

*City of Hannibal*

**OFFICIAL COUNCIL PROCEEDINGS**

**Tuesday October 18, 2022  
Council Chambers  
7:00 p.m.**

**ROLL CALL**

**Present:** Council Members Veach, McCoy, Mayor Pro Tem Dobson,  
Council Member Franke, Mayor Hark, Council Members Phillips and Welch -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 Girl Scout Troop 9272 to lead the pledge of Allegiance to the Flag.

**APPROVAL OF AGENDA**

A motion was made by Mayor Pro Tem Dobson to amend the agenda as presented to table discussion and first reading of Bill No. 22-030 until after the public hearing is held Tuesday, November 1, 2022, and to approve the agenda as amended. The motion was seconded by Council Member Welch.

Motion carried.

## **APPROVAL OF MINUTES**

*Regularly Scheduled Meetings – September 20, 2022 and October 4, 2022*

A motion was made by Council Member McCoy to approve the minutes of the regularly scheduled Council meetings held September 20, 2022, and October 4, 2022. The motion was seconded by Council Member Phillips.

Motion carried.

## **APPROVAL, PAYROLL AND ACCOUNTS PAYABLE First Half –October 2022**

A motion was made by Mayor Pro Tem Dobson to approve the payroll and accounts payable for the first half of October 2022. The motion was seconded by Council Member Veach.

Motion carried.

## **SCOTT GOLLAHER – SCOTT’S MINOR COLLISION & TOWING Re: Unfair Towing Practice**

Mayor Hark called forward Scott Gollaher of Scott’s Minor Collision and Towing. Mr. Gollaher advised Council he was accompanied by Bobby Lair of Robert’s towing, and Danny and Andy Rhodes of Custom Towing. Gollaher advised he wanted to discuss the towing practices of the City of Hannibal having five points he would like to address. He advised “we” have been fighting this battle for a long time and would like to “get it squashed,” and feels that the time is right. “We have a new administration at the police station, fire station, as well as a lot of new police and fire employees “according to Gollaher. He is not here to bash anyone or run anyone’s business down he would just like a “fair shake.” Gollager advised he believes “we have some serious conflicts of interest on the Council’s part,” continuing that Mr. Dobson is a lifelong friend of Jason Krigbaum of Heartland Autobody and Towing and Mayor Jim Hark is also a lifelong friend of Jason Krigbaum. Gollaher advised what he is asking is that any discussion or decision-making regarding towing or maintenance of emergency vehicles these two recuse themselves, “because that’s the decent thing to do.”

Gollaher advised his second request involves accountability, a year ago discussions were had about the tow issue with two forms being put into place. Gollaher thanked the Council and police department for the work and implementation of these forms. Gollaher advised this is a “big deal” for him because if he feels something has been done wrong, he has an avenue to research the two forms and if someone has done something wrong, he can easily find that information and hold that person accountable, however there is no accountability for those people. Gollaher indicated that as soon as the two forms went into effect the fire department put into place SOG’s that

define the consequences of not using the tow list. He is not trying to move mountains here, “he just wants a fair shake,” which he cannot get with no accountability in the police station. He believes in giving the new police chief a chance as, he believes the chief is already taking steps on his own to rectify the issues.

Gollaher’s third item is business between the City of Hannibal and any tow company that is on the City’s tow rotation list, Gollaher feels at no time should any company that’s on the City rotation be allowed to do daily maintenance, body work or repair work on emergency vehicles. By emergency vehicles he is referring to police and fire vehicles. Gollaher advised that when police and fire are on the side of the road and can make patient contact or owner contact there is a very serious chance that “mishaps” could take place. He, as a now retired Hannibal Fireman was not allowed to be on the City tow rotation because the police department “shut him down,” stating with him being on the side of the road there’s a chance for conflict. Gollaher advised this is the reason there is such a big conflict of interest with Mayor Hark due to the fact he works in a tow trucking businesses office.

Gollaher’s fourth item is the distance a tow company can be outside the City limits of Hannibal to be allowed on the City’s tow rotation. Gollaher advised that City firefighters are allowed to live 30 minutes outside of town, and he believes “it’s even longer for the police department but I’m not certain” and feels tow companies should be the same.” Gollaher asked Council “what’s more important a police officer, firefighter, or tow truck driver?” “When stuff hits the fan you want a police officer and firefighter there quickly not within 30 minutes to respond, a tow truck.” Why is the tow truck companies that is eight minutes away not allowed to be on the City’s rotation? Gollaher feels that he knows the answer, it’s because there were “gate keepers” at the police station that dictated the tow rotation, they decided who they wanted on the list. Gollaher advised that the company he is referring to has heavy trucks, there is a lot of money in heavy trucks, so “they don’t want anyone else in the rotation because they have people they are looking out for.” Gollaher is asking that the two companies be treated the same as police and firemen allowing the same rules to apply on distance.

Mr. Gollaher stated he appreciates Council’s time and asked they “please be fair and hopefully can put this to bed,” he isn’t trying to put anyone down he just wants a “fair shake,” and by addressing he hopes this will “calm the storm.”

Council Member Welch then asked Mr. Gollaher what the fifth item was he had mentioned that he believes the police department had already addressed. Gollaher advised the fifth item is towing of City vehicles, and it has always been to one company. However, he received his first City vehicle tow call this week, “first call ever in ten years.” Gollaher advised he was shocked but very happy and “it really made him feel good.” He believes that call came because the new police chief may believe City vehicle tows should go on the tow rotation list also. Gollaher indicated it was a very nice feeling towing the patrol car to the station, and the chief did that all on his own without anyone asking or any conversations being had. Gollaher advised that it’s about keeping it fair and if he’s not available then go to the next company on the rotation, “just don’t send all the calls to one business, we all pay taxes, we all do business in the City of Hannibal, and we all deserve for the rotation to be fair.” Everyone is working towards a common goal, and Gollaher feels should be able to get along and work together to serve the people. Gollaher feels there shouldn’t be police and firemen on the side of the road making decisions on this while “running in and out of any business” on the tow rotation list, there are plenty of shops

in town that could take the City's business that are not on the tow rotation. Council Member Welch thanked Mr. Gollaher for attending and his comments.

Mayor Pro Tem Dobson then asked Mr. Gollaher what his solution was. Gollaher questioned what part he was referring to, as he gave a solution for every item mentioned. Mayor Pro Tem Dobson advised he did not hear any solutions to how to end "everything," in which Gollaher advised he did offer a solution to all five items. Mayor Pro Tem Dobson then advised Roberts Towing is not on the rotation list as they are located outside the City limits of Hannibal, and City Ordinances require all businesses on the rotation be inside the City limits, furthermore the bigger issue would be if you contribute to the tax base of the City. He has been a firefighter for thirty years and the tow rotation has been an issue of contention the entire time. Gollaher feels the police and fire are good, "the buck stops at City Council," and they are asking Council to make the changes to end all this. Gollaher restated he isn't trying to argue or get in shouting matches, however, Mr. Dobson is bias to Heartland Towing and should recuse himself from all discussion on this matter, "we need rational people who are not bias and don't have a horse in the race to take this out and come to a rational decision to settle this so all these businesses are not fighting among ourselves." Mayor Pro Tem Dobson questioned Gollaher if he feels that a police officer on the street doesn't have enough knowledge or can't be trusted to make a call on their own on what tow service can provide the best and fastest service to clear the street, in a case Mr. Gollaher referred to on U.S. 61. Gollaher advised that he wasn't going to speak about that incident, however since it was mentioned, he is concerned that while he was on City rotation a call was made for a tow by Mayor Pro Tem Dobson stating that Heartland is the fastest and closest to the accident, and to go ahead and call them to the scene. Gollaher advised he was closer and on rotation, so he went to the location and waited 15 minutes before a truck to responded, Heartland showed up as well as Robert's Towing, as the trucking company had already requested Robert's Towing for a service call. Gollaher advised that the conflict happened when Dobson used his volunteer Firefighter phone to call dispatch and request a tow, while he was closer and on rotation at that time. Mayor Pro Tem Dobson advised that he did so to clear the hazard from U.S. 61 for the safety off all, and Gollaher has shown up to other calls and videoed when not on rotation. Gollaher responded that he did so for training and educational purposes for himself and his staff.

Council Member Franke thanked Gollaher for attending and sharing his concerns with Council, he's made many suggestions this evening so and he would like to narrow them down to keep them straight. Franke clarified that Mr. Gollaher is requesting that in the future the Mayor as well as Mayor Pro Tem Dobson recuse themselves from voting and decision making in regards to the City's towing rotation, that tow companies on the rotation not be allowed to do any maintenance on City emergency vehicles, as well as while patrolman and firefighters are allowed to live as far as thirty minutes outside the City, tow companies interested in being on the rotation should be allowed to also. These are his recommendations, even if it's fifteen minutes outside the City, they should be allowed to participate in the rotation.

Bobby Lair of Robert's Towing then requested to speak. Council Member Franke made a motion to allow Mr. Lair to speak and Council Member Welch seconded the motion.

## ROLL CALL

**Yes:** Council Members McCoy, Franke, Phillips, Welch and Veach -5

**No:** Mayor Pro Tem Dobson -1

**Abstain:** Mayor Hark -1

Motion carried.

Bobby Lair of Roberts Towing advised Council he has been in the towing business in this area for twenty years and he believes competition is a “great thing.” He has worked with all the business owners in attendance and believes competition makes good companies prevail and bad companies fail. Lair feels everyone needs to be on the same playing field, he was surprised when he learned the positions of the Mayor and Mr. Dobson, asking “how someone who works for a towing company oversees the towing rotation.” Mayor Hark advised he does not oversee the operations. Lair advised he had met Dobson at an accident scene previously when he had stopped to help a driver with a fuel leak, and Dobson asked him what he was doing on “his scene,” when he was just trying to help someone not lose all their fuel, therefore he can see bias on his part towards towing companies. Lair also advised he saw Dobson on the scene wearing a “Heartland Towing coat.” Mayor Pro Tem Dobson advised that he does not own such coat and does not wear one. Lair advised he feels Mayor Hark should not be in a position of financial benefit when it comes to the City and towing. Mayor Hark advised that Mr. Lair could check the Charter of the City as he is well within the Charter as he is not a full-time Mayor. Lair advised that his company hands out cookies to the Fire and Police departments, but when it comes to hoodies, tickets, trips, that “influence” the call for a tow, that’s not a gift any longer that’s a bribe. Mayor Hark then advised Lair that he is coming very close to criminal accusations, and he warned him to be careful how he is wording his statements. Lair then asked Mayor Pro Tem Dobson if he had anything with Robert’s towing logo on it,” in which he advised he has no article of clothing with any tow company logo on it. He accused him of wearing one, however, it was not him and he has him confused with his Assistant Chief. Mayor Hark then advised that previous votes on issues could be checked and it will show that he does in fact abstain from voting on issue related to Heartland Towing, not only the towing companies and tow rotation but also concerts or any other event Jason Krigbaum hosts. Lair is just asking that the rotation be fair, while his company isn't on the rotation, due to being twelve hundred feet outside City limits, as measured by an officer from Hannibal Police department, nor does he want to be on the rotation as he has “plenty of business to keep him busy,” it should be fair for the other companies. Lair continued that if the rotation is fair the companies will help each other, if someone needs equipment or help the other companies would be there to help. Lair advised that he could tell that Hark and Dobson are adamant that things are fair, however if one business gets all the calls, that’s not fair.

Mayor Pro Tem Dobson advised that he and Lair have had conversations, however he again does not wear a Heartland coat, however his Assistant Chief does, it is a high visibility coat and while he doesn’t approve, he does not tell others what they can wear. This is the first time the issue had been raised and he will address the issue now knows it’s a concern.

Mayor Hark and Mayor Pro Tem Dobson then thanked Lair for his time.

Mayor Pro Tem Dobson then asked Chief Neisen if his fire trucks needed repairs would it be difficult to get done if he didn't use businesses on the tow rotation. Neisen advised that he tries to use local businesses for repairs, however, does use out of town businesses for some repairs when it's the only option.

**JASON KRIGBAUM – HEARTLAND AUTO & TOWING**  
**Re: Tow Rotation Procedures and Enforcement**

Jason Krigbaum of Heartland Auto and Towing then addressed Council. Krigbaum advised he was here this evening to address the accusations made towards him for the last twenty-four years with the last four being the worst. Last year, the issues stated tonight were addressed by Council and at that time, everyone ganged up on one company because "you have been around longer or not long enough." Does everyone deserve fair treatment? Yes. Krigbaum advised Mayor Hark does work for him, however, he abstains from everything to do with his business, plus the Mayor does not have anything to do with the vehicles that are brought to his business or an officer on the side of the road that contacts his business. Krigbaum advised he feels the City Charter or Ordinances should have been updated a long time ago. He has brought up several times that every tow company on the rotation should have a business location, as well as a lot within in the City limits of Hannibal. If one tow company is required to comply then all businesses on the rotation should be required to have the same stipulations, then everyone would be on a level playing field. Furthermore, Krigbaum advised that he does not actually work on many City vehicles.

Krigbaum advised that the City Ordinance is very vague as to the type of trucks required in order to be allowed on the tow rotation and he feels that needs addressed, due to the fact bigger trucks are needed to handle bigger jobs and smaller trucks for smaller jobs. "Not just any truck can do every job." When someone says they can get a vehicle off the road, that is completely different then getting that vehicle removed from the location. Example, an instance last week was a call that required a certain size truck, and there is no manual for responders when it comes to calling the appropriate business for a specific need. That puts everyone in a bad position, and makes it impossible to be fair, if you can't perform the job then you shouldn't be on the list to show up as they must then call a second business to perform the work. Additionally, when they do call another business, it should be a business inside City limits. This puts the responders in a very bad position, "they could care less who provides the service they just want the scene cleared quickly and safely," not waiting for several different companies to arrive to the location. Krigbaum advised he does not have the answer, however, doing away with the rotation maybe a solution as the State of Missouri did. They don't have a tow list, responders are allowed to call whoever they need to perform the job. A company sued the State over towing list and someone complaining they were not receiving work, the State then did away with the towing list, to avoid liability. Krigbaum advised maybe the City should "get out of the towing business," the Council, Fire, and Police departments do not want to be in the towing business, having a rotation is the worst thing for Hannibal because the only way to fix it is to hire someone to monitor it. Krigbaum advised right now there are five companies on the list with certain companies getting several weeks a month on rotation, due to businesses not answering the phone or the call being passed. In the end he feels the best way to protect the City, citizens and everyone involved is to

abolish the towing list, and if there is a list, I think it needs to be separated into light-duty and heavy-duty lists, there must be some strict standards put in place to handle this.

Council Member Welch advised this discussion could continue all night, with positive and negative opinions. He understands that having the Mayor and volunteer Fire Chief Dobson on the Council causes some concern for some. However, they are over an hour into this discussion, and he feels it's been discussed as much as possible. Welch recommends setting a meeting where every party can discuss their concerns and the needs to progress and come to a solution.

Mr. Krigbaum thanked the Council for their time and the opportunity to speak.

Mayor Pro Tem Dobson then advised that on October 5, 2021, then Council Member Bowen advised Council in closed session that Gollaher and two others were considering suing the City regarding the towing list. The last thing needed is a lawsuit towards the City of Hannibal by a tow company. Dobson advised that Robbins 44 L.L.C vs. Becker in the United States Court of Appeals the 8<sup>th</sup> Circuit decided on July 27, 2015, read as "in November 2005 Robbins 44 L.L.C. sued the Missouri State Highway Patrol in Missouri State Court siting reinstatement onto the list on June 20, 2006, the State court then determined the State Patrol lacked statutory authority to create a rotation list at all. The court permently banned the State Patrol from creating, maintaining, or enforcing a rotation list of towing operators or determining which towing operators or wrecker services will remove disabled vehicles from the roadways or shoulders of the roadway and further enjoin the highway patrol from using such list to interfere with the Robbin's business operations. Dobson advised with that case law from the Missouri State Highway Patrol he feels it should stand for the City of Hannibal. Mayor Pro Tem Dobson then made a motion to eliminate the tow call rotation list.

City Attorney James Lemon then advised he doesn't want to interject himself into this issue, however, he believes that the case cited does not stand for the City's position. He would suggest it is a lot more complicated than and it is not a case of binding law on the City. Lemon advised the City does have statutory authority to establish something like the tow list, while the Highway Patrol does not because of the way they are empowered. However, the City is a Constitutional Charter City and can choose to have a tow list. He is not saying the City should have a tow list only that from a legal standpoint the referenced case doesn't stand for the same positions.

Mayor Pro Tem Dobson advised the City has been through this issue before and the then Chief Davis asked the Council at that time to end the tow list. The same arguments were given and came away with a check list that worked for a while and now the check list isn't good enough. Dobson feels the problem is who will oversee the list. He has spoken with Chief Nacke, and the concern is when tow companies do not arrive in the allotted time, who makes the call on when to go to the next company. Dobson advised 911 dispatch no longer wants to be in "control" of the list and will choose to no longer "man" the list as of the end of the year.

Council Member Franke then advised he will be the first to admit he has little knowledge of this issue, however, there has been some specific suggestions made, there is a new Police Chief and a new Fire Chief, therefore, his opinion is that the Council defer to those Chief's and let them present Council with their opinions of how to operate or oversee the tow list. Franke feels the Chief's, should take into consideration all the suggestions made this evening, and they can update the Council at their convenance.

Mayor Hark then reminded the Council there is a motion on the floor made by Mayor Pro Tem Dobson and asked for a second. Council Member Phillips seconded the motion, he then withdrew his second stating he was confused on what Dobson's motion was. Council Member McCoy then asked if Dobson's motion was to do away with the tow list. McCoy advised that this has been a topic of discussion before, therefore hearing the case law, Chief Davis' past request, and listening to the City Attorney now, he does not feel Council should "jump on board" a motion like that. until they have the knowledge of what they can and cannot do. Dobson then asked Chief Nacke how the police would handle the tow list after 911 discontinues controlling the list at the first of the year.

McCoy advised a few years back he was a member of the 911 board, and he recalls that the 911 dispatch receives funding from the City for a contract, and in that contract and a stipulation of that funding is that 911 dispatch will oversee the tow list for exchange for that fee. Dobson advised that 911 has given notice to the City that they will no longer do so. McCoy advised that they have a contract, and he will defer to the City Attorney if they can leave or refuse any portion of that contract. Dobson then asked Chief Nacke how the Police Department was planning to oversee the list after January 1, 2023, when 911 no longer does so. Chief Nacke advised that the department has no issue with doing so they just request that an Ordinance be drafted stating specifics on how to oversee the list and exactly what the steps the department is to take when using the list from that point on. Chief Nacke does not want to see the issue dropped back into his and Fire Chief Neisen's "lap" he would like the Council to address and draft an Ordinance defining the requirements and oversight of the tow list that the departments could follow.

There was no second to Mayor Pro Tem Dobson's motion.

Motion failed.

Council Member Franke then made a motion for the Fire Chief and Police Chief to come up with a proposed solution considering all the suggestions made by all parties involved and return to Council quickly, due to the January 1, 2023, deadline with 911 dispatch. Council Member Phillips seconded the motion.

Council Member McCoy advised that the Police Chief made it very well known that he felt it was better for the Council to address this issue and not the department Chiefs. He feels with the feelings of the Chiefs, the reputations of the businesses involved, and the emotions involved Council should decide how this moves forward. Council Member Phillips advised it would just be "brainstorming" for the Chiefs and the Council is not asking them to make the final decision.

Council Member Welch advised, while he respects Franke's motion, he doesn't believe the responsibility should be put on the department Chiefs. Franke advised he just doesn't know a lot about the issue and is looking for some additional information and guidance. Mayor Pro Tem Dobson advised that he has a very good Ordinance from the City of Independence that could be used as a guide and picked apart to work for the City, which includes the requirements of companies, policy and procedures, requirement for application approval, and more.

Mayor Hark reminded the Council there is a motion and a second on the floor and called for any further discussion. Mayor Tem Pro Dobson advised he doesn't want to hang it on the Department



Chiefs to solve, however they can be part of a committee to help decide how to move forward. Council Member Phillips advised he doesn't feel it's hanging on the department Chiefs to solve the issue, however having no forward movement on this issue, he believes having them in on the general discussion will at the very least be something to help move this issue to resolve.

With a motion and a second on the floor a roll call was taken.

## **ROLL CALL**

**Yes:** Council Members Franke and Phillips. -2

**No:** Council Member McCoy, Mayor Pro Tem Dobson, Council Members Welch and Veach-4

**Abstain:** Mayor Hark -1

Motion failed.

Council Member Welch then made a motion to form a committee to develop a solution to present to all parties involved. Council Member Franke seconded the motion. City Attorney Lemon asked Welch to clarify when he states a "committee" is he referring to Councilmen. Welch advised he believes the City Manager, Department Chiefs, and members of the towing companies should be involved. However, that may cause an issue, therefore he is open to suggestions on who should be placed on the committee. Dobson advised he doesn't believe members of the tow companies should be involved on the committee, due to a conflict, the City Attorney, City Manager and Department Chiefs would be the best place to start for a committee. McCoy then asked Lemon if it would be feasible to hold a public hearing in regard to the issue for all parties involved to speak, listen, and bring ideas and notes, however this would not be a fighting or attacking session it would be to open communication to come to a permanent solution for all involved. "My job is to make sure we are taking care of the citizens of Hannibal while doing what's fair and just for all involved," McCoy stated. Mayor Pro Tem Dobson advised there was still a motion on the floor from Welch. Welch then withdrew his motion, advising Council Member McCoy had a good plan and he would support that. City Attorney Lemon advised that there is no legal issue with the public hearing, however, he would suggest himself, department Chiefs and City Manager Peck meet and draft an Ordinance for the operation of the tow list for the City and return to Council to move forward from. There are a lot of issues from the ones raised by Dobson and Mr. Gollaher tonight, that he believes needs to be dealt with.

Mayor Pro Tem Dobson then made a motion to form a committee including City Attorney Lemon, City Manager Peck, and Police and Fire Chiefs to draft Ordinance and return back to Council in a month. Council Member Welch seconded the motion.

Council Member McCoy then advised he would like the committee to take the concerns of the tow companies into consideration. Lemon advised he would do so, as well as the department Chiefs to bring the best solution to the Council. He would like to hear the department Chief's thoughts on how to operate the list as he believes that is important all the concerns raised this

evening, including all the legalities involved with this issue to protect the City’s best interests. McCoy then thanked all the individuals who attended and for sharing and encouraged them to reach out to the committee members and share any additional thoughts.

**ROLL CALL**

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

**No:** -0-

**Abstain:** Mayor Hark -1

Motion carried.

**JAMES R. HARK - MAYOR**  
**Re: Approval of Reappointments**

**HANNIBAL CONVENTION & VISITORS BUREAU**

- Beth Knight – reappointment for a term to expire September 2027
- Gayle Viorel – reappointment for a term to expire September 2027

Mayor Hark reminded the Council of the candidates he presented for recommendation of re-appointment during the last Council meeting. He is recommending approval of Beth Knight and Gayle Viorel to be re-appointed to the Hannibal Convention & Visitors Bureau, for terms to expire September 2027.

A motion was made by Mayor Pro Tem Dobson to approve the re-appointments of Beth Knight and Gayle Viorel to the Hannibal Convention & Visitors Bureau for terms to expire September 2027. The motion was seconded by Council Member Franke.

Motion carried.

**MICHAEL DOBSON – COUNCIL MEMBER, 3<sup>rd</sup> WARD**

**Re: Code Amendment, Chapter 29 - Subdivisions, Article II. –Plat Approval, Division 2, Preliminary Plat, Section 29-56**

*(Bill No. 22-030, to follow)*

Mayor Pro Tem Dobson made a motion to table discussion and first reading of Bill No. 22-030 until after the public hearing is held Tuesday, November 1, 2022. The motion was seconded by Council Member Veach.

Motion carried.

**JAMES LEMON – CITY ATTORNEY**

**Re: Code Amendment, Chapter 2 – Administration, Article III. – City Council, Division 2,  
Rules and Orders of Business,  
Section 2-185, Public Comment  
(Bill No. 22-028, to follow)**

City Attorney James Lemon advised he is presenting a Code Amendment tonight that will amend Chapter 2 to allow for public comments during meetings. Once approved it would be something Council would set rules of operation. Lemon believes this is what Council had directed him to do, with Bill No. 22-028 to follow.

Council Member Franke then advised he had two topics the first questioning what promulgating rules would mean. His concern is that future Councils can rewrite the rules as “it suits them,” he would like to make sure something is in place to prevent that. Lemon advised that he used the language as it is similar to what is currently used in the Charter for setting up rules of order for meetings, and he believes it is appropriate here. Franke then advised he is fine with this path. Franke’s second item is that in April 2021 the Council put a Charter amendment on the ballot that was passed by the voters allowing Council to conduct meetings virtually in certain circumstances. It was the right thing to do at the time, however, it left out other boards and commissions from doing so also. Franke advised would like to make sure this does not happen here, therefore, he would like to amend Bill No. 22-208 to allow public speaking times at all City meetings.

Franke then made a motion to amend Bill No. 22-208 to allow for a public comment period to be allowed at all City meetings. City Attorney Lemon advised that what he believes Franke is asking is for the Bill to be amended to allow the comment period at Council meetings and all other City boards, utilizing the same rules the Council establishes, and he can add that in.

Mayor Pro Tem Dobson advised that he believes this will cause a problem, if you have these same rules. For example, Planning & Zoning Commission and someone has a question, the commission will have just received the information and will not be able to address the question. Additionally, Council will face the same issues on having just received information as they have not had the opportunity to review subjects they will also be unable to address the issue. City Attorney Lemon informed Council a lot of places hold a public comment period mixing issues not placed on the agenda that evening. He advised the Council is not obligated to make a response to the comments at that time. Additionally, he drafted the Ordinance to address many of those concerns, the Mayor is the chair and can direct the meeting by “shutting down” trolls or others attending that disrupt the proceedings.

Mayor Pro Tem Dobson advised he believes that it is option already in place, and he has used it several times himself. If someone has a concern, he has made a motion to add that person to speak about concerns during proceedings. Council Member McCoy asked how the Council would address a citizen that attends and makes a comment that’s not on the agenda, could the Council take it up. Lemon advised Council would just vote to amend the agenda, needing two thirds vote. A comment period is just that, an opportunity for citizens to attend and voice opinions on issues.

Mayor Hark then reminded Council there is a motion on the floor made by Council Member Franke. Council Member Welch then seconded the motion.

## **ROLL CALL**

**Yes:** Council Members Franke and Veach -2

**No:** Council Member McCoy, Mayor Pro Tem Dobson, Mayor Hark, Council Members Phillips, and Welch-5

Motion failed.

**Re: Code Amendment, Chapter 3, Alcoholic Beverages, Division I, Section 3-90, *Caterers License Requirement***  
*(Bill No. 22-029, to follow)*

City Attorney Lemon's next item is a Code Amendment to Chapter 3 addressing alcoholic beverages. This is to address an issue that the current Code that states one can only obtain a caterer's license if they have a location within the City limits. However, that's not what state law says, state law has a provision for a statewide caterers license, and this would bring the City into compliance with state laws allowing if someone obtains a state wide caterers license to apply for a City caterers license, for events inside the City limits. Lemon advised Bill No. 22-029 is to follow.

## **BILL NO. 22-026**

**AN ORDINANCE OF THE CITY OF HANNIBAL PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD TUESDAY, APRIL 4, 2023, FOR THE PURPOSE OF ELECTING COUNCIL MEMBERS OF THE FIFTH (5<sup>TH</sup>) AND SIXTH (6<sup>TH</sup>) WARDS AND TO ALLOW HANNIBAL VOTERS TO DETERMINE THE CONTINUATION OF FUNDING THE CITY'S RECYCLING PROGRAM**

### ***Second and Final Reading***

A motion was made by Mayor Pro Tem Dobson to have the City Clerk read Bill No. 22-026 and call the roll for adoption. The motion was seconded by Council Member McCoy.

**ROLL CALL**

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

No: - 0 -

Motion carried.

Mayor Hark declared Bill No. 22-026 duly approved and adopted on this date.

**BILL NO. 22-027**

**AN ORDINANCE OF THE CITY OF HANNIBAL ACCEPTING THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION; FINDING THAT A CERTAIN BLIGHTED AREA AS DEFINED IN CHAPTER 353 OF THE REVISED STATUTES OF MISSOURI, AS AMENDED, THE URBAN REDEVELOPMENT CORPORATIONS LAW, EXISTS IN THE CITY OF HANNIBAL AND THAT THE REDEVELOPMENT OF SUCH AREA IS NECESSARY AND IN THE PUBLIC INTEREST; APPROVING A DEVELOPMENT PLAN FOR SUCH AREA; APPROVING A GRANT OF LIMITED REAL PROPERTY TAX ABATEMENT; APPROVING A DEVELOPMENT AGREEMENT; AND PROVIDING FURTHER AUTHORITY**

***Second and Final Reading***

A motion was made by Mayor Pro Tem Dobson to have the City Clerk read Bill No. 22-027 and call the roll for adoption. The motion was seconded by Council Member Phillips.

**ROLL CALL**

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

No: - 0 -

Motion carried.

Mayor Hark declared Bill No. 22-027 duly approved and adopted on this date.

**BILL NO. 22-028**

**AN ORDINANCE REVISING CHAPTER 2 - ADMINISTRATION,  
ARTICLE III. – CITY COUNCIL, DIVISION 2 RULES AND ORDER  
OF BUSINESS; OF THE REVISED ORDINANCES OF THE CITY OF  
HANNIBAL TO MAKE SPECIFIC PROVISIONS FOR  
PUBLIC COMMENT**

*First Reading*

A motion was made by Council Member Franke to give Bill No. 22-028 a first reading. The motion was seconded by Council Member Veach.

Motion carried.

**BILL NO. 22-029**

**AN ORDINANCE OF THE CITY OF HANNIBAL REVISING  
CHAPTER 3, ALCOHOLIC BEVERAGES, DIVISION I, SECTION 3-  
90, CATERERS LICENSURE REQUIREMENT**

*First Reading*

A motion was made by Council Member McCoy to give Bill No. 21-032 a first reading. The motion was seconded by Council Member Veach.

Motion carried.

**BILL NO. 22-030**

**AN ORDINANCE OF THE CITY OF HANNIBAL REVISING  
CHAPTER 29 - SUBDIVISIONS, ARTICLE II. –PLAT APPROVAL,  
DIVISION 2 PRELIMINARY PLAT, OF THE REVISED  
ORDINANCES OF THE CITY OF HANNIBAL BY REVOKING**

**SECTION 29-56 - CONTENTS, AND ENACTING A NEW SECTION  
29-56 IN ITS PLACE**

***First Reading***

Mayor Hark advised Bill No. 22-030 was tabled for a later reading.

**ADJOURNMENT**

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

Motion carried.

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**James R. Hark, Mayor**

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**Angelica N. Zerbonia, MRCC, CMO - City Clerk**