

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

**Tuesday, February 5, 2019**  
**Council Chambers**  
**7:00 p.m.**

**ROLL CALL**

**Present:** Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Van Hoose, Welch, Veach and Godert –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**

Mayor Hark then requested Girl Scout Troop No. 9004 to lead the Pledge of Allegiance to the Flag.

**APPROVAL OF AGENDA**

Mayor Hark stated, due to some of the members of the Girls Scout Troop having another commitment, he is going to change the order of tonight's meeting. Everything will still be presented, just in a different order. A motion was made by Council Member Veach to approve the agenda as posted and presented. The motion was seconded by Council Member Welch.

Motion carried.

**APPROVAL OF MINUTES**  
**Regularly Scheduled Council Meeting – January 15, 2019**

A motion was made by Council Member Van Hoose to approve the minutes from the last regularly scheduled Council meeting held January 15, 2019. The motion was seconded by Mayor Pro Tem Dobson.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**Second Half – January, 2019**

A motion was made by Council Member Godert to approve the payroll and claims for the second half of January, 2019. The motion was seconded by Council Member Van Hoose.

Motion carried.

**MICHAEL HAGAN – 527 RIVERSIDE**  
**Re: Stormwater Run-Off**

Michael Hagan, resident at 527 Riverside, informed Council he would like some questions answered about the stormwater Ordinance (Proposition S) language that is being placed on the April 2, 2019 ballot.

Mr. Hagan's first question is on Proposition "S" itself, "shall the City of Hannibal, Missouri, implement and maintain a separate fee schedule for the purpose of funding the utility tasked with acquiring, constructing, maintaining and improving the City's stormwater conveyance system". Mr. Hagan feels the language is "pretty vague". He questioned who is going to pay for this fee? Will it be the user of the property or the owner? Mayor Hark asked Mr. Hagan if he had approached the Board of Public Works with these same questions, in which he stated he has. Mr. Hagan indicated the BPW's response was, "they would address that after the fact". He asked if this was the way the City wanted to present this to the voters, to "hood wink" them? Mayor Hark stated this wasn't the intention of the City/BPW with any vote at any time. Mr. Hagan stated that he feels if enough information isn't presented, then the voters won't know how to vote properly on a Proposition like this. Mayor Hark said he will take that question under advisement and present that to legal counsel and get an appropriate answer to Mr. Hagan.

Secondly, Mr. Hagan asked "if the fee the City/BPW has come up with, an estimated fee, of \$6.00 - \$9.00, was correct", in which Mayor Hark indicated it was his believe to be. Mayor Hark explained the BPW derived this fee and the method was explained during a previous Council meeting. Mr. Hagan again asked if the estimated fee was \$6.00 - \$9.00, in which Mayor Hark stated if the same formula is used in which BPW had provided, yes it would be the correct amount. Mr. Hagan then asked, "how this formula was produced", in which Mayor Hark again advised it was derived by the BPW. Mr. Hagan then stated that the City

mandated the BPW to implement this fee, in which Mayor Hark concurred and stated that it is also part of the Charter for the utility to have a stormwater conveyance system. Mr. Hagan then asked “why the City left it up to the BPW to decide “what work” needs to be completed?” For example, which parts need to be repaired and which needs to be replaced? Mayor Hark stated that, if the voters approve Proposition “S”, to improve the stormwater conveyance system, then the BPW will do so as they deem appropriate, within established guidelines. Mayor Hark then stated that Mr. Hagan resides in an area where the stormwater system is collapsing, and he has read some of his comments online and his comments suggest that the City has “kicked the can down the street” on this matter, no one will take the initiative to stand against this. Mayor Hark stated that the present Council had the integrity to express the importance of this subject matter and is addressing the issues and concerns now. This Council will go out on a limb and try to make it better before the State or Federal Government mandates or fines the City/BPW/citizens. Mayor Hark for one, along with the Council, is of the same opinion that anytime where a decision affects the masses and impacts the fiscal integrity of any citizen, they have a right to vote on it. This project would impact any rate payer in the community and it could have a fiscal impact, so the Mayor doesn’t believe he nor the six Council members should have the only “say”. Mayor Hark also stated that if anyone needs additional information the BPW has great information on their website.

Mr. Hagan then asked “how the boundaries were set?” He knows that the BPW is using a GIS, in which he believes that these boundaries are not proper and legal. He would like to know why the BPW has never used surveys to set the boundaries, he feels the GIS is just a “guestimation” and going to base the impervious property amount off of this “guestimation”. If a property owner wants to dispute the fee, because the property line, based off of the GIS, is in the middle of a house that doesn’t belong to them, how is the owner supposed to do this? Mayor Hark stated that if a property owner has a line that is “located in the middle of his house”, they have more problems to worry about then the vote.

Mr. Hagan then questioned, when it comes to the state roads, “is the City/BPW going to mandate the state pay their portion?” Mayor Hark stated he has not seen this in any formula presented. Mr. Hagan stated he believes the State is the biggest offenders. Mayor Hark stated he will take that question to legal counsel as well.

Mr. Hagan then asked Mayor Hark, since he previously had been a Council Member, “why he helped “kick the can?” in which Mayor Hark stated he did not. Mr. Hagan stated that he had drove down Southside’s creek beds and viewed them himself and he believes the problems exist with the property owners not the City. Mr. Hagan stated that his creek ditch is six feet deep, but four houses down he has a neighbor where his property is flat. Mayor Hark stated that this improvement is more for areas like Martin Street, where the entire street is collapsing. Mayor Hark also stated that the infrastructure is 150-200 years old and is just failing, with the south side of town being the worst. Mr. Hagan asked “why these areas are the worst?” Mayor Hark stated because they are failing, in which Mr. Hagan asked, “if/when the infrastructure does fail, what problems will this cause?” Mayor Hark stated it will no longer convey water and will back up in whatever natural way it can, which could be basements, across streets or in yards. Mr. Hagan then asked, “why the City/BPW wants to spend all this money on purchasing easements, or better, “try to buy all these easements”, and “fight this fight” without the proper wording in place?” Mr. Hagan stated that with the

wording, Marion County can stand behind the GIS findings but the City cannot and he believes a class action suit will arise.

Mayor Hark said he will gladly seek legal counsel's advice on this and will then set up a personal meeting with him. Mayor Hark asked if Mr. Hagan could give him about a week to get the information together, in which Mr. Hagan agreed.

**JEFF LAGARCE – CITY MANAGER**

**Re: Palmyra Road Sidewalk Project – Engineering Services Contract**

*M Engineering dba: Cochran - \$54,885.87  
(Resolution No. 2190-19, to follow)*

City Manager LaGarce addressed Council, stating he has three items for discussion tonight. His first item, is requesting M Engineering dba Cochran, be awarded an engineering services contract to be the design consultant, based on their knowledge of this project, the immediate project area, and their prior experience designing the previous portion of sidewalk along Palmyra Road. LaGarce also stated that Cochran had already designed a portion of this particular sidewalk extension, though some updates will be required (Gala Drive did not exist along Palmyra Road when the last segment of sidewalk was designed and built).

If approved, this agreement allows fees up to \$22,297.57 for the engineering and design portion and up to \$32,588.30 for the construction management/inspection portion (total of \$54,885.87). LaGarce explained that MODOT, who will fund three-fourths of this project, has reviewed the agreement, and provided their approval.

LaGarce indicated Resolution No. 2190-19 is to follow, for approval.

**Re: Palmyra Road Sidewalk Transportation Alternative Program (TAP)  
Program Agreement**

*Missouri Highways and Transportation Commission - \$298,456  
(Bill No. 19-002, to follow)*

LaGarce's next item also pertains to the Palmyra Road sidewalk project. He explained the City was awarded a Transportation Alternative Program (TAP) Grant in the amount of \$298,456. This project will continue the Palmyra Road sidewalk from Bay Avenue to Riverview Park.

The first step of this initiative is to execute a program agreement with the Missouri Highways and Transportation Commission. Missouri Department of Transportation (MODOT) requires this agreement to be done by Ordinance, rather than by a Resolution.

The agreement itself details the project scope and location, reasonable progress, indemnifications, non-discrimination, right-of-way acquisition, assurance of sidewalk maintenance following completion, grant reimbursements, permitting, open financial records, and standard federal and state requirements.

LaGarce stated Bill No. 19-002 is to follow for a first reading.

**Re: Request, Declaration of Surplus Property**  
*Emergency Operations Center Equipment*

LaGarce's last item of business is to request approval to declare two (2) additional items as surplus. LaGarce stated that on December 18, 2018, Council declared a bulk of old emergency management equipment to be surplus. Emergency Management Director John Hark has identified two (2) additional pieces of equipment:

Samsung copier serial #CL316FN anticipated value \$0.00  
Remington Rand typewriter 25 years old anticipated value \$0.00

LaGarce advised if Council approved, these items will be disposed of properly.

A motion was by Mayor Pro Tem Dobson to approve the request to declare the two (2) additional Emergency Management items surplus. The motion was seconded by Council Member Veach.

Motion carried.

**JAMES R. HARK – MAYOR**  
**Re: Mayoral Commendations**

Mayor Hark requested Girl Scout Troop No. 9004 members, who were in attendance, to approach. He informed the Troop that he is in appreciation of the dedication of service to others by creating an inspirational rock garden in Spooner Creek Park. The Troop has also been working on many other charitable projects such as serving food to the needy, planting flowers at Cardiff Hill, giving birthday gifts to foster children, providing personal care items to the abused women's shelter and writing thank you cards to Veterans. Mayor Hark indicated the City cannot adequately thank the Troop enough for all the conscientious dedication they provide to the community.

Mayor Hark then requested Kristy Trevathan to come forward to help present Ed Tamerius with a Mayoral Commendation. Mr. Tamerius became a Forrester in 1968, retiring in 1998 and is currently the co-chairman of the Hannibal Tree Board. Mr. Tamerius has had a long time passion for trees and has provided input on tree maintenance by conducting tree care workshops, demonstrations on proper tree planting and participating in the development of brochures on planting guidelines for trees. Mr. Tamarius provided a key role in the City's first tree farm and many students have learned the proper caring of trees during the annual Arbor Day celebration, due to his knowledge. Mayor Hark thanked Mr. Tamarius for his dedication to the community through the years.

**Re: Emergency Declaration – General Mills Warehouse Roof**

*Weathercraft, Inc. - \$27,991*

Mayor Hark explained that General Mills rents a warehouse located on Warren Barrett Drive, from the City of Hannibal for its production lines. A section of the roof is leaking which required the City to repair, and cannot be completed by staff in house. Mayor Hark indicated that bids were solicited and were opened January 15<sup>th</sup>. Some reference checks on the lowest bidder caused some concerns, so the next lowest bidder, Weathercraft, Inc., was awarded the bid in the amount of \$27,991. Mayor Hark stated that on January 18<sup>th</sup>, on the hills of the 14 inches of snow Hannibal received, the ceiling and insulation in the warehouse began collapsing. The weather was forecasted for more precipitation, which could cause more damage to the building on top of jeopardizing production for General Mills. Therefore, the Mayor declared an emergency declaration and directed City staff to work with the recommended bidder to resolve this issue quickly. With the next Council meeting being two weeks away, the Mayor felt it was a situation that needed a fast resolution. Tonight he just wanted to provide Council the reason and explanation to everyone on the fast resolution, declaring an emergency repair and being as transparent as possible.

**GAIL BRYANT – DIRECTOR, HANNIBAL CONVENTION & VISITOR’S BUREAU**

**Re: City of Hannibal Lodging Tax - Voluntary Collection Agreement**

*Airbnb, Inc.*

*(Resolution No. 2191-19, to follow)*

Gail Bryant, Director of Hannibal Convention & Visitors Bureau, approached Council advising that the HCVB is funded by overnight stays through the collection of lodging tax. The City of Hannibal adopted an Ordinance that mandates the collection of lodging tax for the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or parts thereof within city limits.

In February of 2018, Airbnb, announced an agreement with several states to collect applicable and agreed-upon taxes on behalf of their hosts. If this Resolution is approved, and the City enters into a voluntary collection agreement with Airbnb, they will collect the applicable taxes as outlined in the agreement for the City, on behalf of their hosts. Bryant stated this is important to the City because it will assist with the prevention of noncompliance and will also increase HCVB’s revenue. She did state that several new lodging proprietors are unaware of the requirements of the City’s Ordinance.

Bryant stated Resolution No. 2191-19 is to follow for approval.

**HEATH HALL – BOARD OF PUBLIC WORKS GENERAL MANAGER**  
**Re: City of Hannibal/BPW/Ralls County Public Water District Trust Agreement**  
**Appointment of New Escrow Agent**  
*Regions Bank*  
*(Resolution No. 2192-19, to follow)*

Heath Hall, Board of Public Works General Manager, approached Council with two items. His first item is in regards to an appointment of a new escrow agent. Hall explained in February of 2005 the BPW purchased customer territory from Ralls County Public Water Supply District No. 1. Hall explained the terms of this purchase agreement called for a payment to be made over time with the purchase funds to be held in an escrow account. Since the agreement, the funds have been held by The Bank of New York, Mellon Trust Company at the St. Louis office. The representative for the account has been Mr. Kerry McFarland.

Hall stated that Mr. McFarland reached out to BPW recently to inform them that The Bank of New York, Mellon Trust Company will be closing its St. Louis office and the account would be transferred to the Chicago office. Mr. McFarland also advised Hall that he is changing employers and joining the Corporate Trust Department of Regions Bank. Hall explained the BPW has been well served by Mr. McFarland and would like to keep their business/account in St. Louis. The BPW Board approved moving the escrow account to Regions Bank during the January 21<sup>st</sup> Board meeting. Hall stated that Ralls County is also amenable to switching to Regions Bank, and is in the process of getting their Board to approve. There will be little to no cost to make the switch to Regions Bank, and BPW would like to continue working with a trusted professional, familiar with their transactions. If approved the transfer would take effect March 25, 2019.

Hall stated Resolution No. 2192-19 is to follow, for approval.

**Re: Update, Chloramine Replacement Project**

Hall's next item of business, is "good news". Hall stated that bids were opened on January 10<sup>th</sup> for the new Granular Activated Carbon Facility. These upgrades to the Water Treatment Plant process will allow for BPW to discontinue the use of ammonia in the water treatment process and still remain compliant with water quality regulations. Hall stated the low bid was River City Construction in the amount \$8,461,000, in which a notice of award was issued on January 22<sup>nd</sup>.

Hall stated the most recent engineer's estimate was around \$10.6 million for this portion of the project. He does want to be cautious about this low of a bid since many things are difficult to control and other items can occur during construction, but overall, this is great news. Hall stated this low bid will help BPW meet their goal to finish the construction on time and potentially be \$2 million under budget.

Hall indicated that this portion of the project is for construction only and there are other capital costs associated with the project (engineering and the cost of the media are two examples).

Black and Veatch, the engineer, and River City Construction have already begun working on a project schedule and taking care of typical construction items. There will be a pre-construction meeting in Hannibal on February 5<sup>th</sup> to kick off the construction portion of the project and discuss key details with the contractor.

Hall advised that after the bids were opened, the BPW staff and Board began working with the financial consultant, Joy Howard of WM Financial, to start preparations to sell bonds in order to finance the project. The Board plans to sell \$10 million in municipal tax exempt, bank qualified revenue bonds, around April, and the remaining portion of the project will be paid out of the water department cash reserves.

Hall also stated, since the weather has been colder, the third round of pilot testing is under way. The plan is to have bids with media suppliers in calendar year 2019.

Mayor Pro Tem Dobson asked Hall, due to the bid being about \$2 million under budget, would this also reduce the amount of the utility increases previously discussed. Hall stated, that is a possibility, but the 54% increase was over a five year plan, and not all funding was for this project. However, increases could be decreased towards “the tail end” of the five years. As of now, there will be a 3.5% increase July 1, 2019 and a 7.5% increase on January 1, 2020.

**EDIE PRICE – DPW MANAGEMENT ASSISTANT**  
**Re: Sale of City Owned Property – Special Warranty Deed**  
*Walden Properties, LLC - \$500 (plus costs)*  
*(Resolution No. 2193-19, to follow)*

Edie Price approached Council with three items, her first being the sale of City owned property located adjacent to 210 North Street to Walden Properties, LLC. Mr. Walden came before Council, December 18<sup>th</sup>, requesting the City to deed him a small piece of City property that is attached to his property. Price stated there were no objections from any City department, since this lot sits next to a steep embankment making it very difficult for any buildable structures. The Board of Public Works did request a utility easement for access to a service pole that is located on the property, in which Mr. Walden agreed to.

Price indicated that Mr. Walden was approved by Council to take his request to the Planning and Zoning Commission to combine this property with the lot next to it at 210 North Street as a minor subdivision. Price explained that during the January 17<sup>th</sup> Planning and Zoning Commission meeting, this request was presented and a unanimous approval was given.

Since the minor subdivision was approved by the Planning and Zoning Commission, the special warranty deed now needs approval by Council. The sale of the property is for \$500 plus costs.

Price stated Resolution No. 2192-19, is to follow for approval.

**Re: Request, Set Public Hearing – Rezone 213 South 5<sup>th</sup> Street**  
*E-Commercial to A-One & Two Family – Alex Jaxon Meininger*  
*Tuesday, March 5, 2019 – 6:45 p.m.*

Price's next item is an application from Alex Jaxon Meininger to rezone the property at 213 South 5<sup>th</sup> Street. This request was previously tabled at the January 2<sup>nd</sup> Council meeting. Mr. Meininger is requesting to re-zone his property from E-Commercial to A-One & Two Family. Price stated the Planning and Zoning Commission's public hearing has been set for February 21<sup>st</sup>, at 4:00 p.m. The Department of Public Works is requesting Council to set their public hearing for March 5, 2019 at 6:45 p.m.

A motion was made by Council Member Van Hoose to approve the request to set a public hearing for Tuesday March 5<sup>th</sup>, at 6:45 p.m. The motion was seconded by Council Member Veach.

Motion carried.

**Re: Traffic Committee Recommendation**

- **Handicap Parking**  
**- 616 Bird Street**

Price's last order of business, pertains to Merrill Miller, resident at 616 Bird Street. Mr. Miller came before the Traffic Committee on January 31, 2019 requesting a handicap parking space to be placed in front of his residence. Price explained that he has a permanent disability and he supplied all the necessary paperwork for approval of a handicap parking space. The Collector's Office stated that Mr. Miller rents this property but is current on his personal property taxes.

The Traffic Committee approved the handicap parking space being placed at 616 Bird Street. Price stated that if there are no objections from the Council, the Street Department will provide the proper signage.

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

**RESOLUTION NO. 2190-19**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING  
THE MAYOR TO EXECUTE AN ENGINEERING SERVICES  
CONTRACT WITH M ENGINEERING, LLC DBA COCHRAN IN  
AN AMOUNT NOT-TO-EXCEED \$54,885.87 FOR ENGINEERING  
AND CONSTRUCTION MANAGEMENT SERVICES RELATED  
TO THE PALMYRA ROAD SIDEWALK**

A motion was made by Council Member Veach to have the Deputy City Clerk read Resolution No. 2190-19 and call the roll for adoption. The motion was seconded by Council Member Godert.

**ROLL CALL**

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

**No:** - 0 -

**Absent:** - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2190-19 duly approved and adopted on this date.

**RESOLUTION NO. 2191-19**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A VOLUNTARY COLLECTION AGREEMENT BETWEEN THE CITY OF HANNIBAL AND AIRBNB FOR THE COLLECTION OF LODGING TAX AND APPLICABLE TAXES AS DEFINED IN THE AGREEMENT**

A motion was made by Council Member Welch to have the Deputy City Clerk read Resolution No. 2191-19 and call the roll for adoption. The motion was seconded by Council Member Veach.

**ROLL CALL**

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

**No:** - 0 -

**Absent:** - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2191-19 duly approved and adopted on this date.

**RESOLUTION NO. 2192-19**

**A RESOLUTION OF THE CITY OF HANNIBAL  
AUTHORIZING THE MAYOR TO EXECUTE THE  
APPOINTMENT OF NEW ESCROW AGENT  
AGREEMENT WITH REGIONS BANK OF ST. LOUIS,  
MISSOURI AUTHORIZING AS THE NEW ESCROW  
AGENT FOR THE WATER TERRITORIAL  
AGREEMENT WITH PUBLIC WATER SUPPLY  
DISTRICT NO. 1 OF RALLS COUNTY**

A motion was made by Council Member Veach to have the Deputy City Clerk read Resolution No. 2192-19 and call the roll for adoption. The motion was seconded by Council Member Van Hoose.

**ROLL CALL**

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

**No:** - 0 -

**Absent:** - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2192-19 duly approved and adopted on this date.

**RESOLUTION NO. 2193-19**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING  
THE MAYOR TO EXECUTE A SPECIAL WARRANTY DEED  
NECESSARY TO CONVEY CERTAIN CITY-OWNED PROPERTY  
TO WALDEN PROPERTIES, LLC ADJACENT TO THEIR  
EXISTING PROPERTY AT 210 NORTH STREET FOR THE SUM  
OF FIVE HUNDRED DOLLARS (\$500) PLUS NECESSARY FEES**

A motion was made by Council Member Van Hoose to have the Deputy City Clerk read Resolution No. 2193-19 and call the roll for adoption. The motion was seconded by Mayor Pro Tem Dobson.

**ROLL CALL**

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

**No:** - 0 -

**Absent:** - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2193-19 duly approved and adopted on this date.

**BILL NO. 19-002**

**AN ORDINANCE OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE TRANSPORTATION ALTERNATIVE PROGRAM (TAP) GRANT RELATIVE TO PALMYRA ROAD SIDEWALK CONSTRUCTION FOR THE AMOUNT OF \$298,456**

*First Reading*

A motion was made by Council Member Godert to give Bill No 19-002 a first reading. The motion was seconded by Mayor Pro Tem Dobson.

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**