No. 2094-17, to follow.

**JEFF LAGARCE – CITY MANAGER**  
**Re: Approval of Appointments**

Jeff LaGarce, City Manager, reminded Council of a candidate presented at the last meeting for the following Board:

**BOARD OF ADJUSTMENT**

- **Paul Lewellen – appointment as a full member for a term to expire 2020**
- **Greg Lay – appointment as a full member for a term to expire 2018**

He asked Council for their approval of these recommendations. Motion was made by Council Member Dobson to approve the City Manager's recommendation of Paul Lewellen to the

Board of Adjustment, appointment as a full member for a term to expire 2020. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

Motion was made by Mayor Pro Tem Knickerbocker to approve the City Manager's recommendation of Greg Lay to the Board of Adjustment, appointment as a full member for a term to expire 2018. Motion was seconded by Council Member Dobson.

Motion carried.

### **Re: Approval, Business Park Mitigation Plan**

Jeff LaGarce then presented the Business Park Mitigation Plan. The city's 120-acre business park near Route MM/Shinn Lane is currently a big hole in the ground. While utility infrastructure lies adjacent, the park lacks roads and infrastructure. Nor are all 120 acres developable; there are wetlands areas. It behooves the city to plan/develop the business park as an Industrial Subdivision, with platted lots, utilities and stubs, roadway, and lighting. Individual properties can then be purchased by future industrial users (job producers), built, and new industry and jobs created. In planning the business park layout, we determined that centralized stormwater detention would be competitively-advantageous to securing new businesses. Stormwater detention requirements, built lot-by-lot by each property owner, would collectively consume increased acreage in the business park. This is particularly so for industrial users, where large impervious buildings, large impervious parking lots, and spacious loading and shipping areas are the norm, necessitating inordinately-large stormwater detention areas. An investor needing 10 acres for a new plant much purchase additional ground to accommodate on-site stormwater detention. This adds to acquisition costs, and development cost.

Since additional acreage would be needed by each user, unnecessary acreage - which could otherwise be used for job-producing facilities - must be consumed. As a result, the number of future business who can actually locate in the park may be reduced. The overriding goal in planning the business park is to create a competitive product - competitive with industrial sites of other communities - so we don't lose new investment opportunities to them. In most instances, businesses looking to locate or expand to our business park will also be considering other communities as well.

There is a concept known as "regional" stormwater detention. If a common area within a development can be identified, preferably before the area is developed, it can be set-aside and built to *centrally-detain stormwater* for all properties within that development. If this is done, lot by-lot detention is not required within the development, and property is better-used for the reasons it was intended. With central/regional stormwater detention, developers of sites can simply pipe their stormwater to the regional detention basin, and not require additional acreage and development expense attendant to on-site detention. Our business park has a fairly-large natural wetlands area; largely unbuildable to begin-with. It makes great sense to plan/develop the business park to capitalize on this wetlands area, prescribe it for central detention within the business park, and render each acre in the park more applicable for construction of business, and jobs.

Furthermore, if the detention basin could be constructed as a retention basin, that is, it would hold water, we would then have an attractive lake feature. But the true purpose of this feature is engineering; regional detention; the lake is simply a nice after-effect. This cost-savings to future developers will give our business park a competitive-edge over others. The lessons of Cosmoflex and Buckhorn are obvious, economic development is very competitive. Competitive on many grounds, but the site itself must be competitive and cost-effective; it weighs heavily on industrial site selection.

Wetlands are very difficult to develop in the U.S. Creating a stormwater retention area is the perfect use for these wetlands, and renders each industrial lot more economically-attractive. However, something called “mitigation” creeps into the picture. Wetlands areas disturbed, even if creating a lake environment, must be replaced elsewhere with newly created wetland space or we can pay a big mitigation fee to the federal government. The federal payment to establish this regional retention area is roughly \$384,000. It’s expensive enough to develop the business park without this unnecessary mitigation expense. It defies common sense that a wetlands area, which is actually dry, but designated as wetlands by the Army Corps of Engineers, is subject to mitigation replacement. We do not have \$384,000 to pay-off the federal government.

Ironically, this mitigation scheme is precisely how we obtained the Sodalis Nature Preserve. Some unfortunate pipeline company had to pay millions in mitigation costs to the federal government. The feds turned-over that money to *The Conservation Fund*, who purchased 180 acres in Hannibal to preserve bats, and we were deeded the property for ongoing care. Since we don’t have \$384,000 to “pay our way out of it”, the option exists to create new wetlands areas to replace square-footage areas of business park wetlands with new creek space. The Board of Public Works hired a specialist to identify such opportunities and obtain Army Corps permits. Most alternatives involve daylighting certain stormwater lines, thereby creating open creeks, and vegetating these areas to specific Army Corps standards. This is reverse-stormwater theory. Typically, you pipe stormwater flows to prevent lives and property from being impacted.

Consultant Dave Flick, who performed the necessary studies and obtained the necessary permits, identified three (3) small, unpopulated areas where stormwater lines could be removed, and waters day-lighted and vegetated. The work would be done in-house by city and BPW crews working together and in locations that wouldn’t effect private property or people. Sites are shown below, and by creating open-flow channels that will generally run dry, we avoid a \$384,000 federal payment. Remember, all this really goes back to jobs. The following would be required:

- An Ordinance placing a small stone dam discovered on the business park property under permanent protection (from demolition or alteration). The Army Corps believes this structure to possibly be historically-significant.
- An Ordinance permanently closing Lemon St. South of Colfax and a portion of Wardlow at its east end. These streets are already barricaded/closed, but we’ve not officially closed or abandoned these streets. Households and business would not be affected by this.
- An Ordinance permanently closing the section of Sycamore St. between Adams and Fulton.

- This area serves no homes or businesses, and will lie adjacent to useful sports facility space.
- An Ordinance placing each of these mitigation sites under permanent protection against new construction or damage.

While in-house employees will build these sites, the Zeigler site is already under BPW contract which can be done while the Board is building their new mains in that area. The specific plantings required by the Army Corps would be installed later. This plan also helps the Riverfront Project, which requires a considerable amount of fill dirt from the business park site, specifically, the stormwater retention site area. In summary, to offset the \$384,000 payment, publicly-owned and non-intrusive/non-populated areas were sought for creation of open streams. They can be built at a fraction of the \$384,000 expense, and thereby meet Corps of Engineers' guidelines. Veach then questioned the 2nd location LaGarce has discussed, asking if more are near the Lemon Street area could be used instead of Sycamore. Railroad property is near the area he is referencing according to LaGarce. There were not many other places this could be done without disrupting private property. It will remain green scape but will just have some wetland included. Andy Dorian stated that the area next to Lemon St will become an educational sight as well. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion seconded by Council Member Dobson.

Motion carried.

**Re: 509 Union Street – Development Agreement**

*George Lee*

*(Resolution No. 2095-17, to follow)*

LaGarce then informed Council that 509 Union Street, the old Union Street Express, has been vacant for well-over a decade. The site is characterized by disrepair, dilapidation, boarded-up windows, obsolete fuel pumps, subsurface fuel tanks, and severe blight imposed on the surrounding neighborhood. In his ten years of service, nobody has ventured to “touch” that site, owing to subsurface fuel tanks and resulting DNR issues. He was beginning to question whether anyone would ever attempt this site. Resident George Lee has purchased the property, and intends to remodel/rehabilitate the site. Specifically, he will clean the site, remove the old underground fuel tanks, remove the obsolete fuel pumps, repair the building exterior, repair the windows, remove and replace falling gutters, repair cracked walls, remove dead trees and unbridled vegetation, renovate the parking lot, and install a new electrical system. There is finally an investor willing to convert this blight to productive use, and restore the associated aesthetics thereof.

Prior to Mr. Lee’s purchase of the site, he asked whether the city would be willing to forgive \$1,100 of special tax liens. Given the extraordinary expense of a renovation nobody else will touch, every dollar counts. While the city cannot wave taxes or liens, it can participate in a legitimate Development Agreement, whereby that \$1,100 can be collected, then allocated by the city toward public portions of the improvement project, items like junk disposal, asbestos removal, and lighting. Not “fuel, curtains, or countertops”, but utility systems, renovation of parking/driving surfaces, or stormwater improvements. A Development Agreement would enable this \$1,100 of special tax liens, paid by Mr. Lee at the time of closing, to be allocated back toward the project for public improvements, aiding an otherwise difficult rehabilitation, and providing him additional assistance to accomplish it. This property has long-posed

severe hardship to surrounding properties. This improvement is good for the neighborhood, good for the community, and will prevent the city from having to incur additional abatement expenses in the future. If Mr. Lee does not improve the property, we don't make any contribution. If he makes improvements as stated herein, the city would reimburse up to \$1,100 for certified public improvement costs incurred. Per the Agreement, if there is any doubt of a particular rehabilitation component being a public improvement, both the Mayor and I would have to agree to it. Resolution No. 2095-17, to follow.

**Re: 813 Vermont Real Estate Purchase – Contract for the Sale of Real Estate**

*Henry Smith*

*(Resolution No. 2096-17, to follow)*

For his last order of business, LaGarce informed Council that Henry Smith offers to sell his property/home at 813 Vermont to the city, for \$6,550. It's a 10,880 Sq. Ft. property with a home. Below are the Vermont/Arch/Wardlow etc. sites we already own. It's all flood plain. Some are previous flood buyouts, others we've acquired when opportunity presents itself at minimal cost. Being flood plain, and given the compactness of acquisitions made over the years (flood buyouts, deeding to the city, or other means), this neighborhood is not likely to be a residential reinvestment zone. The overall idea: someday, we may own enough open space in this vicinity to do something nice for the public; construct some type of comprehensive park improvement, shelter(s) or other amenities.

This Vermont/Arch/Wardlow initiative has not represented any type of high-priority objective; rather, a tacit opportunity to consolidate floodplain sites under common city ownership for future use. The proposed \$6,550 purchase price was negotiated with Mr. Smith, per ranges established by the City Council. Staff recommends adoption of the Resolution, which authorizes the Mayor to execute a real estate contract with Henry Smith and any/all closing documents thereof. Resolution No. 2096-17, to follow.

**GAIL BRYANT – DIRECTOR, HCVB**

**Re: Promote Missouri Fund Grant – Notice of Award**

*State of Missouri, Division of Tourism*

*(Resolution No. 2093-17, to follow)*

On behalf of Gail Bryant, Megan Rapp presented her issue this evening, as Ms. Bryant was not in attendance. The Hannibal Convention & Visitors Bureau requested approval in accepting a grant award from the Missouri Division of Tourism. A grant application was submitted to the Missouri Division of Tourism's Promote Missouri Fund Program for FY2018. The Hannibal Convention & Visitors Bureau has been awarded a matching grant in the amount of \$70,000.00. It will assist with advertising in the several travel markets. The amount has already been included in the HCVB FY2018 budget. Resolution No. 2093-17, to follow.

**RESOLUTION NO. 2093-17**

**A RESOLUTION FOR THE MAYOR OF THE CITY OF HANNIBAL TO ACCEPT THE MISSOURI DIVISION OF TOURISM GRANT AND EXECUTE THE NOTICE OF AWARD AND RELATED DOCUMENTS**

Motion was made by Mayor Pro Tem Knickerbocker to have the City Clerk read Resolution No. 2093-17 and call the roll for adoption. Motion was seconded by Council Member Veach.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 2093-17 duly approved and adopted on this date.

**RESOLUTION NO. 2094-17**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT REGARDING CLEMENS FIELD WITH CLEMENS FIELD MANAGEMENT, LLC**

Motion was made by Council Member Veach to have the City Clerk read Resolution No. 2094-17 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 2094-17 duly approved and adopted on this date.



**RESOLUTION NO. 2095-17**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH GEORGE LEE RELATIVE TO THE REHABILITATION AND RESTORATION OF 509 UNION STREET IN HANNIBAL; THE OLD UNION STREET EXPRESS BUILDING**

Motion was made by Council Member Van Hoose to have the City Clerk read Resolution No. 2095-17 and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 2095-17 duly approved and adopted on this date.

**RESOLUTION NO. 2096-17**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTAE PURCHASE AGREEMENT WITH HENRY SMITH IN THE AMOUNT OF \$6,550 FOR THE ACQUISITION OF 813 VERMONT STREET IN FLOOD-IMPACTED TERRITORY**

Motion was made by Council Member Van Hoose to have the City Clerk read Resolution No. 2096-17 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 2096-17 duly approved and adopted on this date.

**RESOLUTION NO. 2097-17**

**RESOLUTION OF OFFICIAL INTENT OF THE CITY COUNCIL OF THE CITY OF HANNIBAL, MISSOURI, TOWARD THE ISSUANCE OF THE CITY'S INDUSTRIAL REVENUE BONDS TO FINANCE A PROJECT FOR GENERAL MILLS OPERATIONS, LLC, AND AUTHORIZING CERTAIN ACTIONS RELATING THERETO**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 2097-17 and call the roll for adoption. Motion was seconded by Council Member Cogdal.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 2097-17 duly approved and adopted on this date.

**BILL NO. 17-015**

**AN ORDINANCE APPROVING THE FISCAL YEAR 2017-2018 BUDGET AND APPROPRIATING TO THE VARIOUS DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCIES OF THE CITY GOVERNMENT OF THE CITY OF HANNIBAL, MISSOURI FOR THE FISCAL YEAR ENDING JUNE 30, 2018**

***Second & Final Reading***

Motion was made by Council Member Dobson to give Bill No. 17-015 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 Members Van Hoose, Welch, Veach, Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, and Mayor Hark - 7

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 17-015 duly approved and adopted on this date.

**BILL NO. 17-016**

**AN ORDINANCE TO PAY OFFICERS AND EMPLOYEES OF THE CITY OF HANNIBAL, MISSOURI FOR THE FISCAL YEAR 2017/2018**

*Second & Final Reading*

Motion was made by Council Member Dobson to give Bill No. 17-016 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Welch.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 17-016 duly approved and adopted on this date.

**CLOSED SESSION**

*In Accordance with RSMo. 610-021 (1 – Legal Actions) (2 – Purchase of Real Estate) & (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) & (3), admitting himself, City Manager Jeff LaGarce, City Council, City Attorney James Lemon, 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:** Council Members Van Hoose, Welch, Veach, Mayor Pro Tem Knickerbocker, Council Members Dobson, Cogdal, and Mayor Hark - 7

**No:** -0-

**Absent:** -0-

Motion carried.

### **OPEN SESSION**

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

Motion carried.

### **ADJOURNMENT**

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

Motion carried.

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**James R. Hark, Mayor**

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