

City of Hannibal

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, July 21, 2020
Council Chambers
7:00 p.m.**

ROLL CALL

Present: Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach and McCoy - 7

Absent: - 0 -

CALL TO ORDER

There being a quorum present, Mayor Hark called the meeting to order.

INVOCATION

The invocation was then given by Council Member Cogdal.

PLEDGE OF ALLEGIANCE

Mayor Hark then requested Hannibal Fire Chief Mike Benjamin to lead the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

A motion was made by Mayor Pro Tem Dobson to approve the agenda, as presented and posted. The motion was seconded by Council Member Bowen.

Motion carried.

**APPROVAL OF MINUTES
Regularly Scheduled Council Meeting – July 7, 2020**

A motion was made by Council Member McCoy to approve the minutes from the regularly scheduled Council meeting held July 7, 2020. The motion was seconded by Council Member Bowen.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS
First Half – July, 2020**

A motion was made by Council Member Bowen to approve the payroll and claims for the first half of July, 2020. The motion was seconded by Mayor Pro Tem Dobson.

Motion carried.

APRIL AZOTEA – LA AZOTEA LOUNGE

**Re: Request, Use of City Owned Parking Lot and Sale & Consumption of Alcohol on City
Owned Property – Fur Baby Music Fest**

Saturday, August 1, 2020 – 9:00 a.m. - midnight

April Azotea, owner of La Azotea Lounge, approached Council with two items. The first item is approval to use City owned property and the sale & consumption of alcohol on City property for the Fur Baby Music Fest. She explained that it was her intentions to be on the July 7th Council meeting but paperwork wasn't submitted on time and she has since decided to postpone the event until a later date.

Re: Animal Abuse & Proposed Ordinance

Ms. Azotea stated that she previously came before Council on June 16, 2020, proposing the current Ordinance on animal abuse/neglect needs to be revised. She explained she has taken several polls online as well as making contact with several other concerned citizens about the safety and well-being of animals, along with local veterinarians.

With her polls, the first question she asked, “if someone saw an animal being abused or neglected, would you be willing to report it and make a statement”, in which 217 citizens stated they would. In fact, Mayor Pro Tem Dobson commented on her post, advising that City Attorney Lemon specifically stated people will call to complain but are very reluctant to sign a complaint that could result in the offender going to court, where the complainants would have to appear as a witness. She then reposted the question to ask; “would they be willing to call and complain for animal abuse if you had to appear in court as a witness”, in which everyone responded yes. She realizes that actions speak louder than words and has spent countless hours conducting research and expressing how important involvement will be to get changes. To her, it's not just about the animal's safety and wellbeing but also protecting the public and improving utilization of taxpayer resources. By far the biggest concern in the community is dogs being chained up 24 hours a day, 7 days a week. Over 400 people, some of which were veterinarians, do not support this treatment of animals. To her that is the life a “prisoner”, not a pet.

She started researching other cities codes and once again reached out to the community and asked, “would they rather; no animal be tethered between the hours of 10:00 p.m. to 6:00 p.m. or no animal be tethered outside for more than five consecutive hours and no more than 15 hours in a 24 hour period?” Although several people thought neither scenario was better, but the 15 hours was too long of a period to be tethered or they supported the animal to not be tethered at all. Some stated that having an animal tethered at night prevents the animal from protecting

themselves. After doing some additional research, Ms. Azotea feels it would be hard to enforce the tethering time limit and once again, loop holes can be found. Other cities have an ordinance called “no unattended tethered ordinance”, which means that unsupervised, unattended outside tethering of any animal is prohibited. She’s not sure if this is the right solution or not but she is requesting more time to perform research and to obtain more feedback from the community. She is also suggesting that if someone is to keep their dog outside while at work, than maybe the City should require the yard to be fenced in. Ms. Azotea stated that several people have reached out stating they feel that the Community Service Officers (CSO) should solely focus on the safety and well-being of animals, asking “why are their tax dollars being spent on CSO’s patrolling parks and fining people for not maintaining their yards?” They feel that if the CSO’s main focus was on animals, then the problem of neglect could be addressed and fixed. Other citizens are questioning the hours of CSO’s, for instance she has called on a Friday night and was told a CSO won’t be able to assist until Monday morning. She stated she spoke to CSO, Bob Stout, after the previous Council meeting and his main objective was to educate the public about the wellbeing of their pets. Her question is how are they educating them? And last but not least, she stated that Lemon claimed at the last meeting that people wouldn’t testify again a complainant, in which she disagrees because everyone agreed that completed her online survey. She also questioned why CSO’s aren’t testifying, especially since they are wearing body cameras?

Lemon advised that he did not appreciate her stating that he is not telling the truth, but he will advise that frequently he is told, when asked if there is a witness who actually saw the offense occur, he is told that the complainant does not want to testify against their neighbor. They don’t want to get involved, although they are fine calling to complain. He stated that it’s really easy for people to state, on Facebook, that they are absolutely fine with testifying, but when “push comes to shove” they will not. He stated that CSO’s always testify in court, however, if they don’t actually witness the abuse, they can’t testify to it. He hopes that Ms. Azotea takes into account that people will say one thing online, however, they act a different way when addressed in person.

Lemon advised that his office almost always issues a subpoena if it’s a non-police officer witness however, a lot of times, the witness won’t actually show. He feels the City takes animal issues very seriously and people have received stiff fines, however, it is not common for people to have to do jail time for those type of violations. One of the problems is that the City doesn’t have their own jail and the violator would have to go to Marion County jail. Very frequently; they are full so the violators either wait for an opening, or sometimes aren’t able to get them in. He also agrees that some people learn from a hefty fine so education is a good tool. He not saying that if a serious offense or if they are a multiple offender, he won’t ask for jail time. Since he is talking about municipal ordinance violations, the lack of the City’s own jail, he doesn’t usually use jail time as a consequence, but it is on the table. Each offense can have up to \$500 for each offense and up to six months in jail. He did see someone get a couple days in jail, over a weekend, but that individual also had a fail to appear warrant.

Ms. Azotea stated when she spoke to an officer the day after the last Council meeting she spoke at; she was told they do fine offenders all the time, however, a lot of time they don’t pay the fine. Ms. Azotea asked “why not put them in jail”, she was told the jails are full. Since individuals are not paying fines and not going to jail, aren’t they really “getting away” with the crime, she questioned. Lemon advised that the fact that they aren’t paying the fine doesn’t mean there isn’t something still ongoing. As CSO Stout mentioned, if fines aren’t paid, the City has the right to put you in jail. The issue is, the state about three years ago, came down really hard on municipalities about, “you shouldn’t be jailing people for property maintenance, animal issues

and offenses like that”. Judges are now a little leery about putting an offender in jail for a municipal ordinance violation. It needs to be something excessive or severe to get jail time. However, the offenders don’t get to “skate by” and not pay their fine, eventually people are sent for community service, probation officers, make payment plans or go to jail.

Ms. Azotea advised that something else brought up at the last meeting, she wants to know how many “strikes” the offenders are getting. Lemon advised there is not a rule, however, an offender comes back more than once, they will be remembered by the court officials. There is a graded system, first offense, second offense, etc. each time is a higher fine amount. Usually after the fourth offense, jail time is mentioned. However, if jail time is given, then the offender has to be given Counsel and if they can’t afford a lawyer, the City will have to pay for one. It is not a specific strike system, however, the City does know who the repeat offenders are. Lemon’s office takes these things seriously, particularly when they see repeat offenders.

She then questioned animal control (CSO’s) having to wear multiple hats; Mayor Hark advised they are Community Service Officers (CSO’s), not Animal Control Officers. One employee was hired specifically to patrol the parks and assist with animal control calls. Secondly, what is found many times with people who abuse the animals also don’t take care of their property or their kids and live in squalor. For the City to have the resources to address all these issues, animal abuse, property maintenance, code violations, etc. it actually helps with all violations, thus benefitting the City as a whole.

Mayor Hark then asked Chief Davis if there has ever been a time when a CSO has gone to a residence, based off of an animal complaint, and determined the condition of the property wasn’t suitable for children in the house. Chief Davis, from the audience, stated it was very common for that to happen.

City Manager Peck restated they are community service officers, which allow for more resources. Ms. Azotea advised that she knows several properties in Hannibal that aren’t taken care of that don’t have animals, and feels those calls are taking focus away from calls where animals are being abused/neglected.

Chief Davis, from the audience, advised that if the CSO’s job description had not been changed to property maintenance, the Council wouldn’t have been able to approve another position with the City’s limited resources. If it hadn’t been for the Parks & Recreation Department assisting with this also, he feels the City would only have maybe one or two CSO’s if we went back to the old ways.

Council Member Bowen advised that the CSO’s are always driving around seeing everything, neglected properties and animals. He feels having more people on the road driving around is more beneficial for the City, than just one person doing something specific. He then asked Chief Davis what the ratio was between property maintenance to animal call, in which Lieutenant Grote approached Council and distributed information.

Lt. Grote then advised the data is for a two-year period, January 1, 2018 to December 31, 2019. The total number of calls the CSO’s responded to was 3,221; with 51 neglect/abuse citations given and 105 warning (written & verbal); animal at large calls were 1,131 with 159 dog at large citations and 520 warnings (written & verbal); total number of animals ceased were 2,282 (879 dogs, 811 cats and 592 other animals).

Lt. Grote stated for the property maintenance calls/issues which included 337 properties, (which began October 17, 2014), 440 citations were given with 474 warnings (written & verbal). She explained with any citation for property maintenance, the City is required to give 10 days for the citizen to comply, if they are making legitimate progress to comply, they are given an extension to resolve. They are looking for compliance, not to cite someone, so it can take months.

Lt. Grote then stated the CSO's also assist with Park issues, such as animal's at large, people who need assistance. They responded to 1,079 calls, while also picking up trash from streams/creeks or surrounding banks, totaling 871 pounds of trash in the last two years.

Ms. Azotea questioned of those calls, how many were from the same address, in which Lt. Grote advised she did not prepare that data. Lt. Grote explained that she was assigned to the position to oversee the CSO's, a little over a year ago. Lt. Grote stated the CSO's work seven days a week even holidays, but their hours vary and that is why when Ms. Azotea called earlier questioning what the CSO's hours and days they work, she wasn't given an exact answer because it fluctuates. Ms. Azotea stated she has called on a Friday and was told an officer will get to the call on Monday. She feels that an officer should not be responding to animal calls, they have enough "other issues" in the City to take care of, it should be the CSO's.

Chief Davis advised that if the Police Department receives a call of a serious issue with an animal, an officer is sent, the animal will be seized, but the CSO's will follow up on the case. It's not feasible, with the City's resources to have animal control on staff 24 hours. CSO Stout advised a serious call would never go from a Friday to a Monday without being addressed. Ms. Azotea advised that she was personally told it would be Monday before her issue could be addressed. Chief Davis advised that a common thing is for the CSO's to follow-up the next working day and maybe that's what Ms. Azotea heard, but again it's not feasible to have a CSO on duty 24/7. Lt. Grote advised relating to repeat calls to the same address, once the incident is reported in their system, she follows up to make sure if they are a repeat offender (maybe at a different address) it is noted. She explained the same person can get multiple citations, again, that is then handled through the courts.

Ms. Azotea indicated that she isn't saying the CSO's aren't doing their job, she said it's frustrating that it seems to be the same offenders. Particularly, in the case with one husky and two Rottweiler's. She was told that CSO's couldn't go to that location without an officer present because the owner was a felon and considered armed and dangerous, and she knows for a fact that several people had called and complained about those particular dogs. She does know that CSO Ledbetter had given the owners a certain amount of time to fix the dog house. Lt. Grote advised one issue with that particular call, is the complainant gave a wrong address, however once the correct location was found, the owner was contacted has since complied.

Mayor Hark then questioned Ms. Azotea if she had information that she brought back to the Council regarding changes to the current Ordinance, in which she advised she wanted to look into the "no unattended tethered Ordinance" further and she hasn't really reached out to the community to gain their input, however she feels that's one direction she wants to move forward on.

She did advise that something that wasn't spoke about at the last Council meeting was how many signatures would be required to be able to proceed forward? Council Member Bowen then questioned signatures for what, is she proposing a petition or what? He stated that if an

Ordinance is drafted and information is put into their “Council packet” and brought forth, it can be approved anytime.

Council Member Cogdal then advised as far as signatures, it would be none. However, whatever she is proposing needs to be presented to Council, they aren’t even sure what she is proposing at this time. However, if Ms. Azotea brought forth something that Council felt wasn’t in the best interest of the community and they did not approve the Ordinance, then she could start a petition afterwards.

Mayor Pro Tem Dobson advised that what he understood, after the last Council meeting, she was to be working with Lt. Grote to write an Ordinance and then submit it to the City Attorney for guidance. Council Member Cogdal again stated that she has support from Council but she needs to present her proposal in an Ordinance and then Council could approve it, if they agree.

Mayor Hark then advised that she needs to present the information and the proposed Ordinance well before the night of the meeting so Council has a chance to “digest” it before voting on it. It would also be beneficial to place an item on the agenda in advance, instead of last minute so they have plenty of time to research the subject. He recommended she reach out to City Clerk Zerbonia for suggestions and a timeline of how things need to be presented, because she is well aware of what the process is.

JAMES R. HARK – MAYOR
Re: Approval of Appointment

Mayor Hark reminded Council of the candidate he presented for recommendation of appointment during the last regular Council meeting to the Marion County Extension Council.

MARION COUNTY EXTENSION COUNCIL

- **Rob Myers – appointment for a term to expire March, 2022**

A motion was made by Mayor Pro Tem Dobson to approve the appointment to the Marion County Extension Council of Rob Myers for a term to expire March, 2022. The motion was seconded by Council Member Bowen.

Motion carried.

Re: Recommendation of Reappointments

Mayor Hark then made the following recommendation for re-appointments for the Hannibal Library Board:

HANNIBAL LIBRARY BOARD

- **Sarah North – reappointment for a term to expire June, 2023**
- **J’Nelle Lee – reappointment for a term to expire June, 2023**
- **Roy Hark – reappointment for a term to expire June, 2023**

He stated these nominations will be considered for approval at the next regular Council meeting, to be held August 4, 2020.

LISA PECK – CITY MANAGER

Re: Approval of Appointments

City Manager Peck reminded Council of the candidates she presented for recommendation of appointments/re-appointments during the last regular Council meeting.

PLANNING & ZONING COMMISSION

- **Brad Walden – appointment for a term to expire June, 2024**

A motion was made by Mayor Pro Tem Dobson to approve the appointment to the Planning & Zoning Commission of Brad Walden for a term to expire June, 2024. The motion was seconded by Council Member Welch.

Motion carried.

PARKS & RECREATION BOARD

- **Jeriod Turner – reappointment for a term to expire July, 2023**
- **Casey Welch – reappointment for a term to expire July, 2023**
- **Louis Riggs – reappointment for a term to expire July, 2023**

A motion was made by Mayor Pro Tem Dobson to approve the re-appointments to the Parks & Recreation Board of Jeriod Turner, Casey Welch and Louis Riggs for terms to expire July, 2023. The motion was seconded by Council Member McCoy.

Motion carried.

HISTORIC DISTRICT DEVELOPMENT COMMISSION

- **Roy Hark – appointment for a term to expire May, 2021**

A motion was made by Council Member McCoy to approve the appointment to the Historic District Development Commission of Roy Hark for a term to expire May, 2021. The motion was seconded by Council Member Bowen.

ROLL CALL

Yes: Mayor Pro Tem Dobson, Council Member Cogdal, Council Members Bowen, Welch, Veach and McCoy - 6

No: - 0 -

Abstain: Mayor Hark - 1

Absent: - 0 -

Motion carried.

HANNIBAL BOARD OF PUBLIC WORKS

➤ **William Dees – reappointment for a term to expire July, 2024**

A motion was made by Mayor Pro Tem Dobson to approve the re-appointment to the Hannibal Board of Public Works Board of William Dees for a term to expire July, 2024. The motion was seconded by Council Member Bowen.

Motion carried.

Re: Approval, Missouri Department of Natural Resources Grant Application Process
Mark Twain Regional Council of Governments – South Side Storm Sewers Assessment

Peck's last item, she is seeking approval to submit a Missouri Department of Natural Resources 604(b) grant through the Mark Twain Council of Governments. The maximum grant amount is \$50,000, and the City is applying for the full amount. This will allow for an assessment of the storm sewers on the South Side of Hannibal and some alternatives of a plan and will list what issues need to be addressed/fixed. Mayor Pro Tem Dobson questioned if this grant was being sought on behalf of the Board of Public Works, in which Peck advised it was. Peck advised a match is unknown at this time, but it is anticipated that the grant will cover the majority of the associated costs, however, any match will be the purview of the HBPW.

A motion was made by Council Member Welch to approve the City to submit an application for a Missouri Department of Natural Resources 604(b) grant through the Mark Twain Council of Governments. The motion was seconded by Council Member Bowen.

Motion carried.

ANGELICA ZERBONIA – CITY CLERK

Re: Missouri Ethics Commission – Conflict of Interest Policy Reaffirmation
(Bill No. 20-019, to follow)

City Clerk Zerbonia stated she has one item; being the ratification and reaffirmation of the City's conflict of interest Ordinance that is required, biennially by the State of Missouri. This will solidify the City's procedure to disclose potential conflicts of interest and substantial interest for certain municipal officials and employees.

All Candidates must file a *Financial Interest Statement for Political Subdivision* if they have any transactions over \$500 with the City of Hannibal, even if candidates are not listed specifically in the Ordinance. Otherwise, filling of the *Statements* only apply to the City Manager and City Clerk. Furthermore, the Missouri Ethics Commission requires this process to be completed no later than September 15, 2020.

Zerbonia stated Bill No. 20-019 is to follow, for a first reading.

ANDY DORIAN – DIRECTOR, CENTRAL SERVICES

Re: Hannibal Regional Airport - Coronavirus, Aid, Relief and Economic Security Act Agreement Grant Application

Missouri Department of Transportation – Federal Aviation Administration

(Resolution No. 2278-20, to follow)

Andy Dorian, Director of Central Services approached Council with two items. The first being notified that the City of Hannibal was recently awarded a grant from MODot (Missouri Department of Transportation) Federal Aviation that the Hannibal Regional Airport would be receiving \$30,000 to cover operational expenses at the airport.

In order to receive the money, Council needs to authorize the Mayor, City Clerk and City Attorney to sign the E-Document.

Mayor Hark stated Resolution No. 2278-20 is to follow, for approval.

Re: Aquatic Center Slide Restoration – Engineering Services Agreement

Poepping, Stone, Bach & Associates - \$7,500

(Resolution No. 2279-20, to follow)

Dorian's next item is the restoration of the large double slide at the Aquatic Center, in which he has been discussing with Poepping, Stone, Bach & Associates (PSBA). He explained due to chemicals and sun it is common practice in the aquatic industry, in order to extend the life of these very expensive amenities, to get them restored, which is very expensive. PSBA has proposed a \$7,500 lump sum agreement to evaluate the slides, develop the bid documents and assist with the bidding process.

Mayor Pro Tem Dobson then questioned if it would be just as easy to work with the contractor or vendor that the slides were bought from. Dorian advised these will be very technical bid specs and there are several different companies, several different products which would result in several different results. In order to get specs that are uniform so that everyone can bid, this is the best option. PSBA also assisted with the underground restoration in prior years, with the slides being addressed then but the City was unable to fund the restoration at that time.

Mayor Hark stated Resolution No. 2279-20 is to follow, for approval.

KAREN BURDITT – DIRECTOR OF FINANCE

Re: Audit Services – Engagement Letter

Williams Keppers, Inc. - \$52,000

(Resolution No. 2280-20, to follow)

Karen Burditt, Director of Finance, approached Council seeking approval for the Mayor to enter into a letter of engagement with Williams Keepers, LLC for auditing services for the fiscal year ending June 30, 2020. In the spring the City went out for bids, receiving only two.

Wade Stables, PC - \$47,000

Williams Keepers, LLC - \$52,000

This quote is for the City, Library, Board of Public Works, and other entities. Burditt stated that Wade Stables, PC has been the City's auditing firm since fiscal year 2004. Even though Wade Stables, PC was the lower priced firm, she feels that common accounting practice would suggest the City move to a different firm which is generally three years.

Burditt stated Resolution No. 2280-20 is to follow, for approval.

RESOLUTION NO. 2278-20

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FEDERAL AVIATION ADMINISTRATION IN ORDER TO RECEIVE \$30,000 FROM THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT AGREEMENT (CARES) FOR THE HANNIBAL REGIONAL AIRPORT

A motion was made by Council Member Veach to have the City Clerk read Resolution No. 2278-20 and call the roll for adoption. The motion was seconded by Council Member McCoy.

ROLL CALL

Yes: Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach and McCoy - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2278-20 duly approved and adopted on this date.

RESOLUTION NO. 2279-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF HANNIBAL AND POEPPING, STONE, BACH & ASSOCIATES, INC (PSBA) IN THE AMOUNT OF \$7,500 FOR THE RENOVATION OF THE LARGE SLIDES AT THE HANNIBAL AQUATIC CENTER

A motion was made by Council Member Bowen to have the City Clerk read Resolution No. 2279-20 and call the roll for adoption. The motion was seconded by Council Member Welch.

ROLL CALL

Yes: Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach and McCoy - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2279-20 duly approved and adopted on this date.

RESOLUTION NO. 2280-20

**A RESOLUTION OF THE CITY OF HANNIBAL
AUTHORIZING AND APPROVING A LETTER OF
ENGAGEMENT WITH WILLIAMS KEEPERS LLC FOR
THE FISCAL YEAR ENDING JUNE 30, 2020 AUDIT
SERVICES FOR THE CITY INCLUDING LIBRARY, and
BOARD OF PUBLIC WORKS IN THE AMOUNT OF \$52,000**

A motion was made by Council Member Bowen to have the City Clerk read Resolution No. 2280-20 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 Bowen, Welch, Veach and McCoy - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2280-20 duly approved and adopted on this date.

BILL NO. 20-019

**AN ORDINANCE RATIFYING AND REAFFIRMING THE CITY OF
HANNIBAL'S, PROCEDURE TO DISCLOSE POTENTIAL
CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR
CERTAIN MUNICIPAL OFFICIALS AND EMPLOYEES AS
REQUIRED, BIENNIALLY, BY MISSOURI STATE STATUTES
105.483 & 105.485**

First Reading

A motion was made by Council Member Veach to give Bill No 20-017 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 Welch.

Motion carried.

James R. Hark, Mayor

Angelica N. Zerbonia, MRCC, CMO - City Clerk