

City of Hannibal
OFFICIAL COUNCIL PROCEEDINGS

**Tuesday February 15, 2022
Council Chambers
7:00 p.m.**

ROLL CALL

Present: Council Members Veach, McCoy, Mayor Pro Tem Dobson,
Mayor Hark, and Council Members Bowen, and Welch - 6

Absent: Council Member Franke – 1

CALL TO ORDER

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

INVOCATION

The invocation was then given by Mayor Pro Tem Dobson.

PLEDGE OF ALLEGIANCE

Mayor Hark then requested Police Corporal Brian Allen 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 Mayor Pro Tem Dobson.

Motion carried.

APPROVAL OF MINUTES

Closed Session Minutes – June 15, 2021, September 21, 2021

& October 19, 2021
Regularly Scheduled Council Meeting – February 1, 2022

A motion was made by Council Member Veach to approve the closed session minutes from June 15th, September 21st, and October 19, 2021, and the regularly scheduled Council meeting minutes from February 1, 2022. The motion was seconded by Council Member Bowen.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half – February 2022

A motion was made by Mayor Pro Tem Dobson to approve the payroll and claims for the second half of February 2022. The motion was seconded by Council Member Veach.

Motion carried.

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

John Lyng then addressed Council advising that he was in attendance to discuss litigation that he had to unfortunately bring against the City of Hannibal and the ramifications of. He has one objective and that is to get the City Council to obey the law and he would think that the Council would be on his side. Lyng advised briefly reviewing, they got a judgement in his first lawsuit on December 31, 2021, where the court found that you cannot discuss going from free market trash collection to socialized trash collection in a closed meeting for contract negotiations.

The next lawsuit he filed is set for trial March 17th and it is where raising taxes was discussed as contract negotiations. For it to be him to predict the outcome of any particular lawsuit, if the same reasoning is followed as the court set forth in the first decision, it is not a contract negotiation.

Lyng wants to point out the increase in City “tax” on the Board of Public Works bill which goes by many names where the court elects to void the tax, it will have an economic impact on the City budget. Lyng advised that his prayer is not only to void it but to reduce the tax from 5 ½% to 4 ½% until the citizens get back what they have paid, as a result of that closed meeting.

Lyng advised he is open to any discussion about how we could resolve the issue. He has his own ideas on how which are not set in stone. When through with the litigation, here is what he feels the City would have: the City Council would no longer casually and routinely have closed meetings on questionable grounds. He is open to discussing with Council. He intends to file a third case where he plans to call into court every closed session meeting in 2021. He feels just about every closed meeting that has been held by Council has been suspect.

He resolves the best way to determine this is to call every closed session meeting held in 2021 into the lawsuit.

Lyng advised that (the City's) insurance company likely will not view it favorably, however, that is what the City pays premiums for. Council Member Bowen then clarified that he, Mr. Lyng, and others as taxpayers, has to pay towards the City's insurance premiums.

Lyng advised Chapter 16, open meetings will be a secondary position, with the first element of his case will be requesting the court to grant an order requiring the City Council to abide by the City Charter.

His second position is to have the court rule that the Council follow the City Charter, where it states that all meetings of the Council shall be open to the public. He believes City Council rarely has a need to close a meeting, and that in most issues they could figure a way to negotiate with one another, how it occurred during the time when he was Mayor or figure another way to hold the meeting without it being closed.

The other issue is, does the State's open meeting and records law amend the City's Charter. It may be a court would say that if the state wants all the meetings possible to be open to the public, but the citizens of Hannibal want all City Council meetings to be open to the public the wishes of the people, who adopted the Charter supersedes the law. He is not so foolish is to be on any outcome of any case, however, if this is what the Charter says the Council should seriously consider this. He wants the Council to cease causally and routinely violating the open meetings law.

SHERRY CLINGINGSMITH – YMCA

Re: Request, Street Closure – 8th Annual Shamrock Shuffle 5k Run/Walk

Saturday, March 19, 2022 – 9:00 a.m. – 11:00 a.m.

Jeff Landrum on behalf of Sherry Clingingsmith, then addressed Council regarding the YMCA Shamrock Shuffle 5K. When they originally requested the proposed map route, led people to believe they would be running down Harrison Hill, and that was not the intent. They will actually be nine or ten feet off of the road on the Country Club golf course to give a good buffer between the traffic and the runners. They do, however, need to cross the intersection on Harrison Hill and Country Club Drive to be able to get over to the sidewalk to get to Riverview Park.

He has ran the Hannibal Cannibal for five years, he runs with a ruck sack and in boots and his time is what measures his fitness level. Runners are no different, they measure themselves off the course, this is what they are trying to do with the runners for the Shamrock Shuffle and they could not get an accurate time, due to having to stop at the intersection. Not having this barrier would help to grow the event.

Council Member Welch then questioned if this event was any different than the Hannibal Cannibal, which streets are blocked off for hours. Mayor Pro Tem stated there are alternate routes at the location of the Cannibal. Welch then wanted verification of the location of the

crossing. Landrum stated the crossing would be at the intersection at Central Avenue. Mayor Hark then requested Chief Davis and Lt. Alex Grote, come forward as it was noted there were concerns about closing off Harrison Hill for an extended period of time. Davis was told there would be more than 120 runners, back and forth and that is a long time to impede traffic. What Mr. Landrum just explained was opposite of what was told to Lt. Grote.

Lt. Grote advised his understanding there was to be no road closures, still using YMCA provided flaggers at the intersections. If the intersections were closed off, they purposed the west side and southside of Riverview Park. If these intersections were closed off this would cause traffic to back up, they can turn around. The only way to not impede traffic would be to close it down to I72. The side streets are all residential neighborhoods, which would cut off residential and emergency access. Landrum requested they close on the other side of Country Club Drive and detour cars down the other side of Country Club. Last year they did cross over, there was no sidewalk, and you could not see well. They were hoping to back the crossing up a bit on Country Club property and cross over to the sidewalk. They are still open to use the passive flagging to grow the race, however, they would request the street closures.

Council Member Bowen then questioned how it was different than the Hannibal Cannibal. Lt. Grote advised that for the Hannibal Cannibal there are alternative routes that can be taken. Chief Davis advised that the Hannibal Cannibal, there are many meetings prior to the event, and Landrum's request is last minute and not what Lt. Grote was made aware of.

Council Member Welch then questioned crossing at the corner of Central Avenue which he feels would make more sense. Central Avenue would provide a turnaround spot to detour traffic. Landrum advised that part of the confusion came from Sherry Clingingsmith, being new with the YMCA and she was not familiar with the area or the route. He had tried to get her to start coordinating the race early and they are just trying to figure out how to do this without stepping on anyone's toes. Someone asked him why not use the Riverview Park and he indicated that the restrooms in the park are not open and there is no heat which is the reason they chose the Country Club property.

Council Member Bowen then clarified an officer would be needed north of Country Club Drive and south of Orchard Point, then traffic could turn around at Orchard Point or Fette and use Country Club Drive. Council Member Bowen then asked to amend the request to include two officers be put in place.

Council Member Veach then stated he recommended closing the road north of Central Avenue, close Harrison Hill north of Central Avenue up to Orchard Point and they can use Hyacinth. He feels they should close the street with barricades. Bowen asked if Mr. Landrum would be opposed to speaking with the two residents that would be affected by the street closures. Council Member Veach clarified closure north of Country Club Drive, closing Harrison Hill north of Country Club Drive to Orchard Point, advising the runners could block a 20-foot-wide section.

Council Member Welch advised that going to Chief Davis' point this is the reasoning why so much planning goes into things such as the Hannibal Cannibal. Landrum advised they have changed the location several times and have never really had a "home," and the Country Club

stepped up to offer their location. Landrum has stepped up to help with the logistical and permitting processes. Welch questioned when they would need final approval for the event in which City Clerk Zerbonia advised that the event is scheduled for March 19th.

Lt. Grote advised that if traffic is stopped further south of Central Avenue it is still going to cause traffic to be filtered through the intersection of Central Avenue and Harrison Hill.

A motion was then made by Council Member Welch to approve crossing west of Country Club Drive and east of Central Avenue, placing a sign, one lane crossing where participants can cross and come back at the same crossing. The motion was seconded by Council Member Bowen.

Council Member McCoy asked if it were not approved, as amended tonight, would the YMCA still be able to hold the event with the flagged route, as in past, in which Landrum concurred. He advised that many department heads had expressed concerns with the original map, and Council should take those concerns into consideration. He asked Landrum if he would be willing to sit down with the affected department heads and come back to the March 1st Council meeting with a full plan and mapping and speaking to any affected residents, feeling this would be a good compromise to all.

Council Member Welch advised that if it is acceptable to Landrum, he would withdraw his motion. He did advise that he nor Council Member Dobson would be able to attend the March 1st Council meeting. Lt. Grote advised there was never a “hard” no, they were still trying to come up with a solution and they ran out of time. Landrum advised that he is trying to help grow the event and he apologized that they did not start sooner with the process. Council Member McCoy advised this will give the YMCA a couple more weeks to come up with a solid plan. Mr. Landrum will come back to the March 1st Council meeting with an updated proposal.

JONATHAN ROBISON – Y MEN’S CLUB OF HANNIBAL
Re: Request, Street Closures – Down By The River & Mud Volleyball
DBTR – Friday, May 20th, June 17th, August 19th, September 23, 2022
Mud Volleyball – June 30 – July 4, 2022

Jonathan Robinson, representing the Hannibal Ymen’s Club, approached Council requesting street closures for the upcoming Down by the River events for the following dates:

- May 20, 2022
- June 17, 2022
- August 19, 2022
- September 23, 2022

He also requested street closures for the annual Mud Volleyball tournaments that are taking place June 30 – July 4, 2022, beginning June 26th to allow for set up.

The street closures he is requesting for both events include the alleyway west of the Ymen’s Pavilion and Hill Street from Main Street to the floodwall.

A motion was made by Mayor Pro Tem Dobson to approve the requested street closures, contingent upon insurance received, prior to the events, for Down by the River events, to be held, May 20th, June 17th, August 19th and September 23rd, and Mud Volleyball from June 30th to July 7th. The motion was seconded by Council Member Welch.

Motion carried.

WESLEY METZ – FINANCE DIRECTOR
Re: 2022/2023 Annual Bid Limit Amendments
(Bill No. 22-001, to follow)

Director of Finance Wesley Metz then addressed Council advising that annually they recalculate bid limits, recalculated, using the Consumer Price Index. This year increasing 7%, which is the highest of which he is aware in his career. In accordance with Section 9.13 (b) of the City Charter this is required to be done annually in March.

Mayor Hark stated Bill No. 22-001 is to follow for a first reading.

ANDY DORIAN – DIRECTOR, CENTRAL SERVICES
Re: Braeburn Drive – Dedication of Street to Public Use
(Bill No. 22-002, to follow)

Central Services Director Andy Dorian then addressed Council advising he has two items of business. The first being the dedication of Braeburn Drive, which is the final road in Fette Subdivision to be dedicated. The City Engineer has reviewed and approved. Council Member Bowen questioned if this street meets all subdivision guidelines, which Dorian advised that it does NOT, it was grandfathered in.

Mayor Hark stated Bill No. 22-002 is to follow for a first reading.

Re: Airport Runway Light Replacement Project – Aviation Project Consultant Agreement
Aviation - \$169,829.90
(Resolution No. 2393-22, to follow)

Dorian next item is an engineering contract for the runway lights, PAPI's and REIL's at the Hannibal Regional Airport which are in need of replacing, due to age. With federal funding state block grant money, the process goes through many parcels, The state has already been approved, and this component is the engineering contract with Aviation in the amount of \$169,829.90 of which \$17,283.00 will be the City's 10% match. There will be two more agreements to actually finalize the funding for this project. Mayor Pro Tem Dobson questioned the engineering, if lights are being replaced why does it have to be engineered. Dorian advised they are replacing lights, going with the LED, and redoing the electric. As part of MODOT requirements an independent fee estimate is necessary, and we must pay an independent firm in Colorado to assess engineering dollars to make sure they are accurate.

Mayor Hark stated Resolution No. 2393-22 is to follow.

MEGAN RAPP – DIRECTOR, HANNIBAL CONVENTION VISITORS’ BUREAU

Re: Missouri Division of Tourism – “Tourism Roadshow”

Thursday, March 3, 2022 – 8:00 a.m. – 12:00 p.m.

Director of Hannibal Convention Visitors Bureau Megan Rapp, then addressed Council advising of the upcoming “Tourism Roadshow” for the Division of Tourism, which will be held on March 3, 2022, 8:00 a.m. until – noon. She requested Council contact her directly if interested in attending, and she wanted to publicly invite and encourage attendance. The information shared during this meeting generally can only be obtained from the Governor’s Conference, in Jefferson City. The Division of Tourism is trying to do a better job getting around the state to let people in the tourism industry, as well as public officials, of what is occurring within the division.

RESOLUTION NO. 2393-22

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE AN AVIATION PROJECT CONSULTANT AGREEMENT IN THE AMOUNT OF \$169,829.90 BETWEEN THE CITY AND JVIATION, INC A WOOLPERT COMPANY FOR THE DESIGN, BIDDING & CONSTRUCTION ADMINISTRATION SERVICES FOR THE RUNWAY LIGHT REPLACEMENT PROJECT AT THE HANNIBAL REGIONAL AIRPORT

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 Council Member Bowne.

ROLL CALL

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

No: - 0 -

Absent: Council Members Franke – 1

Motion carried.

BILL NO. 22-001

**AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING
THE ANNUAL BID LIMITS IN ACCORDANCE WITH SECTION 9.13
(b) OF THE CITY OF HANNIBAL CHARTER**

First Reading

A motion was made by Council Member Veach to give Bill No. 22-001 a first reading. The motion was seconded by Mayor Pro Tem Dobson.

Motion carried.

BILL NO. 22-002

**AN ORDINANCE OF THE CITY OF HANNIBAL APPROVING AND
ACCEPTING DEDICATION OF *BRAEBURN DRIVE* IN FETTE
SUBDIVISION, FIRST ADDITION, IN THE CITY OF HANNIBAL,
MARION COUNTY, MISSOURI**

First Reading

A motion was made by Mayor Pro Tem Dobson to give Bill No. 22-002 a first reading. The motion was seconded by Council Member Veach.

Motion carried

CLOSED SESSION

In Accordance with RSMo. 610.021 (1)

Mayor Hark then entertained a motion to enter into closed session in accordance with RSMo. 610-021, sub-paragraphs (1). He is requesting to admit himself, City Council Members, Assistant City Attorney Ethan Matchet, City Manager Lisa Peck, City Clerk Angel Zerbonia, Deputy City Clerk Debbie White, and Police Chief Lyndell Davis.

A motion was made by Council Member Bowen to enter into closed session. The motion was seconded by Mayor Pro Tem Dobson.

ROLL CALL

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

No: - 0 -

Absent: Council Member Franke - 1

Motion carried.

A motion was made by Mayor Pro Tem Dobson to return to open session. The motion was seconded by Council Member Welch.

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