

City of Hannibal

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, February 16, 2021
Council Chambers
7:00 p.m.**

ROLL CALL

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

Absent: Council Member Veach - 1

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 Deputy Fire Chief Neisen to lead the Pledge of Allegiance to the Flag.

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

Motion carried.

APPROVAL OF AGENDA

A motion was made by Council Member McCoy to approve the agenda, as presented and posted. The motion was seconded by Council Member Welch.

Motion carried.

APPROVAL OF MINUTES
Regularly Scheduled Council Meeting – February 2, 2021

A motion was made by Council Member Bowen to approve the minutes from the regularly scheduled Council meeting held February 2, 2021. The motion was seconded by Council Member Welch.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half – February 2021

A motion was made by Council Member McCoy to approve the payroll and claims for the first half of February, 2021. The motion was seconded by Mayor Pro Tem Dobson.

Motion carried.

KEITH ANDREWS - CITIZEN
Re: Procedure to Acquire City Owned Property & Business Model Used

Keith Andrews, citizen, addressed Council relating to City owned vacant lots and other properties owned by the City. He is questioning Council on the procedure to purchase, sell and/or lease vacant lots and property, and the City's business model.

Mayor Hark stated that the City typically does not lease City owned vacant lots. City Attorney Lemon advised that the City does not want to be in the property business, selling and/or leasing is considered on a case by case basis. The City gets possession of lots in various ways and if the City has a use or a plan, they would unlikely sell. However, sometimes it is decided it would be beneficial to sell a portion of the lot that may not end up being needed. The ultimate goal is for the City to not have too many properties to maintain, they like to stay on the main core purpose, which is providing services to the community/citizens.

The City also acquires property that is "gifted" to them, which occurs when a property owner has property that they are unable to "carry" the tax burden, or the property is blighted. Property is acquired when railroads have turned over right of ways to the City, in which most of these properties, the City tries to dispose of. There is no specific business model used by the City. If a person is interested in obtaining attractive property, and they contact the City to acquire, they are first required to have a title search completed to ensure the status of the title. If approved by Council, they would pay the cost of the property which most vacant, non-useful lots have been selling for \$500 plus recording fees. Lemon advised this is not a formal business model, however, this is the process that has been done in the past. The City would like to see someone with a purpose for the property acquire and put it back into productive use, or a neighboring property owner, acquiring to expand their yard, etc.

Mr. Andrews then questioned leasing of City property, and if the City did not want to be involved in leasing property. Lemon advised that he understands the former City Manager entered into an agreement with Mr. Andrews, that he did not have the authority to do so nor was the lease presented to the City Attorney for legal review. Furthermore, any lease for City owned

property would have to be approved by the City Council, which was not done. The lease document that was given to Mr. Andrews, was rather “odd”, it did not specify what the intended use was plus the person who signed the lease on behalf of the City was not authorized by the City Council to do so.

Mr. Andrews advised that he did come before Council requesting to purchase this property and was advised that they did not want to sell the property. Lemon indicated if the City didn’t want to sell it then, it could have been because they had a purpose for the property, however, later changed their mind. Mr. Andrews has mentioned to the Building Manager/Inspector and the ladies in the office over the years, who then told Mr. Andrews the land would not be sold. He does have an issue the way this was handled. Mr. Andrews advised he was in a lease with the City and the land was sold out from under him, without any notification. City Attorney Lemon advised that part of the problem was some of the staff were aware of the “lease” in question, however, the current City Manager, nor Lemon was aware of an existing lease. Also, the person who signed, drafted and prepared the lease did not have the authority to do so and did not leave any “notes” pertaining to the lease. Furthermore, the City employee, who was aware of the lease, was not aware the City was selling the property. The City, had a business interested in acquiring the property for a specific purpose, which will benefit the citizens, by providing high speed internet. The City felt this was in line with their “core values”.

Lemon does not recall when Mr. Andrews came before City Council requesting to purchase the property, in which Andrews advised it had been a few years ago. Mr. Andrews advised one of the stipulations of the lease contract was an annual renewal. He feels if something has been renewed every year, and only one person aware of it, sounds “odd”, in which Lemon agreed. Lemon also advised it was not appropriate, and the former City Manager was acting outside his legal authority. He advised, in this case, the Council had no idea that Mr. Andrews had an interest in the land and Lemon is not sure where the lease document came from. There is a City employee in the Building Inspector’s office that was aware of the lease, however, she was not consulted with when the City chose to sell the lot, due to the fact no one was aware of his lease agreement or his interest in the lot. Lemon is sure if she (the employee) had made the connection, she would have notified the Council in which they would have notified Mr. Andrews.

Lemon informed Mr. Andrews the sale of this property did come before Council and was approved, and Mr. Andrews probably would not have noticed as an agenda item as there were several lots for the “relay stations” that were being acquired at the same time. The company came to the City and Council and advised there were several properties in areas they needed in order to place “stations” so that high speed internet would be available to the community.

Mr. Andrews is just requesting to know what happened and how the lot was sold without him being made aware. Director of Central Services, Andy Dorian, from the audience advised that in the past there was not a unified procedure on buying City property, however, there is now to ensure the same steps are being followed. He advised, DPW Management Assistant Edie Graupman would not have known that the City was selling the piece of property in question. He found another property, similar to this situation, about eight years ago, corrected it and assumed these leases were no longer happening. With this property, Graupman was the only employee who was aware of the lease. Dorian advised now, if someone wants to acquire property, the request and all paperwork comes through his office and then goes before the City Council for consideration and approval.

Mr. Andrews stated he is frustrated as the property was sold from under him. He had some plans for it and he has since spoken to Chariton Valley and they are planning to do something with the property that he was told by the City they could not do. This is the reasoning he is questioning the business model so going forward he would know how to conduct things if they were interested in any City property. Lemon agrees, going forward if he is interested in purchasing a property, there is now a unified procedure to follow.

Mr. Andrews then questioned if in the meantime he is “stuck”, in which the City Attorney concurred. He did advise Mr. Andrews that the City does have other properties that would be available and new properties are becoming available a lot more often. Dorian advised the City currently has 70 lots available to sale and the list can be found on the Building Inspector’s website.

According to Mr. Andrews, the way it was done and with Chariton Valley saying they could do some things that he was advised could not is not right. He just wanted to know what happened and he has mentioned this to a few people, it does “stink” however, going forward, he hopes that no one else gets to the point where they fell like the City “wronged” them. He then asked if the City went through all the leases that were up here to make sure that there were not still any out there. He advised that last year, there were two ladies in the office, and they both were aware of his lease. Lemon indicated the person who was aware, was doing so by the direction of the City Manager and she was not aware she could not do this, as she was doing what her boss told her to. He then questioned how a City Manager could sell or lease the property without Council knowing. Lemon advised that he legally could not. City Manager Peck advised that Chariton Valley contacted the City to acquire lots, and she was not aware of the lease and even if she would have known about the lease it would not have been a legal lease because it was not brought before Council for approval nor had the Mayor’s signature. Lemon advised there was probably two women in the office as he stated, however the other woman doesn’t take part of this type of thing. Her job is to investigate illegal dumping. Dorian advised this issue goes back to an entirely different Mayor, Council, City Engineer, etc. Peck advised the property has changed hands now and Chariton Valley offered \$8,000 for the lot and it was brought before Council and the lot was sold. Had anyone have known about the “lease” it would have been brought to his attention that the City intended to sell the lot.

KEITH ROBINSON – Y MEN’S CLUB OF HANNIBAL
Re: Request, Street Closures – Down by the River & Mud Volleyball

- *DBTR – 5/21, 6/18, 7/23, 8/20, 9/17/2021*
- *Mud Volleyball – June 27 – July 4, 2021*

Keith Robinson, representing the Hannibal Ymen’s, approached Council requesting street closures for the upcoming Down by the River events for the following dates:

- May 21, 2021
- June 18, 2021
- July 23, 2021
- August 20, 2021
- September 17, 2021

He also requested street closures for the annual Mud Volleyball tournaments that are taking place June 30 – July 4, 2021. He requested closures beginning June 27th to allow for set up.

The street closures he is requesting for both events include the alleyway west of the Ymen's Pavilion and Hill Street to Main to the floodwall.

A motion was made by Mayor Pro Tem Dobson to approve the requested street closures, contingent upon insurance received, prior to the events, for Down by the River, to be held, May 21st, June 18th, July 23rd, August 20th and September 17th, and Mud Volleyball from June 30th to July 7th. The motion was seconded by Council Member McCoy.

Motion carried.

MCKENZIE DISSELHORST – HANNIBAL AREA CHAMBER OF COMMERCE

Re: Request, Temporary Variance – City Code Section 26-8

A-Frame Signs – Timeframe Placement Restrictions

McKenzie Disselhorst, representing Hannibal Area Chamber of Commerce, approached Council advising she is requesting a temporary variance on City Code 26-8, relating to A-frame signs. The Ordinance currently states the signs are only allowed from May until the end of October. This had not been enforced for quite a while, however, some complainants were received causing the City to enforce the code, which she agrees with. She is requesting that A-frame signage be allowed now, especially as business is slow during winter months and the pandemic.

Lemon advised her request could not be a "variance", due to it being a zoning issue or would have to be taken before the Board of Adjustment for approval. His recommendation would be that, if it's the Council's pleasure to approve placement of signage before May, it could be done by not enforcing the timing of this section, pending upon the drafting of a new ordinance to amend this section. He feels there should be some changes in this section of the code and it needs to be "cleaned up". His request to the downtown merchants would be to get together and advise what they are requesting to be changed. He would then draft an amendment and submit to Council for approval. If Council approves the changes the merchants propose, Lemon will then go back and "fix" all Ordinances, at least three that need amended. Lemon feels Council, if they so choose, needs to approve not enforcing the timeframe of the Ordinance set in place until the new Ordinances are approved.

Council Member Bowen then questioned why McKenzie is requesting this now, instead of doing so earlier, in October/November. She indicated she became involved as HHMC members have been complaining about the issue. She finally went to her executive committee and requested approval that they get involved, as not much progress was getting done with the HHMC Board. After she received approval, she then approached the City Manager, Edie, and the Building Inspector which was shortly after the first of the year, questioning what needed to be done to change the current Ordinance. She expressed HHMC is wanting to get this issued resolved in a timely matter. She believes it would be nice if, temporarily, the City would not enforce the timeframe of the code, until a resolution is agreed upon. She agreed with Lemon, there are so many things that are tied together and are complex, it's not just a "quick fix".

Mayor Pro Tem Dobson asked if she really believes that if someone doesn't have a sign out in front of their business, they are actually losing dollars, in which she advised that she believes so. When the Chamber Office was at the corner of Main and Broadway, they would watch people stop at North Main and not continue onto South Main; due to the lack of signage. More

so when it comes to festivals, and likely for those located on side streets. Mayor Pro Tem Dobson indicated a business owner had come to him, years ago, about the same issue, and crosswalks were incorporated to assist in “inviting” people to cross over from North Main to South Main. With all the signs and tables he feels it impedes the flow of pedestrian traffic. McKenzie indicated that perhaps this is the reason they did not see much progress from the HHMC, as there are so many different opinions.

Council Member McCoy questioned McKenzie if she knew how many merchants were for or opposed to what was she is requesting. In which McKenzie advised that she was not aware how many were for and against. Dorian, from the audience, advised that this is what is so frustrating, Historic Development District Commission (HDDC) has already voted on this matter, with a strict policy. The City is “stuck” between HDDC and HHMC’s opposing views. The City is willing to get involved, however, there will be strict policies that will be put in place that all will have to follow.

Peck advised that all Disselhorst is looking for now is to have a moratorium on the enforcement of the placement on A-frame signs. The only reason the City is enforcing now is it is complaint driven. Lemon advised that the regulations/codes are a mess, but will be a mess starting in May no matter what, because of the contradicting rules/codes that aren’t clear. He feels that what needs to happen now is the Code needs to be “cleaned up” and everything made clear on what is and is not allowed in that area.

Council Member Welch then stated if HHMC and HDDC were not agreeing on the issue to allow placement of the signs, Council would have to choose which group to upset. McKenzie advised that what she would like to see happen is to get a group composed of HHMC and HDDC members, along with City representatives and go through every rule and figure out something that works for everyone downtown. It doesn’t matter who drives the bus, just as long as someone does and everyone works together and they (Chamber) are willing to spearhead this process. She is hoping that Council allows the signs to be placed now, not waiting until May. Andy Dorian advised that he was told months ago the Chamber would be getting involved and that never happened. McKenzie advised that the Chamber was not made aware of this by either group.

Council Member Cogdal feels that perhaps Council should just state they are going to enforce the law/code and this would force the downtown merchants to work together and come to a resolution. She feels the City should continue to stay on the outside and follow the law, as the Ordinance is written. This should give the groups the incentive to get things worked out, which is what needs to happen.

Council Member McCoy feels Council won’t be able to make everyone happy and he doesn’t have a problem temporarily suspending the enforcement of the sign placement/removal until something is worked out. He believes the ultimate goal is for everyone to be adults and get along, at least until May and move forward.

A motion was made by Council Member McCoy to temporarily not enforce the prohibition that is in the existing Ordinances, in regards to downtown zones of H1 and E1. The motion was seconded by Council Member Welch.

ROLL CALL

Yes: Council Member McCoy - 1

No: Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Bowen and Welch - 5

Absent: Council Member Veach - 1

Motion failed.

McKenzie advised that if the Council is opposed to A-frame signs, in general, she doesn't see the need to invest so many hours into something they don't approve of to begin with. Dorian advised that HDDC did vote on this matter and brought it before the Planning & Zoning Commission for approval. Planning & Zoning, out of politeness, advised they would not vote on this issue until both groups approved the new guidelines.

Council Member Bowen does not feel the issue is not allowing the A-frame signs, Council just doesn't like to have their hand to be forced, with Mayor Pro Tem Dobson stated they should not be "playing referee". Council Member Cogdal indicated she fully supports changes however, she also follows the law.

Mayor Pro Tem Dobson then indicated the two groups were told to work together to come to a resolution and now have sent McKenzie to intervene. McKenzie clarified no-one sent her here, she did it herself, with the approval of the Chambers executive committee. Dorian indicated the City has to get yelled at for signs falling over and people questioning why the City isn't enforcing the timeframe, or complaints on why they aren't enforcing the Code. McKenzie's ultimate goal is supporting businesses, to make things as fair as possible and consistent for everyone.

LISA PECK – CITY MANAGER Re: Recommendation of Appointment

City Manager Peck, made the following recommendation of appointment to the Hannibal Park Board.

HANNIBAL PARK BOARD

- Jacob Buckman – appointment for an unexpired term to expire July, 2023

She advised this nomination will be considered for approval at the next regular Council meeting, to be held March 2, 2021.

ANGELICA ZERBONIA – CITY CLERK Re: MIRMA Annual Loss Prevention Evaluation Results

City Clerk Zerbonia advised she has one item, requiring no action by Council, simply good news in nature. MIRMA, the City's self-insured property/casualty, liability and workman's compensation carrier conducted its comprehensive risk management annual safety evaluation

and audit of the City on January 26th. She is pleased to report this is the ninth (9th) consecutive year the City has received a score of 100%, which is quite a task for a City of our size. Overall safety of the utmost importance, higher evaluation scores do impact the amount the City is assessed in annual premiums.

As the City's official executive safety officer and MIRMA representative, Zerbonia personally thanked the employees, members of the executive safety committee, departmental safety representatives and particularly Debbie White, safety coordinator for compilation and follow-up on all required documentation, for the annual audit.

KAREN BURDITT – DIRECTOR OF FINANCE

Re: 2021/2022 Annual Bid Limit Amendments

(Bill No. 21-004, to follow)

Karen Burditt, Director of Finance, approached Council requesting approval for the 2021/2022 annual bid limit amendment. This is a yearly request and is in accordance with section 9.13 of the City Charter. In the past, Council has used the “National All Urban Consumers – (base 1984)” Table of the Bureau of Labor Statistics’ Consumer Price Index (CPI). When utilizing the December to December comparison, the index increased 1.36% from December 2019 to December 2020, in which each purchasing category in the Ordinance has been increased by this amount, as follows:

- (1) For purchases of personal property at or above **\$5,015.00 (up from \$4950.00)**.
- (2) For purchases for repairs on buildings and light equipment at or above **\$13,480.00 (up from \$13,300.00)**.
- (3) For purchases for repairs on heavy equipment or for construction of infrastructural facilities at or above **\$29,625.00 (up from \$29,230.00)**.
- (4) For purchases of service contracts at or above **\$6,115.00 (up from \$6,035.00)**.”

Burditt stated Bill No. 21-004 is to follow, for a first reading.

GAIL BRYANT – DIRECTOR, HCVB

Re: Missouri Division of Tourism – Marketing Matching Grant Application *Promote*

Missouri Fund Program - \$52,177

(Resolution No. 2317-21, to follow)

Gail Bryant, Director of HCVB, approached Council requesting approval to submit a grant application to the Missouri Division of Tourism for the Promote Missouri Fund Program 2.0 in the amount of \$52,177.00. If awarded, she is also requesting to allow the Mayor to enter into an agreement to accept the funds, which will aide in enhancing the spring marketing campaign. The funds will go towards assisting with digital marketing to the Hyper-Local Leisure Travel market.

Mayor Hark stated Resolution No. 2317-21 to follow, for approval.

RESOLUTION NO. 2317-21

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE THE MISSOURI DIVISION OF TOURISM MARKETING MATCHING GRANT APPLICATION AND ANY SUBSEQUENT ACCEPTANCE DOCUMENTS, IN THE AMOUNT UP TO \$52,177

A motion was made by Council Member McCoy to have the City Clerk read Resolution No. 2317-21 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, Council Members Bowen, Welch and McCoy - 6

No: - 0 -

Absent: Council Member Veach - 1

Motion carried.

Mayor Hark declared Resolution No. 2317-21 duly approved and adopted on this date.

BILL NO. 21-002

AN ORDINANCE OF THE CITY OF HANNIBAL ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED FOR THE CITY OF HANNIBAL

Second and Final Reading

A motion was made by Council Member Bowen to have the City Clerk read Bill No. 21-002 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 and McCoy - 6

No: - 0 -

Absent: Council Member Veach - 1

Motion carried.

Mayor Hark declared Bill No. 21-002 duly approved and adopted on this date.

BILL NO. 21-003

AN ORDINANCE REZONING LOT 5 IN HOUCK ADDITION SECOND REVISION, CITY OF HANNIBAL, MARION COUNTY, MISSOURI AS RECORDED IN PLAT BOOK AT PAGE 47 FROM A ONE & TWO FAMILY TO B-MULTIPLE FAMILY AND AMENDING THE CITY'S ZONING MAP ACCORDING

Second and Final Reading

A motion was made by Council Member Bowen to have the City Clerk read Bill No. 21-003 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 and McCoy - 6

No: - 0 -

Absent: Council Member Veach - 1

Motion carried.

Mayor Hark declared Bill No. 21-003 duly approved and adopted on this date.

BILL NO. 21-004

AN ORDINANCE AMENDING THE ANNUAL BID LIMITS IN ACCORDANCE WITH SECTION 9.13 (b) OF THE CITY OF HANNIBAL CHARTER

First Reading

A motion was made by Mayor Pro Tem Dobson to give Bill No. 21-004 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