

CITY OF HANNIBAL

OFFICIAL PUBLIC HEARING

**Tuesday, August 17, 2021
6:30 p.m.
Council Chambers**

CALL TO ORDER

It being the appointed time, Mayor Pro Tem Dobson called the first public hearing to order, advising the hearing relates to the 2021 ad valorem tax rate for the City.

He then turned the public hearing over to Angelica Zerbonia, City Clerk.

ANGELICA ZERBONIA – CITY CLERK

Re: 2021 Ad Valorem Tax Rate

➤ General Fund	0.7590
➤ Library Fund	0.2854
➤ Police & Fire Retirement	0.1334
TOTAL	1.1778

Zerbonia began the public hearing by informing Council that the Missouri State Auditor determines the maximum ceiling for the City’s annual tax rate without requiring a vote of the people. They adjust rates annually taking into consideration inflation and increases in assessed values, which 2021 was a reassessment year. Any additional tax revenue would come from new construction and improvements.

The proposed tax rate for 2021 is \$1.1778 per \$100 of assessed value which compares to the 2020 rate of \$1.2381, thus resulting in a reduction of about \$.06 per \$100 assessed value. The \$1.1778 rate is broken down into three City taxing entities as follows:

- General Fund, \$.7590
- Library, \$.2854
- Police & Fire Retirement, \$.1334

Zerbonia advised, for long term comparison purpose, the 2010 tax rate was \$1.225, therefore 11 years ago the rate was higher than it is today.

She included in the Council packet the Marion and Ralls counties aggregate assessed values, including a summary of the 2021 assessments compared to 2020. Zerbonia advised an overall increase in assessed values occurred in the amount of \$18,522,331 of which \$994,020 is new construction/improvements. In real dollars, using the proposed tax rate that equals to just over

\$218,000 for all three funds, comparing that figure to 2020, it would be an increase in revenue to the City of \$79,055.

For example: In 2020 a home with an assessed value of \$31,330, City taxes would be \$387.89. In 2021, the same home with an increase in assessed value of \$34,470, City taxes would be \$405.98, an increase of \$18.09.

Zerbonia will be requesting an emergency reading to the proposed Bill this evening to meet the end of August deadline to have the pro formas completed and submitted to the Marion and Ralls County Clerks.

Council Member Franke questioned Zerbonia if the City is the one that assesses values, in which she advised we do not, that would be the Ralls and Marion County Assessors, and he then questioned if they were elected positions, in which she concurred.

He then questioned Zerbonia if the state also sets the maximum rates that go to each City entity, in which she concurred. She did advise the Library has a cap of \$.30, which was a result of the vote of the people.

PUBLIC COMMENTS

Mayor Pro Tem Dobson then asked if there was anyone in attendance that wished to speak for or against the 2021 ad valorem tax rate, there were none.

ADJOURNMENT

With no additional comments from Council or the public, Mayor Pro Tem Dobson closed the public hearing.

CITY OF HANNIBAL
OFFICIAL PUBLIC HEARING

Tuesday, August 17, 2021
6:45 p.m.
Council Chambers

CALL TO ORDER

It being the appointed time, Mayor Pro Tem Dobson called the second public hearing to order, advising the hearing relates to a request of amending the City Code, Chapter 32, *Zoning Article V – District B, Multiple Residence District - Adding “Galleries”*.

He then turned the public hearing over to Edie Graupman, DPW Management Assistant.

EDIE GRAUPMAN – DPW MGMT ASSIST
Re: Code Amendment, Chapter 32, *Zoning Article V – District B,*
Multiple Residence District - Adding “Galleries”

Graupman advised that this evening she is asking to change the City’s Code Amendment, Chapter 32, *Zoning Article V – District B, Multiple Residence District* – to include “galleries”. She then provided a history of the reason for the request. Josh and Adrienne Taeloalii first came to the Planning & Zoning Commission back in June 2021, requesting to rezone the property located at 513 Church Street. The property is currently zoned B-Multiple Family and they would like for it to be zoned to C – Local Business, to put in an art gallery. They have gone through all the proper steps to prepare the property to be a business. The problem being is the entire block is zoned B-Multiple Family, there is no C-Local Business that adjoins the property, however, there is commercial property across the street. If approved to rezone, this would technically be considered “spot zoning” in the City Code. The other option that was presented would be to include galleries into the B-Multiple Family Zone.

Council Member Welch then asked what defines the border that would make a property considered contingent, in which City Manager Peck advised generally, being the street. You wouldn’t want to “jump” the street and have a business zoned differently than what it’s adjoined to. Graupman advised they are requesting to add the definition of galleries to be added to B-Multiple Family zoning. Council Member Welch then questioned the definition of a gallery, in which Graupman advised it was not specific as to what type of gallery, for instance, statue gallery, art gallery, etc.

Council Member Welch advised that his main problem with this is, for argument sake; he becomes an artist and decides to open a gallery in his house, he would have to obtain a business license and then could potentially have a gallery in any place. He feels this would technically be

spot zoning, allowing people to have a “business” wherever. Graupman then read the uses for the B-Multiple Family zoning district:

- (1) *Any use permitted in the A district.*
- (2) *Multiple-family dwellings, apartments and group houses.*
- (3) *Boardinghouses or lodginghouses.*
- (4) *Clubs, lodge halls and fraternity and sorority houses.*
- (5) *Hospitals and clinics, provided that each hospital shall be located upon a tract of land to be occupied exclusively by the hospital and its accessory buildings and provided that no hospital or clinic which is devoted exclusively to the treatment of insane persons or persons addicted to the use of intoxicating liquor or narcotic drugs shall be established and maintained, except upon a tract of land containing at least ten acres.*
- (6) *Buildings that are accessory to any of the uses in subsections (1) through (5) of this section.*
- (7) *Parking garages.*
- (8) *Offices wherein no tangible personal property is produced, processed, stored, received, sold or delivered in commerce or trade.*
- (9) *Bed and breakfast inns.*

Council Member Welch feels this opens it up to too many areas of people selling lipstick, makeup, etc., in their own home. Avoiding the spot zoning across the street would enable them to operate a business, Welch questioned, in which Peck advised the Planning & Zoning Commission was not comfortable with the spot zoning, however, they were comfortable with amending the Code to include galleries.

Council Member Franke then advised that he is in favor of the arts, he does know the individuals requesting this, however, is unsure what type of gallery they would be opening. Graupman advised that this particular address would be selling art and sculptures, however, she is not sure of what the next gallery could be selling.

Council Member Franke questioned Council Member Welch if he has issues with the art gallery itself or the definition. He advised that his issue is changing an entire Ordinance to create another use. Mayor Pro Tem Dobson then read the definition of a gallery; *a room or building for the display or sale of works of art*. Council Member Welch then asked what the difference would be between commercial zoned area or a residential zoned area, he feels it’s a fine line of definition. Council Member Franke advised that he is in favor of mixed zoning and feels neighborhoods would benefit from more creative arts.

Council Member McCoy advised he understood Council Member Welch’s concerns, as he would not want his neighbors turning their property into an art gallery. He has children and would not want the increase in traffic where his children are playing, etc. Mayor Pro Tem Dobson advised that the Council could take the Planning & Zoning Commission’s recommendation or they could deny and send it back.

PUBLIC COMMENTS

Mayor Pro Tem Dobson then called for anyone else who wishes to speak for or against amending the City Code, Chapter 32, *Zoning Article V – District B, Multiple Residence District - Adding “Galleries”*, there were none.

ADJOURNMENT

With no additional comments from Council or the public, Mayor Pro Tem Dobson closed the public hearing.

City of Hannibal

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday August 17, 2021
Council Chambers
7:00 p.m.**

ROLL CALL

Present: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

Absent: Council Member Veach and Mayor Hark – 2

CALL TO ORDER

There being a quorum present, Mayor Pro Tem Dobson called the meeting to order.

INVOCATION

The invocation was then given by Mayor Pro Tem Dobson.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Dobson then requested Council Member Welch to lead the Pledge of Allegiance to the Flag.

A motion was made by Council Member McCoy to excuse Mayor Hark and 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 Bowen.

Motion carried.

APPROVAL OF MINUTES

Regularly Scheduled Council Meeting – August 3, 2021

A motion was made by Council Member Bowen to approve the regularly scheduled Council meeting held August 3, 2021. The motion was seconded by Council Member Welch.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS
First Half – August 2021**

A motion was made by Council Member Bowen to approve the payroll and claims for the first half of August 2021. The motion was seconded by Council Member Welch.

Motion carried.

**JAMES HARK - MAYOR
Re: Approval, Declaration – Local State of Emergency
*Thursday, August 12, 2021 – Storm & Localized Flash Flooding***

Mayor Pro Tem Dobson advised that Mayor Hark’s intent to declare a local state of emergency was sent to Council Members prior to the meeting, in light of the Thursday, August 12, 2021 storm and localized flash flooding that caused extensive damage and power outages throughout the City.

A motion was made by Council Member Franke to approve a declaration of local state of emergency pertaining to the storm that hit the City of Hannibal on Thursday, August 12, 2021, which caused significant damage, power outages and local flash flooding. The motion was seconded by Council Member Bowen.

Motion carried.

**LISA PECK – CITY MANAGER
Approval, Bid Waiver – Local Emergency Declaration Repairs/Cleanup *Chapter 11 -
EMERGENCY MANAGEMENT ORGANIZATION***

Sec. 11-5. - Duties, responsibilities of executive officer and director.

The city manager and the director may:

- (1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of any enemy attack; provide for the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state disaster and emergency planning.

Sec. 9.13. - Procedure for purchasing and making contracts.

- (e) The council shall have the right to waive the bidding requirements required by subsection (c) and the monetary limits set out in subsection (a) in the event of a state of emergency directly affecting the City of Hannibal and as so declared by council action.

City Manager Peck addressed Council requesting approval of a bid waiver for repairs and cleanup from the storm that occurred Thursday, August 12, 2021. She advised the City Manager and Director of Emergency Services may appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of any enemy attack; provide for the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state disaster and emergency planning.

She also advised the Council shall have the right to waive the bidding requirements required by subsection (c) and the monetary limits set out in subsection (a) in the event of a state of emergency directly affecting the City of Hannibal and as so declared by council action, which was done earlier this evening.

She advised that a complete assessment has not been completed, however they are in the process of doing so. Keeping up with past practices, she is requesting a bid waiver for storm cleanup.

Council Member Welch questioned Peck what the timeline on the bid waiver was, she advised she believes it's the same as the declaration. In which he asked what that timeline and Peck was unsure. She advised if the State or Federal Governments declare a state of emergency, she is sure they will have a definite timeline. Again, she advised this is past practice that has been previously completed.

Council Member McCoy questioned Peck if she has been in contact with the Emergency Management Director, in which she concurred. In fact, the Emergency Management Director has also been in close contact with the Mayor with his emergency declaration.

A motion was made by Council Member Franke to approve the bid waiver for emergency declaration repairs/cleanup from the storm that occurred Thursday, August 12, 2021. The motion was seconded by Council Member McCoy.

Motion carried.

Re: Approvals of Appointment & Reappointment

City Manager Peck reminded Council of the candidates presented for recommendation of appointment and re-appointment during the last Council meeting. She is recommending approval of Kami Harsell and Casey Welch to be appointed/re-appointed to the Hannibal Parks & Recreation Board.

HANNIBAL PARKS & RECREATION BOARD

- Kami Harsell – appointment for a term to expire July 2023
- Casey Welch – reappointment for a term to expire July 2024

A motion was made by Council Member Bowen to approve the appointment of Kami Harsell, for a term to expire July 2023, and the re-appointment of Casey Welch for a term to expire July 2024 to the Hannibal Parks & Recreation Board. The motion was seconded by Council Member McCoy.

Council Member Welch clarified this was not his brother, Casey Welch.

Motion carried.

Re: Coronavirus State and Local Fiscal Recovery Funds – US Department of Treasury & State of Missouri Coronavirus Recover Fund Applicant & Acceptance Documents
(Resolution No. 2359-21, to follow)

Peck's last item is in regards to the American Rescue Plan Act (ARPA) funds from the state. She advised for the City of Hannibal to receive these funds, which is expected to be \$3,194,919.12, specific documents must be signed, as attached to the Resolution. These funds are expected to arrive in two equal amounts.

Council Member Franke asked for clarification on where the funds are coming from, is it the Federal Government who gives the funds to the State who then appropriates it the City. Peck stated the State is not appropriating it to the City, the Federal Government has already done so, they are just giving it to the State for the dissemination, since we are a non-entitlement community. In entitlement communities they receive their funds straight from the Federal Government, US Treasury. The City is required to complete and send in the application, then will receive half of the already determined amount. Council Member Franke questioned the amount, in which Peck advised that is solely determined by the Federal Government, they expect cities to receive the other half of funds a year later.

Council Member Franke then questioned Peck on what the funds can be spent on, in which she advised, as of right now, however the list is continually being updated, broadband, which is something they are really pushing for, wastewater, if there is reduction, of revenue, it can be used on services, however, we are not anticipating that. It can also be used for premium pay for essential, emergency workers. She tries to keep up with what the funds can be used for, however, until she has funds "in hand" she is not determining what or how much will be spent where.

Council Member Franke then questioned if the funds could also be used on stormwater, in which Peck advised she believes so. He also questioned if anything was certain, the amount, when the funds will arrive and what it can be used for, in which Peck advised that nothing is certain right now.

Mayor Pro Tem Dobson stated Resolution No. 2359-21 is to follow, for approval.

LADONNA HAMPTON – 1921 MISSOURI AVENUE
Re: Elections, Ballots, Tax Increases

LaDonna Hampton, resident of 1921 Missouri Avenue, then addressed Council advising that she does not feel advertising has been good for election processes that are not presidential. For example she didn't realize there was going to be an election this month until she got a call from the County that they needed help for the upcoming election. She then started to research to see what the citizens were voting on, however, she could not find anything online. She did however, see information on Facebook about two days before the actual election. She was told by some of the other election workers that it was posted in the paper and was on the local news. Her thoughts were that since it's a new generation and most people don't watch the local new or read

the newspaper, the City needs to do something else. She did advise that only 9% of the voting community showed up, she would not have either if it hadn't been for her working the election and it's even next door to her.

She requests Council send a flyer with a sample ballot to all homeowners who are registered voters, in which Mayor Pro Tem Dobson advised that is prohibited. City Attorney Lemon then advised that the Missouri Ethics Commission, about 8-10 years ago, started to really "crack down" on publicity with elections, particularly elections that involve a tax. About 6-7 years ago, the City created some flyers and put them in utility bills, and a complaint was filed with the Missouri Ethics Commission and what was found was the time spent by the employee used to create the flyer, etc., was against the law. She then asked how this could be changed, Lemon referred her to her State Representative and Senator. She advised that she tried, and they "blew her off" and told her to come to the City. Lemon advised she needs to talk to her State Representative and State Senator, if they tell her that she is wrong, she could tell them to contact Lemon himself and he will be more than happy to "chat" with them advising the Missouri Ethics Commission is not following its own internal rules. They make misjudgments of the law and as a result they have all the municipalities scared to even put out anything informational. The other part that bothered her was that infrastructure was vague and not more explanatory and an end date to the tax, more people might have been interested in supporting it, however when it's open ended there are too many unknowns. She believes the City, like a normal household, should have a budget and stick to it. She advised the last infrastructure bill the Government passed wasn't used like it was proposed, only about 5% was.

She advised she will go back to her State Representative and Senator and try again to get something done. Council Member Franke requested that if she doesn't get anywhere to please come back to the Council and advise, in which she agreed she will.

ANGELICA ZERBONIA – CITY CLERK
Re: Certification of Special Municipal Election – August 3, 2021

Mayor Hark then requested City Clerk Zerbonia, read the Certification of Election from the August 3, 2021 Special Municipal Election. Zerbonia read:

I, Angelica N. Zerbonia, City Clerk of Hannibal, Missouri, do hereby certify that the attached is a complete and true copy of the Certification of Election, held on August 3, 2021, as certified to me by the Marion and Ralls County Clerks.

**Witness my Hand and the Seal
Of the City of Hannibal. Done
This 9th day of August, 2021.**

CERTIFICATION OF ELECTION
Results of the Special Election of
August 3, 2021

The City Clerk gave the following results from the election:

Proposition 1

Shall the City of Hannibal impose an additional, limited city sales tax of one half (1/2) percent for the sole purpose of funding city-wide infrastructure and remedial improvements? If adopted, this new tax shall continue until repealed by the voters of Hannibal by a certified election.

	<u>Yes</u>	<u>No</u>
Marion County	367	392
Ralls County	<u>2</u>	<u>3</u>
TOTAL VOTES	369	395

Showing a total vote of 764 for Proposition 1 for the City of Hannibal: 369 - YES and 395 - NO votes; declaring Proposition 1 having failed by 26 votes.

A motion was made by Council Member McCoy to approve the certification of the August 3, 2021 Special Municipal Election. The motion was seconded by Council Member Welch.

Motion carried.

Re: 2020/2021 Fiscal Year Audit Services – Letter of Engagement

*Williams Keepers, LLC - \$51,750
(Resolution No. 2360-21, to follow)*

Zerbonia’s next item is a request for 2020/2021 fiscal year audit services. She advised all City entities, including the Library and Board of Public Works, are required to have an independent audit, annually, as outlined under the U.S. Office of Management and Budget and other state and federal entities.

In the spring of 2020, the City solicited request for proposals from qualified accounting firms, with Williams Keepers submitting the most responsive proposal to meet the City’s needs. Council approved via Resolution No. 2280-20, a one-year engagement with Williams Keepers with an option for two, one-year renewals.

Williams Keepers have submitted a letter of engagement, year one of the two optional years, to conduct the City’s fiscal year 2020/2021 audit, in an amount of \$51,750. This amount will be divided between the City entities for 60% of the total cost with the Board of Public Works responsible for 40%.

City Manager Peck and Zerbonia held an initial meeting with the auditing firm and pending Council approval, they plan to be onsite to conduct field work September 20th – 23rd. In the meantime, she has been working to upload identified documents and reports into their secure portal so they are able to conduct the majority of the review work prior to coming on-site. This will allow for them to conduct random testing on various processes and procedures.

The City was satisfied with the services provided by Williams Keepers during the fiscal year 2019/2020 audit process and recommend Council approve and authorize Mayor Pro Tem Dobson

to execute the engagement letter for the City's fiscal year 2020/2021 audit services in the amount of \$51,750.

Mayor Pro Tem Dobson stated Resolution No. 2360-21 is to follow, for approval.

Re: 2021 Ad Valorem Tax Rate
(Bill No. 21-025, Emergency Reading)

Zerbonia's last item is approval to set the 2021 ad valorem tax rate for 2021. She spoke in depth about this during the 6:30 p.m. public hearing this evening. She is requesting an emergency reading of Bill No. 21-025 in accordance with guidelines that allow for this in Section 2.20 of the City Charter.

Mayor Pro Tem Dobson stated Bill No. 21-025 is to follow, for an emergency reading.

ANDY DORIAN – DIRECTOR, CENTRAL SERVICES
Re: Purchase Approval, 2022 4x4 Chevrolet Silverado 3500 (2)
Don Brown Chevrolet \$60,100

Andy Dorian, Director of Central Services, approached Council with two items, the first being approval to purchase two 2022 4x4 Chevrolet Silverado 3500 trucks. If approved, this will replace aging trucks in the fleet.

Don Brown Chevrolet currently has the State Bid and provided the low quote of \$60,100 for both trucks. One will be going to the Street Department and the other to the Parks & Recreation Department.

Dorian advised, this will be doing something different and will send out a separate bid package to purchase the snowplow attachments and spreader bodies. Both trucks will have identical snowplow capabilities, as part of the plan to add more snowplow trucks to the fleet. The idea is to have a larger fleet, which are identical trucks, and can be spread out.

Council Member Franke questioned Dorian, by having multiple of the same versions of trucks, if it makes all around easier for the departments, in which Dorian concurred. Right now the department's fleet are Dodge, Chevy and Ford vehicles, and for snowplows, they have Henderson and Knapheide, which makes it more difficult for repairs. Some mechanics only work on certain brands/types of vehicles. For instance, if a Street Department's plow breaks down in the middle of the night, they could "borrow" from the Parks Department and it would be the same vehicle. The goal is to keep things as consistent as possible.

Dorian advised that the Parks Department's trucks don't have spreader bodies on them, just plows. He stated the Parks Department will purchase this spreader body from their budget, since it will be used for parks and parking lots, however, going forward the funds will come out of the Sales Tax Capital budget.

A motion was made by Council Member McCoy to approve the purchase of two 2022 4x4 Chevrolet Silverado 3500 trucks from Don Brown Chevrolet for \$60,100, one for the Parks

Department and the other for the Street Department. The motion was seconded by Council Member Bowen.

Motion carried.

Re: Hannibal Regional Airport – Coronavirus Relief Grant Program Agreement

*Missouri Highways & Transportation Commission,
Federal Aviation Administration Department - \$9,000
(Resolution No. 2361-21, to follow)*

Dorian's last item is approval to enter into a Missouri Highways and Transportation Commission Airport Coronavirus Relief Grant Program Agreement. He advised the City of Hannibal has been awarded \$9,000 for operational expenses at the Hannibal Regional Airport as part of the Coronavirus Response & Relief Supplemental Appropriations Act. This \$9,000 can be used to offset operational expenses during the last year at the Airport.

In order to receive the money, the City needs to enter into a Missouri Highways and Transportation Commission Airport Coronavirus Relief Grant Program Agreement.

Mayor Pro Tem stated Resolution No. 2361-21 is to follow, for approval.

EDIE GRAUPMAN – DPW MGMT. ASSISTANT

Re: Code Amendment, Chapter 32, Zoning Article V – District B, Multiple Residence District - Adding "Galleries"
(Bill No. 21-026, to follow)

Edie Graupman, DPW Management Assistant, approached Council advising she has four items. Her first item is approval of the Code Amendment to Chapter 32, Zoning Article V – District B, Multiple Residence District - Adding "Galleries", which she discussed in the public hearing held at 6:45 p.m.

Council Member Welch stated he still feels that by approving this amendment, the City is unknowingly creating these "galleries" that will be placed anywhere throughout residential zoning. He doesn't feel the definition of galleries is a sharp enough point, which will lead to several small businesses popping up in residential areas because people believe "my craft is my art". He has no bias against anyone doing art, he just feels this amendment will create a loop hole and creating a lot of "spot zoning" areas.

Council Member Franke believes people will not just open up shops in the middle of residential neighborhoods, however, Council Member Welch does. For instance the business that started this whole debate is in the middle of a residential area. Council Member Franke advised the business in question is referring to a historical, downtown pedestrian, walkable area that already has a bed and breakfast and other businesses near its location. City Manager Peck advised that the City can't regulate where B&B's are located. Council Member Welch stated that bed and breakfasts are a totally separate thing and stated if one place is approved, then the adjoining neighbor wants to be zoned that as well, now there are two businesses located there and before long there is a business strip located in a residential area. Council Member Franke advised he's not opposed to "open zoning", if that's what they want to do.

Mayor Pro Tem Dobson stated Bill No. 21-026 is to follow, for a first reading.

Re: Sale of City Owned Property, 1310-12 Collier Street – Agreement for Transfer of Real Estate & Special Warranty Deed

*Kayla Crew - \$500, plus fees
(Resolution No. 2362-21, to follow)*

Graupman's next item is the sale of City owned property. She advised Kayla Crew submitted a request to purchase 1310-12 Collier, a lot that was acquired by the City from the Marion County Trustee. Ms. Crew resides next door to this property at 1308 Collier and has been maintaining the property for the past three years and would like to purchase the lot to have a larger yard. All covenants and special warranty deeds have been signed by Ms. Crew and the City would be selling the property for \$500.00 plus recording fees.

Mayor Pro Tem Dobson stated Resolution No. 2362-21 is to follow, for approval.

Re: Sale of City Owned Property, 1800 Grace Street – Agreement for Transfer of Real Estate & Special Warranty Deed

*Angie Skaggs & Derek Ponder - \$500, plus fees
(Resolution No. 2363-21, to follow)*

Graupman's next request is also the sale of City owned property. She advised Angie Skaggs and Derek Ponder requested to purchase 1800 Grace Street. This lot was acquired from the previous owner, who signed the property over to the City after a fire destroyed the home, which was not insured at the time, resulting in the City having to demolish the home.

Angie Skaggs and Derek Ponder reside next door to this lot at 215 North Locust Street and would like to purchase the lot to have a larger yard for their children to be able to play. All covenants and special warranty deeds have been signed, the City would be selling the property for \$500.00 plus recording fees.

Mayor Pro Tem Dobson stated Resolution No. 2363-21 is to follow, for approval.

Re: Sale of City Owned Property, 919 Church Street – Agreement for Transfer of Real Estate & Special Warranty Deed

*Douglass Community Services - \$500, plus fees
(Resolution No. 2364-21, to follow)*

Graupman's last item is also the sale of City owned property. She advised Douglass Community Services Inc. wishes to purchase 919 Church Street, a lot which was acquired by the City from the Marion County Trustee.

Douglass Community Services Inc. headquarters is located across the street from this lot and due to expansion Douglass would like to purchase this lot and turn it into an additional parking lot for their tenants. All covenants and special warranty deeds have been signed, the City would be selling the property for \$500.00 plus recording fees.

Mayor Pro Tem Dobson stated Resolution No. 2364-21 is to follow, for approval.

Council Member Franke questioned Graupman on why the City stipulates the \$500 amount, in which Mayor Pro Tem Dobson advised this precedence was set years ago by Council. Council Member McCoy questioned Graupman if all City owned properties that are for sale are listed on the website, in which she concurred.

City Attorney Lemon stated the concept behind the City selling property is there are several ways the City can dispose of property, one way, the formal one, is that someone requests to purchase the property. We then require appraisal, open it for bids, etc., which is how the City did it for years. The problem is that for the “junk property” no one wants to pay the expense for an appraisal, which is about \$400-500. However, there is a provision under the Ordinance that allows for a special circumstance that a different procedure can occur. The concept the Council came up with was that it is better to get properties back on the “tax rolls” and to get individuals maintaining the property or building something on it so it becomes productive again. That is why preference is given to people who are adjacent to the property, due to them already having a vested interest in maintaining it and keeping it looking nice, which ultimately increases their home value. The \$500 is amount the Council came up with so not to be frivolous, requesting this base fee plus get all the title work complete. Council also requested Lemon draft a covenant that states if the property isn’t maintained, the City can take control of it once again. This way ultimately is designed to help improve the look of the City.

RESOLUTION NO. 2359-21

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS RELATED TO THE ACCEPTANCE OF THE STATE OF MISSOURI AMERICAN RESCUE PLAN ACT CORONAVIRUS LOCAL FISCAL RECOVERY FUND AND THE US DEPARTMENT OF TREASURY CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

A motion was made by Council Member Bowen to have the City Clerk read Resolution No. 2359-21 and call the roll for adoption. The motion was seconded by Council Member Welch.

ROLL CALL

Yes: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

No: - 0 -

Absent: Council Member Veach and Mayor Hark - 2

Motion carried.

Mayor Pro Tem Dobson declared Resolution No. 2359-21 duly approved and adopted on this date.

RESOLUTION NO. 2360-21

**A RESOLUTION OF THE CITY OF HANNIBAL
APPROVING A LETTER OF ENGAGEMENT BETWEEN
THE CITY AND WILLIAMS KEEPERS, LLC, FURTHER
AUTHORIZING THE MAYOR TO EXECUTE SAID
DOCUMENT, FOR CITY AUDIT SERVICES INCLUDING
THE LIBRARY AND BOARD OF PUBLIC WORKS IN THE
AMOUNT OF \$51,750 (CITY ENTITIES \$31,050, BPW
\$20,700) FOR THE FISCAL YEAR ENDING JUNE 30, 2021**

A motion was made by Council Member McCoy to have the City Clerk read Resolution No. 2360-21 and call the roll for adoption. The motion was seconded by Council Member Welch.

ROLL CALL

Yes: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

No: - 0 -

Absent: Council Member Veach and Mayor Hark - 2

Motion carried.

Mayor Pro Tem Dobson declared Resolution No. 2360-21 duly approved and adopted on this date.

RESOLUTION NO. 2361-21

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING
THE MAYOR TO EXECUTE A MISSOURI HIGHWAYS &
TRANSPORTATION COMMISSION, FEDERAL AVIATION
ADMINISTRATION DEPARTMENT, AIRPORT CORONAVIRUS
RELIEF GRANT PROGRAM AGREEMENT IN ORDER TO
RECEIVE \$9,000 FOR OPERATIONAL EXPENSES AT THE
HANNIBAL REGIONAL AIRPORT**

A motion was made by Council Member Bowen to have the City Clerk read Resolution No. 2361-21 and call the roll for adoption. The motion was seconded by Council Member McCoy.

ROLL CALL

Yes: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

No: - 0 -

Absent: Council Member Veach and Mayor Hark - 2

Motion carried.

Mayor Pro Tem Dobson declared Resolution No. 2361-21 duly approved and adopted on this date.

RESOLUTION NO. 2362-21

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR TRANSFER OF REAL ESTATE AND SPECIAL WARRANTY DEED FOR THE SALE OF CITY OWNED PROPERTY, KNOWN AS 1310-12 COLLIER STREET BETWEEN THE CITY AND KAYLA CREW, IN THE AMOUNT OF \$500, PLUS FEES

A motion was made by Council Member Bowen to have the City Clerk read Resolution No. 2362-21 and call the roll for adoption. The motion was seconded by Council Member Welch.

ROLL CALL

Yes: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

No: - 0 -

Absent: Council Member Veach and Mayor Hark - 2

Motion carried.

Mayor Pro Tem Dobson declared Resolution No. 2362-21 duly approved and adopted on this date.

RESOLUTION NO. 2363-21

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR TRANSFER OF REAL ESTATE AND SPECIAL WARRANTY DEED FOR THE SALE OF CITY OWNED PROPERTY, KNOWN AS 1800 GRACE STREET BETWEEN THE CITY AND ANGIE SKAGGS AND DEREK PONDER, IN THE AMOUNT OF \$500, PLUS FEES

A motion was made by Council Member Bowen to have the City Clerk read Resolution No. 2363-21 and call the roll for adoption. The motion was seconded by Council Member McCoy.

ROLL CALL

Yes: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

No: - 0 -

Absent: Council Member Veach and Mayor Hark - 2

Motion carried.

Mayor Pro Tem Dobson declared Resolution No. 2363-21 duly approved and adopted on this date.

RESOLUTION NO. 2364-21

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR TRANSFER OF REAL ESTATE AND SPECIAL WARRANTY DEED FOR THE SALE OF CITY OWNED PROPERTY, KNOWN AS 919 CHURCH STREET TO DOUGLAS COMMUNITY SERVICES, INC. IN THE AMOUNT OF \$500, PLUS FEES

A motion was made by Council Member Bowen to have the City Clerk read Resolution No. 2364-21 and call the roll for adoption. The motion was seconded by Council Member Welch.

ROLL CALL

Yes: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

No: - 0 -

Absent: Council Member Veach and Mayor Hark - 2

Motion carried.

Mayor Pro Tem Dobson declared Resolution No. 2364-21 duly approved and adopted on this date.

BILL NO. 21-022

AN ORDINANCE OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OFFICE OF STATE COURTS ADMINISTRATOR (OSCA) FOR AUTOMATION OF THE MUNICIPALITIES COURT, UNDER SHOW-ME-COURTS (SMC) AUTOMATION SOFTWARE +AND AMENDING CODE OF THE CITY OF HANNIBAL, CHAPTER 18, MUNICIPAL COURTS ARTICLE II – COSTS & FEES, SECTION 18-32 AMOUNTS OF COSTS OF THE ORDINANCES OF THE CITY OF HANNIBAL

Second and Final Reading

A motion was made by Council Member McCoy to have the City Clerk read Bill No. 21-022 and call the roll for adoption. The motion was seconded by Council Member Bowen.

ROLL CALL

Yes: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

No: - 0 -

Absent: Council Member Veach and Mayor Hark - 2

Motion carried.

Mayor Pro Tem Dobson declared Bill No. 21-022 duly approved and adopted on this date.

BILL NO. 21-023

**AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING
CHAPTER 16, ARTICLE 1, SECTION 16-1 *PENALTIES* AND
CHAPTER 19, ARTICLE I, SECTION 19-5 *PENALTIES* OF THE
CITY OF HANNIBAL CODE OF ORDINANCES FOR THE PURPOSE
OF REVISING NUISANCE AND LITTERING PENALTIES**

Second and Final Reading

A motion was made by Council Member Bowen to have the City Clerk read Bill No. 21-023 and call the roll for adoption. The motion was seconded by Council Member Welch.

ROLL CALL

Yes: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

No: - 0 -

Absent: Council Member Veach and Mayor Hark - 2

Motion carried.

Mayor Pro Tem Dobson declared Bill No. 21-023 duly approved and adopted on this date.

BILL NO. 21-024

**AN ORDINANCE OF THE CITY OF HANNIBAL VACATING A
PORTION OF AN UNDEVELOPED STREET LYING IN THE
STILLWELL HAYWARD SUBDIVISION OF THE CITY OF
HANNIBAL, MARION COUNTY, MISSOURI**

Second and Final Reading

A motion was made by Council Member Bowen to have the City Clerk read Bill No. 21-024 and call the roll for adoption. The motion was seconded by Council Member Welch.

ROLL CALL

Yes: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

No: - 0 -

Absent: Council Member Veach and Mayor Hark - 2

Motion carried.

Mayor Pro Tem Dobson declared Bill No. 21-024 duly approved and adopted on this date.

BILL NO. 21-025

AN ORDINANCE OF THE CITY OF HANNIBAL FIXING AND ADOPTING THE RATE OF TAXATION FOR THE YEAR OF 2021 AND LEVYING TAXES THEREFORE

Emergency Reading

A motion was made by Council Member Bowen to have the City Clerk read Bill No. 21-025 as an emergency reading and call the roll for adoption. The motion was seconded by Council Member Welch.

ROLL CALL

Yes: Council Members Bowen, Welch, McCoy, Mayor Pro Tem Dobson and Council Member Franke - 5

No: - 0 -

Absent: Council Member Veach and Mayor Hark - 2

Motion carried.

Mayor Pro Tem Dobson declared Bill No. 21-025 duly approved and adopted on this date.

BILL NO. 21-026

AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 32, ZONING ARTICLE V – DISTRICT B, MULTIPLE RESIDENCE DISTRICT ADDING “GALLERIES” TO ALLOWED USES OF THE CITY OF HANNIBAL CODE OF ORDINANCES

First Reading

A motion was made by Council Member Franke to give Bill No. 21-026 a first reading. The motion was seconded by Mayor Pro Tem Dobson.

ROLL CALL

Yes: Mayor Pro Tem Dobson and Council Member Franke - 2

No: Council Members Bowen, Welch and McCoy - 3

Absent: Council Member Veach and Mayor Hark – 2

Motion failed.

Mayor Pro Tem Dobson then asked City Attorney Lemon on what needs to occur now. Lemon advised it needs to be referred back to the Planning & Zoning Commission. Lemon advised some Council Members don't feel this is "spot zoning" and perhaps it needs to be referred back to Planning & Zoning with appropriate notice for a public hearing to rezone. If the Council is not inclined to accept an amendment to the zoning code, if you are going to address the issue for the owners, he feels the only way to do so is to rezone. Lemon stated some Council Members feel this way and some feel it's not spot zoning. The issue is the properties across the street are zoned in a manner that would allow for the gallery. He feels you could argue it both ways. In his opinion, if it is litigated, he feels a court could go the other way, however, he was not at the Planning & Zoning Commission meeting and doesn't know what was discussed or taken into consideration. If Council would like for him to attend the next meeting, he advised he will be there to discuss the legal issues.

Mayor Pro Tem Dobson advised that there is a meeting this week, however it is too late to get this issue on the agenda, it would have to be the next month's meeting. Graupman, from the audience, advised there was already a public hearing for this property questioned Lemon if another would be required, in which Lemon advised that it would need to be, in order to allow everyone to be heard. Council Member Franke then questioned Council Member Welch if he would feel more comfortable if the definition of gallery was more defined, in which Council Member Welch concurred, advising that is what he doesn't want to happen is the residential areas turning into business districts. He feels that a better definition of a gallery would be more appropriate. Lemon advised that this could be done however, as it still requires a change in the zoning code it would have to go back to the Planning & Zoning Commission with Council's proposed changes.

Council Member Bowen then questioned if there was an option to rezone this particular property as a different zone, he was not in favor of changing the code completely for one person. Lemon advised that, while he was not in attendance of the meeting, however, when this was presented to him for legal review, it was expressed to him that galleries are a nature of business, but more of a home based business. Home based businesses are already allowed in this type of zone. City Manager Peck advised the definition of gallery was used in this section that is used throughout the Code.

Mayor Pro Tem Dobson advised that the Planning & Zoning Commission felt that adding gallery was a better idea than spot zoning and it was not continuous and separated by the street. Lemon stated he agrees with the Planning & Zoning Commission, it's never a good idea to spot zone, however, he is not sure this is spot zoning. If the only thing that divides this property from the other business properties is a street, he believes there is a decent argument that it would be considered continuous since properties that are located across the street from one another are all

still considered a business district. Lemon stated as a general rule the cases support the concept of freedom of use by the owner of the property and because of the fact as it could be argued both ways it could be considered as not spot zoning.

ADJOURNMENT

A motion was then made by Council Member Welch to adjourn the meeting. The motion was seconded by Council Member Franke.

Motion carried.

James R. Hark, Mayor

Angelica N. Zerbonia, MRCC, CMO - City Clerk