

**NOTICE OF PUBLIC MEETING
COUNCIL AGENDA**

**Tuesday, July 19, 2011
7:00 p.m.**

ROLL CALL

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

**APPROVAL OF MINUTES
Regularly Scheduled Council Meeting – July 5, 2011**

**APPROVAL OF PAYROLL AND CLAIMS
First Half – July, 2011**

**MAURICE SALIGHEH – PROPERTY OWNER
Re: Fencing Heights**

**KEVIN LIONBERGER – PROPERTY OWNER
Re: Vehicles on Residential Property**

**JAMES LEMON – CITY ATTORNEY
LOU BARTA – 3RD WARD COUNCIL MEMBER
Re: Code Amendment, Chapter 19, Article II, Section 19-38
*Keeping or Parking Certain Commercial Vehicles and Construction or Commercial Grade
Equipment at or Upon Residential Property
(Bill No. 11-015, to follow)***

ROY G. HARK - MAYOR
Re: Recommendation of Appointment

HANNIBAL HISTORIC DEVELOPMENT DISTRICT COMMISSION
➤ Dian Volkmer – Re-appointment for a term to expire May, 2016

JEFF LAGARCE – CITY MANAGER
Re: Approval of Appointments

HANNIBAL PARK BOARD
➤ James O'Donnell – Reappointment for a term to expire July, 2014
➤ Debbie Catlett – Reappointment for a term to expire July, 2014
➤ Marlene Rodenbaugh – Appointment for a term to expire July, 2014

MEGAN RAPP – HCVB ASSISTANT DIRECTOR
Re: Approval, Declaration of Surplus Property – 2008 Dodge Durango

ANDY DORIAN – DIRECTOR, PARKS & RECREATION
Re: Purchase Approval, 2008 Dodge Durango
Hannibal Convention & Visitor's Bureau

Re: Bid Award Approval, Zero Turn Mowers (5)
Sydenstrickers

Re: Nipper Park Marina Dredging – Contract Agreement
Magruder Construction, Inc.
(Resolution No. 1737-11, to follow)

MARK REES – CITY ENGINEER
Re: Highway 61 Intersection of Pleasant & West Ely Road – Apportionment Agreement
Missouri Highways & Transportation Commission
(Resolution No. 1738-11, to follow)

RESOLUTION NO. 1737-11

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT WITH MAGRUDER CONSTRUCTION CO.
INC. IN THE AMOUNT OF \$91,206.10 FOR THE DREDGING OF
NIPPER PARK MARINA**

RESOLUTION NO. 1738-11

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
COST APPORTIONMENT AGREEMENT WITH THE MISSOURI
HIGHWAYS AND TRANSPORTATION COMMISSION
RELATIVE TO THE RECONSTRUCTION OF HIGHWAY 61 AT
THE INTERSECTION OF PLEASANT STREET AND WEST ELY
ROAD IN THE AMOUNT OF \$407,049.65**

BILL NO. 11-014

**AN ORDINANCE AMENDING CHAPTER 19, ARTICLE II,
SECTION 19-38 OF THE HANNIBAL CITY CODE RELATIVE TO
KEEPING OR PARKING CERTAIN COMMERCIAL VEHICLES
AND CONSTRUCTION OR COMMERCIAL-GRADE
EQUIPMENT AT OR UPON RESIDENTIAL PROPERTY**

First Reading

CLOSED SESSION
In Accordance with RSMo. 610-021 (1)

ADJOURNMENT

Angel Zerbonia

From: mo arian [onearian@yahoo.com]
Sent: Thursday, July 14, 2011 3:55 PM
To: Angel Zerbonia
Subject: lack of cooperation from city official

dear miss Zarbonia

i am requesting a permission to com in front of city council to express my complain regarding the neighbor of mine at 1116 center street for the nonsense,might be illegal thing that she does in and around her property,such as hanging plastic garbage bags on fence as a privacy fence that took OVER a YEAR to be ordered to be taken done, and now by putting a 8-9 feet of wood fence that is making my backyard look like a prison and in no cities or Villages around U.S you can see such thing expect in commercial , industrial,and military area,and also none of the lumber yard or hardware stores are selling any thing taller than 6 feet ,unless it was special order and would be approved by the laws of any city ordnance even thought we do not have such law in our town . but common sense and other cities around our nation would indicate only in commercial,industrial,and military are allowed to have such high fence due to security and other reasons, and if this woman saying that she has put such fence because of her security WHY IS ONLY ON MY SIDE ?, WHY SHE WONDERS AROUND IN HER FRONT YARD AND IN STREET DURING NIGHT TIME UP TO 4-5 AM IN THE MORNING,AND WHY SHE HAS HER FRONT DOOR OPEN DURING NIGHT TIME WITH AN SMALL BARRIER FOR HER SMALL DOG TO NOT RUN OUT AND "BARKS ALL NIGHT LONG AT CARS,CATS,AND ANY THING MOVES DURING NIGHTS TILL 4-5 AM IN THE MORNING .

i would like to ask the city council to hear my complain and not let this matter continue for another year or more because our city official does not have a brain to make decision or act on his own to eliminate such non sense matter ,even it is not on the book.

these employee of the city are getting paid by our tax dollars and i as a citizen of this town have right to ask for help.

city manager is not their DADDY or some one to tell these guys how to do every thing, they should be able to think and make decisions with their knowledge,laws,and common sense,as one that i know "SUZAN OSTEVIK " has done it for the past several years all alone as i have got letters from her for my violations with several properties that i used to have.

sincerely
Maurice Saligheh

5-28-2011

I Kevin Linberger would like to speak at the July 15th city council meeting. The subject is Ordinance 4558, Commercial vehicles on residential streets and on property.

Kevin D. Linberger

MEMO

TO: City Council, City Manager, City Clerk

FROM: James Lemon

RE: 19-31; 19-38

Gentlemen,

At the request of council I had worked on clarification revisions to the section 19-38. I have since received comments which also addressed the definition of "kept" or "stored", and so I have now drafted a revision to the definition section as well.

New changes include:

1. Extend sunset provision to allow council time to deal with the revisions and allow people a fair time to apply for variance
2. Extend the period of time to get votes in to allow people to have adequate time to contact their neighbors.
3. Address the issue of deceased property owners
4. Change the record keeping to the City Clerk's office in regard to the mailing of the notices & receipt.

It is my understanding that the Mayor is unavailable for the next meeting, and has requested that the Mayor Pro tem request this matter be table until he can be there for debate/vote. It is also my understanding that the Mayor Pro Tem intends to make this request. However, I wanted to be sure that we got this before you so that the council could be considering the draft. Please feel free to let me know if you have questions, or feel that we have failed to address clarification issues that were previously raised.

Jfl

ADDITIONAL AMENDMENT
Proposed by Barta

BILL NO. _____

ORDINANCE NO. _____

FIRST READING _____

SECOND READING _____

AN ORDINANCE

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE II, SECTIONS 19-31 AND 19-38 OF THE HANNIBAL CITY CODE RELATIVE TO KEEPING OR PARKING CERTAIN COMMERCIAL VEHICLES AND CONSTRUCTION OR COMMERCIAL-GRADE EQUIPMENT AT OR UPON RESIDENTIAL PROPERTY

Be it Ordained by the City Council of the City of Hannibal:

Section 1. WHEREAS, the City of Hannibal previously passed an ordinance regarding the parking and/or storage of commercial vehicles in residentially zoned areas; and WHEREAS, there has been some dispute regarding the procedure for an administrative variance, certain definitions and the intent of the council thereunder.

NOW THEREFORE, the City Council of the City of Hannibal Resolves as follows:

Section 2. That the Code of the City of Hannibal, CHAPTER 19, ARTICLE II, SECTION 19-31 OF THE HANNIBAL CITY CODE RELATIVE TO KEEPING OR PARKING CERTAIN COMMERCIAL VEHICLES AND CONSTRUCTION OR COMMERCIAL-GRADE EQUIPMENT AT OR UPON RESIDENTIAL PROPERTY, shall be amended to read as follows:

Sec. 19-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial vehicle means any commercial-style vehicle not generally associated with residential use, but kept or parked at or upon residential property, which shall include any bus, tractor, farm machinery or equipment or livestock trailers not directly associated with primary agricultural use of the property, aircraft, semi-tractor trucks, semi-tractor trailers, truck beds mounted on chassis, trash or sanitation trucks, mobile homes not used as primary residence, commercial vehicles licensed in-excess of 18,000 pounds gross vehicle weight, commercial fleet vehicles exceeding two in number, trailers for commercial use, fifth wheel trailers for commercial use, wheeled towing frames, commercial-grade mowers, and devices of similar scale; except vehicles making local deliveries or providing local service are exempt from the provisions of this Section.

Construction or commercial-grade equipment means any equipment of general construction, commercial, or industrial use not generally-accepted as applicable for home/residential use, but kept or stored at or upon residential property.

Damaged, disabled, or unlicensed vehicle means any vehicle which is not registered or is improperly registered with the state; has been inoperable for more than 72 hours or is in such a state of repair as to be inoperable, except those on the premises of a duly licensed automobile repair or sales business; or in a duly licensed automobile junking yard.

Kept, means to place, park, or allow to remain on the subject premises, for a period of time in excess of 24 hours, whether inside or outside a building, garage, carport or other structure.

Property means any land within the city limits not including streets or highways.

Residential Property means any property zoned and/or used residentially, excluding property zoned H-1 Historic District, and property with primary agricultural use.

Stored means to place park or allow to remain on the subject premises for a period of time in excess of 7 days, whether inside or outside of a building, garage, carport or other structure.

Street or highway means the entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

Vehicle means any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, including but not limited to automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons, or any part thereof.

Section 3. That the Code of the City of Hannibal, CHAPTER 19, ARTICLE II, SECTION 19-38 OF THE HANNIBAL CITY CODE RELATIVE TO KEEPING OR PARKING CERTAIN COMMERCIAL VEHICLES AND CONSTRUCTION OR COMMERCIAL-GRADE EQUIPMENT AT OR UPON RESIDENTIAL PROPERTY, shall be amended to read as follows:

Sec. 19-38. Appeal for Administrative Variance

Until September 1, 2011, any person may appeal to the city for an administrative variance with regard to the keeping, parking, or storage of commercial vehicles, construction equipment, or commercial-grade equipment on residential property. During the period in which an appeal process is occurring, no person shall be prosecuted for that violation, nor shall any person be sent further abatement notices regarding the specific issue being appealed.

- (a) Such appeal must be filed with the building inspector's office within seven (7) days of the date listed on the city's abatement notification.
- (b) The request for variance must identify specific commercial vehicles, construction equipment, and/or commercial-grade equipment to which the appeal applies. Variances cannot be granted for general immunity of this Article.
- (c) Not longer than seven (7) days after filing an appeal for administrative variance, the applicant must provide the building inspector's office with an abstract listing, prepared by an abstracting or title company, setting out each separate parcel lying within 185 feet of the exterior boundary lines of the property. The abstract list shall provide the county parcel number, the parcel street address, the parcel owner name or names, and the parcel owner's home mailing address in regard to each parcel.

- (d) Upon receipt of said abstract, the city shall send individual notices on prepaid postage cards via U.S. Mail to the parcel owners shown on the property abstract. If any card shall be returned as undeliverable, the city shall promptly notify the applicant of such fact.

All notices shall be dated and mailed on the same day, and shall include such specifications, provisions and requirements as the City shall deem necessary or relevant, including but not limited to the following:

1. That a notice of abatement was issued to the applicant,
2. The address of the parcel at which the violation occurred.
3. Reason(s) thereof,
4. That an appeal for administrative variance has been filed by the applicant,
5. That all owners of lots within a 185 foot distance of the subject property are entitled to cast one vote, for each separate parcel owned, either in support, or in opposition to the request for administrative variance.
6. That an administrative variance will be not be approved unless the City receives votes in support of the variance from seventy-five percent (75%) of all property owners, (not seventy-five percent (75%) of the property owners returning their vote in accord with this ordinance) within a 185 foot distance of the boundaries of the parcel, such votes to be either postmarked within twenty-one (21) days of the postmark on the City's notification, or physically delivered to the office of the City Clerk within twenty-one (21) days of the postmark on the City's notification.

- (e) The voting and approval process shall be subject to the following rules and requirements:

1. Any rules and requirements set out in paragraph d.
2. If seventy-five (75%) percent of all parcel owners (not seventy-five percent (75%) of the property owners returning their vote in accord with this ordinance) within 185 feet of the subject parcel, as shown by the abstract listing vote in support the administrative variance in accord with the requirements of paragraph d, the administrative variance shall be considered approved, and notification immediately sent to the property owner.
3. If less than seventy-five (75%) percent of the parcel owners within 185 feet of the subject parcel, as shown by the abstract listing vote in support the administrative variance in accord with the requirements of paragraph d, the variance shall not be approved. In such case, a notice shall be sent to the applicant providing the result, directing the applicant to comply with the original abatement notice within a period of seven (7) days, and the applicant shall thereafter be subject to all provisions of this Article.
4. It is the specific intent of the City of Hannibal that the administrative variance process described herein is a separate process which shall be governed solely by the rules set out herein, and shall not be construed under or be bound by any process or ordinance regarding any other type of variance or zoning modification otherwise set out in the ordinances of the City of Hannibal.

5. If the applicant provides proper proof that any person shown as owner on the abstract is deceased, that parcel or parcels shall be excluded from the total number of parcels required to meet the 75% requirement.
 6. If any of the notices mailed by the City are returned as undeliverable, return to sender, then that parcel or parcels shall be excluded from the total number of parcels required to meet the 75% requirement.
- (f) Any administrative variances granted shall apply only to the current applicant, and shall apply only at that specific address/location for which the appeal was filed. Such variances do not lie with the property itself, nor with successive owners or occupants. However, the individual granted an administrative variance:
1. May replace the vehicle or equipment exempted by the administrative variance with a replacement unit, as replacement becomes necessary. The administrative variance will apply to vehicle and equipment units replaced.
 2. Shall not add additional commercial vehicles, construction equipment, or commercial-grade equipment to the residential property for keeping, parking, or storing thereof.

Section 4. It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

Section 5. All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

Section 6. That this Ordinance shall be in full force and effect from and after its passage and approval.

Adopted _____

_____ Mayor

Approved _____

(Seal)

Attest: _____
City Clerk

Angel Zerbonia

From: Mary Bright
Sent: Thursday, July 14, 2011 11:20 AM
To: Angel Zerbonia
Subject: HDDC Reappointment

Angel,

At the Mayor's request, please put Dian Volkmer on the next council agenda for reappointment to the Hannibal Historic Development District Commission. Term to expire May 2016.

Thanks
Mary

Gail Bryant, CTIS
Director



Megan Rapp, CTIS
Asst. Director

July 14, 2011

Dear Hon. Members of the Council and Mayor Hark,

I would like to request that the CVB's 2008 Dodge Durango be declared surplus for the purpose of selling the vehicle in order to get a more fuel-efficient vehicle. We will sell the Durango to the Hannibal Parks and Rec. Department for the Kelley blue book price of \$17,500.

We are requesting bids to then purchase a fuel-efficient vehicle with the money from the Durango's purchase. We will present to council once bids have been obtained to request purchase.

The Parks and Rec. Dept. has agreed to let us continue to use the Durango until another vehicle can be purchased.

Respectfully Submitted,

Megan Rapp

Assistant Director & Group Sales Manager

Hannibal Convention & Visitors Bureau
505 North Third Street
Hannibal, Missouri 63401
573.221.2477
VisitHannibal.com

Parks and Recreation

Andrew Dorian
Director of Parks & Recreation
City of Hannibal
320 Broadway
Hannibal, MO 63401

Ph: 573 221-0154

Fax: 573 221-0155

Email: adorian@hannibal-mo.gov



TO: City Clerk, Mayor, and Council

FROM: Andrew Dorian, Director of Parks & Recreation

DATE: July 12th, 2011

RE: Purchase of Dodge Durango from the HCVB

The Parks Department would like to purchase the 2008 Dodge Durango from the Hannibal Convention and Visitor's Bureau. The Durango will replace the Jeep Cherokee currently driven by the Recreation Supervisor. The Parks Department and the HCVB have agreed on a price of \$17,500 for the Dodge Durango.

The Jeep Cherokee has had multiple mechanical problems over the last year and is currently in need of several additional mechanical upgrades. The Parks Department no longer feels it is a reliable vehicle and does not suggest spending additional money on maintenance repairs. The Jeep Cherokee will be declared surplus and offered to the public using the sealed bid process.

The Parks Department budgeted \$60,000 in the 2011-2012 budget to purchase a SUV and a new $\frac{3}{4}$ ton work truck.

The Parks Dept. recommends the purchase of the HCVB's Dodge Durango for the price of \$17,500.

Parks and Recreation

Andrew Dorian
Director of Parks & Recreation
City of Hannibal
320 Broadway
Hannibal, MO 63401

Ph: 573 221-0154

Fax: 573 221-0155

Email: adorian@hannibal-mo.gov



TO: City Clerk, Mayor, and Council

FROM: Andrew Dorian, Director of Parks & Recreation

DATE: July 12th, 2011

RE: City Council Agenda Item – Purchase of New Mowers

Bids were opened at 2:00 PM on Wednesday, July 6th for the purchase of 5 Zero Turn Mowers. These mowers will replace 5 mowers that are no longer under warranty. Four of the used mowers will be traded into Sydenstickers and are included in the bid proposal. The additional used mower will be declared surplus and offered to the public using the sealed bid process.

The Parks Department budgeted \$32,000 in the 2011-2012 budget for new mowers.

There were three bids submitted for this project. (See attached bid summary).

The final bid amounts on the bid tabulation sheet include total cost of 5 new John Deere Zero Turn Mowers, plus a 48 month or 1200 hour comprehensive warranty for each mower, minus the trade in cost of 4 used John Deere Zero Turn Mowers.

The Parks Department recommends that the low bid of \$29,000.00 be awarded to Sydenstrickers.



**CITY OF HANNIBAL, MISSOURI
 BID TABULATIONS**

Project Number: PR-12-01

**Project Description: Purchase of 5 John Deere Z960A
 ZTrack Mowers 60" with 48 month extended warranty with
 4 trade ins.**

Bid Opening Date: July 5, 2011

Bid Opening Time: 2:00 p.m.

Bidder	Individual Mower Cost	Individual Warranty Cost	Trade In	Total Cost
Sy denstricker	\$ 10,000	\$ 1,100.00 - 1 comp warranty \$ 450 @. onyx repair train		* \$ 20,000 0 trade \$ 55,500 0 comp \$ 27,750 0 trade \$ 2,250 0 comp
Morton Kromcke Muelvan snc.	\$ 12,015			\$ 34,295 0 trade \$ 37,703 0 (comp)
Shardview	\$ 10,641.05			\$ 30,999.00 0 trade

Angelica N. Vance
 Angelica N. Vance, City Clerk

7/5/2011 2:00pm
 Date/Time

Parks and Recreation

Andrew Dorian
Director of Parks & Recreation
City of Hannibal
320 Broadway
Hannibal, MO 63401

Ph: 573 221-0154

Fax: 573 221-0155

Email: adorian@hannibal-mo.gov



TO: Angel Zerbonia

FROM: Andrew Dorian, Director of Parks & Recreation

DATE: July 12th, 2011

RE: City Council Agenda Item – Marina Dredging

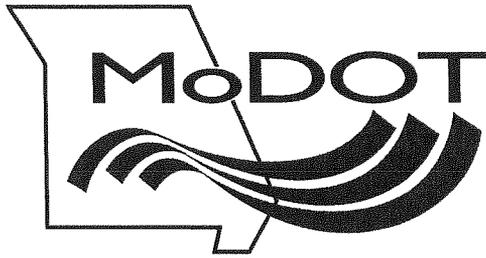
Due to high water over the past couple of years, the marina was filled with more than normal levels of silt and debris. The Parks & Recreation Dept. submitted an application to FEMA to receive funding for the removal of this silt using hydraulic dredging. We were notified earlier in the year that funding from FEMA was approved for this project.

At 2:00pm on Wednesday, June 22nd the Parks & Recreation Dept. opened up bids for the removal of approximately 8,403 cubic yards of silt/debris from the Nipper Marina. The area being dredged is a square area from the entrance of the Marina from the River, to the gas dock and then over to the covered docks. MaGruder Construction was the sole bidder for the project. (Bid sheet is attached)

The Parks Department estimated this project to cost approximately \$120,000. FEMA and a Third Party will cover the entire cost of the project.

The Parks Dept. recommends that the low bid of \$91,206.10 be awarded to Magruder Construction Co. Inc. and that the mayor is authorized to sign a contract for this project.

Missouri
Department
of Transportation



Paula Gough, P.E., District Engineer

Northeast District
P.O. Box 1067
South Route 61
Hannibal, MO 63401
(573) 248-2490
fax (573) 248-2497
Toll free 1-888 ASK MoDOT
www.modot.org

July 14, 2011

City of Hannibal
Attention: Jeff LaGarce, City Administrator
320 Broadway
Hannibal, MO 63401

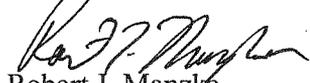
Dear Mr. LaGarce:

Please find enclosed Seven (7) copies of a Cost Apportionment Agreement related to the intersection project at McMasters/W. Ely/Pleasant Street Intersection. We previously entered into a Program Agreement and Municipal Agreement. The former was to allow the city of Hannibal to utilize federal funds for this project. The latter was to coordinate the use of MoDOT and City right of way, utilities, etc. While program agreement set out the max of Hannibal's participation at \$407,049.65 this Cost Apportionment Agreement is needed to properly guide our financial staff in how to carry out the funding of said project, which will be in the September 2011 letting schedule.

If you could have proper personnel fully execute these agreements, it would be greatly appreciated. This project was unique and thus the need for various agreements that relate to the project in different ways.

If you have any questions or concerns, please call me at 573-248-2634 or write me at robert.manzke@modot.mo.gov.

Sincerely,


Robert J. Manzke
Transportation Planning Specialist

Attachments

To Mayor & Council,

THIS Letter From Bob MANZKE
EXPLAINS THIS Agreement AS well

AS I COULD. STARR
RECOMMENDS APPROVAL.

