

*City of Hannibal*

**OFFICIAL COUNCIL PROCEEDINGS**

**Tuesday July 5, 2022  
Council Chambers  
7:00 p.m.**

**ROLL CALL**

**Present:** Council Members Phillips, Welch, Veach, McCoy,  
Mayor Pro Tem Dobson, Council Member Franke, and Mayor James Hark -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 Mayor Pro Tem Dobson.

**PLEDGE OF ALLEGIANCE**

Mayor Hark then requested Police Chief Nacke to lead the Pledge of Allegiance to the Flag.

**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**

The minutes for the regular scheduled council meeting of June 21, 2022, will be submitted for approval on July 19, 2022.

**APPROVAL, PAYROLL AND ACCOUNTS PAYABLE  
First Half- July 2022**

A motion for approval of the payroll and accounts payable was made by Council Member Veach. Mayor Pro Tem Dobson second the motion.

Council Member Franke then stated, “you folks disabled my iPad and have not turned it back on yet, “leaving him unable to access any information”. He then questioned when it would be turned back on. Council Member McCoy then stated to Mayor Hark that this was an issue to be taken up at another time with no relevance to payroll and claims.

Council Member McCoy stated a motion and a second had been made. Mayor Hark then asked if there was any further discussion, he called the question with Council Member Franke abstaining.

**ROLL CALL**

**Yes:** Council Members Phillips, Welch, Veach, McCoy, Mayor Pro-Tem Dobson and Mayor Hark -6

**No:** -0-

**Abstain:** Council Member Franke -1

Motion carried.

**JAMES R. HARK – MAYOR  
Re: Oath of Office – Deputy City Clerk**

Mayor James Hark then administered the oath of office to the newly appointed Deputy City Clerk, Melissa Cogdal.

**MISSOURI DEPARTMENT OF TRANSPORTATION OFFICIALS  
Re: Update Highway 79 Overpass Improvement Project**

Mayor Hark then called Paula Gough from Missouri Department of Transportation forward who was accompanied by Chris Napp who was present to discuss the Highway 79 viaduct improvement project and would share the plan. Ms. Gough then explained that she wanted to

update Council on several staff changes at Missouri Department of Transportation and then gave a brief history of the project and how they arrived at the planning stage they are today.

She explained that in 2019 planning began to replace the viaduct, while stating the viaduct is safe to be open it will continue to be open if the conditions warrant. Ms. Gough then explained Missouri Department of Transportation inspects the bridges every other year and the viaduct is currently rated a 3/4/6. These numbers are three different ratings on a scale up to 10. When a structure falls below a three it has to be closed immediately, and that is the reason Missouri Department of Transportation brought this into the step program back in 2019.

Late 2019 and early 2020 they started meeting with the City and emergency services as when they start a project they look at where the structure is located and what the impacts on the community will be. Also, how the project will impact the community, businesses, emergency services and neighborhoods. Ms. Gough stated this was a particular concern because of how Hannibal is laid out. Representatives of Missouri Department of Transportation were present last July 6, 2021, with the preliminary plans for the project and the rights-of-way they would need. During this time, they also met with property owners regarding right-of-way and easements that would need to be acquired as well as with neighbors that may be impacted. Ms. Gough also explained that while COVID has had much impact, the project continued to move forward via telephone conferences, zoom meetings, and working remotely. In March, the project geared up with notices being sent out for easements to the City of Hannibal. She stated that with the original viaduct being built in the 1960's it is not unusual with municipalities that Missouri Department of Transportation finds themselves without a deed. Many projects with easements things were done by handshakes. The final part of real estate needed in the planning is the easement from the City then everything will be in order for the project.

Ms. Gough shared some of the final plans, stating again back in March they began to seek the easement; she understands at that time there were additional questions from the City that they have worked hard to address. She stated that there will be minimal impact during construction. They are working hard to plan for a minimized impact by leaving the existing structure open as long as possible. They plan to rebuild the pedestrian walkways due to the existing walkways, although plan to upgrade. Chris Napp then explained the structure will need to be completely closed for 130 total days. Ms. Gough then explained that Missouri Department of Transportation has built an incentive into the contract for early completion. There is also a deduction in the contract should the project go over the 130-day timeline. She stated that they often use incentives with projects in sensitive locations such as the viaduct.

Currently, the project is slated for a letting on September 16, 2022. Once bids are received, they will then go before the Highway Commission in October for bid consideration and award. Ms. Gough explained if they have the easements and approvals in place, they are planning public meetings in October 2022, to inform the community about the details, necessary closures, as well as announce the contractor.

Ms. Gough spoke briefly about the timeline for the project, stating while Hannibal has a lot of festivals and community events, they tried hard to work within a timeline to have as little impact on these as well. If the project stays on schedule it will begin in the winter of 2022 and run into

early 2023 with a completion date of September 15, 2023. This is the date the entire project is scheduled for completion. Napp then added that the contractor incentive clause for early completion is \$20,000.00 per day and they can earn up to 20 days of bonuses or \$400,000.00.

They then spoke about the concerns expressed about the closures of the one-way roadways, the regrading of the new structure, and abiding by ADA (American Disability Act) regulations. Ms. Gough advised they have taken all the concerns into consideration and believe to have addressed each one.

Council Member Phillips then asked about the September 2023 completion date, if that was part of the project or for the total structure to be completed? Ms. Gough stated that is total completion of the project, all construction will be completed, equipment removed, and the structure reopened. Ms. Gough then stated that while the current lighting is the responsibility of Hannibal Board of Public Works the Missouri Department of Transportation will be replacing and servicing the new lighting. Council Member Franke then asked what would constitute a delay in the project? Ms. Gough replied that not obtaining the required easements, weather, and flooding could all interfere with the completion date. Mayor James Hark then thanked the Missouri Department of Transportation representatives for attending and sharing the information.

**JAMES LEMON – CITY ATTORNEY**  
**Re: MODot Highway 79 Overpass Improvement Project**  
*(Bill No. 22-019, Emergency Reading, to follow)*

Mayor Hark then called upon City Attorney James Lemon to speak on the Highway 79 viaduct project. City Attorney Lemon stated he was not prepared to make a presentation this evening however, his initial concern with the request was he wanted to make sure there was enough clearance to allow semis, firetrucks, and emergency vehicles onto south side.

City attorney Lemon then stated that he feels all his concerns have been addressed and met. He continued stating he believes that Missouri Department of Transportation attended this evening due to the urgency of the timeline of the project. He then urged the Council that if they take this bill up tonight that they do so with a motion that reflects that this is an emergency reading. Adding that the reason for the emergency reading is to allow Missouri Department of Transportation to stay on the planned timeline. City Attorney Lemon also advised that the reading would need a 2/3 affirmative vote.

**JASON KRIGBAUM – HANNIBAL BAR-B-Q FESTIVAL**  
**Re: Request, Street Closure and Waiver of Noise Ordinance – Concert/Festival**  
*(July 22, 23 and August 20, 2022)*

Mayor Hark then called Jason Krigbaum representing the Hannibal B-B-Q festival. Mr. Krigbaum stated he was here to present all his paperwork as well as insurance information for the Hannibal BBQ festival to be held July 22-23 and August 23, 2022, in which he is requesting

the closure of Collison Steet from Market Street to New London Gravel to assist emergency services and protect parking for residents in the area and also the request to raise the decibel ordinance as in the past. Mr. Krigbaum stated while the decibel level has never come close to the maximum allowed, he would like to be safe regarding the ordinance. Mayor Hark reiterated the street closures were for area residents and emergency vehicles, and the noise ordinance request was reoccurring from last year's event. Mayor Hark then stated he would abstain from voting. He stated there were no concerns from any departments and requested Mr. Krigbaum provide his certificate of insurance to City Clerk Angel Zerbonia-Ramey to the street closures and decibel level waiver.

Mayor Pro Tem Dobson then made a motion to approve the request for the street closures and to increase the decibel level for the Hannibal Bar-B-Q Festival. Council Member Welch seconded the motion.

### **ROLL CALL**

**Yes:** Council Member Phillips, Welch, Veach, McCoy, Mayor Pro-Tem Dobson -5

**No:** -0-

**Abstain:** Council Members Franke and Mayor Hark -2

Motion carried.

### **APRIL AZOTEA – LA AZOTEA LOUNGE**

#### **Re: Request, Closure and Use of City Owned Parking Lot Property – Parking Lot Fundraiser**

Mayor Hark then called April Azotea owner of La Azotea Lounge forward. April stated she is asking permission to close the parking lot for her annual parking lot fundraiser to be held August 13, 2022, from 12:00p.m. until 12:00a.m. April stated that each year she hosts the fundraiser and donates to a local charity. This year's recipient will be Northeast Missouri Humane Shelter and she will be adding events for children to the fundraiser. She is also requesting barriers for the parking lot. April stated that the parking lot by the General Store will be for bands that are performing. Mayor Hark then advised Ms. Azotea she would need a certificate of insurance and a safety plan that she could provide to City Clerk Angel Zerbonia-Ramey.

A motion was made by Council Member Veach to approve closure of the parking lot, pending insurance and all other necessary documents being in place request. Council Member McCoy seconded the motion.

Ms. Azotea then stated she would like to touch base on a few other things while she was here. She continued by advising, Hannibal Police Department officers had contacted her in regard to a couple

barrels she has placed next to the dumpsters located at her business. She stated the City Manager had contacted the Hannibal Police Department to report the barrels.

Mayor Hark then advised he would need to complete the previous business before moving forward and called the question.

### **ROLL CALL**

**Yes:** Council Member Phillips, Welch, Veach, McCoy, Mayor Pro-Tem Dobson, and Mayor Hark -6

**No:** -0-

**Abstain:** Council Member Franke -1

Motion carried.

Ms. Azotea then continued, advising that the last five years she has placed barrels in front of her dumpster because “people can shimmy in between her dumpster and another vehicle to make a parking spot.” She stated that placing the barrels there allowed her employees to have a parking spot. She continued by saying while it had not happened in the last couple years, in the past her employees had been followed home if walking at 3 o’clock in the morning. Especially if it’s a holiday or festival weekend, when they would have to park six or seven blocks away. She has always placed the barrels there and was “told by the city” it wasn’t an issue. Then two officers came in per the City Manager’s request because she had received a complaint. City Manager Lisa Peck then explained that she had received a complaint regarding the barrels, explaining it is a public parking lot and she is unaware of any agreement with Ms. Azotea regarding reserved parking. Ms. Azotea reiterated that she was told five years ago it was “OK”. She added that if she needs to get something in writing she would seek to do so, her or her staff are not walking at 3:00a.m. in the morning.

Ms. Azotea then stated she had trouble getting on the agenda for special events. She is confused as to when the deadline is and when paperwork needs to be submitted. She stated this has been an issue in the past and that several Council Members told her when the deadline is however, when she tries to get on there is an “issue.” City Clerk Angel Zerbonia-Ramey stated that the deadline has not changed for special events, it has always been Wednesday a week prior. Ms. Azotea stated she was told the deadline was Friday at 5:00p.m. Mayor Hark and City Clerk Zerbonia-Ramey both stated that the agenda is released on Friday morning, therefore a Friday evening deadline was impossible. Ms. Azotea was advised by the City Clerk that the deadline to speak to Council is Thursday at 4:00p.m, and for special events it’s Wednesday at noon a week prior to the meeting. This is due to the special events request having to be routed and comments obtained by all department heads and returned to administration. Ms. Azotea then advised the deadline time is not on the request form and had been removed. Mrs. Zerbonia-Ramey stated the deadline has never been on the special event request form however, she would be happy to place the deadline date and time on the special events request application.

**LISA PECK – CITY MANAGER**

**Re: Approval of Appointments**

**PARKS & RECREATION BOARD**

- *Beth Knight – reappointment for a term to expire July 2025*
- *Tom Batenhorst – reappointment for a term to expire July 2025*
- *Quinton Heaton – reappointment for a term to expire July 2025*

A motion was made by Council Member Veach to approve the appointments of three members to the Parks and Recreation Board all for terms to expire July 2025. Council Member McCoy seconded the motion.

**ROLL CALL**

**Yes:** Council Member Phillips, Welch, Veach, McCoy, Mayor Pro-Tem Dobson, and Mayor Hark -6

**No:** -0-

**Abstain:** Council Member Franke -1

Motion carried.

**BOARD OF ADJUSTMENT**

- *Ryan Rapp – reappointment for a term to expire May 2027*

Council Member McCoy made the motion to approve the reappointment of Ryan Rapp to the Board of Adjustments for a term to expire May 2027. Mayor Pro Tem Dobson seconded the motion.

**ROLL CALL**

**Yes:** Council Member Phillips, Welch, Veach, McCoy, Mayor Pro-Tem Dobson, and Mayor Hark -6

**No:** -0-

**Abstain:** Council Member Franke -1

Motion carried.

**ANDY DORIAN, DIRECTOR – CENTRAL SERVICES**  
**Re: Sale of City Owned Property – 409 South Arch Street**  
*David W. Ruby - \$575*  
*(Resolution No. 2421-22, to follow)*

Mayor Hark then called Andy Dorian Director of Central Services forward. Mr. Dorian advised he had two items of business the first being the sale of City owned property located at 409 Arch Street to David W. Ruby. Council was advised a title search was completed and clear. Mr. Dorian recommends the sale of the City owned property to Mr. Ruby for \$575.00.

Mayor Hark advised Resolution No. 2421-22, is to follow

**Re: Enbridge Flanagan South Pipeline Project – Recipient Agreement**  
*The Conversation Fund & US Fish and Wildlife Service - \$85,000*

Mr. Doran advised the Council that during the last meeting they had approved the purchase of 20 acres of land on Kiowa Drive for \$73,080.00 with a couple thousand in expenses. What he is presenting this evening is the agreement with the Conservation Fund for the reimbursement of the \$85,000.00, for the parcel. That amount will pay for the parcel with an additional \$10,000.00 towards land management in, coordination with Fish and Wildlife Services. Mr. Dorian stated this is very similar to the agreements done to acquire Soldalis Nature Preserve.

Mayor Hark advised Resolution No. 2422-22, is to follow.

Council Member Franke asked Mr. Doran to explain how the monies were obtained and to explain the relation to a “pipeline.” Mr. Doran explained years ago the Ambridge Flannigan Pipeline went through the region (5 states) and had to pay mitigation monies for environmental mitigation. Those monies went to the U.S. Fish and Wildlife as well as the Conservation Fund. Having a relationship through Sodalis they then approached the City with more funds to acquire additional land. Mr. Doran explained that the city looked at the bat corridor and acquired land within the flight path.

Mayor Hark advised Resolution No. 2422-22, to follow.



**RESOLUTION NO. 2421-22**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A SPECIAL WARRANTY DEED AND AGREEMENT FOR TRANSFER OF REAL ESTATE TO DAVID W. RUBY FOR THE SALE OF CITY OWNED PROPERTY LOCATED AT 409 S. ARCH IN THE AMOUNT OF \$575**

A motion was made by Council Member McCoy to have the City Clerk read Resolution No. 2421-22 and call the roll for adoption. The motion was seconded by Council Member Veach.

**ROLL CALL**

**Yes:** Council Member Phillips, Welch, Veach, McCoy, Mayor Pro-Tem Dobson and Mayor Hark -6

**No:** -0-

**Abstain:** Council Member Franke-1

Motion carried.

Mayor Hark declared Resolution 2421-22 duly approved and adopted on this date.

**RESOLUTION NO. 2422-22**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A RECIPIENT AGREEMENT BETWEEN THE CONSERVATION FUND, U.S. FISH AND WILDLIFE SERVICE AND THE CITY FOR RECEIPT OF \$85,000 FOR THE PURCHASE OF 20 ACRES OF WOODLANDS, FROM THE WRIGHT TRUST, ON KIOWA DRIVE**

A motion was made by Council Member McCoy to have the City Clerk read Resolution No. 2422-22 and call the roll for adoption. The motion was seconded by Mayor Pro-Tem Dobson.

**ROLL CALL**

**Yes:** Council Member Phillips, Welch, Veach, McCoy, Mayor Pro-Tem Dobson and Mayor Hark -6

**No:** -0-

**Abstain:** Council Member Franke -1

Motion carried.

Mayor Hark declared Resolution 2422-22 duly approved and adopted on this date.

**BILL NO. 22-016**

**AN ORDINANCE REVISING CHAPTER 28, STREEST SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE III – CONSTRUCTION, MAINTENANCE AND IMPROVEMENTS, DIVISION 2. – SIDEWALKS OR PARKWAYS, BY REVOKING AND REMOVING SECTION 28-105, SPECIFICATIONS FOR SIDEWALKS IN RESIDENTIAL DISTRICTS**

***Second and Final Reading***

A motion was made by Mayor Pro-Tem Dobson to have the City Clerk read Bill No. 22-016 and call the roll for adoption. The motion was seconded by Council Member Veach.

**ROLL CALL**

**Yes:** Council Member Phillips, Welch, Veach, McCoy, Mayor Pro-Tem Dobson and Mayor Hark -6

**No:** -0-

**Abstain:** Council Member Franke -1

Motion carried.

Mayor Hark declared Bill No. 22-016 duly approved and adopted on this date.

**BILL NO. 22-017**

**AN ORDINANCE REVISING CHAPTER 9, ARTICLE IV, STORM  
WATER RUNOFF MANAGEMENT, SECTION 9-187  
STORMWATER MANAGEMENT REQUIRED FOR ALL  
DEVELOPMENT, IN ORDER TO CLARIFY THAT THE POWER OF  
WAIVER IS VESTED SOLELY IN THE CITY ENGINEER**

*Second and Final Reading*

A motion was made by Council Member Veach to have the City Clerk read Bill No. 22-017 and call the roll for adoption. The motion was seconded by Mayor Pro-Tem Dobson.

**ROLL CALL**

**Yes:** Council Member Phillips, Welch, Veach, McCoy, Mayor  
Pro-Tem Dobson and Mayor Hark -6

**No:** -0-

**Abstain:** Council Member Franke -1

Motion carried.

Mayor Hark declared Bill No. 22-017 duly approved and adopted on this date.

**BILL NO. 22-018**

**AN ORDINANCE AMENDING CHAPTER 9, ARTICLE IV, OF THE  
ORDINANCES OF THE CITY OF HANNIBAL BY REPEALING AND  
REPLACING SECTION 9-189-PROJECT  
CLASSIFICATION AND FEES**

*Second and Final Reading*

A motion was made by Council Member McCoy to have the City Clerk read Bill No. 22-018 and call the roll for adoption. The motion was seconded by Mayor Pro-Tem Dobson.

**ROLL CALL**

**Yes:** Council Member Phillips, Welch, Veach, McCoy, Mayor Pro-Tem Dobson and Mayor Hark -6

**No:** -0-

**Abstain:** Council Member Franke -1

Motion carried.

Mayor Hark declared Bill No. 22-018 duly approved and adopted on this date.

**BILL NO. 22-019**

**AN ORDINANCE OF THE CITY OF HANNIBAL AUTHORIZING  
THE MAYOR TO EXECUTE AN EASEMENT FOR HIGHWAY  
PURPOSES TO THE MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION FOR THE  
HIGHWAY 79 OVERPASS**

***Emergency Reading***

A motion was made by Mayor Pro-Tem Dobson to have the City Clerk read Bill No. 22-019 as an emergency reading based on public safety. The motion was seconded by Council Member Welch.

**ROLL CALL**

**Yes:** Council Member Phillips, Welch, Veach, McCoy, Mayor Pro-Tem Dobson and Mayor Hark -6

**No:** -0-

**Abstain:** Council Member Franke -1

Motion carried.

Mayor Hark declared Bill No. 22-018 duly approved and adopted on this date.

**CLOSED SESSION**

***In Accordance with RSMo. 610.021 (2)***

Mayor Hark declared there would be no closed session following the regular scheduled meeting.

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mayor Pro-Tem Dobson and seconded by Council Member McCoy.

Motion carried.