

CITY OF HANNIBAL

OFFICIAL COUNCIL OFFICIAL PROCEEDINGS

**Tuesday, February 1, 2022
6:45 p.m.
Council Chambers**

CALL TO ORDER

It being the appointed time, Mayor Hark called the public hearing to order.

LISA PECK – CITY MANAGER

**Re: Community Development Block Grant (CDBG) – Union Street
Storm Sewer Collapse, Engineering Services, Potential Conflict of
Interest**

He then turned the public hearing over to City Manager Lisa Peck. Peck advised the purpose of the public hearing this evening relates to the properly notice regarding the potential conflict of interest for the Emergency Community Development Block Grant Funding for the Union Street Storm Sewer Project.

The City obtained Community Development Block Grant (CDBG) funding through the Mark Twain Council of Governments, to fix the February 2020 storm sewer collapse on Union Street. In connection with engineering for the project both the Council of Governments and the City were given incorrect information regarding procurement of the engineer. In order to receive the funds, the City must ask CDBG for an exception to utilize the same engineer who provided the initial engineering for the application as the engineer for the actual CDBG project. As part of this process, the City was required to hold a public hearing, also obtaining legal opinion from the City Attorney regarding the conflict-of-interest exception not violating state or local law under 4.B of the conflict-of-interest statement on the document attached to the agenda. The City must request CDBG for an exception on the Department of Economic Development Conflict of Interest Policy.

City Clerk Zerbonia then read the opinion into record as provided by City Attorney James Lemon.

“I have been requested to issue a legal opinion as to whether the use of the same engineering firm for both the initial grant application and the Union Street collapse repair project would violate State or local law noted under 4.b. on the DED Conflict of Interest Policy, a copy of

which is attached to the agenda hereto. Upon review of the said policy as well as State law and local Ordinances I note as follows:

The City obtained Emergency Community Bock Grant funding through the Mark Twain Council of Governments to fix the February 2020 collapse on Union Street. In conjunction with the engineering for this project, both the Council of Governments and the City were given incorrect information regarding procurement of the engineer, and that specifically it was allowable to utilize the services of same engineering from for both the initial grant application and Union Street collapse repair project. This recommendation was incorrect as set out as Section 3 of the said DED Conflict of Interest Policy.

Upon review of applicable law, I find no State Law or local ordinance which prohibits the use of the same engineer for both phases of this project. A review of the records of the City of Hannibal leads me to the conclusion that all required procedures for letting the engineering portion of this contract have been followed, and that there is no prohibition in state or local law against using the same engineer for both phases. As a result of the foregoing, it is my legal opinion that the use of the same engineer for both phases of this project will not violate state or local law. Further it is my legal opinion that therefore the granting of this exception would not be a violation of state or local law.

Also, for the purpose of the public hearing the City has to disclose how the public disclosure happened and the public disclosure is occurring at this public hearing that was regularly advertised and posted. Any comments from the audience or that were received needs to be noted include in the record and exception request” James F. Lemon

PUBLIC COMMENTS

Mayor Hark then called for anyone in the audience to come forward to speak, there being none. Mayor Hark questioned City Clerk Zerbonia if there were any written submissions. Zerbonia replied one email comment was submitted to City Manager Lisa Peck, February 1st at 6:21 a.m., which she then read into record, from Michael Hagan.

“Activities include the repair of a storm sewer collapse along Union Street. The engineering firm which prepared the preliminary engineering report for the application was also selected as the engineering firm for the project after it was funded by CDBG”. Because of the pending storm I will not be attending tonight’s meeting, but I believe there is a conflict of interest stated above”. Michael Hagan.

City Manager Peck then advised the minutes from this evening’s public hearing will be submitted to the Council of Governments, requesting the exception.

ADJOURNMENT

With no additional comments from Council nor the public, Mayor Hark closed the public hearing.

City of Hannibal

OFFICIAL COUNCIL AGENDA

**Tuesday February 1, 2022
Council Chambers
7:00 p.m.**

ROLL CALL

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

Absent: Council Members Franke and Veach – 2

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 Fire Chief Ryan Neisen 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 Bowen.

Motion carried.

APPROVAL OF MINUTES

Regularly Scheduled Council Meeting – January 18, 2022

A motion was made by Mayor Pro Tem Dobson to approve the regularly scheduled Council meeting minutes from January 18, 2022. The motion was seconded by Council Member Bowen.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS
Second Half – January 2022**

A motion was made by Council Member McCoy to approve the payroll and claims for the first half of February 2022. The motion was seconded by Council Member Bowen.

Motion carried.

**JOHN LYNG – 625 GRAND AVENUE
Re: Missouri Open Meeting/Open Records Statute**

City Clerk Zerbonia advised that Mr. Lyng contacted her today requesting his issue be tabled until the February 18th Council meeting. Due to illness, he is unable to attend this meeting.

**SHAWN SCHULTZ – LOAFERS CAR CLUB
Re: Request, Street Closures – Loafers Monthly Cruise-In
*First Saturday April – June & August – October 2022 – 5:00 p.m. – 9:00 p.m.***

Mayor Hark requested, John Buckman representing Loafer's Car Club to approach.

John Buckman, representing Loafers Car Club, approached Council, advising he has two requests; his first request is for the monthly Cruise-In. The Cruise-in events are scheduled for the first Saturday's in April – October (excluding May and July) from 5:00 p.m.– 9:00 p.m. Buckman requested Main Street be closed, with barricades, from Broadway to North Streets along with all side streets east and west of Main Street, with bollards.

Council Member McCoy then thanked Mr. Buckman for taking the time to come tonight. In the past the Council has had alot people submit requests like this and representatives have not shown up to the meeting to present themselves. Last year he had advised the importance having a representative present, but also understands that the weather is not good. McCoy wanted to personally thank Mr. Buckman for taking time out of his schedule to come and request this formally.

A motion was made by Council Member Bowen, pending execution of the Hold Harmless agreement, is received prior to the event, to approve street closures for the Loafers Car Club monthly Cruise-In's, scheduled for the first Saturday of each month, April thru October

(excluding May and July), from 5:00 p.m. – 9:00 p.m. The motion was seconded by Council Member McCoy.

Motion carried.

Re: Request, Street Closures & No Parking Sign – Loafers Annual Car Show

Saturday, May 7, 2022 – 6:00 a.m. – 5:00 p.m.

Mr. Buckman's second request is for the Loafers Annual Car Show to be located on North Main Street and scheduled, Saturday, May 7, 2022, from 6:00 a.m. – 5:00 p.m. He is requesting no parking signs be placed on Friday, May 6th, and barricades at Broadway and North Streets, and North Main and North Streets. The Mark Twain Brewery drive will be left open for access to the establishment.

A motion was made by Council Member Bowen, pending execution of the Hold Harmless agreement is received prior to the event, to approve street closures for Loafers Car Club Annual Car Show to approve the street closures, scheduled for Saturday, May 7, 2022, from 6:00 a.m. – 5:00 p.m. The motion was seconded by Council Member McCoy.

Motion carried.

MELONIE NEVELS, EXECUTIVE DIRECTOR – 2 RIVERS INDUSTRIES, INC.

Re: 2021 Annual Report to Council

Melonie Nevels then addressed Council advising she is presenting the annual report from Two Rivers Industries, as required in the contract in order to continue to reapply for services with the City. Nevels advised that during the last year of being reopened there hasn't been a lot of changes, she initially believed July 1st they would be fully reopened, however, a new COVID variant hit and now yet another, therefore they still have the same restrictions in place. Monday's and Thursday's the recycling center is open until 5:00 p.m., the other days they are open 7:30 a.m. – 1:30 p.m.

In 2020 – 2021, 2 Rivers Industries had a 208% increase with cardboard, giving them 186.97 tons. They were open all of 2021 however, closed a few months in 2020. They still are not accepting plastics due to storage and the required delay that must be adhered to. Ms. Nevels also provided Council with the 2022 holiday schedule that notes the recycling dates closing dates.

As 2 Rivers relies on public transportation to bring their employees to work, if Hannibal Public Schools close, they too are closed, noting they are closed tomorrow. Council Member Welch then advised that he receives a lot of phone calls from citizens that pay for the tax for the recycling service and it is not feasible for a lot them to get there during the current operating hours. Nevels then requested Welch refer them to her and she would make arrangements to meet them there, as she has done many others. Council Member Welch advised he would do so.

APRIL AZOTEA – 323 NORTH MAIN
Re: “Homeless People in Town”

Mayor then called for April Azotea to come forward. Ms. Azotea then entered into Council Chambers, approaching Council, advising that unfortunately she was not able to attend during the January 4th Council meeting where “it” was passed, where it was apparent that homeless individuals were being targeted. Mayor Hark advised that City park closure after 10:00 p.m. has been “on the books” for well over 30 years. She then questioned what was the bill that was passed, in which City Attorney James Lemon advised it was to allow the Parks Department to direct that camping could occur in specific places, which is to prohibit people from parking campers, etc, overnight, without a permit. This Ordinance did not ban the homeless. Lemon advised there have been some problems in Central Park with individuals camping in the bathrooms and pavilions and this Ordinance allows the parks director to designate certain areas in parks to allow camping.

Lemon advised that one Council Member previously raised the issue of fining and jailing the homeless and that will not happen as the Missouri Supreme Court has made it very clear no Municipal Court is to fine anyone if they are indigent. There are processes in our City Court, if they are indigent, they show the Court, and they will not suffer a fine. Lemon has only seen someone jailed, in 20 some years, he has been with the City, which was a third or fourth offense stealing or a serious physical assault. The City’s ordinances provide for an up to a \$500.00 fine and up to six months in jail. Lemon advised the curfew has been “on the books” for years and years and years and there was an argument that it was already in place there was no need to do anything. However, the discussion with staff, we are not going to go to the homeless and arrest them. One of the tools the City could have would be to designate some areas in the parks to allow for camping. While it was cauterized as an anti-homeless agenda, that was not the case, it was an attempt to deal with the problem that we all know that’s there and frankly, the Ordinance about you cannot be there after 10:00 p.m. was not going to be enforced because no one wants to put a homeless person in jail or write them a ticket. It would be pointless; it is better to find away for them to perhaps say could you camp over here because people are wanting to use a certain facility, according to Lemon.

Ms. Azotea then asked if something had been discussed or finalized about camping. Lemon advised that nothing further has been done. The idea being, as the weather gets warmer, and people want to use the facilities this will be a tool to talk to people who might be homeless camping in the areas other people want to use. She then asked if there were incidents where people were camping in the restrooms or laying across the trails, why Andy Dorian would have to be dealing with this and shouldn’t the police be doing so. Lemon advised that when the complaints come in, they go to the Parks Departments and when an employee goes to speak with them, if they become violent, police are called. She then asked if the City has decided collectively if the parks should make the contact with these individuals as she thinks Andy was frustrated with the instances that he has had to deal with and that a lot of these individuals are homeless or addicts and have mental health issues. Some aren’t comfortable dealing with them or don’t know how to deal with them, and not being in their shoes, become frustrated. She does not feel that this is something that the Parks Department should have to deal with.

Lemon then called on Chief Davis, in which he approached Council, advising the homeless issue they deal with is not just in the parks it's throughout the community. The police department tries to assist in seeking shelter for them, also working with the local mental health services. Lieutenant Jennifer Grote, who is present is the liaison with them.

Chief Davis advised the Ordinance with the parks is not really a factor, it was just brought up with the issues that Andy has had in the Parks and as City Attorney Lemon mentioned, the incarceration of the homeless is rare, if at all.

Police Lieutenant Jennifer Grote then advised that generally they call Mark Twain Behavioral Health, as they have the resources, to help, and they do try to work with them. The department does have monthly meetings, the second Wednesday of each month, with Mark Twain Behavioral Health to address those that may "fall off the map". Davis advised that they also work with the Salvation Army in Quincy and Embassy Church for those that need to get out of the elements. Council Member Bowen then asked if the Hannibal Police Department (HPD) was allowed to pick up and take individuals to the shelters, in which Davis advised they were, and Lt. Grote stated they have even taken them to Quincy.

Ms. Azotea advised that she spoke with Mark Twain Behavioral Health, Preferred, and Comprehensive, all of which were brought up during the last meeting. Multiple people stated there is funding available to get individuals into housing and get them the help they need. Which were the places City Attorney Lemon brought up that he had spoke to. She advised that Comprehensive told her they have no idea why that was mentioned, and they have no funding available and must reach out to others. Lemon clarified that Mark Twain Behavioral Health is the entity that reached out to him about the housing, however, they asked Lemon to mention Preferred and Comprehensive that have services as well. Not the same services as Mark Twain Behavioral Health. He was not trying to build up one particular entity.

April advised that it's not him building up one agency, it's the fact that Lemon made it appear that they all had funding and many of these people don't have guardians and if they are not willing to check themselves in, you must have patience, and know how to talk to them. On top of that COVID has pushed the housing process back tremendously, creating a huge waiting list.

She advised the agencies she spoke with have a waiting list for over a year. She has also spoken with Donna at Embassy, and she is grateful, however, they are needing donations. The pastor talks to everyone that comes in, however, he is not a doctor or psychiatrist. She then asked what the solution is that the City is doing to take care of this problem.

Lemon advised that the City probably is not in a place where they can afford to establish a homeless shelter, and if that is what she is proposing she could present to Council. She then asked how much of "our tax dollars" have already been wasted on other things and advised that everyone on the Council took an oath to do what is fair, just, right. To her right is right, wrong is wrong. When you have an opportunity to help someone you help them. The fact is we are not providing a solution to help them.

Council Member Welch advised the City is not in the position financially, however, if we had an opportunity to help someone we would. She then asked what solution the City was providing as there are lots of properties the City owns that could be used. Mayor Hark then advised that we are not saying they cannot camp in the parks. The Parks Director was given the authority to establish areas where people can camp. She then advised that she just asked City Attorney Lemon what areas have been designated and he advised that there were none, the areas have not been designated yet. According to Ms. Azotea there are so many people in the community that have taken things to the homeless and she then questioned how many of Council have seen people in the pavilion and asked what they needed.

Mayor Hark advised he does not stop and ask if they need anything. He took an oath and knew his oath better than what she does, and he would gladly sit down with her to discuss it. He would rather see the Parks Director approach someone and advise they should not be in a certain area, however offer an area they can go to, opposed to sending the cops first. Most people who have a mental disorder or drug addiction have no interest in having a cop approach them. Mayor Hark advised that he encourages the Parks Director and employees to speak with the homeless about not blocking the restrooms or being in the shelters, advising that they are rented, etc. From Mayor Hark's experience when he went up to talk to a person that was transient or homeless, sometimes immediately the attacks come out, and other times he'd see someone on the corner and toss them a soda and everything is fine. He agrees that it is a matter of approach, however, he is aware of a person in the community that had a means, that he went to school with, and this person would tell him when they were sleeping outside in the cold that they did not want his help. This individual was content basically "living off the grid" and this was what he chose to do. He feels the police do the best they can with what they have. The City is not in a position to run a homeless shelter, and he does acknowledge that she wants to see something better.

April advised that not necessarily better, but if we are going to say no camping, we need to have something better in place. City Manager Peck advised that she keeps hearing how the City staff needs to address the homeless issues. Homelessness is a nationwide problem and there are no fabulous solutions. She feels it is a little simplistic to have the City of Hannibal staff figure out a solution to such a large, nationwide problem. April advised that she has seen several cities provide pods or offer mental health services. Peck advised that most of them are larger communities and generally are handled by social service agencies, not the City.

April then asked if again the City has all these properties, why can't the City donate, and the community raise money to build a shelter or find some type of bond or staff to make it a temporary thing, until they can get into housing. Peck then advised the City did complete an application with Northeast Community Action Center to put affordable housing on City property and this was not funded. The Council passed authorization to donate the land to Northeast Community Action Center.

April then asked if there are police reports or reports done by City staff that relate to dealing with those that had to approach these individuals in the parks and was this kept track of. Lemon advised he was unsure if this has been done. Peck advised that if the police were involved, the police would have a report. April then stated that "her thing" is are we dealing with one instance versus "hear say". Peck advised that she is aware of several situations. Ms. Azotea advised of all

the homeless she has addressed in town, she has never had any she has approached become violent and she feels Council was being persuaded that all homeless were violent. Peck advised that the Police Department has statistics on violent interactions with individuals.

Council Member Welch advised that during the last meeting he made comments about the pavilion, and he has had responses from people in his ward. This Ordinance was not done to block the homeless in parks, it was done to create another resource the parks can use if they do have encounters.

April advised that she is not against people being in the parks and there are obviously several people and when the City is saying no camping and not creating a solution, then she feels they will have nowhere to go and will ultimately create crime, trying to break into places, etc.

Council Member Welch then advised it is not a lack of compassion it is a need of a resource for our Parks Department. When we look at this, we see the homeless people and it's a hardship for them, we know that, and we did not want our staff to have to address this issue it's a job for the police department. He has done a lot of personal soul searching and this is a necessary step to address an issue. He does not feel it has become an issue as of now. With April's thoughts and processes of getting someone to organize a shelter in the community, he feels this is a great idea and as City Council we are not able to do it.

Mayor Hark asked since no place for camping has been designated yet has anyone been removed from the pavilion. Peck advised an individual using the pavilion across the street was approached and this individual has since been using the homeless shelter at Embassy and during the winter it normally wouldn't be a problem. Peck knows Parks and HPD has connected these individuals with services, and she too has a brochure that she can and will share with those she comes across.

April then advised that mental health and homelessness is a problem across the US and if they do not have guardians and they're not willing to work with HPD or willing to take that help, that is the thing you cannot help them if they're not willing to help themselves, and it does make it difficult. What she would like to see is have a designated area available because the Embassy Shelter is only open if it's 45 degrees. She spoke to Donna and while they are going to be open the next couple of days, they generally are not. What she is saying is that the City needs to provide them with a designated area.

Council Member McCoy advised that there has not been a designed area in more than 40 years. He too took an oath to defend and protect the constitution and Ordinances of the City of Hannibal. He does not want to be called not compassionate, but he did take an oath. In doing so with no camping in the parks it is their duty to enforce those. This is not a problem Council created and no one up here is against this, however, everyone needs to work together.

April indicated that words are great, however, actions are better. Council Member McCoy then asked what those actions are, and she advised that she opened her back patio as a homeless shelter last winter and used her own money to place individuals in hotels. McCoy then asked if she contacted City Hall, or non-profits, such as the Jaycees, etc., in which she advised she contacted several. They only have " x " amount of funds available. She is not asking the City to

financially help put them in housing, she is asking for a designated for sure area. Council Member McCoy advised that she is making the point for the City, that the resources are not available. What April stated is she is just asking for a designated area, that individuals know is a designated area, so they're not in trouble. McCoy then asked if they designated the amphitheater area as camping, would that help. April advised that would give them a designated area where they know if they are not willing to go to a shelter, they know it's ok for them to be there. McCoy advised they have been discussing for 30 minutes and feels they should be talking about solutions which April advised that is not up to her, McCoy advised that Ms. Azotea requested to be on the agenda to discuss and offer solutions to the problem.

Council Member Welch then advised that this is not going to be a City oriented drive, April will need to find some sort of group or organization to be on board with this. If she can do this, the City could probably come up with something for a designated area. As of right now, this is not something that Welch would want to push on the City, as it is a financial obligation, and the City does not have the money to offer a shelter. He then questioned if she would want all the citizens to approve a spot and he feels it is on the citizens to come up with a place.

Mayor Hark then advised that the allotted time, is generally five minutes, however, this subject required a much lengthier conversation. At this time he would need to stop the discussion and move forward with the remainder of the meeting. have to cut it off. This is a matter we need to look at. He understands what Ms. Azotea is saying, a designated spot is needed. Someone will be contacting her to give her an idea of what is being looked at.

MEGAN RAPP, DIRECTOR – HANNIBAL CONVENTION VISITORS BUREAU

Re: Customer Relationship Management Application (CMR) – CMR Agreement

Simpleview, LLC - \$5,000

(Resolution No. 2391-22, to follow

Megan Rapp, Director of Hannibal Convention Visitors Bureau advised she is requesting approval for a new Customer Relationship Management (CRM) platform, Simpleview, to track tourism development and sales.

This new CRM platform will allow the HCVB to build detailed itineraries for group tours, travel agencies, reunions, churches, etc. to all attractions in the Hannibal area. It will also include the following grades:

- integrate all past group visits into the new system
- provide training to staff on new system
- create internal reports and forms for groups
- integrate with outlook calendars

Council Member Bowen then asked if this \$5,000.00 was a one-time fee. Rapp advised it is a one-time fee with a \$199.00 monthly charge.

Mayor Hark then stated Resolution 2391-22, is to follow which authorizes the approval of the CMR agreement.

DARRIN GORDON, GENERAL MANAGER – BOARD OF PUBLIC WORKS

Re: Self-Managed Purchase Power Plan – Master Power Purchase and Sale Agreement

*Union Electric Company, d/b/a/ Ameren Missouri
(Resolution No. 2392-22, to follow)*

General Manager Darren Gordon then addressed Council, advising that he had provided a memo about the master purchase agreement that was included in their packet. This evening he would be providing the “cliff note” version. The Board of Public Works has purchased power from five power providers, they are generators. The BPW would like to add Ameren Corporations to that portfolio, as it would help strengthen their portfolio. Ameren would give them a sixth bidder on the power. He cannot advise of the cost, what happens is BPW puts this agreement into place, and it’s simply used on a daily, hourly basis, which is also what the BPW does with the other five power providers. He has presented the agreement to the BPW Board, and they have approved.

The Board would like approval for Mayor Hark to execute per City Attorney Lemon’s recommendation, the Master Power Purchase and Sale agreement with Ameren Missouri.

Mayor Hark stated Resolution 2392-22, is to follow to approve this agreement.

RESOLUTION NO. 2391-22

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A CUSTOMER RELATIONSHIP MANAGEMENT AGREEMENT BETWEEN THE CITY AND SIMPLEVIEW, LLC FOR DEVELOPMENT AND HOSTING OF CRM SOFTWARE FOR THE HANNIBAL CONVENTION & VISITORS BUREAU IN THE AMOUNT OF \$5,000

A motion was made by Council Member McCoy to have the City Clerk read Resolution No. 2391-22 and call the roll for adoption. The motion was seconded by Mayor Pro Tem Dobson.

ROLL CALL

Yes: Mayro Hark, Council Members Bowen, Welch, McCoy, and Mayor Pro Tem Dobson - 5

No: - 0 -

Absent: Council Members Veach and Franke - 2

Motion carried.

RESOLUTION NO. 2392-22

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A MASTER POWER PURCHASE AND SALE AGREEMENT BETWEEN THE CITY AND UNON ELECTRIC COMPANY, D/B/A AMEREN MISSOURI REGARDING PURCHASE POWER FOR THE BOARD OF PUBLIC WORKS

A motion was made by Mayor Pro Tem Dobson to have the City Clerk read Resolution No. 2392-22 and call the roll for adoption. The motion was seconded by Council Member Bowen.

ROLL CALL

Yes: Mayro Hark, Council Members Bowen, Welch, McCoy, and Mayor Pro Tem Dobson - 5

No: - 0 -

Absent: Council Members Veach and Franke - 2

Motion carried.

ADJOURNMENT

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

Motion carried.

James R. Hark, Mayor

Angelica N. Zerbonia, MRCC, CMO - City Clerk