

City of Hannibal
OFFICIAL COUNCIL AGENDA

**Tuesday January 3, 2023
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 PAYROLL AND CLAIMS
Second Half – December 2022**

MARSHA MAYFIELD – HANNIBAL JUNETEENTH COALITION

Re: Request, Street Closures – Martin Luther King Celebration
Sunday, January 15 12:30 p.m. – 1:30 p.m.

KYLE KRONER – MISSOURI DEPARTMENT OF TRANSPORTATION

Re: U.S. Highway 61 Hannibal Expressway Study

APRIL AZOTEA – 323 N MAIN STREET, HANNIBAL

Re: Citizen Complaint Filed, Security, Codes and Ordinances

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.*

JAMES HARK - MAYOR

Re: Recommendation of Re-appointment

INDUSTRIAL DEVELOPMENT AUTHORITY

- **Jeff Evans – reappointment for a term to expire January 2029**

TREE BOARD

- **Harry Graves – reappointment for a term to expire September 2026**

Re: Recommendation of Appointments

POLICE AND FIRE RETIREMENT BOARD

- **Dalton Benn – appointment as alternate for a term to expire December 2025**

LISA PECK – CITY MANAGER

**Re: District House Lease -Congressman Sam Graves
Office Space Lease at Hannibal Regional Airport
(Resolution No. 2432-23)**

JAMES LEMON – CITY ATTORNEY

**Re: Proposition One – Citywide Sales Tax on Retail Sales
Retail Sales of Adult Use Marijuana
(Bill No. 23-002, to follow)**

DARRIN GORDON - GENERAL MANAGER

Hannibal Board of Public Works

**Re: Proposition S – Setting Tax Rate for Funding a Stormwater Utility
(Bill No. 23-001, to follow)**

STEPHAN FRANKE – 3RD WARD COUNCILMEN

Re: Establish Chain of Command over City Clerk Position

RESOLUTION NO. 2432-23

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING
THE MAYOR TO EXECUTE A DISTRICT HOUSE LEASE
BETWEEN CONGRESSMAN SAM GRAVES AND THE CITY FOR
OFFICE SPACE LEASED AT THE HANNIBAL REGIONAL
AIRPORT, IN THE AMOUNT OF \$150 PER MONTH**

BILL NO. 23-001

**AN ORDINANCE OF THE CITY OF HANNIBAL CALLING A
MUNICIPAL ELECTION TO BE HELD TUESDAY, APRIL 4, 2023,
TO ALLOW HANNIBAL VOTERS TO CONSIDER THE
IMPLEMENTATION OF A TAX RATE FOR THE PURPOSE OF
FUNDING A UTILITY TO ACQUIRE, CONSTRUCT, MAINTAIN
AND IMPROVE THE CITY'S STORMWATER
CONVEYANCE SYSTEM, *Proposition S***

First Reading

BILL NO. 23-002

**AN ORDINANCE PROVIDING FOR SUBMISSION OF A PROPOSAL
(*PROPOSITION ONE*) TO ALLOW THE CITY OF HANNIBAL TO
IMPOSE A CITYWIDE SALES TAX ON ALL TANGIBLE
PERSONAL PROPERTY RETAIL SALES OF ADULT USE
MARIJUANA TO THE QUALIFIED VOTERS OF THE CITY FOR
THEIR APPROVAL AT THE MUNICIPAL ELECTION TO BE HELD
ON TUESDAY, April 4, 2023**

First Reading

ADJOURNMENT



Return to:
Office of the City Clerk
320 Broadway
Hannibal, MO 63401
Ph. (573) 221-0111
Fax (573) 221-8191

SPECIAL EVENT APPLICATION

(Council Meetings are the 1st & 3rd Tuesdays of each month)
Deadline for Submission: Wednesday, Prior to Council Meeting

Today's Date: 12/14/2022 Date you wish to be placed on Agenda: Jan 3, 2023
Hannibal Juneteenth
Your Organization: Coalition Special Event: Martin Luther King Celebration
Date(s) of Event: Jan 15, 2023 Requested Times (from-to): 12:30-1:30 P.m.
Description of Activity: Assemblance of a Unity March
Depicting the Marches That were Performed by
Dr. Martin Luther King and Supporters.
Primary Contact Person(s): Marsha Mayfield Home Phone: 573-719-7171
Work Phone: Retired Cell Phone: 573-719-7171 E-mail: marsha.mayfield@yahoo.com
Assistance Needed (location, etc.): Street blockage (perhaps Police assistance
clearance of the streets.)

DEPARTMENTAL COMMENTS

Police: _____ Dept. Cost: _____

Fire: _____ Dept. Cost: _____

Public Works: _____ Dept. Cost: _____

Building Inspector: _____ Dept. Cost: _____

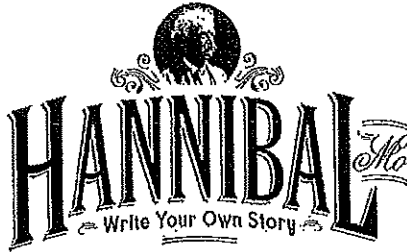
Parks: _____ Dept. Cost: _____

Street: _____ Dept. Cost: _____

Tourism: _____ Dept. Cost: _____

Administration: Pending event insurance Dept. Cost: _____

STAFF RECOMMENDS: _____



Hold Harmless and Insurance Requirements

- 1) To the fullest extent permitted by law, Sponsor agrees to indemnify, defend and hold harmless the City of Hannibal, its officers, agents, volunteers, and employees from and against all suits, claims, damages, losses, and expenses, including but not limited to attorneys' fees, court costs, or alternative dispute resolution costs arising out of, or related to, Sponsor's use of City streets, roads, parks, sidewalk or other facilities under this agreement involving an injury to a person or persons, whether bodily injury or other personal injury (including death), or involving an injury or damage to property (including loss of use or diminution in value), but only to the extent that such suits, claims, damages, losses or expenses are caused by the negligence or other wrongdoing of Sponsor, its officers, agents and volunteers, or anyone directly or indirectly employed or hired by Sponsor or anyone for whose acts Sponsor may be liable, regardless of whether caused in part by the negligence or wrongdoing of City and any of its agents or employees
- 2) Sponsor shall purchase and maintain the following insurance, at Sponsor's expense: Commercial General Liability Insurance with a minimum limit of \$1,000,000 each occurrence / \$2,000,000 general aggregate written on an occurrence bases.
Comprehensive Business Automobile Liability Insurance for all owned, non-owned and hired automobiles and other vehicles used by Sponsor with a combined single limit of \$1,000,000 minimum.
Workers Compensation insurance with statutorily limits required by any applicable Federal or state law and Employers Liability insurance with minimum limit of \$1,000,000 per accident.
- 3) All policies of insurance must be on a primary basis, non-contributory with any other insurance and/or self-insurance carried by the City.
- 4) Prior to using City's facilities or infrastructure under this agreement, Sponsor shall furnish the City with certificates of insurance evidencing the required coverage, conditions, and limits required by this agreement, have the City named as an additional insured and provide the appropriate additional insured endorsements.
- 5) No provision of this agreement shall constitute a waiver of the City's right to assert a defense based on the doctrines of sovereign immunity, official immunity, or any other immunity available under law.

Marilyn Mayfield
By

Chairperson

Title

12/27/22

Date

**STATE OF MISSOURI SALES TAX
REQUIREMENTS FOR
SPECIAL EVENT VENDORS**

- SPONSOR OF SPECIAL EVENT WILL BE REQUIRED TO CONTACT THE DEPARTMENT OF REVENUE (314-877-0177) TO REQUEST SPECIAL EVENT SALES TAX PACKETS FOR EACH VENDOR.
- PRIOR TO ISSUING LICENSES - COVER SHEET FROM THE DEPARTMENT OF REVENUE VERIFYING PACKETS WERE REQUESTED/RECEIVED MUST BE PROVIDED.

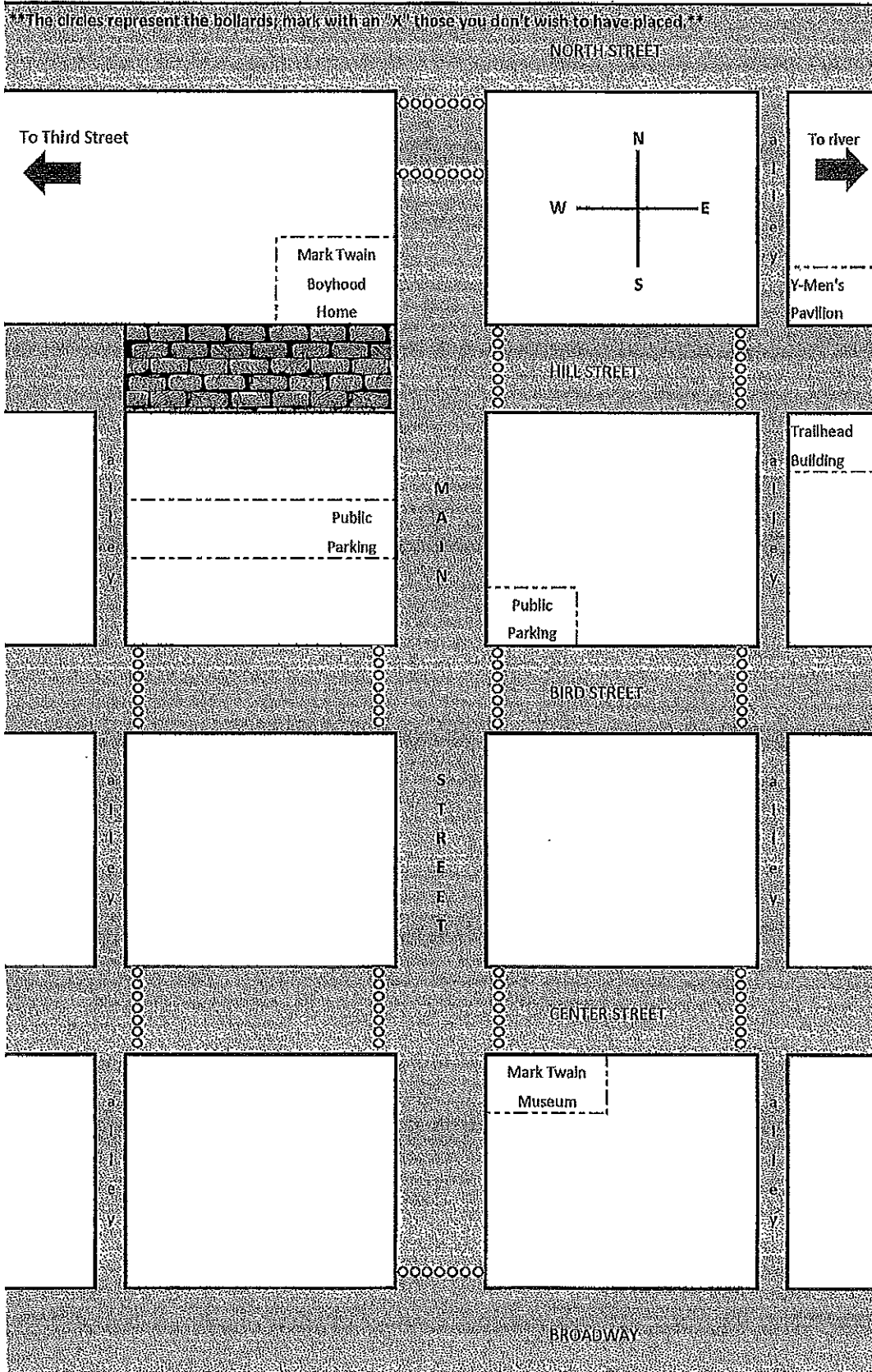
This checklist is for your planning and to help us better understand the needs for your event.
Please check all activities that apply to your event.

ACTIVITY	PROCESS
<input type="checkbox"/> Business License	The business / group promoting and organizing the event for profit must obtain a City of Hannibal Business License. Contact City Hall at 573-221-0111 for more information.
<input type="checkbox"/> Alcohol	1. Review the City of Hannibal, <u>Municipal Code Chapter 3 Alcoholic Beverages</u> . 2. Approval is needed from the City of Hannibal
<input type="checkbox"/> Retail Vendors	If retail sales are being made, vendors are required to collect and report sales tax to Missouri Department of Revenue. Tax Packets may be obtained by calling 573-751-3505 or by visiting the Business tax Registration Forms at http://dor.mo.gov
<input type="checkbox"/> Food Vendors	If food is to be served, each food vendor must receive approval from the Marion County Health Department. You may contact them at 573-221-1166 .
<input checked="" type="checkbox"/> Parade or other run / walk event	Special Events that occur on public property, require street closures, or involve outdoor retail sales, first require City Council approval. Parades require you to <u>obtain a permit from the Police Department</u> after Council Approval, but prior to your event. You must contact the Police Department 573-221-0987 within 10 days of your event to secure the appropriate parade permit.
<input type="checkbox"/> Security	(Must Provide Own) Method of Security
<input type="checkbox"/> Waste Removal / Recycling	Responsibility of Event Holder
<input type="checkbox"/> Port-A-Potties	Not supplied by City
<input checked="" type="checkbox"/> Barricades	Available through Street Department 573-221-0134

****All special events; etc. must contact the Hannibal Fire Department for appropriate permits****

**Administration Building
2333 Palmyra Road
(573)221-0651
Training Officer Kempker**

HISTORIC DISTRICT - PROPOSED STREET CLOSURES (Bollard Placement)



For assistance in determining the bollard placement/openings, contact Mike McHargue, Street Supervisor at (573) 822-6950

↓ opposite



CITY OF HANNIBAL

Special Event Safety Plan

Questions or Inquiries: Contact Hannibal Fire Department @ 573-221-0657

I. GENERAL

Event Name Martin Luther King March/Walk Date of Event Jan 15 2023
Location/Address/Facility Name Broadway to Maple on to Lyon¹⁰²⁰ Street
Helping Hand Baptist Church
Expected Number of Attendees: ? 50-75 March/walkers

II. PURPOSE

- A. This emergency action plan predetermines actions to take before and during the event in response to an emergency or otherwise hazardous condition. These actions will be taken by organizers, management, personnel, and attendees. These actions represent those required prior to the event in preparation for and those required during an emergency.
- B. Flexibility must be exercised when implementing this plan because of the wide variety of potential hazards that exist for this event. These hazards include, but are not limited to, Fire, Medical Emergencies, Severe Weather, or situations where Law Enforcement is required.

III. ASSUMPTIONS

The possibility of an occurrence of an emergency is present at this event. The types of emergencies possible are various and could require the response of Fire & Rescue, Emergency Medical Services, and Police.

IV. BASIC PLAN

A. EAP Event Representative

The EAP event representative will be identified as the point of contact for all communications regarding the event. This person is identified as:

Primary Contact: Marsha Maxfield

Cell Phone: 573 719 7171

B. Emergency Notification

1. In the event of an emergency, notification of the emergency will be through 911. The caller should have the following information available to give to the 911 dispatcher: nature of the emergency, location and contact person with callback number.

2. Will on-sight EMS be provided?

☐ Yes ☒ No

If yes, contact name and phone _____

3. Will on-site security be provided?

☐ Yes ☒ No

If yes, contact name and phone _____

C. Severe Weather

1. Weather forecasts and current conditions will be monitored throughout the entirety of the event.
2. Before the event – If severe weather is predicted prior to the event, the EAP event representative will evaluate the conditions and determine if the event will remain scheduled. The EAP event representative or his/her designee will be identified as such and will be responsible to monitor the weather conditions before and during the event.
3. During the event – If severe weather occurs during the event, the EAP event representative or his/her designee will make the notification to those attending the event that a hazardous weather condition exists and direct them to shelter.
4. There are limited provisions for sheltering participants in the event of severe weather.

D. Fire

1. Has a specific hazard been identified as an increased risk of fire at this event?

☐ Yes ☒ No

If yes, what has been identified? _____

2. Selected event staff will be instructed on the safe use of Portable Fire Extinguishers.
3. Any food vendors will be inspected when appropriate by the fire code and must meet permitting requirements.
4. Should an incident occur that requires the Fire Department, **CALL 911**. The caller should have the following information available to give the 911 dispatcher: Nature of the emergency, location, and contact person with a callback number.

E. Medical Emergencies

1. As with any event, there is a potential for injury to the participants. The types of injuries are various and include those that are heat-related as well as traumatic injuries
2. Are there limited provisions for on-site Emergency Medical Services at this event?
☐ Yes ☒ No
3. Should an incident occur that requires Emergency Medical Services, contact as indicated to this this resource. The caller will have the following information ready: Nature of emergency, precise location and contact person with callback number
☐ On-site EMS officer or ☒ 911 Dispatch

F. Law Enforcement

1. Has a need for constant Law Enforcement presence been identified at this event?
☐ Yes ☒ No
2. Should an incident occur that requires Law Enforcement, contact as indicated below to request this resource. Have the following information ready: Nature of emergency, precise location and contact person with callback number.
☐ On-site Security or ☒ 911 Dispatch for Law Enforcement

G. Emergency Vehicle Access

1. Access to emergency vehicles will be maintained at all times.
2. Fire lanes and fire hydrants will not be obstructed.
3. Participants and spectators will be directed to park in approved areas and not to obstruct protective features, sidewalks, or public thoroughways.
4. Crowd control will be managed by:
☒ Staff or ☐ On-site Security

V. CONTACT INFORMATION

Primary Contact: Marsha Mayfield Cell Phone: 573 719 7171
 Secondary Contact: Faye Dant Cell Phone: 217 617 1507

Dial 911 in case of emergency

VI. EVENT AREA MAP (attach next page)

City Council Request to Speak
First and Third Tuesday of each Month
Deadline is 4:00 p.m. Thursday prior to City Council Meeting

Today's Date: 11/21/22

Date you wish to be placed on Agenda: January 3, 2022

Name: Kyle Kroner representing MoDOT

Address: 1711 S Hwy 61, Hannibal

Phone Number: 573-248-6845 (Marisa Ellison, cell)

Subject Matter: U.S. 61 Hannibal Expressway Study

(we may need 10 minutes if that's ok?)

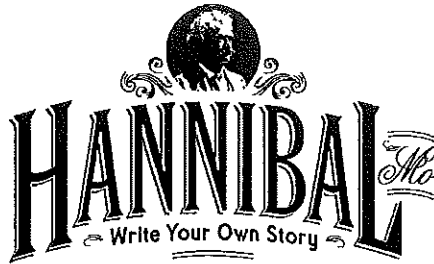
11/21/22
Date

Kyle Kroner /
Marisa Ellison
Speaker's Signature

Speakers shall be allowed up to a maximum of a (5) minute presentation.
Speakers shall adhere to the above stated subject matter.

"Deadlines subject to change based on holiday schedule, etc", contact the
Clerk's office for official deadline relating the specific meeting.
(573)221.0111, ext. 209

Office of the



City Clerk

City Council Request to Speak
Council Meetings are held First and Third Tuesday of each Month
Deadline is 4:00 P.M. Thursday prior to City Council Meeting

Today's Date: 12-21-22

Date you wish to be placed on Agenda: Jan 3rd

Name: April Azotea

Address: 323 N main St

Phone Number: 217-316-0004

Subject Matter: Complaint Filed on City Clerk

*See attached complaint form, security
at city hall, codes + ordinances, Current
Investigation update on city clerk

12-21-22
Date

April Azotea
Speaker's Signature

Speakers shall be allowed up to a maximum of a (5) minute presentation.
Speakers shall adhere to the above stated subject matter.

"Deadlines subject to change based on holiday schedule, etc", contact
the Clerk's office for official deadline relating to the specific meeting.
(573)221.0111, ext. 209

City of Hannibal 320 Broadway, Hannibal, MO 63401
P 573.221.0111 F 573.221.8191
www.hannibal-mo.gov

Rec'd 12.21.2022 BKD 12:20 PM

MEMORANDUM

To: Melissa Cogdal -Deputy City Clerk

From: James Hark - Mayor

Re: Industrial Development Authority

Date: December 2, 2022

Please submit Jeff Evans' name to the next Council agenda for reappointment to the Industrial Development Authority. The term will expire January 2029.

MEMORANDUM

To: Melissa Cogdal -Deputy City Clerk

From: James Hark - Mayor

Re: Tree Board

Date: December 28, 2022

Please submit Harry Graves' name to the next Council agenda for reappointment to the Tree Board. The term will expire September 2026.

RESOLUTION NO. 2432-23

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A DISTRICT HOUSE LEASE BETWEEN CONGRESSMAN SAM GRAVES AND THE CITY FOR OFFICE SPACE LEASED AT THE HANNIBAL REGIONAL AIRPORT, IN THE AMOUNT OF \$150 PER MONTH

WHEREAS, The City of Hannibal/Hannibal Regional Airport has a small office space available at the terminal, and

WHEREAS, Congressman Graves Director of Communication is in need of an office space, and

WHEREAS, The City of Hannibal has proposed a space for \$150 per month with a term to expire on January 2nd, 2025, and

NOW THEREFORE BE IT RESOLVED BY THE CITY OF HANNIBAL MISSOURI

SECTION ONE: That the Mayor is hereby authorized to execute a District House Lease between Congressman Sam Graves and the City of Hannibal for an office space at the Hannibal Regional Airport, in the amount of \$150 per month.

SECTION TWO: This Resolution shall become effective immediately upon its adoption and approval.

ADOPTED THIS ____ DAY OF JANUARY 2023

APPROVED THIS ____ DAY OF JANUARY 2023

James R. Hark, Mayor

ATTEST:

Melissa Cogdal, Deputy City Clerk

U.S. House of Representatives

Washington, D.C. 20515

District Office Lease Amendment

(Page 1 of 2 – 118th Congress)

1. **Prior Lease Term.** The undersigned Landlord ("Lessor") and Member of the U. S. House of Representatives ("Lessee") agree that they previously entered into a District Office Lease ("Lease") (along with the District Office Lease Attachment), which covered the period from October 1, 2019 to January 2, 2023 for the lease of office space located at 6079 Co Rd 425 in the city, state and ZIP of Hannibal, MO 63401.
2. **Extended Term.** If applicable, the above referenced Lease is extended through and including January 2, 2025. (This District Office Lease Amendment ("Amendment") may not provide for an extension beyond January 2, 2025, which is the end of the constitutional term of the 118th Congress.)
3. **Rent and Any Other Changes.** The monthly rent for the extended term of the Lease shall now be 150. All other provisions of the existing Lease shall remain unchanged and in full effect, except for the following additional terms, which are modified as indicated in the space below [If no additional terms are to be modified, write the word "NONE" below].
None
4. **District Office Lease Attachment for 118th Congress.** This Amendment shall have no force and effect unless and until accompanied by an executed District Office Lease Attachment for the 118th Congress and the District Office Lease Attachment for the 118th Congress attached hereto supersedes and replaces any prior District Office Lease Attachment.
5. **Counterparts.** This Amendment may be executed in any number of counterparts and by facsimile copy, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.
6. **Section Headings.** The section headings of this Amendment are for convenience of reference only and shall not be deemed to limit or affect any of the provisions hereof.

[Signature page follows.]

U.S. House of Representatives
Washington, D.C. 20515
District Office Lease Amendment
(Page 2 of 2 – 118th Congress)

IN WITNESS WHEREOF, the parties have duly executed this District Office Lease Amendment as of the later date written below by the Lessor or the Lessee.

City of Hannibal

Print Name of Lessor/Landlord/Company

By: _____

Lessor Signature

Name:

Title:

Date

Congressman Sam Graves

Print Name of Lessee

Lessee Signature

Date

***This District Office Lease Amendment must be accompanied with an executed
District Office Lease Attachment.***

District Office Lease Attachment- Instructions

The District Office Lease Attachment ("Attachment") must accompany *every* Lease or Amendment submitted for a Member/Member-elect's District Office.

THE OFFICE OF ADMINISTRATIVE COUNSEL MUST APPROVE ANY LEASE, AMENDMENT, OR ATTACHMENT PRIOR TO SIGNATURE.

The term of a District Office Lease or Amendment for the 118th Congress may not commence prior to January 3, 2023.

Members should endeavor to lease space through the last day of a congressional term rather than the last day of a calendar year. For the 118th Congress, leases should end on January 2, 2025, not December 31, 2024.

- The Member/Member-elect is required to personally sign the documents.
- The Lessor must complete the amenities checklist in Section A ("Lease Amenities"), including both the "required amenities" and "optional amenities" portions.
- Section B ("Additional Lease Terms") of the Attachment SHALL NOT have any provisions deleted or changed.
- Prior to either party signing a Lease or an Amendment, the Member/Member-elect must submit the proposed Lease or Amendment, accompanied by the Attachment, to the Office of Administrative Counsel ("Administrative Counsel") via e-mail in PDF form (leases@mail.house.gov) or fax (202-226-0357) for review and approval.
- If Administrative Counsel determines that the proposed terms and conditions of the Lease or Amendment comply with applicable law and House Rules and Regulations, Administrative Counsel will notify the Member/Member-elect to proceed with the execution of the Lease or Amendment.
- Once signed by both parties, the Lease or the Amendment, accompanied by the Attachment, must be submitted to Administrative Counsel via e-mail in PDF form (leases@mail.house.gov) or fax (202-226-0357) for final approval.
- Without a properly signed and submitted Attachment, the Lease or Amendment cannot be approved by Administrative Counsel and payments will not be made.
- If approved, Administrative Counsel will notify the Office of Finance that monthly rental payments can begin. If changes are necessary, Administrative Counsel will contact the office of the Member/Member-elect.
- The parties agree that any changes for default, early termination, or cancellation of the Lease or Amendment which result from actions taken by or on behalf of the Lessee shall be the Lessee's sole responsibility and are not reimbursable from the Members' Representational Allowance.
- Lessor shall provide a copy of any assignment, estoppel certificate, notice of a bankruptcy or foreclosure, or notice of a sale or transfer of the leased premises to Administrative Counsel via e-mail in PDF form (leases@mail.house.gov).

District Office Lease Attachment

(Page 1 of 5 – 118th Congress)

SECTION A (Lease Amenities)

Section A sets forth the amenities provided by the Lessor to be included in the Lease. Except as noted below, the amenities listed are not required for all district offices.

To be completed by the Lessor (required amenities):

☒ * High-Speed Internet Available Within the Leased Space.

Please list any internet providers known to provide service to the property:
Chariton Valley

☒ * Interior Wiring CAT 5e or Better within Leased Space.

To be completed by the Lessor (optional amenities):

- ☐ Amenities are separately listed elsewhere in the Lease.
(The below checklist can be left blank if the above box is checked.)

The Lease includes (please check and complete all that apply):

- ☐ Lockable Space for Networking Equipment.
- ☐ Telephone Service Available.
- ☒ Parking. _____ Assigned Parking Spaces
 20 Unassigned Parking Spaces
- ☐ General Off-Street Parking on an As-Available Basis
- ☒ Utilities. Includes: Electricity, water
- ☐ Janitorial Services. Frequency: _____
- ☐ Trash Removal. Frequency: _____
- ☐ Carpet Cleaning. Frequency: _____
- ☐ Window Washing. ☐ Window Treatments.
- ☐ Tenant Alterations Included In Rental Rate.
- ☒ After Hours Building Access.
- ☐ Office Furnishings. Includes: _____
- ☐ Cable TV Accessible. If checked, Included in Rental Rate: ☐ Yes ☐ No
- ☐ Building Manager. ☐ Onsite ☐ On Call Contact Name: _____

Phone Number: _____ Email Address: _____

District Office Lease Attachment

(Page 2 of 5 – 118th Congress)

SECTION B
(Additional Lease Terms)

1. **Incorporated District Office Lease Attachment.** Lessor (Landlord) and Lessee (Member/Member-elect of the U.S. House of Representatives) agree that this District Office Lease Attachment ("Attachment") is incorporated into and made part of the Lease ("Lease") and, if applicable, District Office Lease Amendment ("Amendment") to which it is attached.
2. **Performance.** Lessor expressly acknowledges that neither the U.S. House of Representatives (the "House") nor its Officers are liable for the performance of the Lease. Lessor further expressly acknowledges that payments made by the Chief Administrative Officer of the House (the "CAO") to Lessor to satisfy Lessee's rent obligations under the Lease – which payments are made solely on behalf of Lessee in support of his/her official and representational duties as a Member of the House – shall create no legal obligation or liability on the part of the CAO or the House whatsoever. Lessee shall be solely responsible for the performance of the Lease and Lessor expressly agrees to look solely to Lessee for such performance.
3. **Modifications.** Any amendment to the Lease must be in writing and signed by the Lessor and Lessee. Lessor and Lessee also understand and acknowledge that the Administrative Counsel for the CAO ("Administrative Counsel") must review and give approval of any amendment to the Lease prior to its execution.
4. **Compliance with House Rules and Regulations.** Lessor and Lessee understand and acknowledge that the Lease shall not be valid, and the CAO will not authorize the disbursement of funds to the Lessor, until Administrative Counsel has reviewed the Lease to determine that it complies with the Rules of the House and the Regulations of the Committee on House Administration, and approved the Lease by signing the last page of this Attachment.
5. **Payments.** The Lease is a fixed term lease with monthly installments for which payment is due in arrears on or before the end of each calendar month. In the event of a payment dispute, Lessor agrees to contact the Office of Finance, U.S. House of Representatives, at 202-225-7474 to attempt to resolve the dispute before contacting Lessee.
6. **Void Provisions.** Any provision in the Lease purporting to require the payment of a security deposit shall have no force or effect. Furthermore, any provision in the Lease purporting to vary the dollar amount of the rent specified in the Lease by any cost of living clause, operating expense clause, pro rata expense clause, escalation clause, or any other adjustment or measure during the term of the Lease shall have no force or effect.
7. **Certain Charges.** The parties agree that any charge for default, early termination or cancellation of the Lease which results from actions taken by or on behalf of the Lessee shall be the sole responsibility of the Lessee and shall not be paid by the CAO on behalf of the Lessee.
8. **Death, Resignation or Removal.** In the event Lessee dies, resigns or is removed from office during the term of the Lease, the Clerk of the House may, at his or her sole option, either: (a) terminate the Lease by giving thirty (30) days' prior written notice to Lessor; or (b) assume the obligation of the Lease and continue to occupy the premises for a period not to exceed sixty (60) days following the certification of the election of the Lessee's successor. In the event the Clerk elects to terminate the Lease, the commencement date of such thirty (30) day termination notice

District Office Lease Attachment

(Page 3 of 5 – 118th Congress)

shall be the date such notice is delivered to the Lessor or, if mailed, the date on which such notice is postmarked.

9. **Term.** The term of the Lease may not exceed the constitutional term of the Congress to which the Lessee has been elected. The Lease may be signed by the Member-elect before taking office. Should the Member-elect not take office to serve as a Member of the 118th Congress, the Lease will be considered null and void.
10. **Early Termination.** If either Lessor or Lessee terminates the Lease under the terms of the Lease, the terminating party agrees to promptly file a copy of any termination notice with the Office of Finance, U.S. House of Representatives, Attn: Kellie Wilson, via e-mail at FCLeasePayments@mail.house.gov, and with the Administrative Counsel by e-mail at leases@mail.house.gov.
11. **Assignments.** Lessor shall provide thirty (30) days prior written notice to Lessee before assigning any of its rights, interests or obligations under the Lease, in whole or in part, by operation of law or otherwise. Lessor shall promptly file a copy of any such assignment notice with Administrative Counsel by e-mail at leases@mail.house.gov. Lessee and the House shall not be responsible for any misdirected payments resulting from Lessor's failure to file an assignment notice in accordance with this section.
12. **Sale or Transfer of Leased Premises.** Lessor shall provide thirty (30) days prior written notice to Lessee in the event (a) of any sale to a third party of any part of the leased premises, or (b) Lessor transfers or otherwise disposes of any of the leased premises, and provide documentation evidencing such sale or transfer in such notice. Lessor shall promptly file a copy of any such sale or transfer notice with Administrative Counsel by e-mail at leases@mail.house.gov.
13. **Bankruptcy and Foreclosure.** In the event (a) Lessor is placed in bankruptcy proceedings (whether voluntarily or involuntarily), (b) the leased premises is foreclosed upon, or (c) of any similar occurrence, Lessor agrees to promptly notify Lessee in writing. Lessor shall also promptly file a copy of any such notice via e-mail with the Office of Finance, U.S. House of Representatives, Attn: Kellie Wilson, via e-mail at FCLeasePayments@mail.house.gov, and with Administrative Counsel by e-mail at leases@mail.house.gov.
14. **Estoppel Certificates.** Lessee agrees to sign an estoppel certificate relating to the leased premises (usually used in instances when the Lessor is selling or refinancing the building) upon the request of the Lessor. Such an estoppel certificate shall require the review of Administrative Counsel, prior to Lessee signing the estoppel certificate. Lessor shall promptly provide a copy of any such estoppel certificate to Administrative Counsel by e-mail at leases@mail.house.gov.
15. **Maintenance of Common Areas.** Lessor agrees to maintain in good order, at its sole expense, all public and common areas of the building including, but not limited to, all sidewalks, parking areas, lobbies, elevators, escalators, entryways, exits, alleys and other like areas.
16. **Maintenance of Structural Components.** Lessor also agrees to maintain in good order, repair or replace as needed, at its sole expense, all structural and other components of the premises including, but not limited to, roofs, ceilings, walls (interior and exterior), floors, windows, doors, foundations, fixtures, and all mechanical, plumbing, electrical and air conditioning/heating

District Office Lease Attachment

(Page 4 of 5 – 118th Congress)

systems or equipment (including window air conditioning units provided by the Lessor) serving the premises.

17. **Lessor Liability for Failure to Maintain.** Lessor shall be liable for any damage, either to persons or property, sustained by Lessee or any of his or her employees or guests, caused by Lessor's failure to fulfill its obligations under Sections 15 and 16.
18. **Initial Alterations.** Lessor shall make any initial alterations to the leased premises, as requested by Lessee and subject to Lessor's consent, which shall not be unreasonably withheld. The cost of such initial alterations shall be included in the annual rental rate.
19. **Federal Tort Claims Act.** Lessor agrees that the Federal Tort Claims Act, 28 U.S.C. §§ 2671-80, satisfies any and all obligations on the part of the Lessee to purchase private liability insurance. Lessee shall not be required to provide any certificates of insurance to Lessor.
20. **Limitation of Liability.** Lessor agrees that neither Lessee nor the House nor any of the House's officers or employees will indemnify or hold harmless Lessor against any liability of Lessor to any third party that may arise during or as a result of the Lease or Lessee's tenancy.
21. **Compliance with Laws.** Lessor shall be solely responsible for complying with all applicable permitting and zoning ordinances or requirements, and with all local and state building codes, safety codes and handicap accessibility codes (including the Americans with Disabilities Act), both in the common areas of the building and the leased space of the Lessee.
22. **Electronic Funds Transfer.** Lessor agrees to accept monthly rent payments by Electronic Funds Transfer and agrees to provide the Office of Finance, U.S. House of Representatives, with all banking information necessary to facilitate such payments.
23. **Refunds.** Lessor shall promptly refund to the CAO, without formal demand, any payment made to the Lessor by the CAO for any period for which rent is not owed because the Lease has ended or been terminated.
24. **Conflict.** Should any provision of this Attachment be inconsistent with any provision of the attached Lease or attached Amendment, the provisions of this Attachment shall control, and those inconsistent provisions of the Lease or the Amendment shall have no force and effect to the extent of such inconsistency.
25. **Construction.** Unless the clear meaning requires otherwise, words of feminine, masculine or neuter gender include all other genders and, wherever appropriate, words in the singular include the plural and vice versa.
26. **Fair Market Value.** The Lease or Amendment is entered into at fair market value as the result of a bona fide, arms-length, marketplace transaction. The Lessor and Lessee certify that the parties are not relatives nor have had, or continue to have, a professional or legal relationship (except as a landlord and tenant).
27. **District Certification.** The Lessee certifies that the office space that is the subject of the Lease is located within the district the Lessee was elected to represent unless otherwise authorized by Regulations of the Committee on House Administration.

District Office Lease Attachment

(Page 5 of 5 -- 118h Congress)

28. **Counterparts.** This Attachment may be executed in any number of counterparts and by facsimile copy, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.
29. **Section Headings.** The section headings of this Attachment are for convenience of reference only and shall not be deemed to limit or affect any of the provisions hereof.

IN WITNESS WHEREOF, the parties have duly executed this District Office Lease Attachment as of the later date written below by the Lessor or the Lessee.

City of Hannibal

Print Name of Lessor/Landlord

Congressman Sam Graves

Print Name of Lessee

By: _____

Lessor Signature

Name:

Title:



Lessee Signature

Date

Date

From the Member's Office, who is the point of contact for questions?

Name Bryan Nichols

Phone ((573) 221-3400

E-mail bryan.nichols

@mail.house.gov

This District Office Lease Attachment and the attached Lease or Amendment have been reviewed and are approved, pursuant to Regulations of the Committee on House Administration.

Signed _____ Date _____, 20____
(Administrative Counsel)

U.S. House of Representatives
Substitute W-9 and ACH Vendor/Miscellaneous Payment Enrollment Form

Internal Revenue Code 6109, 31 U.S.C. 3322, 31 CFR 210 and the 1996 Debt Collection Improvement Act require all entities that do business with the United States Government to provide a Tax Identification Number (TIN) and Electronic Funds Transfer (EFT) information for payment. PL 93-579 protects your privacy and mandates that the information never be published or used for any other purpose than to pay you. *Please complete all sections below, sign and return via the email or fax number listed.*

RETURN FORM TO: VendorEFT@mail.house.gov

FAX NUMBER: (202) 225-6914

SECTION I UNITED STATES HOUSE OF REPRESENTATIVES INFORMATION

ADDRESS US HOUSE OF REPRESENTATIVES - ACCOUNTING, 3110 O'NEILL FEDERAL BUILDING, WASHINGTON, DC 20515
AGENCY IDENTIFIER 53-6002523 **AGENCY LOCATION CODE** 4832 **TELEPHONE NUMBER** (202) 226-2277

SECTION II PAYEE/COMPANY INFORMATION

NAME (AS SHOWN ON YOUR INCOME TAX RETURN) BUSINESS NAME/DISREGARDED ENTITY NAME or DBA, IF DIFFERENT THAN ABOVE <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%;">TYPE OF TAX IDENTIFICATION NUMBER <input type="checkbox"/> SOCIAL SECURITY NUMBER (or) EIN</td><td style="width: 50%;">ENTER TAX IDENTIFICATION NUMBER </td></tr></table> ADDRESS/CITY/STATE/ZIP CONTACT PERSON NAME EMAIL <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%;">TELEPHONE NUMBER</td><td style="width: 50%;">FAX NUMBER</td></tr></table> REMIT TO ADDRESS 		TYPE OF TAX IDENTIFICATION NUMBER <input type="checkbox"/> SOCIAL SECURITY NUMBER (or) EIN	ENTER TAX IDENTIFICATION NUMBER 	TELEPHONE NUMBER	FAX NUMBER	CHECK APPROPRIATE BOX FOR FEDERAL TAX CLASSIFICATION (required) <input type="checkbox"/> Individual/ Sole Proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/Estate <input type="checkbox"/> Limited Liability Company Enter tax classification (C=C corporation, S=S corporation, P= Partnership) <input type="checkbox"/> Exempt payee <input type="checkbox"/> <input type="checkbox"/> OTHER (Other entities. Enter your business name below as shown on required federal tax documents "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.) PURCHASE ORDER ADDRESS/CITY/STATE/ZIP EMAIL <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%;">TELEPHONE NUMBER</td><td style="width: 50%;">FAX NUMBER</td></tr></table>	TELEPHONE NUMBER	FAX NUMBER
TYPE OF TAX IDENTIFICATION NUMBER <input type="checkbox"/> SOCIAL SECURITY NUMBER (or) EIN	ENTER TAX IDENTIFICATION NUMBER 							
TELEPHONE NUMBER	FAX NUMBER							
TELEPHONE NUMBER	FAX NUMBER							

SECTION III FINANCIAL INSTITUTION INFORMATION

BANK NAME (Branch City, State)	
ACH COORDINATOR NAME	TELEPHONE NUMBER
NINE-DIGIT ROUTING TRANSIT NUMBER	
DEPOSITOR ACCOUNT TITLE	
DEPOSITOR ACCOUNT NUMBER	LOCKBOX NUMBER
TYPE OF ACCOUNT <input type="checkbox"/> CHECKING <input type="checkbox"/> SAVINGS <input type="checkbox"/> LOCKBOX	

SECTION IV SOCIO-ECONOMIC INFORMATION

Type of Business	<input type="checkbox"/> Large Business-No Socio-Economic Designations <input type="checkbox"/> Minority <input type="checkbox"/> SmBusiness <input type="checkbox"/> Sm-Disadv/Minority <input type="checkbox"/> Sm-Disadv Only <input type="checkbox"/> SmMin Only
Sm-Disadvantaged Business Prog	<input type="checkbox"/> 8 (a) Firm <input type="checkbox"/> HUBZone Program <input type="checkbox"/> HUBZone Eligible <input type="checkbox"/> Emerging Small Business <input type="checkbox"/> Women-Owned Business
Other Preference Programs	<input type="checkbox"/> Buy Indian <input type="checkbox"/> Directed to JWOD Non-Profit <input type="checkbox"/> No Preference/Not Listed <input type="checkbox"/> Small Business Set-Aside <input type="checkbox"/> Very Small Business Set-Aside
Veteran Owned Status	<input type="checkbox"/> Non-Vet Owned SmBus <input type="checkbox"/> Other Vet Owned SmBus <input type="checkbox"/> Serv-Disabled Vet Other Bus <input type="checkbox"/> Serv-Disabled Vet Owned SB <input type="checkbox"/> Vet-Owned Other Bus
Size of Business	<input type="checkbox"/> (A) 50 or less <input type="checkbox"/> (B) 51-100 <input type="checkbox"/> (C) 101-250 <input type="checkbox"/> (D) 251-500 <input type="checkbox"/> (E) 501-750 <input type="checkbox"/> (F) 751-1,000 <input type="checkbox"/> (G) Over 1,000 <input type="checkbox"/> (M) 1 million or less <input type="checkbox"/> (N) 1.1-2 million <input type="checkbox"/> (P) 2.1-3.5 million <input type="checkbox"/> (R) 3.1-5 million <input type="checkbox"/> (S) 5.1-10 million <input type="checkbox"/> (T) 10.1-17 million <input type="checkbox"/> (Z) Over 17 million

SECTION V CERTIFICATION OF DATA BY PAYEE/COMPANY

NAME		TITLE/POSITION
SIGNATURE	DATE	TELEPHONE NUMBER

**Instructions for Completing
U.S. House of Representatives
Substitute W-9 and ACH Vendor/Miscellaneous Payment Enrollment Form**

Section I - Agency Information -- Includes the name and address, agency identifier, agency location code and telephone number for the House of Representatives.

Section II - Payee/Company Information -- Print or type the name of the payee/company and address that will receive payment, social security or taxpayer ID number, contact person name, telephone number and email of the payee/company. Print or type the purchase order and remit to addresses if different from the payee/company address. Check the appropriate boxes for federal tax classification.

Section III - Financial Institution Information -- Print or type the name and address of the payee/company's financial institution who will receive the ACH payment, ACH coordinator name and telephone number, nine-digit routing transit number, depositor (payee/company) account title and account number. Check the appropriate box for type of account. Payee/Company may include a voided check with this form.

ACH Account Information Located on a Check or Deposit Ticket

FINANCIAL INSTITUTION NAME name of the financial institution to which the payments are to be directed

ROUTING TRANSIT NUMBER (RTN) financial institution's 9 digit routing transit number;
found on the bottom of a check or deposit ticket or from your Financial Institution

ACCOUNT TITLE employee's or vendor's name on the account

ACCOUNT NUMBER account number at the financial institution

THOMAS B. ANDERSON
123 PLEASANT STREET
ANYWHERE, FL 12345

PAY TO THE ORDER OF \$

SUNTRUST
SunTrust Bank

ACH RT 081000104

SAMPLE VOID

101

000000000 1234567890 0101

1 2 3 4

1. Routing Transit Number (RTN) -- nine digits located between two symbols. This number identifies the bank holding your account and check processing center.
2. Account number -- this is your complete account number. Your account number can be up to 17 digits. Please include leading zeros.
3. ACH Routing Transit Number -- Automated Clearing House routing number, use this number for your Routing Transit Number (RTN) if you bank with SunTrust Bank.
4. Check number -- This information is not necessary - do not provide

Section IV - Socio-Economic Information -- Check the boxes for each category, if applicable: type of business, small disadvantaged business program, HUBZone program, emerging small business, women-owned business, other preference programs, Veteran owned status and size of business. Detailed information related to Small Business programs can be found at <http://www.sba.gov/>.

Section V - Certification of Data By Payee/Company -- Print or type the name, title/position and phone number of the Authorized official. The Authorized official must sign and date the form.

BILL NO. 23-001

ORDINANCE NO. 4919

FIRST READING: _____

SECOND READING: _____

AN ORDINANCE OF THE CITY OF HANNIBAL CALLING A MUNICIPAL ELECTION TO BE HELD TUESDAY, APRIL 4, 2023 TO ALLOW HANNIBAL VOTERS TO CONSIDER THE IMPLEMENTATION OF A TAX RATE FOR THE PURPOSE OF FUNDING A UTILITY TO ACQUIRE, CONSTRUCT, MAINTAIN AND IMPROVE THE CITY'S STORMWATER CONVEYANCE SYSTEM, *Proposition S*

WHEREAS, the City Council of the City of Hannibal, Missouri (the "City") finds it necessary and hereby declares its intent to implement a tax rate for the purpose of acquiring, constructing, maintaining, and improving the City's stormwater system, and

WHEREAS, the authorization of the tax rate will authorize the City, through its Board of Public Works, to fix, establish, maintain and collect rates and charges for the services provided by the City's Board of Public Works through the stormwater system, including all extensions and improvements thereto hereafter constructed or acquired by the City or its Board of Public Works, in addition to the other rates and charges for such services provided by law, as will produce income and revenues sufficient to provide funds to pay the costs of operation and maintenance of said stormwater system.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HANNIBAL, MISSOURI, AS FOLLOWS:

SECTION ONE: That a Municipal Election for certain ballot proposal shall be held on Tuesday, the 4th day of April 2023. Said election shall be held at such place in each ward and precinct as the election authority may direct and as contained in the Election notice made part of this ordinance.

The City Clerk shall cause to be given ten (10) days' notice of Election by publication in the newspaper doing the official printing of the City of Hannibal, said notice to be signed by the Mayor and attested by the City Clerk, said notice to be printed in substantively the following for, to-wit:

NOTICE OF MUNICIPAL

ELECTION

CITY OF HANNIBAL, MISSOURI

Notice is hereby given that there will be a Municipal Election to be held in the City of Hannibal Missouri, on:

TUESDAY, APRIL 4, 2023

PROPOSITION S

Shall the City of Hannibal, Missouri, implement and maintain a separate tax rate of \$567.15 per acre of real property for the purpose of funding a utility tasked with acquiring, constructing, maintaining, and improving the City's stormwater conveyance system? All properties Revised Statutes of Missouri Section 137.100 will not be charged.

YES ☐
NO ☐

INSTRUCTIONS TO VOTERS:

If you are in favor of the question, place an X in the box opposite "YES"

If you are opposed to the question, place an X in the box opposite "NO"

James R. Hark, Mayor

ATTEST:

City Clerk

SECTION TWO: The City Clerk is hereby authorized and directed to notify the Clerks of the Counties of Marion and Ralls, Missouri, of the adoption of this Ordinance no later than 5:00 p.m. on January 18, 2023.

SECTION THREE: JUDGES. The Election shall be conducted by several judges appointed to serve at the Election.

SECTION FOUR: POLLING PLACES. The said polling places shall be open on the day of the General Election at the hour of six o'clock a.m. and shall remain open until the hour of seven o'clock p.m. on said date. That said General Election shall be held and conducted and the results thereof shall be certified, canvassed and declared in all respects in conformity with the Constitution and laws of the State of Missouri governing elections in the City of Hannibal and in accordance with the Home Rule Charter of the City of Hannibal.

SECTION FIVE: The County Clerk is hereby authorized and directed to furnish the judges and clerks of said General Election with all poll books, tally sheets, ballots, ballot boxes, and other supplies necessary for the conduct of said General Election.

SECTION SIX: The Mayor, the City Clerk and other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to carry out the purpose and intent of this Ordinance.

SECTION SEVEN: That this ordinance shall be in full force and effect immediately upon its adoption and approval.

ADOPTED THIS _____ DAY OF _____, 202__.

APPROVED THIS _____ DAY OF _____, 202__.

James R. Hark, Mayor

ATTEST:

City Clerk



MEMO

To: Mayor and City Council
From: Darrin Gordon, General Manager
Date: December 14²⁷, 2022
Re: Stormwater Funding Ballot Initiative

Background:

The HBPW stormwater department was created in September 2017 and is still under development. Identifying and establishing a sustainable source of funding is a top priority for the department. We strive to provide the best service with our abilities, while we continue efforts in securing a reliable funding solution. It is the department's intent to keep the public educated and informed as this utility develops.

-Since the 1960's the HBPW had been maintaining underground storm water systems- or storm sewers, and the Public Works department of the city had been maintaining the above ground stormwater infrastructure. The city funded any repairs from the general fund and the HBPW used sanitary sewer funds to make any essential infrastructure repairs. Neither funding mechanism provides enough dollars to maintain the system adequately or to meet existing quality regulations, which will likely continue to get more stringent.

-In November of 1980 the voters of Missouri approved a constitutional amendment which is now called the Hancock amendment which among other things prevents a utility from spending money on anything other than what it has been collected for. This means that in the past where we paid for stormwater needs with sewer funds dash that became illegal. The only way we can spend money on stormwater utilities is with storm water collected fees or taxes.

The City Council passed a resolution in June of 2017, authorizing HBPW to implement a stormwater utility and comprehensive stormwater repair program. Within the resolution, Section 1 reads: "the Hannibal Board of Public Works is hereby authorized and directed to establish a stormwater utility pursuant to the existing home rule charter provisions, and a comprehensive stormwater repair program and initiative thereof to repair structurally unsound stormwater infrastructure and address stormwater problems throughout the Hannibal community."

At the September 2017 HBPW board meeting, the HBPW Board of Directors approved a contract with the engineering firm Black & Veatch to design a suitable funding source. After meeting with engineers throughout a series of workshops staff and board members determined a stormwater utility fee is appropriate for the city of Hannibal as it offers fair, equitable, transparent, and steady revenue to manage stormwater runoff.

We are striving to be-

Fair- all properties that contribute runoff to the stormwater system will pay to fund the system.

Equitable- since every property generates runoff and benefits from the infrastructure in place, the utility model represents an equitable method to collect revenue from those who place a high demand on the stormwater management system.

Transparent- the fees collected will be used solely for stormwater activities and accounted for separately.

Steady- provides a dependable revenue stream to provide sufficient revenues for stormwater improvements and allow for proactive management of the system resulting in the lowest cost overtime.

In December of 2018 Black & Veatch presented a formula of \$1.39 per 500 square feet of impervious area. This would be put into ballot language and voted on in the April 2019 election. This proposition's effort failed to create a funding source with 1,128 no votes to 1,116 yes votes. It failed to pass by 12 votes.

We have refreshed the Black & Veatch initial study and are now proposing that a simple measurement of total acreage be assessed at ~~xxxx~~ \$567.15 dollars per square foot/acre. We are not including in this formula all any not-for-profit organizations that avoid paying property tax. This helps to bring down the fees paid by the taxed residents. We do not have a 'sun setting' clause in this proposition. There are state mandated MS-4 permit requirements which we are responsible to meet in perpetuity. This funding source needs to be a perpetual funding source for the Stormwater system management.

Making the assumption that the City Council will pass this proposition the HBPW will begin an education program for the citizenry of Hannibal, sharing our methodology and the result of passing this proposition or not passing the proposition.

Information Provided:

I am providing you with the ballot language as it has been vetted and written by our solicitor Ethan Matchett of the Lemon Law Firm. This initiative will only be presented if it is approved on December 19, 2022 by the Board of Public Works Board.

Action Requested:

I'm requesting that the Mayor and City Council approve the ballot language as presented, for first reading at the January 3, 2023 meeting and a second reading ~~in~~ at the January 31, 2023 - Mayor and City Council meeting. This will then set up for the proposition to be voted on in the April 2023 election.

BILL NO. 23-002

ORDINANCE NO. 4920

FIRST READING: _____

SECOND READING: _____

**AN ORDINANCE PROVIDING FOR SUBMISSION OF A PROPOSAL
(PROPOSITION ONE) TO ALLOW THE CITY OF HANNIBAL TO IMPOSE
A CITYWIDE SALES TAX ON ALL TANGIBLE PERSONAL PROPERTY
RETAIL SALES OF ADULT USE MARIJUANA TO THE QUALIFIED
VOTERS OF THE CITY FOR THEIR APPROVAL AT THE MUNICIPAL
ELECTION TO BE HELD ON TUESDAY, April 4, 2023**

WHEREAS, Article XIV, Section 2, 6.(5) of the Missouri Constitution, authorizes the governing body of a City to impose a citywide sales tax on all tangible personal property retail sales of adult use marijuana sold in such political subdivision; and

WHEREAS, Article XIV, Section 2, 6.(5) provides that the tax authorized by that section shall be in addition to any and all other sales tax allowed by law, except that no ordinance or order imposing a sales tax shall be effective unless the governing body of the City submits to the voters of the City, at a municipal election, a proposal to authorize the City Council to impose a tax; and

WHEREAS, the Hannibal City Council, has determined and does now find and determine that a ballot question shall be submitted to the voters of the City to authorize imposition of a citywide sales tax on all tangible personal property retail sales of adult use marijuana sold in the City of Hannibal; and

WHEREAS, the Hannibal City Council desires to submit a proposal in the form of a ballot question to the voters of the City of Hannibal at the Municipal election, to be held on Tuesday, April 4, 2023 authorizing the City of Hannibal, to impose a city sales tax of three percent (3%) pursuant to Article XIV, Section 2, 6.(5) of the Missouri Constitution; and

WHEREAS, in the event a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the City sales tax which is the subject of this Order shall be imposed and in force and effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HANNIBAL, AS FOLLOWS:

SECTION ONE: Pursuant to the provisions of Article XIV, Section 2, 6.(5) of the Missouri Constitution, the City Council has prepared a proposition for the imposition of a three percent (3%) city sales tax on all tangible personal property retail sales of adult use marijuana sold in the corporate limits of the City of Hannibal.

SECTION TWO: This proposition shall be submitted to the qualified voters of the City of Hannibal, Missouri, for their approval, at the election hereby called and to be held in the City of Hannibal on Tuesday, April 4, 2023. The ballot of submission shall contain substantially the following language:

**NOTICE OF MUNICIPAL ELECTION
CITY OF HANNIBAL
MISSOURI**

Notice is hereby given that there will be a Municipal Election to be held in the City of Hannibal, Missouri, on:

Tuesday, the 4th day of April 2023

Proposition 1

Shall the City of Hannibal, Missouri impose a citywide sales tax of three percent (3%) on all tangible personal property retail sales of adult use marijuana sold in the City of Hannibal, Missouri?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES." If you are opposed to the question, place an "X" in the box opposite "NO."

SECTION THREE: If the ballot question set forth in Section (2) of this ordinance receives a majority of the votes cast in favor of the proposal, there shall thereafter be imposed within the confines of the corporate limits of the City of Hannibal, a three percent (3%) city sales tax on all tangible personal property retail sales of adult use marijuana sold in the corporate limits of the City of Hannibal.

SECTION FOUR: Within ten (10) days after the approval or disapproval of the proposition by the qualified voters of the City of Hannibal, Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map of the City clearly showing the boundaries thereof.

SECTION FIVE: JUDGES. The Election shall be conducted by several judges appointed to serve at the Election.

SECTION SIX: POLLING PLACES. The said polling places shall be open on the day of the Election at the hour of six o'clock, a.m. and shall remain open until the hour of seven o'clock p.m. on said date. That said Election shall be held and conducted and the results thereof shall be certified, canvassed and declared in all respects in conformity with the Constitution and laws of

the State of Missouri governing elections in the City of Hannibal and in accordance with the Charter of the City of Hannibal.

SECTION SEVEN: The County Clerk is hereby authorized and directed to furnish the judges and clerks of said Election with all poll books, tally sheets, ballots, ballot boxes and other supplies necessary for the conduct of said Election.

SECTION EIGHT: That the City Clerk shall be and is hereby directed to transmit a certified copy of this Ordinance to the Registrars of the City of Hannibal and that said Registrars are hereby requested to take such action as may be required of them by law in the premises.

SECTION NINE: This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Adopted this _____ day of _____, 2022

Approved this _____ day of _____, 2023.

James Hark, Mayor

ATTEST:

City Clerk

MEMO

To: City Council, Police Chief.

From: City Attorney

Re: Changes to Constitution regarding Marijuana

I have had several questions already posed to me regarding the effect of the vote of the people at the election on Tuesday in regard to this matter. As there will be several things which require council action, and some things the police department should be aware of, the most appropriate thing to do seemed to be to do an analysis memo. Following are the high points that I think you need to consider:

Changes to Existing Section on Medical Marijuana:

1. **Operating vehicles.** While it is still illegal to operate a motor vehicle, motorboat or aircraft while under the influence of marijuana, they have changed the law to also require:

evidence that the person was in fact under the influence of marijuana at the time the person was in actual physical control of the dangerous device or motor vehicle, aircraft or motorboat and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's system

From a practical standpoint they have probably made it all but impossible to prosecute someone for this offense as the standard of review is "beyond a reasonable doubt". I recommend we wait to see what the state does to their statutes before we attempt to modify any ordinances on this issue. *Missouri Constitution, Article XIV, Section 1.7(1)(a)*

2. **Smoking in a public place.** It is still illegal to smoke medical marijuana in a public place. However, any punishment for this is now limited to a civil penalty not to exceed \$100.00. *Missouri Constitution, Article XIV, Section 1.7(6)*

3. **Distance from Schools, Daycares, Churches.** The distance is still 1000 feet. However the law has been changed to specify that the measurement is from the nearest external wall of the facility to the property line of the church, school, etc. If the marijuana facility is in a mall, etc. you measure from the front door closest to the school to the school property line. *Missouri Constitution, Article XIV, Section 1.10(a)*

4. **Limitations on Ordinances.** They have also put an additional section which says:

(b) The only local government ordinances or regulations that are binding on a medical facility

are those of the local government where the medical facility is physically located.

Quite frankly I'm not sure that this consistent with some other parts of law, but we will have to see how that shakes out. *Missouri Constitution, Article XIV, Section 1.10(b)*

5. Discrimination against employee. You can't discriminate against someone in hiring, firing, etc. unless you would lose money or lose licensing due to federal law because they use medical marijuana. However, you can fire them if they use while at work or are under the influence while at work, or during working hours. *Missouri Constitution, Article XIV, Section 1.15*

However it also says that:

Nothing in this subdivision shall apply to an employee in a position in which legal use of a lawful marijuana product affects in any manner a person's ability to perform job-related employment responsibilities or the safety of others, or conflicts with a bona fide occupational qualification that is reasonably related to the person's employment.

So I would suggest that it gives you a bit of wiggle room as to some positions. I recommend waiting to see what the state does, but we can examine as you deem necessary.

New Section on Recreational Marijuana:

6. Allowable areas of control. The new changes do not prohibit us from passing ordinances restricting:

- (a) Delivery or distribution to a person younger than twenty-one years of age;*
- (b) Purchase by a person younger than twenty-one years of age;*
- (c) Consumption of marijuana by a person younger than twenty-one years of age;*
- (d) Operating any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana.*
- (e) Consumption of marijuana while operating motor vehicle, etc.,*
- (g) Possession or consumption of marijuana on the grounds of a school or correctional facility;*
- (h) Smoking marijuana in a location where smoking tobacco is prohibited;*

(i) Consumption of marijuana in a public,

The actual section is much more comprehensive but this gives you an idea of what you can pass ordinances to regulate. *Missouri Constitution, Article XIV, Section 2.3(1)*

7. Regarding employees. You can discipline an employee including firing for working under the influence, or using while on the job. You cannot fire them simply for using if you can't prove it affected them at work. *Missouri Constitution, Article XIV, Section 2.3(3)*

8. Regarding control of property. The city (and any property owner) can restrict or prevent consumption of marijuana on their property. However, this section applies only to smoking marijuana. However, this would only be as to visitors or guests. Section 2.3(3) discussed in paragraph 7 above would still apply. *Missouri Constitution, Article XIV, Section 2.3(3)*

9. Ballot initiative to keep it out of town. They have intentionally made it VERY difficult to do this. The rules include:

(a) you can't put it on the ballot until 2024, and thereafter it has to be during a presidential election. (Clearly intended to make it as difficult as possible to get it on the ballot.

(b). You have to use the following language on the ballot:

"Shall (insert name of local government) ban all non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities from being located within (insert name of local government and, where applicable its "unincorporated areas") and forgo any additional related local tax revenue? ()Yes ()No."

Clearly intended to influence people regarding the alleged tax revenue.

(c) requires 60% to pass. (Interesting in that they only had to get 51% to change the constitution in the first place. Even more interesting is that to revoke a ban you only need 51%)
Missouri Constitution, Article XIV, Section 2.5(1)

10. Location of marijuana facilities. Basically the same rules I mentioned in 3 & 4 above. Really, we probably just need to amend our existing zoning ordinances to handle most of this. If you want to restrict areas.

11. Allowable consumption restrictions.

(6) Local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing: (a) the time and place where marijuana may be smoked in public areas within the locality; and (b) the consumption of marijuana-infused products within designated areas, including the preparation of culinary

dishes or beverages by local restaurants for on-site consumption on the the same day it is prepared.

Missouri Constitution, Article XIV, Section 2.5(6)

12. Taxes. Basically you are restricted to a 3% local tax and you are required to get it approved by a vote of the people.

the governing body of any local government is authorized to impose, by ordinance or order, an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision. The tax authorized by this paragraph shall be in addition to any and all other tangible personal property retail sales taxes allowed by law, except that no ordinance or order imposing a tangible personal property retail sales tax under the provisions of this paragraph shall be effective unless the governing body of the political subdivision submits to the voters of the political subdivision, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the political subdivision to impose a tax.

Missouri Constitution, Article XIV, Section 2.6

13. Regarding search warrants.

Each time a state or local law enforcement officer executes a search warrant authorizing entry upon premises for an alleged marijuana offense, the officer must first knock or announce their presence or purpose prior to entering the premises. Makes no-knock warrants illegal

(7) (a) After executing a search warrant for an alleged marijuana offense, or conducting a warrantless search for an alleged marijuana offense, the officer shall report the following information to the agency that employs the officer:

(i) The reasons for the warrant or, in the case of a warrantless search, a detailed account of either the probable cause or eminent circumstances, if any, which lead to the warrantless search;

(ii) Whether any marijuana was discovered during the course of the search:

(iii) Whether any marijuana was seized during the search, and if so, the amount seized;

(iv) Whether any other contraband was discovered or seized in the course of the search, and if seized, a description of the contraband;

(v) A description of the tactics used by law enforcement to enter the property;

(vi) Whether an arrest was made as a result of the search: and

(vii) If an arrest was made, the crime suspected.

Basically anti-cop, implied accusation that cops automatically are behaving improperly. Nothing I think we need to do an ordinance on, but something the police will probably need to consider in their policies.

(b) Each law enforcement agency shall compile the data described in paragraph (a) of this subdivision for the calendar year into a report and shall submit the report to the attorney general no later than March first of the following calendar year.

Again, anti-cop and accusatory. However, nothing I think we need to do an ordinance on either.

Missouri Constitution, Article XIV, Section 2.7

14. Regarding offenses and fines.

(1)(a) purchasing, consuming, etc. 3 ounces or less by person 21 years old and older not a crime.

(b) possessing up to 6 flowering plants or 6 nonflowering plants and 6 clones not a crime if they are registered with the department.

(c) assisting someone in any of the listed activities not a crime.

(d) selling marijuana accessories to anyone 21 and older not a crime.

(2)cultivate plants in plain view, \$250 fine.

(3) don't keep pants locked up, \$250 fine

(4) smoke in a public place \$100 fine

(5) under 21, purchase, consume use 3 ounces or less, \$100 fine, have to offer 4 hours of drug counseling in lieu of the fine.

(6) over 21, possess more than 3 ounces but no more than 6 ounces, \$250 fine first time, \$500 second time, third or subsequent \$1000 fine. If they are under 21, \$250 fine or 8 hours drug education or may do community service. \$15 or minimum wage credit whichever is greater.

I would recommend for this stuff that we get started working on our ordinances as these rules are all pretty clear.

Missouri Constitution, Article XIV, Section 2.10

15. Other general issues.

This all goes into effect on December 8 so we need to start taking a look at it. However there are various requirements for a lot of this stuff that the state is to promulgate rules and statutes. I'd say that the biggest issue we need to deal with is the stuff in paragraph 14. Most of the rest of it we can see how the state shakes this out.

Let me know if anyone wants any clarification.

Thanks,

James

1.3.2022

MEMO

Ordinance to establish chain of command for supervision of City Clerk and a formal annual performance evaluation of City Clerk's performance by the City Council

TO: Hannibal City Council

We are asking the City Council to fill a "gap" in the supervision of City employees, oversight of the delivery of constituent services and City employees' understanding of the chain of command in the City's managerial structure, and in particular, as related to supervision of the City Clerk, who is elected by and subject to the supervision of, the City Council. There is also a need to enhance the Council's ability to give and receive feedback regarding the Clerk's duties and performance.

If one looks and reviews public sector management "best practices", proposals such and this and others like exit interviews and leadership programs are the foundation of good government.

FROM:

Charles Phillips, Councilperson for Hannibal's 4th Ward

Stephan Franke, Councilperson for Hannibal's 3rd Ward

The Law

The Charter gives all power of the City to the City Council.

Sec. 3.01. - Where powers vested.

Except as this Charter provides otherwise, **all powers of the city shall be vested in the council.** The council shall provide for the exercise of those powers and for the performance of all duties and obligations imposed on the city by law.

Neither the Charter nor City Ordinances give the Mayor nor Mayor Pro tem any substantive administrative duties regarding the supervision and oversight of the positions of City Manager or City Clerk.

Sec. 3.05. - Mayor, duties.

The mayor shall preside at meetings of the council, and shall be recognized as the head of the city government for all legal and ceremonial purposes by the governor for purposes of military law. The mayor shall have no administrative duties and shall have no veto power.

Sec. 10.02. - Legal department; powers and duties.

Powers and duties of the city attorney will be as set forth by this council by ordinance.

The Proposal

The policies we propose would be included in any model Charter or Ordinance provision if one was establishing a City, home rule or otherwise, and that is the context in which the discussion should take place.

Any comments as to a particular individual's performance shall be prohibited when discussing the value of the proposed Ordinance.

The proposed Ordinance should be the remedy for this situation:

Code of Ordinances, City of Hannibal, Missouri
Chapter 2
Article I
Sec. 2.6-2.8

Sec. 2.6. - Powers and duties of the city manager.

In addition to all other powers and duties provide by the Charter and this Hannibal Code, the city manager shall have an obligation to advise the full Council in closed session, an annual report of the performance of the City Clerk and shall advise the City Council within 24 hours of any complaint in regards to the performance of the City Clerk made by a Department Director, other City employee or constituent of the City of Hannibal.

Sec. 2.7. - Department of Accounts and Records.

The Department of Accounts and Records is to be in the charge of the city clerk who shall be entitled to such deputies and assistants as herein provided. The city clerk shall be elected by the city council and shall hold office for a term of

four (4) years and until her successor is elected and qualified. She shall be eligible for re-election, however the city council is not required to re-elect her. She shall receive such salary and shall give such bond as the council shall by ordinance provide. Nothing in this Ordinance creates an obligation to re-elect a city clerk.

Sec. 2.8. - City clerk; secretary of council, registrar of vital statistics.

The city clerk as provided by the Charter shall act as the secretary of the council, recording in a permanent book the minutes of its proceedings, supervising the publication of all necessary notices, publications, and orders, recording in a bound book all ordinances and resolutions and executive orders. She shall have charge of the seal of the city and all original papers and files and may certify to the correctness of copies of all records and papers in his office. She shall act, ex officio, as the registrar of vital statistics for the city and shall issue all licenses required by ordinance. The city manager shall submit her review of the city clerk's performance to the full city council on an annual basis, and report within 24 hours to the full city council any complaint made to the city manager about the city clerk's performance by any city department director, city employee or any member of any city board or commission.