

*City of Hannibal*  
**OFFICIAL COUNCIL AGENDA**

**Tuesday, December 5, 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](http://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  
Regular Scheduled Council Meeting – November 21, 2023**

**APPROVAL OF PAYROLL AND CLAIMS  
Second Half – November 2023**

**PUBLIC COMMENTS**  
**3 Minutes/ Sign Up Required**

**BOB YAPP & ANDREW WIKSTROM – CITIZENS**  
**Re: Derelict Houses in Downtown Neighborhood**

**LISA PECK - CITY MANAGER**  
**Re: Recommendation of Appointment**

Park Board  
**Steve Viorel – Appointment for a term to expire July 2024**

Planning and Zoning  
**Cole Painter– Appointment for a term to expire June 2027**

Board of Adjustment  
**Hunter Haynes– Appointment for a term to expire May 2028**

**Re: Lease Agreement for American Cruise Lines Inc.**  
*(Resolution No. 2490-23)*

**Re: Renewal Agreement with Open.Gov Software**

**Re: SEMA BRIC Grant Application Approval**  
*(Resolution No. 24-9123)*

**BARRY LOUDERMAN – MAYOR**  
**CHARLIE PHILLIPS – 4<sup>TH</sup> WARD COUNCIL MEMBER**  
**STEPHAN FRANKE – 3<sup>RD</sup> WARD COUNCIL MEMBER**  
**Re: Voting rotation of Council/ Mayor vote**

**CHARLIE PHILLIPS – 4<sup>TH</sup> WARD COUNCIL MEMBER**  
**Re: Requesting Update on IT Process**

**JAMES LEMON – CITY ATTORNEY**  
**Re: Video Service Provider Act**

*(Bill No. 23-036, to follow, first reading)*

**DARRIN GORDON – GENERAL MANAGER, BOPW**

**Re: Stormwater Funding Ballot Initiative**

*(Bill No. 23-034, to follow, first reading)*

**BILL NO. 23-034**

**AN ORDINANCE OF THE CITY OF HANNIBAL CALLING  
A MUNICIPAL ELECTION TO BE HELD TUESDAY,  
APRIL 2, 2024, TO ALLOW HANNIBAL VOTERS TO  
CONSIDER THE IMPLEMENTATION OF A FEE FOR THE  
PURPOSE OF MAINTAINING AND IMPROVING THE  
CITY'S UNDERGROUND STORMWATER CONVEYANCE  
SYSTEM, *PROPOSITION S***

**First Reading**

**BILL NO. 23-035**

**AN ORDINANCE OF THE CITY OF HANNIBAL AUTHORIZING  
THE MAYOR TO EXECUTE A PROGRAM AGREEMENT WITH  
THE MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION FOR THE TRANSPORTATION ALTERNATIVE  
PROGRAM (TAP) GRANT RELATIVE TO CONSTRUCTION OF  
NEW SIDEWALKS AND ADA IMPROVEMENTS ON MARKET  
STREET FROM  
SOUTH ARCH TO GRAND.**

**Second & Final Reading**

**BILL NO. 23-036**

**AN ORDINANCE AMENDING CHAPTER 15 LICENSES,  
TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS  
BY CREATING A NEW ARTICLE REGARDING VIDEO SERVICE  
PROVIDERS**

**First Reading**

**RESOLUTION NO. 2490-23**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING  
THE MAYOR TO EXECUTE FIRST RENEWAL OPTION OF THE  
LEASE AGREEMENT BETWEEN THE CITY AND AMERICAN  
CRUISE LINES, INC FOR THE USE OF THE NORTH DOCK FOR  
RIVERBOAT LANDINGS ON THE HANNIBAL RIVERFRONT  
AGREEMENT**

**RESOLUTION NO. 2491-23**

**A RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER  
OR CITY CLERK TO APPLY FOR A GRANT FOR TREATMENT  
OF WATER AT THE CITY OF HANNIBAL LANDFILL LEACHATE  
BASIN, INCLUDING AUTHORITY TO SIGN APPLICATIONS,  
CONTRACTS, AUTHORIZATIONS AND OTHER  
DOCUMENTATION WHICH IS REQUIRED OR REASONABLY  
RELATED TO THE GRANT APPLICATION PROCESS**

**ADJOURNMENT**

November 28, 2023

Please add Bob Yapp & Andrew Wikstrom to the Tuesday, December 5, 2023 Council agenda to discuss derelict houses in the downtown region.

Mr. Yapp will have a PowerPoint and require about 15 minutes.



Barry Louderman  
Mayor

## Melissa Cogdal

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**From:** Lisa Peck  
**Sent:** Wednesday, November 29, 2023 10:33 AM  
**To:** Melissa Cogdal  
**Subject:** Park Board

Please place Steve Viorel on the December 5 agenda for a first reading for Park Board to complete Trisha O'Cheltree's term expiring in July of 2024.

*Lisa Peck*  
City Manager  
320 Broadway  
Hannibal, MO 63401  
(573) 221-0111

## **Melissa Cogdal**

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**From:** Lisa Peck  
**Sent:** Wednesday, November 29, 2023 10:35 AM  
**To:** Melissa Cogdal  
**Subject:** Planning and Zoning appointment

Please put Cole Painter on the 12/5 agenda for Planning and Zoning appointment to replace Barry Louderman for a term expiring 6/27.

*Lisa Peck*  
City Manager  
320 Broadway  
Hannibal, MO 63401  
(573) 221-0111

## **Melissa Cogdal**

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**From:** Lisa Peck  
**Sent:** Wednesday, November 29, 2023 5:14 PM  
**To:** Melissa Cogdal  
**Subject:** FW: Board of Adjustment appointment-this one should be good to go, please disregard the previous email

Please put Hunter Haynes on the 12/5 agenda for a Board of Adjustment Alternate for a term to expire 5/28.

*Lisa Peck*

City Manager  
320 Broadway  
Hannibal, MO 63401  
(573) 221-0111





741 Boston Post Road, Suite 200 • Guilford, CT 06437 • (203) 453-6800

### **Congratulations • Celebration • A Bright Future**

American Cruise Lines wants to express our gratitude while celebrating our mutual collaborative partnership with Hannibal. Your beautiful city is one of our premier ports that we visit. Our passengers and guests always recognize Hannibal as one of their favorite and memorable cities at which we visit on the Mississippi River. These positive experiences are, of course, due to all that your historic city has to offer; however, it is also a result of the support, enthusiasm, hard work, and cooperation of the city coming together to make it happen. From the Mayor and City Council, City Manager, staff, the Chamber, Convention and Visitors' Bureau, all the venues our guests visit, to Tom Sawyer and Becky Thatcher, everyone plays their important role.

As the first five years of our long-term agreement is coming to an end, we want to share some of the wonderful results, outcomes and enhancements that been experienced by Hannibal and American Cruise Lines during the initial term of the agreement.

### **Tourism and Economic Development**

- We made 113 stops/visits to Hannibal.
- We brought almost 24,000 guests and crew to Hannibal.
- \$3,600,000 spent in Hannibal by our docking, our guests, and our crew.
- We docked 7 different Riverboats in Hannibal: 2 Paddlewheelers and 5 new American Riverboats

### **Growth of American Cruise Lines**

- American Cruise Lines Built 8 new Riverboats over the last five years.
- We grew our overall fleet of ships to 19 Riverboats.

### **Thank You**

Thank you for all your help and continued collaborative support. We have jointly had a fantastic initial five years. We are excitedly looking forward to this five-year agreement extension and many more in the future.

Sincerely,

*Frank J Klipsch*

Frank J Klipsch

Director, City Partnerships & Special Projects

## **Lease Extension**

This Lease Extension is made between the Landlord and Tenant hereinafter identified and constitutes an Extension of the Lease of the Demised Premises on the terms and subject to the agreements set forth in the existing lease agreement. The parties agree that this extension agreement shall apply to that certain ground lease entered into by the parties dated \_\_\_\_\_ 2019, (hereinafter "The Lease") as to certain property and improvements located in and upon the Hannibal Riverfront, and the parties, their successors and assigns shall continue to be governed by the terms contained therein.

### **1 Certain Basic Lease Extension Provisions**

- (a) Effective Date of this Lease Extension: November 14, 2024
- (b) Landlord: City of Hannibal, a municipal corporation of the State of Missouri
- (c) Address of the Landlord: 320 Broadway Hannibal, MO 63401
- (d) Tenant: American Cruise Lines, Inc
- (e) Address of Tenant: 741 Boston Post Road, Suite 200, Guilford CT 06437
- (f) Remaining Lease Term after this extension: four consecutive options to extend for 5 years each

### **2 Lease Extension Fee.**

Pursuant to the terms of The Lease, Tenant shall pay a lease extension fee to Landlord of \$10,000.00, which amount shall be paid at least thirty (30) days prior to the effective date herein.

### **3 Term**

The term of this lease extension shall begin upon November 14, 2024 and shall continue for a period of five (5) years unless otherwise amended or terminated by the parties pursuant to the terms of The Lease or by written agreement of the parties.

### **4 Lease to remain in full force and effect.**

The parties agree that this lease extension shall not be construed to modify or amend any of the terms of The Lease, except to extend the term as set out herein, and the parties hereto shall continue to otherwise be bound by all of the existing terms of The Lease.

### **5 Applicable Law**

This extension agreement shall be construed in accordance with and governed by the laws of the State of Missouri.

IN WITNESS WHEREOF, the parties hereto have hereunto executed this Lease, in duplicate, as of the day and year first written above, under Seal and intending it to be a specialty, each party by its officer thereunto duly authorized.

LANDLORD

ATTEST:

City of Hannibal, MO

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

TENANT

ATTEST:

AMERICAN CRUISE LINES, INC.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

**RESOLUTION NO. 2490-23**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR  
TO EXECUTE FIRST RENEWAL OPTION OF THE LEASE AGREEMENT  
BETWEEN THE CITY AND AMERICAN CRUISE LINES, INC FOR THE USE  
OF THE NORTH DOCK FOR RIVERBOAT LANDINGS ON THE HANNIBAL  
RIVERFRONT AGREEMENT**

**WHEREAS**, The City of Hannibal and American Cruise Lines, Inc have agreed to a 5-year lease agreement with 5 consecutive options to extend for 5 years each at the North Dock, and

**WHEREAS**, American Cruise Lines will have periodic exclusive use of the North Dock, and

**WHEREAS**, American Cruise Lines will be pay rent of \$1 per passenger onboard each docking ship with that number increasing 15% every 5 years until it reaches a max of \$2 per passenger. In addition, American Cruise Lines will pay a one-time fee of \$25,000 and then \$10,000 upon commencement of each five-year renewal.

**WHEREAS**, American Cruise Lines wishes to execute its first renewal option, effective November 14, 2024.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF HANNIBAL  
MISSOURI:**

**SECTION ONE:** That the Mayor is hereby authorized to execute the first renewal of the lease agreement between the City of Hannibal and American Cruise Lines, Inc for the use of the north dock for riverboat landings on the Hannibal Riverfront, effective November 14, 2024.

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

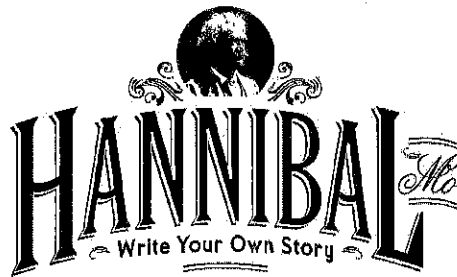
**ADOPTED THIS 5<sup>th</sup> DAY OF DECEMBER 2023.**

**APPROVED THIS 5<sup>th</sup> DAY OF DECEMBER 2023.**

**BARRY LOUDERMAN, MAYOR**

**ATTEST:**

**MELISSA COGDAL, CITY CLERK**



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# MEMORANDUM

**To: Mayor and Council**  
**From: Lisa Peck, City Manager**  
**Re: OpenGov Software renewal**  
**Date: November 27, 2023**

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Attached is the renewal of the OpenGov Software used by the building inspector's office to track inspections and permits. This software has simplified the process over the last 3 and 1/2 years by allowing contractors and homeowners to apply online. Previously, the building inspector's office kept paper records.



Pricing Proposal  
Quotation #: 24123547  
Created On: 11/1/2023  
Valid Until: 12/1/2023

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## MO-City of Hannibal

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### Eric Graham

777 Broadway  
Hannibal, MO 63401  
United States  
Phone: (573) 221-0987  
Fax:  
Email: egraham@hannibalpd.com

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## Inside Account Executive

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### Andrew Sisler

290 Davidson Ave  
Somerset, NJ 08873  
Phone: 732-507-1457  
Fax:  
Email: andrew\_sisler@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 Permitting and licensing OpenGov - Part#: Permitting Contract Name: Sourcewell- Technology Catalog Solutions Contract #: 081419-SHI	1	\$15,946.32	\$15,946.32
2 ESRI ArcGIS OpenGov - Part#: ESRI ArcGIS Contract Name: Sourcewell- Technology Catalog Solutions Contract #: 081419-SHI	1	\$442.58	\$442.58
3 Flag Integration(per system) OpenGov - Part#: Flag Integration Contract Name: Sourcewell- Technology Catalog Solutions Contract #: 081419-SHI	1	\$442.58	\$442.58
4 MAT / Assessor System OpenGov - Part#: MAT / Assessor System Contract Name: Sourcewell- Technology Catalog Solutions Contract #: 081419-SHI	1	\$886.73	\$886.73
Total			\$17,718.21

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## Additional Comments

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Signature: \_\_\_\_\_

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084.

SHI International Corp. is 100% Minority Owned, Woman Owned Business.  
TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

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*The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.*

RESOLUTION NO. 24-9123

**A RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER OR CITY CLERK TO APPLY FOR A GRANT FOR TREATMENT OF WATER AT THE CITY OF HANNIBAL LANDFILL LEACHATE BASIN, INCLUDING AUTHORITY TO SIGN APPLICATIONS, CONTRACTS, AUTHORIZATIONS AND OTHER DOCUMENTATION WHICH IS REQUIRED OR REASONABLY RELATED TO THE GRANT APPLICATION PROCESS**

**WHEREAS**, the City of Hannibal is the owner of a closed landfill, which facility includes a leachate basin to prevent possible toxic water runoff; and

**WHEREAS**, the landfill previously included a spray off system for purposes of disposing of excess water in the basin, keeping it on the property, but pursuant to more recent regulations of Missouri DNR, that the City of Hannibal has been required to pump such excess water into hauling vehicles, haul it to the City of Hannibal and treat it at the water treatment plant ; and

**WHEREAS**, funds are available from SEMA BRIC grant, which funds could be utilized to construct an onsite water treatment facility which would prevent the need to pump and haul the water, thereby saving the Citizens of Hannibal Thousands of Dollars each year; and

**WHEREAS**, however there are multiple applications, contracts, authorizations and other documents which must be signed throughout the grant process, which documents are frequently of a time sensitive nature, and as a result would have to be signed immediately, thereby creating a need for multiple authorized signatories.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF HANNIBAL, MISSOURI,**

**SECTION ONE:** That the Mayor, City Manager and City Clerk are hereby authorized to sign on behalf of the City of Hannibal any application, contract, authorization or any other require document to the application process for said SEMA grant.

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



ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
HON. BARRY LOUDERMAN  
MAYOR, CITY OF HANNIBAL, MO

ATTEST:

\_\_\_\_\_  
MELISSA COGDAL, City Clerk

**MEMO**

**TO: Hannibal City Council**

We are asking the City Council to direct the City Attorney to draft language for a new Ordinance and/or amend the City's Code of Ordinances as necessary so that whenever the City Council is required to vote the Mayor will vote last. If it passes we would like the City Attorney to bring it back to Council for a first reading at the second meeting in December.

Currently, the City Clerk employs a rotating vote system that was inherited from the previous City Clerk, where at each successive meeting the vote rotates through each member of Council and the Mayor so that an individual votes first, then at the next meeting the same person votes second, then third, etc. to last, and back to first again. Under this system the Mayor's vote is also rotated as if he or she were an ordinary member of Council.

The Mayor is City Hall's only elected position who is voted on by the entire City and as such should hold the special honor of voting last. This will also place the Mayor strategically as the tie breaker if/when needed.

While we could simply direct the City Clerk to alter the voting rotation it is our opinion that our goal is best codified as an ordinance to be more easily reflected upon once we are gone.

In conclusion and to reiterate, we are asking the City Council to direct the City Attorney to draft language for a new Ordinance and/or amend the City's Code of Ordinances as necessary so that whenever the City Council is required to vote the Mayor will vote last. If it passes we would like the City Attorney to bring it back to Council for a first reading at the second meeting in December.

**FROM:**

**Barry Louderman, Mayor**

**Charlie Phillips, Councilman for the 4th Ward**

**Stephan Franke, Councilman for the 3rd Ward**

BILL NO. 23-036

ORDINANCE NO. \_\_\_\_\_

FIRST READING \_\_\_\_\_

SECOND READING \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 15 LICENSES, TAXATION AND  
MISCELLANEOUS BUSINESS REGULATIONS BY CREATING A NEW ARTICLE  
REGARDING VIDEO SERVICE PROVIDERS**

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

**Section 1.** WHEREAS, The City of Hannibal is a constitutional Charter City pursuant to the provisions of the Constitution of the State of Missouri, Article VI, 19(a), and pursuant to the authority vested therein as well the provisions of RSMo 67.2675 to 67.2714 is entitled to regulate Video Service Providers operating within the confines of the City of Hannibal.

AND WHEREAS, in 2007 the State of Missouri passed the "Video Services Providers Act", which allows providers of video programming to obtain authority from the Missouri Public Service Commission to operate within the confines of a municipality, prohibits the requirement of a franchise with municipalities except by consent, and modifies various other portions of the previously existing law.

AND WHEREAS, the City Council has reviewed the existing Charter and ordinances of the City of Hannibal, specifically Chapter 16 of the Charter regarding Franchises, and Chapter 15 of the Ordinances, and has recognized that it is necessary to create a new Article regarding video service providers to make proper provisions regarding Video Service Providers, and to bring the Ordinances of the City of Hannibal in compliance with State Law;

NOW THEREFORE, Be it Ordained by the City Council of the City of Hannibal:

**Section 1.** That the current Article IX Miscellaneous Business Regulations shall be moved to Article X., with current Section 15.381 being renumbered as 15.420, and all other Ordinances in that section being renumbered sequentially thereafter.

**Section 2.** That a new Article IX is hereby created, named **Video Service Providers**.

**Section 3.** That a new Section 15-381 is enacted as follows:

**Section 15.381 Definitions.**

- (1) "Cable operator", as defined in 47 U.S.C. Section 522(5);
- (2) "Cable system", as defined in 47 U.S.C. Section 522(7);
- (3) "City", The City of Hannibal, Missouri, and all the territory within its existing and future territorial corporate limits
- (4) "Franchise", an initial authorization, or renewal of an authorization, issued by a franchising entity, regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, that authorizes the provision of video service and any affiliated or subsidiary agreements related to such authorization;
- (5) "Gross revenues",
  - (a) these are revenues limited to amounts billed to video service subscribers for the following:
    - a. Recurring charges for video service; and
    - b. Event-based charges for video service, including but not limited to pay-per-view and video-on-demand charges;
  - (b) "Gross revenues" do not include:
    - a. Discounts, refunds, and other price adjustments that reduce the amount of compensation received by an entity holding a video service authorization;
    - b. Uncollectibles;
    - c. Late payment fees;
    - d. Amounts billed to video service subscribers to recover taxes, fees, or surcharges imposed on video service subscribers or video service providers in connection with the provision of video services, including the video service provider fee authorized by this section;
    - e. fees or other contributions for PEG or I-Net support;
    - f. Charges for services other than video service that are aggregated or bundled with amounts billed to video service subscribers, if the entity holding a video service authorization reasonably can identify such charges on books and records kept in the regular course of business or by other reasonable means

- g. Rental of set top boxes, modems, or other equipment used to provide or facilitate the provision of video service;
- h. Service charges related to the provision of video service including, but not limited to, activation, installation, repair, and maintenance charges;
- i. Administrative charges related to the provision of video service including, but not limited to, service order and service termination charges; or
- j. A pro rata portion of all revenue derived from advertising, less refunds, rebates, or discounts;

(c) Except with respect to the exclusion of the video service provider fee, gross revenues shall be computed in accordance with generally accepted accounting principles;

(6) "Household", an apartment, a house, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters;

(7) "Person", an individual, partnership, association, organization, corporation, trust, or government entity;

(8) "Public right-of-way", the area of real property in which a political subdivision has a dedicated or acquired right-of-way interest in the real property, including the area on, below, or above the present and future streets, alleys, avenues, roads, highways, parkways, or boulevards dedicated or acquired as right-of-way and utility easements dedicated for compatible uses. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other nonwire telecommunications or broadcast service;

(9) "Video programming", programming provided by, or generally considered comparable to programming provided by, a television broadcast station, as set forth in 47 U.S.C. Section 522(20);

(10) "Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet;

(11) "Video service authorization", the right of a video service provider or an incumbent cable operator that secures permission from the public service commission pursuant to sections 67.2675 to 67.2714, to offer video service to subscribers in a political subdivision;

(12) "Video service network", wireline facilities, or any component thereof, located at least in part in the public right-of-way that deliver video service, without regard to delivery technology, including internet protocol technology or any successor technology. The term video service network shall include cable systems;

(13) "Video service provider", any person that distributes video service through a video service network pursuant to a video service authorization;

(14) "Video service provider fee", the fee imposed under section 67.2689, RSMo 610.021.

**State Law reference**— Similar provision, RSMo 67.2677

**Section 4.** That a new Section 15-382 is enacted as follows:

**Section 15-382 Requirements for providing video services.**

1. Any person seeking to commence providing video service within the confines of the City shall have first filed an application for a video service authorization covering the City with the public service commission and must have provide written notice to the City of its intent to provide video service.
2. No person shall commence providing video service or commence construction of a video service network within the confines of the City until such person has obtained a state-issued video service authorization.

**State Law reference**— Similar provision, RSMo 67.2679

**Section 5.** That a new Section 15-383 is enacted as follows:

**Section 15-383. Compliance with FCC requirements for emergency messages.** A video service provider shall comply with all Federal Communications Commission requirements involving the distribution and notification of emergency messages over the emergency alert system applicable to cable operators.

**State Law reference**— Similar provision, RSMo 67.2683

**Section 6.** That a new Section 15-384 is enacted as follows:

**Section 15-384. Notice of commencement of service, when.** — An entity holding a video service authorization shall provide notice to the City at least ten days before commencing video service within the confines of the City.

**State Law reference**— Similar provision, RSMo 67.2687

**Section 7.** That a new Section 15-385 is enacted as follows:

**Section 15-385 Fee authorized, amount — exception — adjustment of fee, when**

1. The City shall collect a video service provider fee based upon the gross revenues charged to each customer of a video service provider that is providing video service within the confines of the City . The video service provider fee shall apply equally to all video service providers within the City.
2. Beginning April 1, 2024, the video provider fee shall be four and one-half percent of such gross revenues. Beginning August 28, 2024, the video provider fee shall be four percent of such gross revenues. Beginning August 28, 2025, the video provider fee shall be three and one-half percent of such gross revenues. Beginning August 28, 2026, the video provider fee shall be three percent of such gross revenues. Beginning August 28, 2027, and continuing thereafter, the video provider fee shall be two and one-half percent of such gross revenues.
3. The video service provider fee shall be paid to the City on or before the last day of the month following the end of each calendar quarter. Any payment made pursuant to subsection 8 of section 67.2703 shall be made at the same time as the payment of the video service provider fee.
4. Any video service provider shall identify and collect the amount of the video service provider fee and collect any support under subsection 8 of RSMo section 67.2703 as separate line items on subscriber bills.

**State Law reference**— Similar provision, RSMo 67.2689

**Section 8.** That a new Section 15-386 is enacted as follows:

**15-386. Audits authorized — availability of records, expenses — cause of action for disputes, procedure.**

1. The City shall have the authority to audit any video service provider, which provides video service to subscribers within the geographic area of the City, not more than once per calendar year.

2. A video service provider shall, upon request of the City, make available at the location where such records are kept in the normal course of business for inspection by the City all records pertaining to gross revenues received from the provision of video services provided to consumers located within the geographic area of the City.

3. Any expenses incurred by the City in conducting an audit of an entity holding a video service authorization shall be paid by the City.

4. Any suit with respect to a dispute arising out of or relating to the amount of the video service provider fee allegedly due to the City under RSMo section 67.2689 shall be filed by the City, or by a video service provider seeking a refund of an alleged overpayment, in the Marion County Circuit Court within two years following the end of the quarter to which the disputed amount relates. Any payment that is not challenged by the City within two years after it is paid or remitted shall be deemed accepted in full payment by the City.

5. The City shall not employ, appoint, or retain any person or entity for compensation that is dependent in any manner upon the outcome of an audit of a holder of video service authorization, including, without limitation, the audit findings or the recovery of fees or other payment by the City. A person may not solicit or accept compensation dependent in any manner upon the outcome of any such audit, including, without limitation, the audit findings or the recovery of fees or other payment by the City or video service provider.

6. A video service provider shall not be required to retain financial records associated with the payment of the video service provider fee for longer than three years following the end of the quarter to which such payment relates, unless the City has commenced a dispute regarding such payment in accordance with this section.

**State Law reference**— Similar provision, RSMo 67.2691

**Section 9.** That a new Section 15-387 is enacted as follows:

**15-387. Customer service requirements**

1. For purposes of this section, the following terms shall mean:

(1) "Normal business hours", those hours during which most similar businesses in the community are open to serve customers. In all cases the term normal business hours must include some evening hours at least one night per or some weekend hours;



(2) "Normal operating conditions", those service conditions which are within the control of the video service provider. Those conditions which are not within the control of the video service provider include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the video service provider include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the video system;

(3) "Service interruption", the loss of picture or sound on one or more video channels.

2. Upon ninety days' notice, the City may require a video service provider to adopt the following customer service requirements:

(1) The video service provider will maintain a local, toll-free or collect call telephone access line which may be available to its subscribers twenty-four hours a day, seven days a week;

(2) The video service provider shall have trained company representatives available to respond to customer telephone inquiries during normal business hours;

(3) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours shall be responded to, by a trained company representative, on the next business day;

(4) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty seconds. These standards shall be met no less than ninety percent of the time under normal operating conditions, measured on a quarterly basis;

(5) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards provided under subdivisions (1) to (4) of this subsection, unless a historical record of complaints indicates a clear failure to comply;

(6) Under normal operating conditions, the customer will receive a busy signal less than three percent of the time;

(7) Customer service center and bill payment locations shall be open at least during normal business hours and shall be conveniently located;

(8) Under normal operating conditions, each of the following four standards shall be met no less than ninety-five percent of the time measured on a quarterly basis:

(a) Standard installations shall be performed within seven business days after an order has been placed. "Standard" installations\* are those that are located up to one hundred and twenty-five feet from the existing distribution system;

(b) Excluding conditions beyond the control of the operator, the video service provider shall begin working on service interruptions promptly and in no event later than twenty-four hours after the interruption becomes known. The video service provider must begin actions to correct other service problems the next business day after notification of the service problem;

(c) The appointment window alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer;

(d) A video service provider shall not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment;

(e) If a video service provider's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer must be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer;

(9) Refund checks shall be issued promptly, but no later than either:

(a) The customer's next billing cycle following resolution of the request or thirty days, whichever is earlier; or

(b) The return of the equipment supplied by the video service provider if the service is terminated;

(10) Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

3. An agency of the state of Missouri shall not have the power to enact or adopt customer service requirements specifically applicable to the provision of video service.

4. A video service provider shall implement an informal process for handling inquiries from the City and customers concerning billing issues, service issues, and other complaints. In the event an issue is not resolved through this informal process, the City may request a confidential nonbinding mediation with the video service provider, with the costs of such mediation to be shared equally between the City and the video service provider.

5. Each video service provider shall maintain a local or toll-free telephone number for customer service contact.

6. (1) In the case of repeated, willful, and material violations of the provisions of this section by a video service provider, the City may file a complaint on behalf of a resident harmed by such violations with the administrative hearing commission seeking an order revoking the video service provider's franchise for that political subdivision. The City or a video service provider may appeal any determination made by the administrative hearing commission under this section to a court of competent jurisdiction, which shall have the power to review the decision de novo.

(2) The City shall not file a complaint seeking revocation unless the video service provider has been given sixty days' notice by the City to cure alleged breaches, but has failed to do so.

**State Law reference**— Similar provision, RSMo 67.2692

**Section 10.** That a new Section 15-388 is enacted as follows:

**15-388. Immunity of the City, when — indemnification, when — exceptions.**

1. An entity holding a video service authorization shall, at its sole cost and expense, indemnify, hold harmless, and defend the City, its officials, boards, board members, commissions, commissioners, agents, and employees, against any and all claims, suits, causes of action, proceedings, and judgments for damages or equitable relief arising out of:

(1) The construction, maintenance, or operation of its video service network;

(2) Copyright infringements or a failure by an entity holding a video service authorization to secure consents from the owners, authorized distributors, or licensees of programs to be delivered by the video service network.

2. Any indemnification provided in subsection 1 of this section shall include, but not be limited to, the City's reasonable attorneys' fees incurred in defending against any such claim, suit, or proceeding prior to the entity holding the video service authorization assuming such defense. The City shall notify the entity holding the video service authorization of claims and suits within seven business days of its actual knowledge of the existence of such claim, suit, or proceeding. Failure to provide such notice shall relieve the entity holding the video service authorization of its obligations under this section. Once the entity holding the video service authorization assumes the defense of any such action, the City may, at its option, continue to participate in the defense at its own expense.

3. The obligation to indemnify, hold harmless, and defend contained in subsections 1 and 2 of this section shall not apply to any claim, suit, or cause of action related to the provision of public, educational, and governmental channels or programming or to emergency interrupt service announcements.

**State Law reference**— Similar provision, RSMo 67.2695

**Section 11.** That a new Section 15-389 is enacted as follows:

**15-389. Designation of noncommercial channels**

1. The City may require a video service provider providing video service in the City to designate up to two channels for noncommercial public, educational, or governmental "PEG" use. The

video service provider may provide such channels on any service tier that is purchased by more than fifty percent of its customers. All video service providers serving the City shall be required to provide the same number of PEG access channels as the incumbent video service provider existing on the date of enactment of sections RSMo 67.2675 to 67.2714.

2. Any PEG channel designated pursuant to this section that is not substantially utilized, as defined in subsection 3 of this section, by the City shall no longer be made available to the City, but may be programmed at the video service provider's discretion. At such time as the City Council makes a finding and certifies that a channel that has been reclaimed by a video service provider under this subsection will be substantially utilized, the video service provider shall restore the reclaimed channel within one hundred \* twenty days, but shall be under no obligation to carry that channel on any specific tier.

3. For purposes of this section, a PEG channel shall be considered "substantially utilized" when forty hours per week are locally programmed on that channel for at least three consecutive months. In determining whether a PEG channel is substantially utilized, a program may be counted not more than four times during a calendar week.

4. Except as provided in this section, the City may not require a video service provider to provide any funds, services, programming, facilities, or equipment related to public, educational, or governmental use of channel capacity. The operation of any PEG access channel provided pursuant to this section and the production of any programming that appears on each such channel shall be the sole responsibility of the City or its duly appointed agent receiving the benefit of such channel, and the video service provider shall bear only the responsibility for the transmission of the programming on each such channel to subscribers.

5. The City must ensure that all transmissions of content and programming provided by or arranged by it to be transmitted over a PEG channel by a video service provider are delivered and submitted to the video service provider in a manner or form that is capable of being accepted and transmitted by such video service provider holder over its network without further alteration or change in the content or transmission signal, and which is compatible with the technology or protocol utilized by the video service provider to deliver its video services.

6. The City shall make the programming of any PEG access channel available to all video service providers in the City in a nondiscriminatory manner. Each video service provider shall be responsible for providing the connectivity to the City's or its duly appointed agent's PEG access channel distribution points existing as of effective date of enactment of RSMo sections 67.2675 to 67.2714. Where technically necessary and feasible, video service providers in the City shall use reasonable efforts and shall negotiate in good faith to interconnect their video service networks on mutually acceptable rates, terms, and conditions for the purpose of transmitting PEG programming within the City. A video service provider shall have no obligation to provide such interconnection to a new video service provider at more than one point per headend, regardless of the number of Cities or other political subdivisions served by such headend. The video service provider requesting interconnection shall be responsible for any costs associated with such interconnection, including signal transmission from the

origination point to the point of interconnection. Interconnection may be accomplished by direct cable microwave link, satellite, or other reasonable method of connection acceptable to the person providing the interconnect.

**State Law reference**— Similar provision, RSMo 67.2703

**Section 12.** That a new Section 15-390 is hereby enacted as follows:

**15-390. Regulation of providers**

1. A video service provider shall be subject to to all reasonable police power-based regulations of the City regarding the placement, screening, and relocation of facilities, including, but not limited to:

(1) A video service provider shall provide landscaping to screen the placement of cabinets or structures from public view consistent with the location chosen;

(2) A video service provider shall contact the nearby property owners to communicate what work will be done and when;

(3) A video service provider shall upon request of the City provide alternate placement of facilities, when it is necessary to protect the public right-of-way or the safety of the public. The City shall be allowed to prescribe the time, method, and manner of such placement.

(4) A video service provider upon request of the City shall be required to remove or relocate cabinets, at the expense of the video service provider when necessary to accommodate construction, improvement, or maintenance of streets or other public works, excluding minor beautification projects.

2. The City may not impose the following regulations on video service providers:

(1) Require that particular business offices or portions of a video service network be located in the City;

(2) Require approval of transfers of ownership or control of the business or assets of a video service provider's business by the City, except that the City may require that such entity maintain current point-of-contact information and provide notice of a transfer within a reasonable time; and

(3) Require provisioning of or quality of customer services, facilities, equipment or goods in-kind for use by the City or any other video service provider or public utility.

**State Law reference**— Similar provision, RSMo 67.2707

**Section 13.** That a new Section 15-391 is hereby enacted as follows:

**15-391. National Electric Safety Code, compliance with required**

Every holder of a video service authorization shall, with respect to its construction practices and installation of equipment, comply with all applicable sections of the National Electric Safety Code.

**State Law reference**— Similar provision, RSMo 67.2709

**Section 14.** It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

**Section 15.** All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

**Section 16.** That this Ordinance shall be in full force and effect from and after its passage and approval.

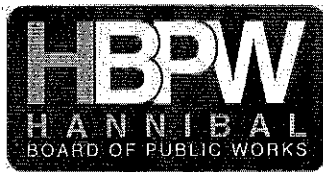
Adopted \_\_\_\_\_

\_\_\_\_\_  
BARRY LOUDERMAN, Mayor

Approved \_\_\_\_\_

(Seal)

Attest: \_\_\_\_\_  
Melissa Cogdal, City Clerk



**ELECTRIC WATER SEWER STORMWATER**  
3 Industrial Loop Drive | PO Box 1589 | Hannibal, MO 63401 | (573)-221-8050  
[www.HANNIBALBPW.org](http://www.HANNIBALBPW.org)



## MEMO

**To:** Mayor and City Council  
**From:** Darrin Gordon, General Manager  
**Date:** November 7, 2023  
**Re:** Stormwater Funding Ballot Initiative

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### 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 within 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 1960s the HBPW has been maintaining underground storm water systems- or storm sewers, and the Department of Public Works has been maintaining the above ground stormwater infrastructure. The city has funded repairs from the general fund and the HBPW used sanitary sewer funds to make 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 the past, where we paid for stormwater needs with sewer funds – cross funding became illegal. The only way we can spend money on stormwater utilities is with stormwater collected fees or taxes.

The City Council passed a resolution in June of 2017, authorizing the 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."

In April of 2019, the city and HBPW brought a stormwater funding ballot before the people. The methodology was based on a parcel's impervious surface. This vote failed.

In December of 2022, the HBPW brought to the City Council a proposed ballot for a stormwater funding mechanism based on parcel area. Gross flaws were found that would be detrimental to some Hannibal citizens. This ballot was pulled before reaching any vote.

In February of 2023, a Stormwater Action Committee (SWAC) was formed from a diverse mix of Hannibal citizens. These 15 people represented the City Council, industries, commercial businesses, and Hannibal residents. After more than 8 meetings where multiple funding methodologies were studied and explored, the SWAC is bringing the attached ballot resolution to the Hannibal Mayor and City Council for approval.

The SWAC has taken the following into consideration in its decisions:

**Fair-** all taxable properties that contribute runoff to the stormwater system will pay to fund the system. A relationship between electric usage and activity on roads is assumed.

**Safety-** this is an effort to provide safe and reliable roads. Sometimes we lose sight that everyone driving, riding, and walking the roads of Hannibal are relying on the safety of reliable stormwater systems.

**Transparent-** the fees collected will be used solely for HBPW underground 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 over time.

The tax/fee would first be collected in 2025. The SWAC has planned this date to provide all Hannibal parcel owners the ability to prepare for the tax well in advance.

The HBPW staff and Board are deeply grateful for the time and effort they have spent getting to this point. The SWAC is also committed to advancing this effort to the April 2024 election. Due to Missouri law, the HBPW can only educate the community on the result of passing or not passing the stormwater tax. The HBPW is grateful for all the efforts of the SWAC.

**Information Provided:**

I am providing you with the ballot language as it has been vetted and written by our solicitor Alex Riley of the Healy Law Office. This initiative will only be presented if it is approved on November 20, 2023, 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 November 21, 2023, City Council meeting and a second reading at the December 5, 2023, City Council meeting. This will then set up for the proposition to be voted on in the April 2024 election.



BILL NO. 23.034

ORDINANCE NO. \_\_\_\_\_

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HANNIBAL CALLING A MUNICIPAL ELECTION TO BE HELD TUESDAY, APRIL 2, 2024, TO ALLOW HANNIBAL VOTERS TO CONSIDER THE IMPLEMENTATION OF A FEE FOR THE PURPOSE OF MAINTAINING AND IMPROVING THE CITY'S UNDERGROUND STORMWATER CONVEYANCE SYSTEM, *PROPOSITION S***

**WHEREAS**, the City of Hannibal, Missouri (the "City"), is responsible for the management of the City's stormwater infrastructure, the operations and maintenance of the stormwater system, regulatory compliance associated with its Municipal Separate Storm Sewer System permit, and applicable State and Federal laws associated with the Clean Water Act, and stormwater program administration (collectively referred to herein as "stormwater services"), and

**WHEREAS**, the management and operation of the stormwater system serve a vital public purpose, and provide for the health, safety, and welfare of the citizens of the City, and

**WHEREAS**, the City has authorized the Hannibal Board of Public Works to provide underground stormwater services, and

**WHEREAS**, the Hannibal Board of Public Works needs funding adequacy to meet its underground stormwater management and service obligations, including investing in the acquisition, renewal, and rehabilitation of the underground stormwater infrastructure necessary to address underground stormwater management needs across the City, and maintaining adequate reserves, and

**WHEREAS**, the City Council of the City of Hannibal and Hannibal Board of Public Works have determined that they do not have sufficient funding from current sources for the City of Hannibal's Board of Public Works to meet its underground stormwater management and service obligations, and

**WHEREAS**, the City finds it necessary and hereby declares its intent to implement a fee structure for the purpose of obtaining revenue sufficient for maintaining and improving the City's underground stormwater system, and

**WHEREAS**, the Hannibal Board of Public Works established a Stormwater Advisory Committee in February of 2023, composed of a diverse membership from the Hannibal community, to determine the most fair, equitable, and appropriate manner to establish a fee structure sufficient to maintain and improve the City's underground stormwater system, and

**WHEREAS**, the Stormwater Advisory Committee held numerous meetings and discussions and concluded the most fair, equitable, and appropriate manner to establish such a fee structure is to implement a flat fee per parcel of land with the amount of the fee due based on a

property's electric meter classification and kilowatt hour usage per average annual month ("kWh"), on the following schedule:

### **Residential**

Properties with an active residential meter utilizing 0 kWh to 715 kWh per average annual monthly usage shall be assessed a fee of \$12 per month (\$144 per year).

Properties with an active residential meter utilizing 716 kWh to 1,260 kWh per average annual monthly usage shall be assessed a fee of \$16 per month (\$192 per year).

Properties with an active residential meter utilizing 1,261 kWh or more per average annual monthly usage shall be assessed a fee of \$20 per month (\$240 per year).

### **Commercial**

Properties with an active commercial meter utilizing 0 kWh to 1,015 kWh per average annual monthly usage shall be assessed a fee of \$110 per month (\$1,320 per year).

Properties with an active commercial meter utilizing 1,016 kWh to 6,000 kWh per average annual monthly usage shall be assessed a fee of \$150 per month (\$1,800 per year).

Properties with an active commercial meter utilizing 6,001 kWh to 21,600 kWh per average annual monthly usage shall be assessed a fee of \$190 per month (\$2,280 per year).

Properties with an active commercial meter utilizing 21,601 kWh or more per average annual monthly usage shall be assessed a fee of \$230 per month (\$2,760 per year).

### **Industrial**

Properties with an active industrial meter utilizing 0 kWh to 720,000 kWh per average annual monthly usage shall be assessed a fee of \$420 per month (\$5,040 per year).

Properties with an active industrial meter utilizing 720,001 kWh or more per average annual monthly usage shall be assessed a fee of \$570 per month (\$6,840 per year).

### **Non-Metered**

Non-metered properties shall be assessed a fee of \$8 per month (\$96 per year).

A fee shall not be levied on tax-exempt properties as identified under Missouri law including §137.100 RSMo.

The annual assessment of kWh usage will occur on July 1<sup>st</sup> of each year. The fee will be collected annually, beginning in 2025, by the county of jurisdiction during its customary property taxing schedule.

**WHEREAS**, pursuant to Missouri law, including Article X section 22(a) of the Missouri Constitution, the City wishes to submit this matter to the voters of the City for approval of the imposition of such fee pursuant to this ordinance.

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

**SECTION ONE:** Pursuant to Missouri law, including Article X, section 22(a) of the Missouri Constitution, the City has prepared a proposition for the imposition of a flat fee per parcel of land with the amount of the fee due based on a property's electric meter classification and kWh usage per average annual monthly usage, the proceeds of which are to be used for the sole purpose of paying costs associated with maintaining and improving the City's underground stormwater system. The fees shall be assessed as follows:

**Residential**

Properties with an active residential meter utilizing 0 kWh to 715 kWh per average annual monthly usage shall be assessed a fee of \$12 per month (\$144 per year).

Properties with an active residential meter utilizing 716 kWh to 1,260 kWh per average annual monthly usage shall be assessed a fee of \$16 per month (\$192 per year).

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A fee shall not be levied on tax-exempt properties as identified under Missouri law including §137.100 RSMo.

The annual assessment of kWh usage will occur on July 1<sup>st</sup> of each year. The fee will be collected annually, beginning in 2025, by the county of jurisdiction during its customary property taxing schedule.

**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 2, 2024. 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, APRIL 2, 2024**

**PROPOSITION S**

**To pay costs associated with maintaining and improving the City of Hannibal's underground stormwater conveyance system, shall the City of Hannibal implement a flat fee of \$12 to \$20 per month for properties with residential electric meters, \$110 to \$230 per month for properties with commercial electric meters, \$420 to \$570 per month for properties with industrial electric meters, and \$8 per month for non-metered properties, with the amount due determined by average annual monthly kilowatt hour usage?**

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"

**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 flat fee per parcel of land with the amount of the fee due based on a property's electric meter classification and kWh usage per annual monthly average, the proceeds of which are to be used for the sole purpose of paying costs associated with maintaining and improving the City's underground stormwater system. The fees shall be assessed as follows:

**Residential**

Properties with an active residential meter utilizing 0 kWh to 715 kWh per average annual monthly usage shall be assessed a fee of \$12 per month (\$144 per year).

Properties with an active residential meter utilizing 716 kWh to 1,260 kWh per average annual monthly usage shall be assessed a fee of \$16 per month (\$192 per year).

Properties with an active residential meter utilizing 1,261 kWh or more per average annual monthly usage shall be assessed a fee of \$20 per month (\$240 per year).

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**Non-Metered**

Non-metered properties shall be assessed a fee of \$8 per month (\$96 per year).

A fee shall not be levied on tax-exempt properties as identified under Missouri law including §137.100 RSMo.

The annual assessment of kWh usage will occur on July 1<sup>st</sup> of each year. The fee will be collected annually, beginning in 2025, by the county of jurisdiction during its customary property taxing schedule.

The fees received shall be utilized solely to fund the City's underground stormwater system as operated and maintained by the Hannibal Board of Public Works and all moneys from the stormwater fee shall be conveyed to the Hannibal Board of Public Works. The Hannibal Board of Public Works will thereafter deposit as received all moneys from the stormwater fee into a special trust fund which will be used for the sole purpose of paying costs associated with maintaining and improving the City of Hannibal's underground stormwater conveyance system.

**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 Home Rule 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:** 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 TEN:** That this ordinance shall be in full force and effect immediately upon its adoption and approval.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor of the City of Hannibal

ATTEST:

\_\_\_\_\_  
City Clerk