

***CITY OF HANNIBAL***

***OFFICIAL PUBLIC HEARING***

**Tuesday, June 18, 2019  
6:45 p.m.  
Council Chambers**

**CALL TO ORDER**

At the appointed time, Mayor Hark opened the Public Hearing relating to the 2019/2020 fiscal year budget. He then turned the public hearing over to Karen Burditt, Finance Director.

**KAREN BURDITT – FINANCE DIRECTOR  
Re: 2019/20 Fiscal Year Budget**

Karen Burditt, Finance Director, advised Council per the recommendations made during the Committee of the Whole Council (CWC) meeting on June 5<sup>th</sup>, she increased the Landfill line by \$20,500 for a capital improvement project for the engineering of a pump and piping system. She eliminated \$25,000 from the Emergency Management line for an emergency siren. She reminded Council she has combined the Department of Public Works (DPW) and Street Departments which are both General Fund under DPW, being as those two departments are now ran by the same person, the Director of Central Services. Those were the big changes made in this year's total budget. She indicated she had provided everyone with an updated summary this evening.

**PUBLIC COMMENTS**

Mayor Hark then asked if there was anyone from the audience wishing to speak. Mr. John Lyng, approached Council and advised that he had been able to make cursory review of the budget last week. He indicted the City has not confirmed to the requirements of the Charter in relation to the budget. According to Lyng, per the Charter, the budget is to be submitted to the Council on or before May 31<sup>st</sup>, which is 30 days before the beginning of the fiscal year. Once the budget is submitted to the Council, the Council is then required to set a public hearing not less than 10 days in the future. Theoretically the hearing should be on the 10<sup>th</sup> of June or before and he believes Council isn't doing that. He stated that under the last City Manager, the City had more of a collaborative approach to the budget, which he feels may not be bad. He informed Council everyone that is employed by the City is required to uphold the Charter and if that is not being done properly, he feels that they should submit a charter change. He is not blaming anyone on the Council or the Mayor, however there is an Attorney, a Finance Director, a City Clerk, a Police Chief and other employees that should be dedicated to their positions and making sure the

charter is followed. These employees should also make sure Council is not subjected to criticism or perhaps a lawsuit.

After briefly looking over the budget, he felt it “wasn’t bad”, nothing jumped out at him as something that would cause criticism to the Council by the public. He felt the budget was an adequate and good budget for the most part. He would specifically like to commend Council for getting out of the morass of the Hannibal Airport. For 50 years the airport didn’t cost the tax payers anything and the City has been paying up to \$75,000 per year for many years. All of Council should be commended for agreeing to that. Mr. Lyng did mention if all of this work can be done without a City Manager, it should be considered, “why Hannibal even needs a City Manager”.

He did notice that we have “lost” the City cleanup, having this was a “good thing” and he knows that citizens do benefit from it. His only comment on this “loss”, is he feels that when the City gets the new City Manager in place and going forward, it may be appropriate to look at having a cleanup and requiring participants pay some sort of a fee. Everyone likes for the government to do something for them for free and this can’t always be the case. He personally would consider it a bargain if he were required to pay \$15 or \$20 a truckload. He believes that if the City were to charge a fee, citizens may find another way to get rid of their “junk”. He would encourage Council to come together to make the cleanup possible but to assess a fee.

He then thanked the Council for the opportunity to come before them to speak this evening and he looks forward to a successful year.

Mayor Pro Tem Dobson advised that the Finance Director would probably argue the fact that we don’t need a City Manager, she put a lot of time and effort into the budget this year, which really wasn’t her job and she should be commended for it. Mayor Hark advised that a lot of what is being seen in the budget is due to the department heads coming together to come up with some of these ideas. There were a lot of expenses that were cut before the draft was completed due to department heads coming together and the Mayor appreciates that.

## **ADJOURNMENT**

With no other comments from the public or Council, the Mayor then closed the public hearing.

***CITY OF HANNIBAL***  
***OFFICIAL COUNCIL PROCEEDINGS***

**Tuesday, June 18, 2019**  
**Council Chambers**  
**7:00 p.m.**

**ROLL CALL**

**Present:** Mayor Hark, Council Members Bowen, Veach, Godert, Mayor Pro Tem Dobson and Council Member Cogdal – 6

**Absent:** Council Member Welch – 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 Godert.

**PLEDGE OF ALLEGIANCE**

Mayor Hark then requested Corporal Logsdon of the Hannibal Police Department, to lead the Pledge of Allegiance to the Flag.

A motion was then made by Council Member Veach to excuse Council Member Welch from tonight's meeting. The motion was seconded by Council Member Bowen.

Motion carried.

**APPROVAL OF AGENDA**

A motion was then made by Council Member Veach to amend the agenda to have Mayor Hark preside over the meeting on behalf of Mayor Pro Tem Dobson, as Mayor Hark originally had not planned on being present. The motion was seconded by Mayor Pro Tem Dobson.

Motion carried.

A motion was then made by Council Member Veach to add Mayor Pro Tem Dobson to the agenda to address flooding in the downtown area. The motion was seconded by Council Member Bowen.

Motion carried.

A motion was then made by Mayor Pro Tem Dobson to approve the amended agenda, adding Mayor Pro Tem Dobson flooding issue and having Mayor Hark preside on behalf of himself. The motion was seconded by Council Member Godert.

Motion carried.

**APPROVAL OF MINUTES**  
**Regularly Scheduled Council Meeting – June 4, 2019**

A motion was made by Council Member Veach to approve the minutes from the regularly scheduled Council meeting held June 4, 2019. The motion was seconded by Council Member Bowen.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**First Half – June, 2019**

A motion was made by Council Member Veach to approve the payroll and claims for the first half of June, 2019. The motion was seconded by Council Member Bowen.

Motion carried.

**GAIL BRYANT – DIRECTOR, HANNIBAL CONVENTION & VISITOR'S BUREAU**  
**Re: Request, Parking Lot Closure (*Main & Bird*) – Bicentennial Event**  
**Oscar Mayer Wienermobile**  
*July 3-4, 2019 – 10:00 a.m. – 8:00 p.m.*

Gail Bryant, Director of Tourism, approached Council requesting the closure of a City owned parking lot for an upcoming Bicentennial event, where the Oscar Mayer “Wienermobile” will be in Hannibal for two days. Her original request was for July 3-4, but she is amending the request this evening to be July 4-5, 2019. Bryant is requesting the parking lot located at Bird and Main Streets to be closed. She informed Council the “Wienermobile” will be in the Fourth of July parade and then will be located in the parking lot for two days. Mayor Pro Tem Dobson questioned if she was requesting the entire lot be closed, in which Bryant concurred. Mayor Hark stated since Hannibal is still in “flooding mode” and with the Tom Sawyer Days events, there may be a shortage of barricades but according to Street staff any available will be provided.

A motion was made by Mayor Pro Tem Dobson to approve Bryant’s amended request to close the parking lot located at Bird and Main Streets for the Oscar Mayer “Wienermobile” on July 4-5, 2019, from 10:00 a.m. – 8:00 p.m. The motion was seconded by Council Member Veach.

Motion carried.

**APRIL AZOTEA – LA AZOTEA LOUNGE**

**Re: Use of City Owned Parking Lot & Open Consumption/Sale of Alcohol – Cuddle Cat Rescue Fundraiser**

*Sunday, June 30, 2019 – 10:00 a.m. – 7:00 p.m.*

April Azotea, owner of La Azotea Lounge, approached Council requesting the use and closure of the City owned parking lot and barricades placement in the parking lot that is adjacent to her business, at 323 North Main Street. She is also requesting permission to sell alcohol and have open consumption at this location. She stated this is the second year for the Cuddle Cat Rescue Fundraising event and they have a lot more activities planned; bands, pop up stands and games. They are hoping for a better turn out then last year, and she hopes to raise \$2,500 for the Rescue facility.

Ms. Azotea then presented her certificate of insurance to the City Clerk to be placed on file.

A motion was made by Council Member Veach to approve the closure of the parking lot and the sell alcohol and open consumption of alcohol for the Cuddle Cat Rescue Fund Raiser, on Sunday, June 30, 2019 from 10:00 a.m. – 7:00 p.m. The motion was seconded by Council Member Bowen.

Motion carried.

**TRISHA O’CHELTREE – HANNIBAL JAYCEES**

**Re: Amended Request, Additional Street Closures – National Tom Sawyer Days**

*June 30 – July 7, 2019*

Trish O’Cheltree, representing Hannibal Jaycees, approached Council with an amended request for the National Tom Sawyer Days. She is requesting to close South Main Street from Church Street to the flood wall, which is an additional block compared to her original request. She is amending the request due to flooding as the carnival usually uses the Armory parking lot and this would be a “back up plan”.

Mayor Hark stated he has been in discussions with National Weather and Emergency Weather Director and they are predicting that July, 2019 will be a lot like July, 1993, weather wise, which could mean a lot of rain.

O’Cheltree stated she has been in contact with the owner of the Star Theater, who has no issues with the closure of South Main Street, however, O’Cheltree has tried to reach out to Ole Milts with no response. Mayor Hark questioned how many days she is requesting this closure, which she advised June 30 – July 7, 2019, which are the original dates. O’Cheltree stated the alleyway between Third and Main Streets will remain open for resident parking and emergency access.

A motion was made by Mayor Pro Tem Dobson to approve the additional road closure of South Main Street from Church Street to the flood wall from June 30 – July 7, 2019. The motion was seconded by Council Member Veach.

Motion carried.

O'Cheltree then mentioned she has been in contact with Little Town – Big Deal, which is a television show that travels to little towns and reports on events that are happening in the community. They have agreed to come to Hannibal during National Tom Sawyer Days. They will report on Hannibal as a whole and all the different events/attractions going on. She may be calling on the Mayor and Council Members for interviews.

**ROBYN HARDEN – CHRIST APOSTOLIC TEMPLE #3**  
**Re: Request, Street Closures – Youth Community Project**  
*Sunday, June 23, 2019 – 9:00 a.m. – 8:00 p.m.*

Mayor Hark requested Robyn Harden representing Christ Apostolic Temple #3 to come forward. With Ms. Harden not in attendance and no one from the audience on her behalf, City Clerk Zerbonia stated this event is scheduled for this Sunday, June 23<sup>rd</sup>, from 9:00 a.m. – 8:00 p.m. and is for the Youth Community Project. They are requesting to conduct a community outreach for the youth and will be having a bouncy house, free food, clothing for anyone in need, water gun fight, music, baked goods and games. They are requesting Willow Street to be closed from Hope to Chestnut Street for this event (short one-way street in front of church).

A motion was made by Council Member Godert to approve the street closure of Willow Street, from Hope to Chestnut, pending certificate of insurance for the June 23<sup>rd</sup> event being held from 9:00 a.m. – 8:00 p.m. The motion was seconded by Council Member Veach.

Motion carried.

**JERRY LEE – 4210 STARDUST**  
**Re: Property Damage from Waterway Drainage**

Mr. Jerry Lee, resident of 4210 Stardust, then approached Council, advising he has never spoke before a group of people like this before. Three years ago there were water issues in his neighborhood. He had been notified by the City that rock would be laid, in area that water was eroding roadways, which should have fixed his area. He spoke with Brian Chaplin, who was DPW Superintendent at the time, who advised there was definitely an issue and the City would indeed get it fixed. Mr. Lee stated that Mike McHargue even came out and took photos of the area, which he still has on his phone. Mr. Lee stated that he used to be able to walk and mow all the way around his fence, which is around his pool, since he is mandated to have fenced in. The water has now eroded his yard making it impossible to walk or mow around the fence. He stated he currently has fence posts that are sticking up. After speaking to Chaplin several times, Chaplin assured Mr. Lee that he was put on “the list”. Mr. Lee then ran into Chaplin again, who advised Mr. Lee that he no longer works for the City and that is when Lee contacted his Council Member, Mr. Godert.

Council Member Godert informed Council that he has been out to the property and you can clearly see where retentions were put at neighboring properties. The problem area is right at the curve, causing the water to slam into Mr. Lee’s property. Council Member Cogdal questioned if these retention repairs were done by the City, in which Council Member Godert indicated he believed they were. Mayor Hark advised there are no right-of-ways (ROW) or easements in this area, which is a problem.

Mr. Lee then advised this would not have been that big of a problem if three years ago, the issue was taken care of. Mayor Pro Tem Dobson stated the City is responsible for conveyances on top of the ground and being as the City doesn't have a right-of-way or easement, is the City responsible? Council Member Godert advised his (Mr. Lee's) neighbor has granted the City access to the area from his property, where anyone should be able to drive right to the area in question. Mayor Pro Tem Dobson questioned if the Street Department did in fact take care of the neighbors, in which Mayor Hark concurred. Mayor Pro Tem Dobson then questioned why Mr. Lee's property wasn't taken care of, Mayor Hark advised previous administration made the rules.

Director of Central Services, Andy Dorian, from the audience, reminded Council, they just passed a stormwater policy stating City departments are not allowed to complete these kinds of projects anymore. Dorian stated the other projects in the neighborhood should not have been done in the first place. His department is not allowed to go onto or to make improvements to private property. The City and BPW doesn't have easements for this situation if Council plans to approve this repair tonight, there are "millions of properties throughout the City" that need to be taken care of. Dorian advised, legally the Street Department is not allowed to go onto private property plus there is no funding for these repairs and that is why his department denied Mr. Lee's latest request.

City Attorney Lemon advised that the Missouri Constitution prohibits municipalities/government entities from "giving things away to anyone" if the City doesn't have a right-of-way or easement and that's one reason why the new policy was adopted. If the homeowners have granted an easement or a drainage easement is in place, then there is "room to work". Lemon advised that prior administration had been a bit "loosely goosey" about things like this. The reason for the policy was to not make the City liable if something was "messed up" with the repair nor would the City be in violation of the Missouri Constitution. Lemon advised without a ROW, the City opens itself for litigation and that was again one of the reasons for the policy. If the City does plan to repair Mr. Lee's property, Lemon suggests looking into a drainage easement before continuing, with anything, including any studies.

Council Member Godert questioned if the City should have a committee that could review this, in which the City Attorney advised that the Director of Central Services should be the one to review and decide if an engineering study of the area should be put together. Lemon feels the problem with having a committee is these issues are so "hit and miss", that someone may get missed. City Attorney Lemon feels Council should have someone look at this issue, whether it be an engineer or someone else. This is something he believes, that should be reported on by staff and then Council would have to decide if they want to approve the repair and determine where the money will come from.

Dorian indicated he feels terrible for Mr. Lee, there are dozens upon dozens of these stormwater issues throughout Hannibal. He is not even sure where anyone would begin if the City were to conduct a study, nor where the money to complete the engineering studies would come from, let alone the funding for the repairs. There are a lot of these issues in our community and due to the wet weather the numbers are growing by the day, Dorian indicated.

Heath Hall, Board of Public Works General Manager, questioned Mr. Lee if he would be willing to sign an easement, giving the City the right to maintain that area. If he is willing to sign an easement, maybe the BPW/City could look into his request. Mr. Lee advised the area is not his, but they could access it if they wanted to. Dorian then informed Mr. Lee that the area is indeed a

part of his property. Hall informed Council there would be a need for multiple easements from multiple property owners in this area in order to address Lee's area. Mayor Hark clarified that there would only be two necessary for this immediate vicinity. Dorian advised that Mr. Lee's issue is above ground and it would be a "General Fund" fix and the Council would have to determine where the funding would come from. City Attorney Lemon advised, since this area is a natural waterway, it is something that would be appropriate for the City to complete the work, if ROW or easements are obtained from the property owners and the funding is available. Dorian indicated he too has been to Mr. Lee's property numerous times, however, he does not know a cost estimate. Council Member Godert feels the next step should be to obtain an estimate/dollar amount to repair this problem.

Dorian indicated he is "struggling" with this as Council just passed a policy advising departments to not repair these issues. If City departments are now going to handle these issues, does the policy need to be changed and if so, there is a long list of properties with similar issues and he needs direction how to handle other community members requests. Mayor Hark advised the best course of action in this scenario would be taking a look at the property and seeing what it will cost and then perhaps review the policy to see if this a conformity. Mayor Pro Tem Dobson indicated the City really needed the storm water revenue, which was voted on and failed. This funding would have assisted with projects of this nature. Dorian then informed Council the City would have to hire an engineer, we could put rock, but doing so could create a down flow and could cause the neighbors issues, both upstream and downstream. Even "perceived" to causing issues to neighboring properties could place liability on the City. If Council wants to authorize Dorian to hire an engineer to complete a study for this area, he would concur. City Attorney Lemon advised, an engineer should not be hired until ROW easements are obtained from the property owners. Dorian indicated there is no doubt there is a problem, however, he could not put a dollar figure on it without hiring an engineer. This would be necessary to avoid issues in other directions.

Mr. Lee feels if rock was put "in the corner", he believes it wouldn't create a water issue up or down stream. City Attorney Lemon indicated the problem is, the City just finished winning a lawsuit where someone claimed the City caused his property to flood. Thousands upon thousands of dollars later, the judge told this gentlemen and his lawyer they were wrong. The gentleman claimed it was action the City took at another area that caused Bear Creek to flood his property. This costs thousands upon thousands of dollars for the City/MIRMA to litigate this issue to prove the property owner was wrong. He stated that in this "world of litigation", everyone prefers for an engineer to "sign-off" so that if they get sued, they have the engineer's signature/approval.

Council Member Bowen then questioned the cost of easements, in which Lemon advised he could create the easement, however, someone will have to pay for a survey to establish the boundaries. Council Member Bowen then questioned if this would create a whirlwind of creating easements, in which Lemon advised he has a "blank document" that addresses easements. What he would need is the parties' name, the formal owner and legal description, whether an established or specific legal description by a survey. The drafting of the ROW easement is not that big of a deal, it would only take 20-30 minutes to get one prepared with the required information.

Mayor Pro Tem Dobson indicated Council is looking at passing a tight budget, in which department heads were asked to cut essential operational and capital items. Approving something that isn't part of the budget or budgeted for, is going to be really tough. He stated the

BPW is looking to put this proposition back on the ballot and he certainly hopes it would pass this time around. If passed, this would create a fund to complete stormwater repairs that are needed.

Dorian indicated that unfortunately, the funding source in question, which didn't pass on the ballot, would not address issues like Mr. Lee's, which are above ground, and lies upon the City's General Fund.

Mr. Lee then asked where he stood, as he is now at a loss and is unsure what is going on with all the "legal language". Mayor Hark then called the question of Council if there were a motion to proceed with any remedies for this issue. Council Member Godert advised the City currently does not have the funding to help with the repairs, especially with the tight budget that is being proposed. With no motions, Mayor Hark indicated that unfortunately it appears there is nothing the City can do to assist Mr. Lee. Mr. Lee then stated "someone's word from this Council means absolutely nothing", he then left the podium.

**INEZ MARSHALL – 1620 MARTIN STREET**  
**Re: Martin Street Repairs – Blocking Driveway**

Inez Marshall, resident at 1620 Martin Street, addressed Council indicating it was her understanding that the City wants to block Martin Street off completely. This would cause problems with other streets, such as Ann and Crescent Streets. These streets are steep hills, which in the winter time, are only salted a little bit. If this road is blocked off, this will keep people from getting to their homes and emergency vehicles from getting through. There is already one side blocked off and it's not a problem, based on her understanding. She is not in favor of blocking Martin Street.

Someone from the audience then questioned the Mayor on the plans to repair the streets, in which the Mayor stated that he would need to come to the microphone with his question. The Mayor would be addressing the citizens that have requested to speak and are on the agenda, first.

**RAYMOND ROLAND – 1615 MARTIN STREET**  
**Re: Martin Street Repairs & Blocking**

Mayor Hark then called on Raymond Roland, resident of 1615 Martin Street, who informed Council he lives across the street from Ms. Marshall but closer to Fulton Avenue. His objections are mainly the same as his mother, Inez Marshall, as far as emergency vehicles not being able to make the necessary turn, especially in the winter time, to access these properties. If this road is blocked, in which he has also heard the road is collapsing, he questions where this water would go other than to rise, causing more of an issue. His position is to not block off the road and instead fix it. As far as the funding, he has heard there is none and hasn't been for the last four years, in which the Mayor concurred. He then questioned about hearing some funding available but it got turned down. The Mayor clarified that the voters turned the storm water fee down in April. It passed in Marion County but not in Ralls County of Hannibal. He believes the thought process of the BPW is to bring this issue back to the voters. Mr. Roland was under the impression since there are no major businesses in the area, on South Side, that is why the funding wasn't available. Mayor Pro Tem Dobson then questioned Mr. Roland if he was a registered voter, in which he advised that he was not. Mayor Pro Tem Dobson encouraged Mr. Roland to

register to vote and vote for the tax when it's on the ballot again. Mr. Roland then expressed his feeling that since no businesses were on south side it should become its own entity and repair itself. If any tickets or fines are given in that area, those funds should be used to repair the south side.

Mayor Hark explained there are no businesses in his neighborhood either, and he too experiences similar water issues. He explained that 100-150 years ago when all the underground water systems were put in place, they didn't do quite as "good as the romans" and storm sewers are now failing. Those systems were built to carry the runoff water from the town, the size it was then, not the size it is now, which is too much for the system. This is mainly caused by development to the West.

Mr. Roland indicated he knows we want to show tourist the pride of our town but we need to show the pride of our whole town not just certain parts.

**JESSICA & BREIN ARDREY – 1703 MARTIN STREET**  
**Re: Martin Street Repairs – Silver & Ann Streets**

Mayor Hark then requested Jessica and Brein Ardrey to come forward. He was informed by a member of the audience they were not in attendance. He then addressed the member from the audience that posed a question earlier, if he was a resident of the area, in which he advised he is. Mayor Hark then advised him to approach the podium.

Robert Crane, resident at 2029 Crescent Street, advised it would be a shame if the road were to get closed off and if an emergency vehicle had to get to the area, there is no way it could get up there. He and his wife have called the City for the past two years to see when this is going to get repaired and he understands there is no funding for it.

Mayor Hark advised that it is the Council's job to find ways to get funding, to find a way to correct these type of problems. Martin Street is one that is still open for now. Council Member Cogdal advised she has an area in her ward that you could drive a large SUV into and this is a situation that is in a lot of other communities. She questioned his access to his property coming from Old 79, he advised this would be the only entrance, however, you could come through Ann Street, but "safely" only from Old 79. Council Member Cogdal indicated if Martin Street does have to be closed for safety reasons, the City needs to make sure some roadwork is done in that area, as this is definitely a safety issue and she would make sure they would secure the roadway. Mr. Crane advised that in the winter with ice it's a very hard area to get around and a lot of people have almost hit the guardrail. Council Member Cogdal assured Mr. Crane they are taking this issue seriously and not lightly, "she ran the caves growing up" and know it's a safety issue. Mr. Crane questioned when this issue would be on the ballot again, in which Heath Hall advised it could be as early as November. Council Member Cogdal informed Mr. Crane that it failed by only 12 votes when on the last election ballot.

**ANDY DORIAN – DIRECTOR, CENTRAL SERVICES**  
**Re: Approval, Martin Street Partial Closure**

Andy Dorian, Director of Central Services, then addressed Council advising BPW representatives Heath Hall and Matt Munzlinger are also in attendance relating to the proposed

closure of Martin Street as it's not technically a street issue, it's a storm water issue that is collapsing. The fear is the whole thing collapsing and someone getting seriously hurt and/or die. When the Street Department looked at making some repairs, BPW and Poepping, Stone, Bach and Associates (PSBA) went out to assess the area as it was determined the stormwater collapse was starting to shift the street. Hall advised this is likely to shift further and Dorian indicated at some point in time this would likely collapse. PSBA who did the study on stormwater recommended the City close this portion of Martin Street and place a weight limit of 5,000lbs. Dorian stated according to PSBA, the cheapest fix is around \$200,000 and "not to beat a dead horse", but there is no funding available to fix it. It is ultimately the Council's decision to close the street, but staff is making their recommendation based on safety concerns.

Council Member Bowen advised he is not planning on making the recommendation. Mayor Pro Tem Dobson questioned if a weight restriction is placed on the street and a fire occurs on that street, how would the Fire Department handle this. From the audience, a fireman advised the department would be forced to use many feet of fire hose. Heath Hall, from the audience, indicated if the area of the street is blocked (about 100 feet) this would prohibit buses and heavy equipment from using the street and unfortunately any emergency vehicles would have to "hose in" or "walk in".

Mayor Hark questioned if Dorian was recommending closing 100 feet of Martin Street, in which Dorian advised it was the BPW and engineer's recommendation to close this section, due to safety concerns. Mayor Pro Tem Dobson questioned City Attorney Lemon on the liability to the City if the street wasn't closed and a vehicle drove on that area and it collapsed. City Attorney Lemon informed Council it could be considered negligence since the City now has knowledge of the failing structure and could have potential legal liability.

A motion was made by Mayor Pro Tem Dobson to accept the opinion of the engineering firm to close the recommended 100 feet of Martin Street. The motion was seconded by Council Member Cogdal.

From the audience, someone questioned when was the weight limit and closure recommended by PSBA, in which Dorian advised it was last week. She then asked about the timeframe of the Street Department going in that area to pave the area, Dorian indicated that occurred over two years ago. Mr. Roland indicated, in his opinion, if the street is closed, that's just closing one safety hazard to open up as another. For instance, if someone was walking to their house in the winter time with a child, or an elderly person and they fall, that may be liability on the City.

Mayor Hark advised if the City is forced to close the street, it puts the burden onto the City to get it fixed/repared sooner. It would be upon the City to find a way to reopen the street, as there are around nine houses on Martin Street and the City couldn't close it permanently. Outside of the City buying out every house, sending everyone out of the neighborhood, there would still be the stormwater issue, according to Mayor Hark. He stated, that he too, would not want someone from the City coming to tell him they were going to close his street, and by the way, "you are also going to have to move".

Council Member Cogdal asked Matt Munzlinger, BPW representative, to explain what happened recently to the roadway due to the storm sewer system. Munzlinger explained steel plates had been placed over the holes, after which another hole developed, then that area was barricaded and sectioned off. A week or two ago it was brought to his attention that the street has settled near the failing culvert. He contacted the engineer, PSBA, and they recommended closing the

street to traffic. Council Member Cogdal asked if she was correct in saying that the street is corroding from the inside out, in which Munzlinger concurred. Mayor Hark questioned what the most cost effect way to remedy this and how difficult it would be to just fix that portion of the street or would that even be possible. Munzlinger advised that access to the area is an issue. It would need to be discussed with the engineer before they could determine if they could repair the 100 foot section or not. Mayor Hark asked if the BPW could have this issue looked at sooner than later, in which Munzlinger informed them the only way to access the corroded section is to remove the top street and the engineer recommended to not do that. It could cause the two walls to completely collapse. Munzlinger stated therefore no price tag is available for a temporary fix, the minimum cost would be \$200,000-\$400,000. The engineer indicated it would most likely be closer to \$200,000 but they are not sure until they can “get in there” and assess the damage fully. Dorian stated that the repair would be half General Fund (Street Department) and half the BPW.

Mayor Hark called the question as a motion and a second were on the floor, to accept the recommendation of closing Martin Street. Roll Call was taken as not all Council Member were in favor.

### **ROLL CALL**

**Yes:** Mayor Hark, Council Member Godert, Mayor Pro Tem Dobson and Council Member Cogdal - 4

**No:** Council Members Bowen and Veach - 2

**Absent:** Council Member Welch - 1

City Clerk Zerbonia stated with a 4 to 2 vote, the motion was passed.

Motion carried.

### **Re: Palmyra Sidewalk Alternative Funds – First Supplemental Agreement**

*Missouri Highways & Transportation Commission  
(Ordinance No. 19-012, to follow)*

Dorian’s next item of business is relating to the Palmyra Road Sidewalk project. He stated that recently Bob Manzke, with MODOT, contacted him advising that the Palmyra Road Sidewalk Project was selected to receive an additional \$11,796.89 of funding. This grant funding will be added to the original amount of \$298,456.13. The State had some unused SRTS Grant Funds that needed to be expended out and Mr. Manzke requested the Palmyra Road Sidewalk project be considered for some of those funds and the project was selected. In order to accept the additional funding the City must approve a first supplemental agreement with the Missouri Highways Transportation Commission.

Dorian stated Ordinance No. 19-012 is to follow, for a first reading.

### **Re: Traffic Committee Recommendations**

- *College Avenue Speed Limit, 25 mph*
- *35<sup>th</sup> & 36<sup>th</sup> Streets, No Parking West Side*

Dorian's last item are recommendations from the Traffic Committee. The Traffic Committee met on Thursday, June 6<sup>th</sup> and they approved the following changes:

- Lower the speed limit on College Avenue to 25 mph, currently the speed limit is 30 mph. The Street running parallel, Wyaconda, is also 25mph.
- Limit parking on 35<sup>th</sup> and 36<sup>th</sup> Streets to "Parking on one side" only with No Parking on the west side. The issue is that when cars park on both sides of the street across from one another, it makes it virtually impossible for a vehicle to safely travel, let alone an emergency response vehicle. This has been a concern that the traffic committee has tried to deal with in the past by asking residents to use their off-street parking behind their homes, has helped for a while but eventually the streets again become over-crowded with parking on both sides.

With no objections from Council, the approval of the Traffic Committee stands.

Mayor Hark then advised this would be the portion of the meeting that Mayor Pro Tem Dobson would address a stormwater issue as approved by Council to amend the agenda to include.

**MIKE DOBSON – MAYOR PRO TEM**  
**Re: North Street Stormwater Failure**

Mayor Pro Tem Dobson advised that several weeks ago Hannibal had a major storm event and with the Mississippi River being high, the end of North Street "blew out" due to the pressure of the stormwater. This was partially due to the fact that the pumps weren't operating correctly. The pumps were fixed and corrected, but it still left the City with a broken street and whatever problems are underneath the street. On two other occasions, also after heavy rains, we've had problems with the detention basin behind the Mark Twain Hotel. The water backs up and enters the businesses downtown, including the Mark Twain Brewery, Mark Twain Riverboat, and a place that holds antique cars. Mayor Hark questioned if this was due to the broken conveyance system on North Street, in which Mayor Pro Tem Dobson indicated partially. Mayor Pro Tem Dobson has requested the BPW, once the river has subsided, to camera the area to assess if/where any blockages may be, from the Mark Twain Hotel to North Street. He realizes there is no funding to repair this issue but he is aware that the Emergency Management Director has asked for a declaration from FEMA/SEMA and perhaps, if there is a declaration that could help with funding to assist in this repair. The Corps of Engineers did have some suggestions on how to fix the area, but at this time, he just wanted Council to be aware of the situation.

Council Member Bowen questioned if it was a pipe problem versus a pump problem, in which Mayor Pro Tem Dobson indicated no one knows exactly, due to not knowing what is under North Street. Council Member Bowen indicated he thought it was a pipe issue, not the pumps not working, in which the Mayor indicated there was a possibility that it could be the volume of water with debris coming through the pipes.

Munzlinger advised this area was "camera'd" in 2008, due to heavy rains that caused flooding at the Mark Twain Riverboat area, in which nothing was found in the piping to be wrong at that time.

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

Mayor Hark reminded Council of the candidate he presented for recommendation of reappointment to the Hannibal Board of Public Works, during the last meeting.

**HANNIBAL BOARD OF PUBLIC WORKS**

- **Stephan Franke – reappointment for a term to expire July, 2023**

A motion was made by Council Member Bowen to approve the reappointment of Stephen Franke to the Hannibal Board of Public Works for a term to expire July, 2023. The motion was seconded by Council Member Veach.

Motion carried.

**Re: Recommendation of Appointment/Reappointment**

Mayor Hark then made the following recommendations for appointment and reappointment to the Hannibal Airport and Hannibal Library Boards:

**HANNIBAL AIRPORT BOARD**

- **Corey Mehaffy – appointment for a term to expire September, 2022**

**HANNIBAL LIBRARY BOARD**

- **Kim Ahrens – reappointment for a term to expire June, 2022**

These nominations will be considered for approval at the next regular Council meeting, to be held July 2, 2019.

**Re: City Manager – Employment Agreement**

*Lisa Peck*

*(Resolution No. 2212-19, to follow)*

Mayor Hark presented the Employment Agreement for Lisa Peck, City Manager. Mayor Hark advised she would begin as City Manager Monday, June 24, 2019.

He stated Resolution No. 2212-19 is to follow, for approval.

**JAMES LEMON – CITY ATTORNEY**

**Re: Code Amendment, Chapter 31, Article III, “Other Vehicles for Hire”**

*(Bill No. 19-010, to follow)*

City Attorney Lemon then informed Council he has two issues, the first being a code amendment, Chapter 31, Article III; “Other Vehicles for Hire”. Council had instructed him to draft ordinances allowing for pedal cabs based upon a request for alcohol consumption by Mr. James Zimmerman of CoolByke. He wanted to give credit to Police Lieutenant, Routh who researched other cities with similar ordinances, in which this amendment is based off. Mr. James

Zimmerman is in attendance, per the request of City Attorney Lemon, if there are any questions of him, however, he is satisfied with what the amendment proposes for a first reading tonight as Lemon has reviewed the proposed amendments with him.

This Mayor Hark stated Bill No. 19-010 is to follow, for a first reading.

**Re: Code Amendment, Chapter 3, *Alcoholic Beverages, Section 3-1, Consumption in Public***  
*(Bill No. 19-011, to follow)*

Lemon's final issue, is based upon discussion about the open container law and the City not necessarily enforcing it the way that it should have been with all the exceptions that were being made. Along with the Police Chief and his senior staff and after some discussions, Lemon has drafted a new ordinance. The code revision will make more sense and will be more in line with what Council does by authorizing alcohol sales/open consumption at different locations and should decrease the amount of "special" requests.

This will amend Chapter 3, *Alcoholic Beverages, Section 3-1, Consumption in Public*. It makes three main changes.

- Allows liquor on the pedal cabs, subject to the restrictions in their ordinances
- Allows open liquor on buses, provided they exercise the restrictions shown therein
- Creates an area restricted to the downtown "festival area", in which open containers are allowed during particular hours.

Chief Davis and his senior staff reviewed it and suggested Lemon might want to consider doing what other cities have done and just make that area an open consumption area, with its own restrictions. Lemon believes their thought was that it will make enforcement much easier and uniform.

City Attorney stated Bill No. 19-011 is to follow, for a first reading.

City Clerk Zerbonia asked Lemon for clarification on the code amendment, for instance would it still be required to obtain Council approval for events such as what La Azotea Lounge requested tonight with alcohol sales/open consumption on City owned parking lot? City Attorney Lemon stated that if it's on City owned property, they would still be required to come before Council to obtain approval. Just like someone would obtain approval from Parks and Recreation to sell/have open consumption at the Y'Men's Pavilion.

**KAREN BURDITT – FINANCE DIRECTOR**  
**Re: 2019/20 Fiscal Year Budget & Appropriations**  
*(Bill No. 19-013, to follow)*

Karen Burditt, Finance Director, then addressed Council relating to the 2019/2020 budget appropriations and ordinance that include the updates from Council given on June 5<sup>th</sup>, during the budget workshop. This will increase the Landfill \$20,500 for engineering, remove \$25,000 from the Emergency Management line for an emergency siren for an emergency warning siren from downtown and combine the Street Department with the Department of Public Works.

Burditt stated the budget, as per our Charter, has to be approved by the second Monday in July or no payroll or payables can be made until the budget is approved. Once/if the budget is approved

on July 2<sup>nd</sup>, the City would be ready to make any payments or payrolls that are needed, which shouldn't interrupt any payroll cycles. City Clerk Zerbonia did state one exception will be Council payroll, advising we would not be able to process that payroll until after the budget is approved. Generally, Council has their payroll direct deposited into their accounts the first working day of the month. With the second reading scheduled for July 2<sup>nd</sup>, if the budget is approved this will cause a couple days delay.

Burditt stated Bill No. 19-013 is to follow, for a first reading.

**Re: 2019/20 Fiscal Year Salaries, Officers & Employees**  
*(Bill No. 19-014, to follow)*

Burditt stated her second issue is the 2019/2020 payroll ordinance. With all the necessary budget cuts it was decided to award a 1% COLA (cost of living adjustment) across the board, with the exception of the Fire Department. Fire Department personnel above the "fire fighter" rank will receive a 1.5% COLA.

Burditt stated Bill No. 19-014 is to follow, for a first reading.

**Re: 2018/19 Fiscal Year, Budget Amendment – No. 5**  
*(Resolution No. 2215-19, to follow)*

Burditt's final order of business is a budget adjustment for the Tourism Department, due to a 50% matching grant. Tourism Director, Gail Bryant, came before Council in July requesting the matching funds for the grant, as the budget had already been approved for the fiscal year Burditt must now request an amendment. She is requesting to decrease line items 48.1079 (HCVB Reserves) by \$23,265, and line item 48.1163 (Other state grants) by \$15,985, and increase line item 48.48.569 (advertising/promotion) by \$39,250. Tourism will be spending \$31,970 on additional ad placements with Pandora and Facebook, in their spring ad campaign, and \$7,280 on a website/software update.

Burditt stated Resolution No. 2215-19 is to follow, for approval.

**HEATH HALL – BPW GENERAL MANAGER**  
**Re: Termination, Marion & Ralls Counties - Base Lease & Lease Purchase Agreement**  
*Missouri Association of Municipal Utilities (MAMU)*  
*(Resolution No. 2213-19, to follow)*

Heath Hall, Board of Public Works General Manager, approached Council informing he has two items for approval. The first, being a termination of lease agreement, where the Board of Public Works has paid off some of their debt early. In 2004 the BPW entered into a lease agreement with the Missouri Association of Municipal Utilities (MAMU) for Marion and Ralls Counties. As it's been paid they are now requesting to terminate the current lease agreement.

Hall stated Resolution No. 2213-19 is to follow, for approval.

**Re: Master Purchase Power & Sale Agreement**  
*TransAlta Energy Marketing, Inc.*  
*(Resolution No. 2214-19, to follow)*

Hall's last item is a Master Purchase Power and Sales Agreement with TransAlta Energy Marketing, Inc. Hall stated that from time to time BPW is required to receive bids for purchased power for both energy and capacity, to meet the power needs of their customers. This agreement will take care of the legal requirements upfront, allowing for them to provide a price and then it can be brought before Council for approval, making a shorter time frame. Hall explained, the pricing is given for a limited amount of time, sometimes only hours. This will allow us to proceed when the time arises. There are no quantities or pricing in the contract as this will all happen the day or week of and Hall will obtain approval from the BPW Board and Council before signing any agreement.

Hall stated Resolution No. 2214-19 is to follow, for approval.

**EDIE PRICE – DPW MANAGEMENT ASSISTANT**  
**Re: Request, Set Public Hearing, Voluntary Annexation**  
**70 Meadows Road & 107 Clover Road**  
**Tuesday, July 2, 2019 – 6: 45 p.m.**  
*Michael Riesenbeck - A-One & Two Family Zoning*

Eddie Price, DPW Management Assistant, approached Council requesting to set a public hearing for a voluntary annexation on Tuesday, July 2, 2019 at 6:45 p.m. She stated an annexation application was received from Michael and Rich Riesenbeck to annex two of their properties located at 70 Meadows Road and 107 Clover Road in the Rolling Meadows Subdivision. Riesenbeck is requesting the voluntary annexation mainly for City Police and Fire protection.

She stated both Michael and Rich Riesenbeck will be attending the public hearing for the Planning & Zoning Commission on June 20<sup>th</sup>.

A motion was made by Council Member Veach to approve the request to set a public hearing for the voluntary annexation of 70 Meadows Road and 107 Clover Road, on Tuesday, July 2, 2019 at 6:45 p.m. The motion was seconded by Council Member Bowen.

Motion carried.

**RESOLUTION NO. 2212-19**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING  
THE MAYOR PRO TEM TO EXECUTE A TWO-YEAR  
EMPLOYMENT AGREEMENT WITH LISA C. PECK FOR HER  
SERVICES AS HANNIBAL CITY MANAGER**

A motion was made by Council Member Veach to have the City Clerk read Resolution No. 2212-19 and call the roll for adoption. The motion was seconded by Council Member Bowen.

**ROLL CALL**

**Yes:** Mayor Hark, Council Members Bowen, Veach, Godert, Mayor Pro Tem Dobson and Council Member Cogdal - 6

**No:** - 0 -

**Absent:** Council Member Welch - 1

Motion carried.

Mayor Hark declared Resolution No. 2212-19 duly approved and adopted on this date.

**RESOLUTION NO. 2213-19**

**A RESOLUTION OF THE CITY OF HANNIBAL  
AUTHORIZING THE MAYOR PRO TEM TO EXECUTE  
THE TERMINATION DOCUMENTS, BASE LEASE AND  
LEASE-PURCHASE AGREEMENT BETWEEN THE CITY  
OF HANNIBAL, BOARD OF PUBLIC WORKS AND  
MISSOURI ASSOCIATION OF MUNICIPAL UTILITIES**

A motion was made by Council Member Veach to have the City Clerk read Resolution No. 2213-19 and call the roll for adoption. The motion was seconded by Council Member Bowen.

**ROLL CALL**

**Yes:** Mayor Hark, Council Members Bowen, Veach, Godert, Mayor Pro Tem Dobson and Council Member Cogdal - 6

**No:** - 0 -

**Absent:** Council Member Welch - 1

Motion carried.

Mayor Hark declared Resolution No. 2213-19 duly approved and adopted on this date.

## **RESOLUTION NO. 2214-19**

### **A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR PRO TEM TO EXECUTE THE MASTER PURCHASE POWER AND SALE AGREEMENT BETWEEN THE CITY OF HANNIBAL, BOARD OF PUBLIC WORKS TRANSALTA ENERGY MARKETING, INC.**

A motion was made by Council Member Veach to have the City Clerk read Resolution No. 2214-19 and call the roll for adoption. The motion was seconded by Council Member Bowen.

#### **ROLL CALL**

**Yes:** Mayor Hark, Council Members Bowen, Veach, Godert, Mayor Pro Tem Dobson and Council Member Cogdal - 6

**No:** - 0 -

**Absent:** Council Member Welch - 1

Motion carried.

Mayor Hark declared Resolution No. 2214-19 duly approved and adopted on this date.

## **RESOLUTION NO. 2215-19**

### **A RESOLUTION OF THE CITY OF HANNIBAL AMENDING THE FY2019 BUDGET (NO. 5) TO RECOGNIZE A TRANSFER OF REVENUES AND EXPENDITURES RELATIVE TO THE HANNIBAL CONVENTION & VISITOR'S BUREAU LINE ITEM FOR ADVERTISING & PROMOTIONS**

A motion was made by Council Member Veach to have the City Clerk read Resolution No. 2215-19 and call the roll for adoption. The motion was seconded by Council Member Bowen.

#### **ROLL CALL**

**Yes:** Mayor Hark, Council Members Bowen, Veach, Godert, Mayor Pro Tem Dobson and Council Member Cogdal - 6

**No:** - 0 -

**Absent:** Council Member Welch - 1

Motion carried.

Mayor Hark declared Resolution No. 2215-19 duly approved and adopted on this date.

## **BILL NO. 19-009**

### **AN ORDINANCE APPROVING AND ACCEPTING THE FINAL PLAT OF PHASE ONE AND TWO OF MINNOW CREEK SUBDIVISION, A SUBDIVISION LYING IN THE PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 57 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

#### ***Second & Final Reading***

A motion was made by Mayor Pro Tem Dobson to have the City Clerk read Bill No. 19-009 and call the roll for adoption. The motion was seconded by Council Member Veach.

#### **ROLL CALL**

**Yes:** Mayor Hark, Council Members Bowen, Veach, Godert, Mayor Pro Tem Dobson and Council Member Cogdal - 6

**No:** - 0 -

**Absent:** Council Member Welch - 1  
Motion carried.

Mayor Hark declared Bill No. 19-009 duly approved and adopted on this date.

## **BILL NO. 19-010**

### **AN ORDINANCE REVISING CHAPTER 31 OF THE ORDINANCES OF THE CITY OF HANNIBAL, BY ADDING A NEW ARTICLE III "OTHER VEHICLES FOR HIRE"**

#### ***First Reading***

A motion was made by Council Member Veach to give Bill No 19-010 a first reading. The motion was seconded by Council Member Bowen.

Motion carried.

**BILL NO. 19-011**

**AN ORDINANCE AMENDING CHAPTER 3 *ALCOHOLIC BEVERAGES*, SECTION 3-1. *CONSUMPTION IN PUBLIC* AS CONTAINED IN THE REVISED ORDINANCES OF THE CITY OF HANNIBAL, MISSOURI**

***First Reading***

A motion was made by Council Member Veach to give Bill No 19-011 a first reading. The motion was seconded by Council Member Bowen.

Motion carried.

**BILL NO. 19-012**

**AN ORDINANCE REVISING THE ORIGINAL TRANSPORTATION ALTERNATIVE FUNDS AGREEMENT BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND SUBSEQUENTLY ENTERING INTO THE FIRST SUPPLEMENTAL AGREEMENT FOR THE CONSTRUCTION OF SIDEWALKS ON THE NORTH SIDE OF PALMYRA ROAD**

***First Reading***

A motion was made by Mayor Pro Tem Dobson to give Bill No 19-012 a first reading. The motion was seconded by Council Member Veach.

Motion carried.

**BILL NO. 19-013**

**AN ORDINANCE APPROVING THE FISCAL YEAR 2019-2020 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, 2020**

***First Reading***

A motion was made by Council Member Veach to give Bill No 19-013 a first reading. The motion was seconded by Council Member Bowen.

Motion carried.

## **BILL NO. 19-014**

### **AN ORDINANCE TO PAY OFFICERS AND EMPLOYEES OF THE CITY OF HANNIBAL, MISSOURI FOR THE FISCAL YEAR 2019/2020**

#### ***First Reading***

A motion was made by Council Member Veach to give Bill No 19-014 a first reading. The motion was seconded by Council Member Bowen.

Motion carried.

#### **ADJOURNMENT**

A motion was then made by Mayor Pro Tem Dobson to adjourn the meeting. The motion was seconded by Council Member Veach.

Motion carried.

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**James R. Hark, – Mayor**

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