

**CITY OF HANNIBAL**  
**OFFICIAL PUBLIC HEARING**

**Tuesday, September 5, 2017**  
**6:45 p.m.**  
**Council Chambers**

**CALL TO ORDER**

At the appointed time, Mayor Hark called the public hearing to order.

**BRIAN CHAPLIN – SUPERINTENDENT, DEPARTMENT OF PUBLIC WORKS**  
**Re: Rezoning, 109 Virginia Street, C-Local Business to B-Multiple Family**  
*(Belmont Development Company, LLC)*

Mayor Hark then recognized DPW Superintendent, Brian Chaplin, who advised a rezoning request has been received from Belmont Development Company, LLC. They wish to rezone property at 109 Virginia Street, the former St. Elizabeth's hospital, from C-Local Business to B- Multiple Family. This will allow the applicant to renovate to multiple apartments.

**PUBLIC COMMENTS**

Mr. Long, with Belmont Development, then distributed a plan of what they propose to do with the former hospital. He indicated he was here a few weeks ago meeting with planning and zoning. He is a developer and investor in properties just like this and is very excited about the building itself. This project's best path forward is for senior affordable housing. The road block has been the financing for the development. They need to obtain the benefit of federal and state tax credits, which are extremely competitive. This project has been applied for by a different group and rejected a couple of times. Mr. Long and his group have since met with the state and one deterrent was the zoning of the property. In order for them to move forward they are trying to remove any possible roadblocks. This could be dedicated 100% to housing and not require a retail development within the project.

Council Member Dobson indicated he had lived in the neighborhood for 25 plus years; both his children were born there, but it is currently run down and the neighborhood has seen some decline. Lately some have started fixing up their properties and this would only enhance the area. He feels the city would be very fortunate to partner with this group to help see this project become a success.

**ADJOURNMENT**

There being no further business, Mayor Hark adjourned the Public Hearing.

## **OFFICIAL COUNCIL PROCEEDINGS**

**Tuesday, September 5, 2017  
Council Chambers  
7:00 p.m.**

### **ROLL CALL**

**Present:** Council Members Cogdal, Mayor Hark, Council Members Van Hoose, Welch, Veach, Mayor Pro Tem Knickerbocker, and Council Member Dobson - 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 Mayor Pro Tem Knickerbocker to approve the agenda. Motion was seconded by Council Member Dobson.

Motion carried.

### **APPROVAL OF MINUTES**

#### **Regularly Scheduled Council Meeting – August 15, 2017**

Motion was made by Council Member Van Hoose to approve the minutes for the last regularly scheduled Council meeting that was held on August 15, 2017. Motion was seconded by Council Member Veach.

Motion carried.

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

Motion was made by Council Member Dobson to approve the payroll and claims for the second half of August, 2017. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**KURT ALLEN – Y MEN’S CLUB**  
**Re: Request, Alley & Street Closures and Public Alcohol Consumption**  
**Down by the River**  
*Friday, October 13, 2017 – 3:00 p.m. – 11:00 p.m.*

Kurt Allen, with Y Men’s Club, came before Council to request alley and street closure and public alcohol consumption for Down by the River. The event will be held Friday, October 13, 2017 from 3:00 p.m. to 11:00 p.m. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion was seconded by Council Member Dobson.

Motion carried.

**JODY BOGUE – HISTORIC HANNIBAL MARKETING COUNCIL**  
**Re: Request, Street Closure – Main Street Trick or Treat**  
*Tuesday, October 31, 2017 – 5:30 p.m. – 8:30 p.m.*

Joel Anderson, with Historic Hannibal Marketing Council, came before Council to request street closure for their Main Street Trick or Treat. The event will take place Tuesday, October 31, 2017 from 5:30 p.m. to 8:30 p.m. Motion was made by Council Member Dobson to approve the request. Motion seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**MELISSA CUMMINS – MARK TWAIN MUSEUM**  
**Re: Request, Use of City Owned Property & Public Alcohol Consumption**  
**Taste of Twain**  
*Saturday, September 16, 2017 – 2:00 p.m. – 5:00 p.m.*

Melissa Cummins, Mark Twain Museum, came before Council to request use of city owned property and public alcohol consumption for their Taste of Twain event. The event will take place Saturday, September 16, 2017 from 2:00 p.m. to 5:00 p.m. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion seconded by Council Member Veach.

Motion carried.

**CARRIE DANNER – ACCESS TO HEALING & WELLNESS**  
**Re: Request, Street Closure & Public Alcohol Consumption – Oktoberfest**  
*Saturday, October 14, 2017 – 11:00 a.m. – 7:00 p.m.*

Carrie Danner, with Access to Healing and Wellness, came before Council to request street closure and public alcohol consumption for Oktoberfest. The event will be held Saturday, October 14, 2017 from 11:00 a.m. to 7:00 p.m. Motion was made by Mayor Pro Tem Knickerbocker to approve the request. Motion was seconded by Council Member Veach.

Motion carried.

**ALAN BOWEN – LOAFERS CAR CLUB**  
**Re: Request, Street Closures – May Car Show**  
*Saturday, May 12, 2018 – 8:00 a.m. – 4:00 p.m.*

Alan Bowen, with Loafers Car Club, came before Council to request street closures for their May Car Show. The event will be held Saturday, May 12, 2018 from 8:00 a.m. to 4:00 p.m. Motion was made by Council Member Welch to approve the request. Motion seconded by Council Member Van Hoose.

Motion carried.

**DENNIS KOLARIK – 536 RIVERSIDE**  
**Re: Water Treatment Changeover Timeframe**

Dennis Kolarik, of 536 Riverside, then addressed Council, distributing information, relating to the ordinance on Proposition 1, scheduled for a second reading this evening. He came before Council to ask them to table the Ordinance. He discussed a letter in the Council packet that Mr. Bowcock wrote and then read, verbatim the following letter:

“I think the vote on the new revised ordinance on Proposition 1 should be tabled tonight based on continuing new information that is surfacing. They are:

1. We have requested from DNR and BPW past compliance schedules that have been sent and used. By requesting these, we can be sure the information from the Jacobs report and Black & Veach report and the content within the reports are valid or not valid documents. Currently the experts we have talked to have opinions that are valid.

If you as a council are not aware of the validity of these reports, you should table any vote on the referendum till we all find out.

2. There is a wealth of information in the Jacobs Report and it has been suggested on council floor that you have a desire to follow that report. Since you did pay \$80,000 for this report to be brought to you and for you as leaders of this community, I am hopeful you will review information council woman Cogdal has received from Kellie Cookson.

Jacobs has suggested and written in their report several water treatment methods. Most of the tasks recommended by Jacobs have been completed and ammonia can be removed immediately.

Therefore, I suggest that you table any vote on the referendum submitted to council till further investigation and fact finding is done.”

Council Member Cogdal then stated the decision to rewrite the ordinance and bring before Council and this was not a decision that was easy for herself or any council member. On her part, she spoke three separate times to members of the Council as a private citizen for support of Proposition 1. She assured Council that she understood a 90 day time frame was not feasible regardless if Council or the community is the one that approved it. She does not believe a 90 day timeline can be met. The intention of this by herself was that the BPW would do the right thing and move on with the process, removing the Ammonia from the water. To her, it was not worth her tax payers dollars having this drawn out in court nor the time to watch the process play out in court. She would vote yes tonight, because she feels it is the right thing to do to move it forward. Holding off would just delay it further. This council has taken a lot of steps to make changes, as long as many changes with the Board of Public Works and we have to give them an opportunity to do this and as quickly as possible. She does not feel it will take as long as stated in the ordinance and her vote will be to pass this, this evening.

Mr. Kolarik then indicated he was highly disappointed that she felt that way because Proposition 1 said to take the Ammonia out, not a replacement plan that would take 3-4 years to do so. He feels the Ammonia could have already been removed from the water.

Cogdal indicated the BPW does not have to honor the Jacobs report; they have their own study, Black & Veach, or whoever they chose. She did check into the changes the BPW has already made and was advised that right now that they cannot do it without being in violation. Kolarik then questioned if she had a letter stating what she cited.

Council Member Knickerbocker indicated the DNR has to approve each and every step the engineering company takes from beginning to end. The Jacobs report is for informational purposes only. Kolarik indicated the Jacobs report would be within the compliance schedule. The problem is that someone did not complete the compliance report and submit it to DNR, what they submitted did not spell out a plan to replace it.

City Manager LaGarce informed Kolarik he stood where he is this time last year, questioning if they would be able to shut off Ammonia and turn on the Chlorine and they advised they would not be able to do that, they have to make sure the carbon filter actually works. However, you cannot just turn the Ammonia off; you have to have an approved plan in place with MO DNR.

Council Member Knickerbocker advised he has been an opponent in Proposition 1 from the beginning, however, he does agree with Council Member Cogdal that it is time to move forward. Council Member Dobson then indicated when the pilot studies are done, DNR would be more than happy to speak with the City. Mayor Hark then read a letter received from MO DNR about the pilot study.

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

Mayor Hark made the following recommendations:

**AIRPORT ADVISORY COMMITTEE**

- **Greg Baugher – appointment for an unexpired term to expire September, 2018**

**LIBRARY BOARD**

- **Roy Hark – appointment for a term to expire June, 2020**

These nominations will be considered for approval at the next regular Council meeting to be held September 19, 2017.

**JAMES LEMON – CITY ATTORNEY**  
**Re: Business Park - Wetlands Permit Application**  
**Declaration of Restrictions & Covenants**  
*United States Army Corps of Engineers*  
*(Resolution No. 2109-17, to follow)*

James Lemon, City Attorney, informed Council that as a part of our business park development, the Corp of Engineers determined that our actions were going to affect a "wetland". As a result, they required us to make a Wetlands Permit Application. As a part of that application, we are required to execute and record Covenants and Restrictions regarding a particular area that will be affected in the development. He was looking for council approval to have the Mayor sign and then get it recorded. Resolution No. 2109-17, to follow.

**JEFF LAGARCE – CITY MANAGER**  
**Re: Recommendation of Appointment**

Jeff LaGarce, City Manager, made the following recommendation:

**BOARD OF PUBLIC WORKS**

- **Steven Smith – appointment for an unexpired term to expire July, 2018**

These nominations will be considered for approval at the next regular Council meeting to be held September 19, 2017.

**Re: Recommendation – Bid Rejection, Shinn Lane Roundabout Project**

LaGarce then informed Council that on August 15<sup>th</sup>, three bids were opened for the Shinn Lane Roundabout Project. The city's construction budget for Shinn Lane is \$940,000, though the engineers' estimate - derived once engineering plans were completed in July - is \$1,429,150. Bids were let and received; the low bid was for \$1.8M. The city is not remotely-

positioned to accept any of these bids. After the bid opening, the city's design engineer held discussions with many construction companies throughout this region and came up with some cost saving opportunities.

Some \$446,000 in bid costs were attributed to, the tight construction schedule required for this winter project, to street lighting, which BPW will install at their cost, and to liquidated damages simply added to bids because winter weather is unpredictable. Elimination of these costs – or to bid factors that caused them - would place the low bid some \$80,000 below the engineers' estimate.

Several firms were simply too busy to prepare bids since July and August are the height of construction season. This compounds the problem of an already-small/limited market. Several firms indicated their desire to bid if rebidding occurred over the winter.

Several firms did not bid because they felt they couldn't meet the strict construction timelines to begin-with. Given broader construction timelines in a re-letting, they indicated a desire to bid this project. Strict timelines and liquidated damages account for an estimated \$300,000 in bid overages above.

The proposed plan is to reject bids, rebid in October, accept bids in mid-December, award contract in January, notice-to-proceed in February, and provide a construction through November 2018. Further, this schedule would throw project completion into the next budget year, allowing the city to fund any necessary shortage in the next budget. MoDOT has provided written approval for the city to reject these bids. Staff recommends that all bids for the Shinn Lane Roundabout Project be rejected; with the project rebid this fall/winter, and construction to begin in spring. Motion was made by Council Member Dobson to approve the request. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

### **Re: Declaration of Vacancy – Municipal Judge Seat**

LaGarce informed Council that Sec. 14.04 of the Home Rule Charter requires the City Manager to declare the office of Municipal Judge vacant in the event of retirement, resignation, or the like. Judge Fred Cruise has announced his retirement as Municipal Judge effective September 7, 2017. City Clerk Angel Zerbonia is providing a proposed timeline for filling that position. Mayor Hark stated that Judge Bringer handles the duties of this position until a new Municipal Judge is appointed.

### **ANGELICA ZERBONIA – CITY CLERK**

#### **Re: Approval, Municipal Judge Selection Process & Timeline**

Angelica Zerbonia, City Clerk, then informed Council that due to the vacancy, as declared by this City Manager, of the Municipal Judge Seat, up for discussion and approval is the proposed procedure and timeline for filling this vacancy. Ads will be placed throughout September with a candidate deadline of September 20<sup>th</sup>. The Candidate Forum will be held October 3<sup>rd</sup>, 2017. Motion was made by Council Member Van Hoose to approve the request. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**BRIAN CHAPLIN – DPW SUPERINTENDENT**  
**Re: Rezoning 109 Virginia - C-Local Business to B-Multiple Family**  
*Belmont Development Company*  
*(Bill No. 17-022, to follow)*

Brian Chaplin, DPW Superintendent, reminded Council of the request to rezone 109 Virginia from C-Local Business to B-Multiple Family. The application was heard by the Planning & Zoning Commission during its August 17, 2017 public hearing. By unanimous vote, the Commission favorably recommended this rezoning request to the Mayor and City Council. Bill No. 17-022, to follow.

**LYNDELL DAVIS – CHIEF OF POLICE**  
**Re: HPD Lighting Upgrade Project – Repair/Improvement Construction Agreement**  
*Marold Electric, Inc.*  
*(Resolution No. 2107-17, to follow)*  
**Re: HPD Generator Wiring Upgrade - Repair/Improvement Construction Agreement**  
*Marold Electric, Inc.*  
*(Resolution No. 2108-17, to follow)*

Lyndell Davis, Chief of Police, informed Council that the Hannibal Police Department solicited bids for two electrical related projects. Bids were opened and read aloud in Council Chambers, Monday, July 24<sup>th</sup> for replacement of all the light fixtures from florescent to LED on all three floors and to provide power from the 75kw generator to additional electric outlets within the departments. It is estimated that 96 of the 350 light fixtures are not working or have some level of disrepair. This project has been considered for the last four or five years, but there is just now the funds to complete the projects.

The generator that was installed ten years ago only generates about 10% of the Police Departments electrical capacity. The generator is capable of powering much more. Council Member Dobson questioned if the generator take care of the communications. Chief Davis responded that it would. The lowest bid received was from Marold Electric on both projects. The cost of replacing the light fixtures was bid at \$49,079. The cost of improving the generator access was bid at \$10,864. Only \$50,000 was budgeted for this project, but there are significant savings from salary savings due to vacancies to make up the difference. Resolution No. 2107-17, to follow.

**RESOLUTION NO. 2107-17**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT  
WITH MAROLD ELECTRIC, INC. IN THE AMOUNT OF \$49,079.00 FOR THE  
REPLACEMENT OF ALL FLORESCENT LIGHT FIXTURES AT HANNIBAL  
POLICE DEPARTMENT LOCATED AT 777 BROADWAY**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 2107-17 and call the roll for adoption. Motion was seconded by Council Member Van Hoose.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 2107-17 duly approved and adopted on this date.

**RESOLUTION NO. 2108-17**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MAROLD ELECTRIC, INC. IN THE AMOUNT OF \$10,864.00 FOR THE UPGRADE OF CURRENT EMERGENCY GENERATOR ACCESS AT THE HANNIBAL POLICE DEPARTMENT LOCATED AT 777 BROADWAY**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No. 2108-17 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 2108-17 duly approved and adopted on this date.

**RESOLUTION NO. 2109-17**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO SIGN COVENANTS AND RESTRICTSION IN COMPLIANCE WITH THEIR WETLAND PERMIT APPLICATION WITH THE UNITED STATES ARMY CORPS OF ENGINEERS**

Motion was made by Council Member Welch to have the City Clerk read Resolution No. 2109-17 and call the roll for adoption. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Resolution No. 2109-17 duly approved and adopted on this date.

**BILL NO. 17-020**

**AN ORDINANCE OF THE CITY OF HANNIBAL FIXING AND ADOPTING THE RATE OF TAXATION FOR THE YEAR OF 2017 AND LEVYING TAXES THEREFORE**

*Second & Final Reading*

Motion was made by Council Member Van Hoose to give Bill No. 17-020 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 17-020 duly approved and adopted on this date.

**BILL NO. 17-021**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 4751 AND SECTION 13.03 OF THE CITY CODE SUBSTITUTING IN ITS PLACE AN ORDINANCE PROHIBITING THE USE OF AMMONIA IN THE HANNIBAL PUBLIC DRINKING WATER SYSTEM THIS ORDINANCE SHALL BE KNOWN AS THE HANNIBAL SAFE DRINKING WATER CHEMICAL USE REDUCTION ACT AND ENACTING A NEW SECTION 13.03**

*Second & Final Reading*

Motion was made by Council Member Knickerbocker to give Bill No. 17-021 a second and final reading and call the roll for adoption. Motion was seconded by Council Member Dobson.

Motion carried.

**Roll Call**

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

**No:** -0-

**Absent:** -0-

Mayor Hark declared Bill No. 17-021 duly approved and adopted on this date.

**BILL NO. 17-022**

**AN ORDINANCE REZONING PROPERTY ADDRESSED AT 109 VIRGINIA STREET AND 2220 BROADWAY, GENERALLY KNOWN AS THE OLD ST. ELIZABETH HOSPITAL, AS MORE MORE-FULLY DESCRIBED IN THIS ORDINANCE, FROM C-LOCAL BUSINESS TO B-MULTIPLE FAMILY ZONING DISTRICT AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY**

*First Reading*

Motion was made by Council Member Dobson to give Bill No 17-022 a first reading. Motion was seconded by Mayor Pro Tem Knickerbocker.

Motion carried.

**CLOSED SESSION**

*In Accordance with RSMo. 610-021:*

- (1) – *Litigation*
- (2) – *Real Estate Negotiations*

At this time, Mayor Hark entertained a motion to go into closed session in accordance with RSMo 610-021, sub-paragraph (1) and (2) admitting himself, City Manager Jeff LaGarce, City Council, City Attorney James Lemon, City Clerk Angelica Zerbonia, Deputy City Clerk Tiffany Hays, Jeff Curl, and Bob Long. 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 Cogdal, Mayor Hark, Council Members Van Hoose, Welch, Veach, Mayor Pro Tem Knickerbocker, and Council Member Dobson - 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 Mayor Pro Tem Knickerbocker.

Motion carried.

**ADJOURNMENT**

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

Motion carried.

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**James R. Hark, Mayor**

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