

BILL NO. 19-001

ORDINANCE NO. 4793

FIRST READING: 01.02.2019

SECOND READING: 01.15.2019

**AN ORDINANCE OF THE CITY OF HANNIBAL CALLING A MUNICIPAL ELECTION TO BE HELD TUESDAY, APRIL 2, 2019 TO ALLOW HANNIBAL VOTERS TO CONSIDER THE IMPLEMENTATION OF A FEE SCHEDULE 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 fee structure for the purpose of acquiring, constructing, maintaining, and improving the City's stormwater system, and

**WHEREAS**, the authorization of the fee schedule 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 2<sup>nd</sup> day of April, 2019. 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 2, 2019**

**PROPOSITION S**

**Shall the City of Hannibal, Missouri, implement and maintain a separate fee schedule for the purpose of funding a utility tasked with acquiring, constructing, maintaining, and improving the City's stormwater conveyance system?**

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"

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Jams R. Hark, Mayor

ATTEST:

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Angelica N. Zerbonia, MRCC, CMO – 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 22, 2019.

**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.

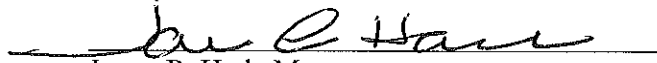
**SECTION FIVE:** The County Clerk is hereby authorized and directed to furnish the judges and clerks of said General Election with all poll books, tally sheets, ballots, ballot boxes, and other supplies necessary for the conduct of said General Election.

**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 15<sup>th</sup> DAY OF January, 2019.

APPROVED THIS 15<sup>th</sup> DAY OF January, 2019.

  
James R. Hark, Mayor

ATTEST:

  
Angelica N. Zerbonia, MRCC, CMO - City Clerk

**RESOLUTION SUPPORTING THE CITY OF HANNIBAL,  
MISSOURI'S IMPLEMENTATION OF STORMWATER FEE  
SCHEDULE**

**WHEREAS**, the City of Hannibal, Missouri (the "City") is considering the passage of an ordinance calling an election to implement a fee structure for the stormwater system for the purpose of the purpose of acquiring, constructing, maintaining, and improving the City's stormwater system.

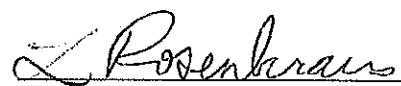
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF HANNIBAL, MISSOURI, AS FOLLOWS:**

**Section 1.** The Board of Public Works (the "Board") hereby supports and consents to the implementation of such a fee. If the fee implementation is approved by the voters of the City, the Board will use its authority under Section 11.07 of the Home Rule Charter of the City of Hannibal to levy rates, fees and other charges for the use of the City's stormwater system at such levels as are necessary to provide for the continued operation and maintenance of the stormwater system.

**Section 2.** The officers of the Board are hereby authorized and directed to take such other actions as may be necessary to carry out the intent of this Resolution.

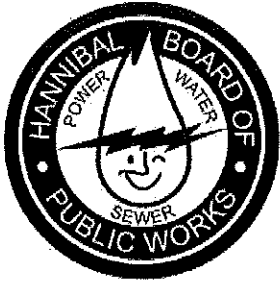
**Section 3.** This Resolution shall be in full force and effect from and after its adoption by the Board.

**ADOPTED** by the Board of Public Works of the City of Hannibal, Missouri this 17<sup>th</sup> day of December, 2018.

  
\_\_\_\_\_  
President of the Board of Public Works

ATTEST:

  
\_\_\_\_\_  
Secretary of the Board of Public Works



## HANNIBAL BOARD OF PUBLIC WORKS

ELECTRIC, WATER AND WASTEWATER

3 INDUSTRIAL LOOP DRIVE  
PO BOX 1589  
HANNIBAL, MISSOURI 63401-1589  
573-221-8050  
[www.hannibalbpw.org](http://www.hannibalbpw.org)



**DATE:** December 27, 2018  
**TO:** Mayor Hark and Members of the City Council  
**FROM:** Heath N. Hall, Board of Public Works General Manager

### Stormwater Utility User Fee Ordinance

#### Background

In 1962 the City Council transferred the responsibility to maintain the sanitary sewer and storm sewer systems to the Hannibal Board of Public Works (HBPW). According to the newspaper articles, the transfer even included employees and equipment from the Public Works Department to the HBPW. During this time the systems were very much intertwined. As environmental awareness increased, regulations were developed to protect streams and waterways from pollution. One of the most famous regulations is the Clean Water Act (CWA), developed in 1972. The CWA first focused on point source pollution and required discharge permits for facilities that discharge into waterways. The Hannibal WWTP is an example of one of these facilities.

In 1999, the CWA issued regulations on stormwater for all small municipal separate storm sewer systems (MS4s). This led to The Missouri Department of Natural Resources (MDNR) issuing a statewide permit for all small MS4s in 2003, titled Municipal Separate Storm Sewer System (MS4) that regulates the stormwater system. The City of Hannibal has had the required written stormwater management plan for compliance, but due to lack of funding, little action was taken as laid out in the plan. In 2016, a federal mandate was passed obligating MS4s to submit annual progress reports to their regulating agency (MDNR for Hannibal); as well as develop an auditing process to prove compliance.

The HBPW has been maintaining underground stormwater systems (storm sewers) and the Public Works Department of the City has been maintaining the above ground stormwater infrastructure since 1962, to the best of my knowledge. For years, both systems have been dealing with funding issues causing much of the system to be untouched, or overlooked. 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 regulations, which will likely continue to get more stringent. The engineering firm, Burns and McDonnell conducted a drainage/stormwater study in about 2005, and identified the need for a reliable stormwater funding source at that time. One recommendation of the study was to adopt a stormwater user fee program or create a stormwater utility. Fearing the financial impact on the community, nothing was done at that time.

In 2016, the HBPW and City began receiving and influx of storm sewer issues. Temporary steel plates were installed on holes in City roadways directly above failed portions of the storm sewers. Other roadways were completely barricaded off because they could not be driven on safely. The repairs costs estimates were in the hundreds of thousands of dollars. The HBPW and City coordinated efforts, but even together could not afford the necessary repairs. The HBPW installed more steel plates on roadways while continuing to access the repair costs. Eventually there were about a dozen of these plates installed throughout the City covering the failed storm sewers below.

Therefore, 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”.

There are approximately 1,500 stormwater utilities across the United States, and more communities are turning to stormwater utilities as their sole funding mechanism to meet their needs. Although it is a widely accepted funding source throughout the country, there was a case in Missouri (Zweig v. Metropolitan St. Louis Sewer District) in which a judge ruled a stormwater fee unconstitutional, because it was not first approved by voters through a ballot measure, as suggested by the Hancock Amendment in the Missouri Constitution. Although the resolution was approved by City Council for HBPW to implement a stormwater utility, it is our recommendation to have citizens vote to approve or reject the HBPW moving forward with implementing and collecting of a stormwater utility fee at this time.

#### Stormwater Utility Development

Matt Munzlinger (HBPW Utility and Planning Engineer) will be at the meeting to give an update on what we have been working on since the resolution was issued in June of 2017.

#### User Fee Ordinance

During the development of the stormwater utility, there was a budget workshop with the City, HBPW, and Black & Veach. One of the goals of the meeting was to define responsibilities (City, HBPW, and property owners). Stormwater utilities fees will be based upon where the lines of responsibilities are drawn. Also since the issuance of the resolution by Council in June of 2017, we have received dozens of calls with stormwater issues. None of them are easy fixes, and most are outside of City right of ways or easements. We need a policy to define areas of responsibility. We are in the development stages of the policy that we would like to be in place prior to the April vote.

Defining City, HBPW, and property owners' responsibilities is a challenge, but it is imperative for us to eliminate some of the gray areas and to define responsibility levels for funding and customer service purposes. To remain conscientious, we plan to be as conservative as possible, in order to minimize the financial impact on our citizens. This responsibility breakdown can be defined in the policy and communicated to customers clearly.

If the ballot issue passes:

- Initially focus on Infrastructure repairs (Martin Street, South 7<sup>th</sup> Street near Street Department, Webb Street, failures near the old St. Elizabeth Hospital building)
- Develop a comprehensive stormwater management program that focuses both on the quantity (infrastructure) and quality of stormwater in our waterways
- MS4 permit requirements (street sweeping documentation is one example)

If the ballot issue does not pass:

- Primary focus would be on MS4 permit compliance (which is solely water quality related, it does not address our infrastructure failures)
- Address only the worst of problems that warrant immediate action