

CITY OF HANNIBAL
OFFICIAL PUBLIC HEARING

Tuesday, November 2, 2021
6:30 p.m.
Council Chambers

CALL TO ORDER

It being the appointed time, Mayor Hark called the first public hearing to order, advising the hearing relates to rezoning property located at 3700 Palmyra Road.

He then turned the public hearing over to Lisa Peck, City Manager.

LISA PECK – CITY MANAGER
Re: Rezoning, 3700 Palmyra Road
E-Commercial to B-Multiple Family
Shad Terrill

City Manager Peck advised an application has been received by Shad Terrill to rezone 3700 Palmyra Road from E-Commercial to B-Multiple Family. This zoning is consistent with other allowable uses surrounding the properties. Peck advised all necessary paperwork has been submitted, advertisements have been made, letters have been sent to the neighbors and Planning & Zoning has held a public hearing.

PUBLIC COMMENTS

Mayor Hark then asked if there was anyone who wished to speak for or against the rezoning of 3700 Palmyra Road.

Delores Wright, secretary of the Quail Ridge Condo Association then addressed Council, questioning what kind of facility this would be, in which City Manager Peck advised they would be triplexes and duplexes. Ms. Wright then asked if it would be open to the public or age or income based, in which Building Inspector Mike Murphy, from the audience, advised no restrictions. She then asked if there would be any kind of fencing, as it is adjacent to their property. Murphy advised that the plans he has seen does not identify any kind of fencing. Ms. Wright said there is currently a tree line that is not being maintained. Peck advised this should be something they could bring up to the new owners, Shad Terrill. Murphy indicated he would be happy to pass a phone number on to the new owner to discuss. Mayor Hark advised that constitutionally the City could not tell people what kind of things (fencing, etc.) they could or

could not place nor the type. That is specifically the zoning of the property and it meets the criteria.

ADJOURNMENT

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

CITY OF HANNIBAL
OFFICIAL PUBLIC HEARING

Tuesday, November 2, 2021
6:45 p.m.
Council Chambers

CALL TO ORDER

It being the appointed time, Mayor Hark called the second public hearing to order, advising this hearing relates to amending the City Code, Chapter 32 Zoning.

He then turned the public hearing over to Lisa Peck, City Manager.

LISA PECK – CITY MANAGER
Re: Code Amendment, Chapter 32, Zoning Article V – District B,
Multiple Residence District - Adding “Galleries”

Peck advised the public hearing is to discuss amending the City Code, Chapter 32 *Zoning Article V – District B, Multiple Residence District - adding “Galleries”* to the definition of allowed uses.

Council Member Welch questioned if the definition had still the same space requirement as previously stated. Peck advised this was discussed at the Planning & Zoning Commission meeting where as 80% of sales is to come from art.

PUBLIC COMMENTS

Mayor Hark then asked if there were anyone wishing to speak for or against the Code amendment, there being none.

ADJOURNMENT

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

City of Hannibal

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday November 2, 2021
Council Chambers
7:00 p.m.**

ROLL CALL

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

Absent: Council Member Veach – 1

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 Hannibal Police Officer Kuhlman-Pfeiffer to lead the Pledge of Allegiance to the Flag.

A motion was made by Council Member Welch to excuse Council Member Veach from the meeting. The motion was seconded by Council Member Bowen.

Motion carried.

APPROVAL OF AGENDA

A motion was made by Mayor Pro Tem Dobson to approve the agenda, as presented, and posted. The motion was seconded by Council Member Franke.

Motion carried.

APPROVAL OF MINUTES

**Closed Session Council Meetings – November 20, 2018, March 17, 2020
& July 6, 2021**

Closed Session Council Meeting – September 21, 2021

Closed Session Council Meeting – October 5, 2021

Special Called Council Meeting – October 12, 2021

Regularly Scheduled Council Meeting – October 19, 2021

A motion was made by Council Member Bowen to approve the closed session meeting minutes from November 20, 2018, March 17, 2020, July 6, 2021, September 21, 2021, October 5, 2021, the special called Council meeting minutes held October 12, 2021, along with the regularly scheduled Council meeting minutes held October 19, 2021. The motion was seconded by Mayor Pro Tem Dobson.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS

Second Half – October 2021

A motion was made by Council Member McCoy to approve the payroll and claims for the second half of October 2021. The motion was seconded by Council Member Welch.

Motion carried.

JAMES LEMON – CITY ATTORNEY

Re: Proposed Sales Tax Ballot Language

City Attorney Lemon then addressed Council reminding Council of the discussion on possible language for a ballot initiative. He had requested City Clerk Zerbonia provide his proposed language to Council in advance, which was done. He had requested if anyone had any comments or questions to submit and none were received prior to tonight's meeting.

Mayor Pro Tem Dobson feels that storm and sanitary sewerage should be removed from the language, as this would be covered by the Hannibal Board of Public Works (HBPW). Council Member Franke advised that he would like to keep these included, in the event the other initiative fails and the City still has large projects to fix, such as North Street. Council Member Welch stated he isn't sure if it should be removed or left, ultimately curbs and gutters are a part of the stormwater as well. Mayor Hark then read the proposed language for Proposition 1:

For the purpose of paying costs associated with infrastructure and remedial improvements including, without limitation, streets, gutters and sidewalks; storm and sanitary sewerage; flood protection, levy improvements, levy equipment, emergency infrastructure projects, and demolition projects related to infrastructure, shall the City of Hannibal charge a City Sales Tax of one half percent (.5%), said tax to be in effect for a period of five (5) years beginning December 31, 2022, and with the tax proceeds to be deposited into a special trust fund or account kept separate and apart from all other funds of the City.

Council Member Franke then asked if something was left out but is still considered infrastructure, could it still be pursued, in which Lemon stated yes. He advised that he "stole"

the language from City Clerk Zerbonia, which was the language that was in the explanatory section of the last ballot initiative, which was ruled not appropriate to include. However, upon advice from some of the Council Members, it is now being included as part of the ballot language to make sure it would be there. In his opinion, if the City doesn't want this tax to be able to be used for sewer, Council is going to have to direct Lemon to change the language to specifically state this. The language, as drafted, states without limitations and it lists a bunch of examples. His interpretation of that language would be the City could use the tax for anything that is truly a capital improvement. He is not arguing whether it should be in the ballot language or not, he just wants to make clear that if Council does not want the ability of this tax to be used for sewer, then he would need to re-draft, more so than just taking those two phrases out.

Mayor Pro Tem Dobson questioned if an emergency infrastructure project would include stormwater sewer, in which Lemon agreed. His approach is, if this ballot language gets put in front of the public in April, and then in November when the HBPW puts their ballot issue out, people are going to think, "we just voted for this", in which Council Member Franke agrees.

Council Member Welch advised he would not mind taking that particular phrase out as the Council gave the HBPW direction to create a utility stormwater sewer. Lemon then advised it sounds as the general consensus would be to remove the stormwater/sewer language and questioned if at this point would Council want him to draft another Ordinances and other required documents to put this on the ballot, for the next Council meeting.

Council Member Bowen then questioned the reasoning for only a five year sunset, he prefers seven as he does not feel the five is enough time. He does believe in the sunset if that's what it will take to get the tax measure passed. He also questioned the December 31, 2022 start date, in which Lemon advised that's what the State statutes require. He advised on this type of tax, you always have to wait until January 1st, of the next year to begin collecting the tax. Council Member Bowen then asked if there was a major issue to occur at City Hall or Hannibal Police Department, as an example, could this tax cover the repair, in which Lemon advised it could be used to repair the damage to infrastructure. For instance, if a building was damaged by a vehicle, probably, however damage to a vehicle, probably not. As long as the infrastructure is being repaired, or something that needed to be repaired immediately, he believes this tax could be used to both build and repair.

Council Member Franke advised he feels that a seven year sunset would be better than the five as well. Council Member Welch advised he likes the five year sunset, that way if the citizens don't like the progress, they have the option to not renew it. He knows this tax is good for the City and he feels what a lot of the "kick back" received is people don't want to have a long term commitment. Council Member McCoy advised the only feedback he received pertained to the sunset and five years, and they advised they would be in favor of that. He feels that if the City wasn't also trying to pass the HBPW initiative seven year sunset would be ok, however, he thinks the five years would be a better sell.

Council Member Bowen then questioned if the explanatory statement will be on the ballot this time, in which Lemon advised that the language is a part of the ballot. This is what the voters will see on Election Day. Lemon advised if this was a state wide ballot, which are very restricted, in regards to the language you can use it would be different. In a Municipal or County Election, it is a lot broader and you can put descriptors in the ballot language itself. He advised there is no set hard rule that these things can or cannot be included. In his opinion the information needs to be reasonably related to the ballot issue and can be a part of the ballot

language but not a separate description. He can re-draft the proposed ballot language if Council wishes for him to do so, if there are things that Council wants or doesn't want included. Lemon questioned City Clerk Zerbonia when the final certification is due in order to meet the April election deadline, in which she stated she has to have the final certification to the County before January 25th.

Council Member Franke advised he has a question and suggestion and wanted to see if Lemon could add in language on things it cannot be used for. He feels this would strengthen the chance for it to pass. Council Member Welch likes Council Member Franke's suggestion along with the removal of stormwater and sanitary sewer. Lemon then asked if the Council prefers the five or seven year sunset, in which Council Member Bowen and Mayor Pro Tem Dobson stated five years.

Peck advised she would caution Council about the delays that are being experienced by COVID-19, if a vehicle were to break down, the equipment may not work or get repaired due to the "lag time". Also some materials that might be needed/used that could be significantly delayed due to COVID-19.

Council Member Franke questioned if there was a financial mechanism of which we could pre-pay. Lemon advised that part of the idea is that the City wants to be able to show people that they are willing/able to get things done, however, he would suggest based on what he has heard a five year sunset would be a good idea.

Mayor Hark then summarized the removal of the language on stormwater and sewer and staying with the five year sunset and inserting limiting language. Lemon advised he will draft new proposed language and provide to the City Clerk for Council so the public will have an opportunity to see it in advance. He questioned if the Council wanted to discuss the language solely at the next meeting or include the proposed Ordinance for the initiative, in which Council stated yes.

LISA PECK – CITY MANAGER

Re: Rezoning, 3700 Palmyra Road - E-Commercial to B-Multiple Family

Shad Terrill

(Bill No. 21-034, to follow)

City Manager Peck advised an application was received from Shad Terrill to rezone the property located at 3700 Palmyra Road, Hannibal, Missouri. The rezoning request is to take the property currently zoned as E-Commercial to B-Multiple family to build triplex and duplex buildings.

Peck advised at the Planning & Zoning Commission meeting held October 21, 2021, it was a favorable vote to the rezone this property.

Mayor Hark stated Bill No. 21-034 it to follow, for a first reading.

Re: Code Amendment, Chapter 32, Zoning Article V – District B, Multiple Residence

District - Adding "Galleries

(Bill No. 21-033, to follow)

Peck's next item is a City code amendment to Chapter 32, *Zoning Article V – District B, Multiple Residence District - Adding “galleries”*. The new definition states that 80% of the sales have to derive from the sale of art.

Mayor Hark stated Bill No. 21-033 is to follow, for a first reading.

Re: Recommendation of Appointment

Peck then made the following recommendations of appointment to the Board of Adjustment.

BOARD OF ADJUSTMENT

- **Andrew Wikstrom – appointment as alternate for a term to expire May 2026**

She advised this nomination will be considered for approval at the next regular Council meeting, to be held November 16, 2021.

Re: Acquisition/Acceptance of Property – Portion of Shinn Lane
Marion County

Peck then advised Council that there is a portion of Shinn Lane owned by Marion County that the City owns all surrounding property, which is located near the hospital. This property is less than a quarter of a mile and it doesn't make sense for the County to maintain it when the City owns the surrounding areas. Director of Central Services, Andy Dorian, advised it is basically the last portion of Shinn Lane down near Moberly Area Community College by Route MM. He advised this area of Shinn Lane is scheduled to be repaved this year as well, this is one of those issues the City and County are trying to “clean up”, and for snowplowing and maintenance it makes sense.

Peck advised she will be bringing back documents for approval of this acquisition at the next meeting. Lemon advised the County has the right-of-way, not actually ownership. He has prepared paperwork with proposed language for a right-of-way transfer, however, he has not yet heard back from the County at this time.

ANGELICA ZERBONIA, CITY CLERK

Re: City Depository – Banking Depository Services Agreement & Pledge and Depository Contract

F&M Bank and Trust Company
(Resolution No. 2379-21, to follow)

City Clerk Zerbonia advised requests for proposals for all City entities were solicited for the City Depository, as defined in the City Charter Section 7.02, as the existing agreement between the City and F&M Bank & Trust Company is due to expire at the end of November.

Two local banking institutions submitted proposals, both meeting the criteria defined in the City Charter and the Request for Proposals with two declinations. F&M Bank & Trust

Company and Home Bank of Hannibal provided the responsive proposals. The declinations were received by Hannibal Nation Bank (HNB) and Commerce Bank.

Both responsive proposals were qualified and able to offer the City the services needed, including on-line banking, inbound and outbound wires, ACH's, payroll services, checking, money market accounts with checking, and a dedicated account manager. However, F&M Bank & Trust Company was able to provide all banking services at no cost/fees and provide a more competitive interest rate.

The Banking RFP committee comprised, of herself, Paul Trenhaile, Board of Public Works Finance Director, Phyllis Nelson, City Collector and Wesley Metz, Director of Finance, held a mandatory RFP submittal meeting and then met to review the responding RFP's.

It is the recommendation of the committee to award a two-year banking depository agreement with an option for automatic renewal for three (3) additional one-year consecutive terms between the City of Hannibal and F&M Bank & Trust Company.

Zerbonia stated Resolution No. 2379-21 is to follow, for approval.

PHYLLIS NELSON – CITY COLLECTOR
WESLEY METZ – FINANCE DIRECTOR
Re: Fiscal Year 2021/2022 Budget Amendment No. 1
(Resolution No. 2380-21, to follow)

Phyllis Nelson, City Collector, addressed Council advising that on October 19th, a bid was awarded for the MOSWIN radio systems to A&W Communication. She and Wesley Metz, Finance Director, are presenting a budget resolution to accommodate this. She reminded Council that both Marion and Ralls County 911 Systems are contributing a total of \$200,000, the USDA grant being \$206,787.00, leaving the City's portion to be \$225,033.39 for a total of \$631,820.39. There will be a short term "loan" from the City's Revolving Loan Fund for the City's portion, to be repaid in the future by the General Fund.

Nelson stated Resolution No. 2380-21 is to follow, for approval.

ANDY DORIAN – DIRECTOR, CENTRAL SERVICES
Re: Bid Award Approval, Sale of City Owned Surplus Property - 2002 Kubota M8200
Tractor
Johan Farms - \$17,503.26

Andy Dorian, Director of Central Services, is requesting approval for the sale of City owned surplus property. He advised the Street Department recently opened bids for the sale of their 2002 Kubota M8200 Tractor, six bids were received with the high bid of \$17,503.26 from Johan Farms.

A motion was made by Council Member Franke to approve the bid award approval for the sale of a 2002 Kubota M8200 Tractor, which is City owned surplus property, to Johan Farms in the amount of \$17,503.26. The motion was seconded by Mayor Pro Tem Dobson.

Motion carried.

Dorian then announced it was Director of Tourism, Megan Rapp's birthday, all in attendance then sang Happy Birthday to her.

Hallie Yundt-Silver, Library Director, then advised the Library is having an open house on Thursday, November 4, 2021 from 10:30 a.m. until 1:30 p.m. She apologized invitations weren't sent, however, she extends an invitation to everyone.

RESOLUTION NO. 2379-21

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A BANKING DEPOSITORY SERVICES AGREEMENT BETWEEN THE CITY OF HANNIBAL AND F & M BANK AND TRUST COMPANY FOR THE PURPOSE OF PROVIDING BANK DEPOSITORY AND RELATED SERVICES TO THE CITY OF HANNIBAL AND ALL COVERED ENTITIES

A motion was made by Council Member McCoy to have the City Clerk read Resolution No. 2379-21 and call the roll for adoption. The motion was seconded by Mayor Pro Tem Dobson.

ROLL CALL

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

No: - 0 -

Absent: Council Member Veach - 1

Motion carried.

Mayor Hark declared Resolution No. 2379-21 duly approved and adopted on this date.

RESOLUTION NO. 2380-21

A RESOLUTION OF THE CITY OF HANNIBAL AMENDING THE FISCAL YEAR 2021/2022 BUDGET (NO. 1) TO RECOGNIZE ADDITIONAL REVENUES AND EXPENDITURES RELATIVE TO THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) MOSWIN RADIO GRANT PROJECT

A motion was made by Mayor Pro Tem Dobson to have the City Clerk read Resolution No. 2380-21 and call the roll for adoption. The motion was seconded by Council Member McCoy.

ROLL CALL

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

No: - 0 -

Absent: Council Member Veach - 1

Motion carried.

Mayor Hark declared Resolution No. 2380-21 duly approved and adopted on this date.

BILL NO. 21-032

AN ORDINANCE OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A \$155,546 STATE BLOCK GRANT AGREEMENT BETWEEN THE CITY OF HANNIBAL AND THE MISSOURI HIGHWAYS COMMISSION FOR FUNDING THE AIRPORT RENOVATION OF THE RUNWAY 17/35 LIGHTING, PAPI'S AND REIL'S AT THE HANNIBAL REGIONAL AIRPORT

Second and Final Reading

A motion was made by Mayor Pro Tem Dobson to have the City Clerk read Bill No. 21-032 and call the roll for adoption. The motion was seconded by Council Member Welch.

ROLL CALL

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

No: - 0 -

Absent: Council Member Veach - 1

Motion carried.

Mayor Hark declared Bill No. 21-032 duly approved and adopted on this date.

BILL NO. 21-033

**AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING
CHAPTER 32, ZONING ARTICLE V – DISTRICT B, MULTIPLE
RESIDENCE DISTRICT ADDING “GALLERIES” TO ALLOWED
USES OF THE CITY OF HANNIBAL CODE OF ORDINANCES**

First Reading

A motion was made by Mayor Pro Tem Dobson to give Bill No. 21-033 a first reading. The motion was seconded by Mayor Hark.

Motion carried.

BILL NO. 21-034

**AN ORDINANCE REZONING 3700 PALMYRA ROAD, CITY OF
HANNIBAL, MARION COUNTY, MISSOURI FROM E-
COMMERCIAL TO B-MULTIPLE FAMILY AND AMENDING THE
CITY’S ZONING MAP ACCORDING**

First Reading

A motion was made by Council Member McCoy to give Bill No. 21-034 a first reading. The motion was seconded by Council Member Bowen.

Motion carried.

CLOSED SESSION

In Accordance with RSMo. 610.021 (3) (12) (13)

Mayor Hark then entertained a motion to enter into closed session in accordance with RSMo. 610-021, sub-paragraph (12). He advised sub-paragraphs (3) and (13) will no longer be discussed in closed session therefore not closing under those. He is requesting to admit himself, City Council Members, City Attorney James Lemon, City Manager Lisa Peck, City Clerk Angel Zerbonia and Hannibal Regional Economic Development Director Corey Mehaffy. A motion was made by Mayor Pro Tem Dobson to enter into closed session. The motion was seconded by Council Member Bowen.

ROLL CALL

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

No: - 0 -

Absent: Council Member Veach - 1

Motion carried.

OPEN SESSION

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

Motion carried.

ADJOURNMENT

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

Motion carried.

James R. Hark, Mayor

Angelica N. Zerbonia, MRCC, CMO - City Clerk