

City of Hannibal

OFFICIAL COUNCIL AGENDA

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

Meetings are open to the public, however, if you would like to view the meeting, you may do so using the following instructions:

City Council meetings will be videotaped to be shown live on the City of Hannibal YouTube page.

Although the meeting will be shown live, residents will also be able to watch the meeting on the YouTube page after the meeting.

The instructions to watch the meetings online follow:

- 1. Type in www.youtube.com in the web browser*
- 2. Type in City of Hannibal in the "Search" bar and hit Enter and hit the magnifying glass on the right side of the search bar.*
- 3. Click on "City of Hannibal" or the city of Hannibal crest.*
- 4. During the City Council meeting, there will be a red Thumbnail with the word "Live" on it.*
- 5. Click on the Thumbnail to watch the meeting.*
- 6. The meeting may be viewed on the website in its entirety after the meeting.*

ROLL CALL

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Closed Session Minutes –

April 17, 2018	March 5, 2019
April 16, 2019	September 3, 2019
November 5, 2019	May 19, 2020
August 4, 2020	

Regularly Scheduled Council Meeting – January 4, 2022

APPROVAL OF PAYROLL AND CLAIMS

First Half – January 2022

LISA PECK – CITY MANAGER

Re: Approval, Appointment of Fire Chief

Ryan Neisen

Re: Request, Set Public Hearing – Community Development Block Grant

Union Street Storm Sewer Project

(Tuesday, February 1, 2022 – 6: 45 p.m.)

JAMES R. HARK - MAYOR

Re: Oath of Office

➤ *Ryan Neisen – Fire Chief*

Re: Articles of Impeachment – Hearing Notification

Re: Approval, Appointment of Special Prosecutor – Impeachment Process

ADJOURNMENT

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MEMORANDUM

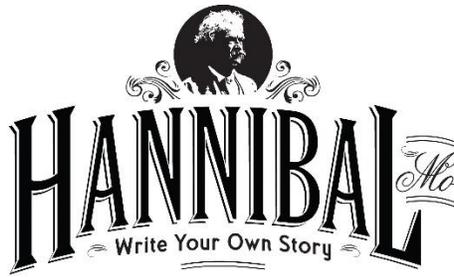
To: Mayor Hark and Members of the Hannibal City Council

From: Lisa Peck, City Manager

Re: Consent to Appoint Ryan Neisen as Fire Chief

Date: January 12, 2022

With the retirement of the current Fire Chief set to take effect on January 21, 2022, A 5 person panel, comprised of the Director of Central Services, the City Clerk, the Finance Director and the Police Chief and myself, conducted interviews with 2 in-house candidates. Both candidates had their strengths, but the panel unanimously agreed that Ryan Neisen had the necessary administrative experience for the position. Filling the Fire Chief position requires the consent of the City Council per the Charter, and therefore, I would like to put forth Ryan Neisen for this position.



MEMORANDUM

To: Mayor Hark and Members of the Hannibal City Council

From: Lisa Peck, City Manager

Re: Request for Public Hearing

Date: January 12, 2022

The City obtained Emergency Community Block 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. In order to receive the funds for this project, the City must ask CDBG for an exception to allow for the same engineer who provided the initial engineering for the application to continue to be the engineer for the CDBG project. As a part of this process, the City will need to hold a public hearing (announcement attached). The city will also need to obtain an opinion from the City's attorney that the interest for which the exception is sought would not violate State or local law noted under 4.b. on the Conflict of Interest attachment.

I am therefore requesting that Council set a public hearing date for February 1, 2022 at 6:45 P.M.

DED CONFLICT OF INTEREST POLICY

The Community Development Block Grant Program, Department of Economic Development, State of Missouri, developed a conflict of interest policy in August 1983, relating to participation in contract selection, award, and administration. Since that time, this issue has arisen in other areas of the program. The State CDBG program is similar to 2 CFR 200.318(c) of the Federal Regulations (conflict of interest) for the Community Development Block Grant Program.

Standard of Conduct Involving Conflict of Interest

1. **Persons Covered:** The conflict of interest provisions of this policy shall apply to any person who is an employee, elected or appointed official, agent, consultant (including grant administrators; engineers and architects), officer, or any immediate family member* or partner of the above, of the recipient, or of any designated public agencies, or sub-recipients which are receiving funds from the Missouri Community Development Block Grant program.
 - a. Immediate family is defined as spouse, son, daughter, sibling, stepsibling, father, mother, grandparent, grandchild, stepchild, adopted child, foster child, and wards.
2. **Applicability:** In the area of procurement of supplies, equipment, construction, and services by recipients, sub-recipients, or designated public agencies, the conflict of interest provisions of this policy shall apply. Such cases include the acquisition and disposition of real property and the provisions of assistance by the recipient or sub-recipients to individuals, businesses, and other private entities in the form of grants, loans, or other assistance through eligible activities of the program which authorize assistance.
3. **Conflicts Prohibited:** Except for approved eligible administrative or personnel cost, no persons described in 1 above who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under the State program or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. For the State CDBG Economic Development Program, the above restrictions shall apply to all activities that are a part of the funding approval for all projects, and shall cover any such interest or benefit during, or at any time after, such person's tenure.
4. **Exception:** The State may, on a case by case basis, grant an exception to Section 3 above after a determination has been made by the State that the exception will serve the purposes of the Housing and Community Development Act of 1974 and the State's adopted Final Statement for each year therefore only after the recipient has provided to the State the following written documentation:
 - a. A disclosure of the nature of the conflict accompanied by documentation that there has been a public disclosure of the conflict and a description of how the public disclosure was made. Public disclosure may include either a public hearing or an appropriate comment period; public hearings require 5 full days of notice. Acceptable documentation would include a copy of the published notice for the public hearing, and minutes of the public hearing including comments; and
 - b. An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

Standard of Determining Exception

In determining whether to grant an exception, after the above two items have been received, the State shall consider the following factors, where applicable:

1. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available
2. Whether an opportunity was provided for open competitive bidding or negotiation

3. Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class
4. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question
5. Whether the interest or benefit was present before the affected person was in a position as described in Section 3
6. Whether undue hardship will result either to the recipient or the person affected when weighted against the public interest served by avoiding the prohibited conflict
7. Any other relevant considerations

If after all considerations, the determination is made to grant an exception, the State shall issue a waiver noting such exception and the conditions and basis of the issuance of the same.

PUBLIC HEARING NOTICE

The City of Hannibal will hold a public hearing on _____00 p.m. at City Hall located at 320 Broadway, Hannibal, MO 63401. The City is interested in obtaining citizens comments regarding a possible conflict of interest that may arise during the course of the Community Development Block Grant (CDBG) project that was awarded on July 10, 2020. 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.

All citizens are encouraged to attend in order to comment. For more information, contact Lisa Peck at 573-221-0111 or by email at lpeck@hannibal-mo.gov. If you need special accommodations for the public hearing, including LEP assistance, please contact Lisa Peck _____ at 5:00 p.m. The meeting will be held at an accessible location and the city will make every effort possible to provide reasonable accommodations.

ARTICLES OF IMPEACHMENT

Resolved, that Stephan Franke, City Councilman of the Third Ward of Hannibal, Missouri is impeached for actions taken in willful refusal to comply with his oath of office to preserve, protect and defend the Constitution of the United States, the Charter of the City of Hannibal, the ordinances of the City of Hannibal, and to take care that the laws be faithfully executed, in that he has in violation of such oath, while acting in his capacity as a City Councilman, physically assaulted the Hannibal City Clerk by grabbing her arms in a manner which was non-consensual; physically assaulted the Hannibal City Manager by grabbing her arm in a manner which was non-consensual and caused pain to her; that such actions constituted oppression in office, that further such actions further constituted an infamous crime. That further, in his position as Councilman that Councilman Franke has made multiple statements to female employees of the City which constitute sexual harassment, and which created a hostile work place for such female employees. That all such matters, both independently and jointly, being for cause as set out in Hannibal City Charter Section 18-8, and that therefore the following articles of impeachment be exhibited to the Hannibal City Council.

ARTICLE I

In his conduct as Third Ward councilman that Councilman Franke in violation of his oath faithfully to execute the office of Hannibal City Councilman and, to preserve, protect and defend the Constitution of the United States, the Charter of the City of Hannibal, the ordinances of the City of Hannibal, and in violation of his duty to take care that the laws be faithfully executed, without good cause has taken actions which constitute oppression in office, in that he has subjected female employees of the City of Hannibal to sexual harassment through the use of force and or unwanted touching, that further he has created a hostile work place for such female employees by his actions, and that further the incidents rise to the level of a physical assault which is an infamous crime. Representative incidents include but are not limited to:

a. Grabbing the arm of the City Manager a female employee of the City of Hannibal on May 4, 2021 at a meeting of the council without permission or consent. Such meeting took place in the Council Chambers of City Hall. The City Manager was in attendance at the meeting in her capacity as an employee of the City. Councilman Franke was in attendance at the meeting in his capacity as Third Ward Councilman. During the meeting that there were verbal discussions between Councilman Franke and the City Manager in which she challenged statements made by Councilman Franke. After such interactions Councilman Franke grabbed the City Manager by her arm and squeezed in an aggressive manner, causing pain to the City Manager. Such actions by Councilman Franke were a knowing and intentional action. Such actions were taken with a reckless disregard on the part of Councilman Franke for the physical pain to the City Manager. Further such actions were taken by Councilman Franke knowing that the City Manager would consider the contact as offensive or provocative. That such actions and incident therefore rise to the level of an assault in violation of RSMo 565.056. Further, such actions constituted sexual harassment against the City Manager. Further, such actions created a hostile workplace for the City Manager.

I hereby certify that this is a true and exact copy of the document."

Doris White
City Clerk

b. Grabbing the arms of the City Clerk, a female Employee of the City of Hannibal on December 7, 2021 immediately following a meeting of the council without permission or consent. Such incident took place within the confines of City Hall. The City Clerk was in attendance at the meeting in her capacity as an employee of the City. Councilman Franke was in attendance at the meeting in his capacity as Third Ward Councilman. During the meeting there were verbal discussions between Councilman Franke and the City Clerk in which she challenged statements made by Councilman Franke. After such interactions Councilman Franke grabbed the City Clerk by her arms without permission or consent by the City Clerk. Such actions by Councilman Franke were a knowing and intentional action. Such actions were taken by Councilman Franke knowing that the City Clerk would consider the contact as offensive or provocative. Such actions and incident therefore rise to the level of an assault in violation of RSMo 565.056. Further, such actions constituted sexual harassment against the City Clerk. Further, such actions created a hostile workplace for the City Clerk.

ARTICLE II

In his conduct as Third Ward councilman that Councilman Franke in violation of his oath faithfully to execute the office of Hannibal City Councilman and, to preserve, protect and defend the Constitution of the United States, the Charter of the City of Hannibal, the ordinances of the City of Hannibal, and in violation of his duty to take care that the laws be faithfully executed, without good cause has taken actions which constitute oppression in office, in that he did treat employees of the City of Hannibal contemptuously, showing sexual bias against female employees and creating a hostile work environment and that such actions were taken while acting in his capacity as a Councilman of the City of Hannibal. Representative incidents include but are not limited to:

a. That on June 3, 2021, during a meeting in City Hall at which the City Clerk and the City Manager, both female employees of the City of Hannibal were in attendance made multiple references to a "Boobie Bar", in a manner which was offensive to the female employees and subjected them to a hostile work environment.

b. That on June 8, 2021, Councilman Franke demanded that the City Manager, a female employee of the City of Hannibal accompany him on a walk in an manner which was oppressive and offensive to her and subjected her to a hostile work environment.

c. That during multiple meetings during the month of October 2021, held at City Hall between the City Manager and Councilman Franke, that Councilman Frank made multiple statements to the City Manager, a female employee of the City which made her uncomfortable, in that they appeared to without valid basis and of a sexual nature. Such comments included offers to come to her home to "help around the house", "take out the trash" and "fix things". A statement was also made that Councilman Franke "think(s) about you all the time". Such comments subjected the City Manager to a hostile work environment.

d. That during a meeting with Edie Graupman in 2021, who is a a female who at the time

"I hereby certify that this is a true and exact copy of the document."

Dorothy White Deputy City Clerk
City Clerk

was an employee of the City, councilman Franke informed her that she should not be presenting before the Council as she was "just a secretary". Such comment constituted sexual bias and subjected the female employee to a hostile work environment.

I certify that these articles of impeachment are brought in good faith and upon the written complaint of the referenced injured parties and after investigation of the matter.



JAMES HARK, Mayor

"I hereby certify that this is a true
and exact copy of the document."

Dorinda Dike
City Clerk

CITY OF HANNIBAL, MISSOURI
SUMMONS AND NOTICE

The City of Hannibal to: STEPHAN FRANKE

You are summoned to appear before the City Council in the Council Chambers of the City of Hannibal located at City Hall, 320 Broadway, Hannibal, Missouri on MARCH 1, 2022 at 7:00 P.M. to answer the articles of impeachment a copy of which are attached to this summons.

If you fail to appear and answer at the time and place stated in this notice and summons, the hearing will be held without your participation and a decision will be rendered by the City council.

By: Dustin White

Date Jan 10, 2022

 City Clerk
X Deputy Clerk

SERVICE COPY

CITY OF HANNIBAL, MISSOURI
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If you fail to appear and answer at the time and place stated in this notice and summons, the hearing will be held without your participation and a decision will be rendered by the City council.

By: D. Delvin White Date Jan 10, 2022
____ City Clerk
X Deputy Clerk

Server's Return

I certify that I have serve the above summons by: (check one)

delivering a copy of the summons and a copy of the complaint to the respondent.

____ leaving a copy of the summons and a copy of the complaint at the dwelling place or usual abode of the respondent with _____, a person of the respondent's family over the age of 15 years who permanently resides with the respondent.

____ Respondent cannot be found.

____ Respondent has absconded or vacated his or her usual place of abode in this state.

Sgt. Jones
Printed name of Server

Sgt. Jones #483
Signature of Server

Date: 1/12/2022

RETURN COPY