

**REGULAR CITY COUNCIL MEETING**  
**JANUARY 30, 2023**

The regular Sikeston City Council meeting of January 9, 2023 was called to order at 5:00 p.m. at City Hall located at 105 E. Center St., Sikeston. Present at the meeting were: Mayor Pro Tem Brian Self, John Leible, Tom Robison, David Teachout and Vest Baker. Mayor Greg Turnbow and Councilwoman Onethia Williams were absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Rhonda Council, Finance Director Karen Bailey, HR Director Amanda Groves, Public Works Director Jay Lancaster, Street Superintendent Brian Dial, Community Development Supervisor Bruce Copeland, Public Safety Director James McMillen, Captain Ryan Smith, Captain Jon Broom and Captain Derick Wheatley.

**ITEMS OF BUSINESS**

Presentation of FY2022 Audit

Every year, the city undergoes an independent audit of its financial statements by a certified public accountant. The audit of the Fiscal Year 2022 financials has been completed by Beussink, Hey, Roe & Stroeder, L.L.C., and is available for review by the City Council and the public. Hard copies of the audit will be available to the Council at the January 30<sup>th</sup> meeting and it is also posted at [https://www.sikeston.org/financial\\_and\\_annual\\_reports/index.php](https://www.sikeston.org/financial_and_annual_reports/index.php) for free 24/7 access by the public.

Some highlights of the financial statements and auditor's report include the following:

- From Page 1 of the audit - In the auditor's opinion, the City's financial statements "present fairly, in all material respects, the respective modified cash basis financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the City of Sikeston, Missouri as of June 30, 2022, and the respective changes in modified cash basis financial position for the year then ended in accordance with the modified cash basis of accounting described in Note 1." (see p. 36).
- The audit "did not identify any deficiencies in internal control that we consider to be material weaknesses" (p. 41).
- Total expenditures exceeded revenues by approximately \$3.3 million (p. 8). This is primarily due to the loan payoff of the DPS building and grant expenditures. Bond proceeds do not count as revenue. It is considered Another Financing Source.
- Fund Balance for all governmental funds increased from \$10.94 million, to \$21.9 million. This is due to the influx of bond proceeds and ARPA funds.
- Long term debt was increased by \$9.9 million (p. 26). The increase is the difference between the bond proceeds we received and the retirement of the DPS building loan with USDA Rural Development.

The audit this year has a new Federal Compliance Section. Due to federal grant funds exceeding \$750,000, we were required to comply with a Single Audit. That report is at the back of the audit and begins on Page 48. On page 49 the following statement appears:

Auditee qualified as low-risk     yes     no

To qualify as low risk, we must undergo two consecutive single audits with no findings or discrepancies. Since this is our first Single Audit, we are automatically excluded from qualifying as low risk.

Councilman Baker moved to receive the FY22 Financial Audit. The motion was seconded by Councilman Teachout and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

#### Authorization to Add Staff to City Bank Accounts

Chase Cogdill has been hired as a staff accountant for the City of Sikeston. Staff requests a motion by the Council to give him access to our bank accounts and authority to make transfers as needed.

Councilman Teachout moved to authorize staff accountant Chase Cogdill to have access to City bank accounts and authority to make transfers as needed. The motion was seconded by Councilman Leible and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

#### 2<sup>nd</sup> Reading & Consideration, Bill #6294, Adult Retail Definition

Councilman Leible moved for the second reading of Bill Number 6294. The motion was seconded by Councilman Teachout and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

City Counselor Thurman presented the bill for reading.

**BILL Number 6294**

**ORDINANCE Number 6294**

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6294 AND SHALL AMEND TITLE IV LAND USE, CHAPTER 405 ZONING REGULATIONS IN THE MUNICIPAL CODE OF THE CITY OF SIKESTON, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: Title IV Land Use – Chapter 405 – Division 9 Adult Entertainment Establishments Conditional Use shall be amended as follows:

#### **Article VII. District Regulations**

##### **Division 9 Adult Business Conditional Use**

##### **Section 405.810 Definitions.**

As used in this Division, the following terms shall have these prescribed meanings:

##### **ADULT**

Persons who have attained the age of eighteen (18) years.

**ADULT BUSINESS**

Any business:

1. That has as a substantial or significant purpose in the sale or rental of merchandise that is intended for use in connection with specified sexual activities or that emphasizes matters depicting, describing or relating to specified sexual activities or specified anatomical areas; or
2. That as one (1) of its regular and substantial business purposes includes:
  - a. The providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities; or
  - b. The providing of services that are intended to provide sexual arousal or excitement or that allow observation of specified sexual activities or specified anatomical areas ancillary to other pursuits or allow participation in specified sexual activities ancillary to other pursuits.
3. The definition of “*adult business*” also includes, but is not limited to, any and all of the following specific adult businesses as defined herein:
  - a. **ADULT BOOKSTORE**  
An establishment having as a ten percent (10%) portion of its stock in trade books, photographs, magazines or films for sale or viewing on the premises by use of motion picture devices or other coin-operated mechanism or any other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein.
  - b. **ADULT ENTERTAINMENT ESTABLISHMENTS**  
Any of the establishments, businesses, buildings, structures or facilities defined in this Section.
  - c. **ADULT ENTERTAINMENT FACILITY**  
Any building, structure or facility which contains or is used entirely or partially as commercial entertainment, including theaters used for presenting live presentations, video tapes or films predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities and exotic dance facilities (regardless of whether the theater or facility provides a live presentation or video tape or film presentation), where the patrons either:
    - i. Engage in personal physical or visual contact with employees, devices, equipment or personnel provided by the establishment which appeals to the prurient interest of the patrons;
    - ii. Observe any live presentation, video tape or film presentation of persons wholly or partially nude or with their genital or pubic regions exposed or covered only with transparent or opaque covering or in the case of female persons with the areola and

nipple of the breast exposed or covered only with transparent or opaque covering; or

iii. Are enabled to observe specified sexual activities.

d. **ADULT RETAIL ESTABLISHMENT**

A business that displays or offers goods for sale or rent and that meets any of the following:

i. It displays or offers for sale or rent items from any of the following categories: "Sexually-oriented toys or novelties"; lingerie; clothing that graphically depicts "specified anatomical areas"; leather goods designed or marketed for use for sexual bondage or sadomasochistic practices; and the combination of such items constitutes:

1. Five percent (5%) or more of all inventory at any time; or
2. Five percent (5%) or more of the merchandise displayed for sale at any time; or
3. Five percent (5%) or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms or any portion of the business not open to the public) at any time; or
4. Five percent (5%) or more of the dollar value of all merchandise displayed at any time.

e. **BATHHOUSE**

An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State.

f. **MASSAGE SHOP**

An establishment which has a fixed place of business having a source of income or compensation sixty percent (60%) or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or the stimulation of external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the treatment or service is provided or some third person on his/her behalf will pay money or give any other consideration or gratuity, provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Missouri.

g. **MODELING STUDIO**

An establishment or business which provides for a fee or compensation the services of models on the premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to certified State licensed (by the State of Missouri) public or private schools where persons are enrolled in classes.

**SEXUALLY-ORIENTED TOYS OR NOVELTIES**

Instruments, devices or paraphernalia which either depict “specified anatomical areas” or are designed or marketed for use in connection with “specified sexual activities”, or clothing that graphically depicts “specified anatomical areas” or “specified sexual activities”. In determining whether an item is “designed or marketed for use” in connection with “specified sexual activities”, the following guidelines may be considered:

1. Advertising concerning the use of the item;
2. Instructions, graphics or other material contained on the item itself or on the packaging materials for the item;
3. The physical or structural characteristics of the item;
4. The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.

**SPECIFIED ANATOMICAL AREA**

1. Human male or female genitals or pubic area with less than a fully opaque covering;
2. Human buttocks including any portion of the anal cleft or cleavage of the male or female buttocks with less than a fully opaque covering;
3. The female breast or breasts below a point immediately above the top of the areola encircling the nipple with less than a fully opaque covering, or any combination of the foregoing; or
4. Human male genitals in a discernibly erect state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES**

Sexual conduct, being actual or simulated; acts of human masturbation; sexual intercourse; physical contact, in an act of apparent sexual stimulation or gratification, with a person’s clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; any sadomasochistic abuse or acts including animals; any latent object in an act of apparent sexual stimulation or gratification; or any of the following:

**1. SEXUAL CONDUCT**

Acts of masturbation, homosexuality, sodomy, sexual intercourse or having physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast;

**2. SEXUAL EXCITEMENT**

The condition of human male or female genitals when in a state of sexual stimulation or arousal; or

**3. SADOMASOCHISTIC ABUSE**

Flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

**Section 405.830 Special Conditions**

1. A conditional-use permit shall be obtained for all adult-use businesses.
2. The following conditions shall apply:
  - a. Adult businesses shall not be located within 1,000 feet (305 m) of a park, school day care center, library or religious or cultural activity.
  - b. Adult businesses shall not be located within 500 feet (152 m) of any other adult business or any agricultural or residential zone boundary.
  - c. Such distances shall be measured in a straight line without regard to intervening structures, topography and zoning.
  - d. Said business shall be located in C3 Zone only on lots or parcels of land fronting on Malone or Main Streets and shall not be permitted as a home occupation.
  - e. The property on which such use is located shall have a minimum of one hundred (100) feet of street frontage.
  - f. All off-street parking requirements shall conform to other ordinances contained within the City Code of Sikeston, Missouri.
  - g. The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities by any pedestrian and from any sidewalk, walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the structure of the adult entertainment establishment for which it is licensed.
  - h. Further, no merchandise or pictures or products, services or entertainment offered or provided on the premises shall be displayed on the exterior of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.
  - i. Lighting of the parking area must be maintained and provided a minimum light level of twenty-five hundredths (0.25) foot-candles over the entire parking area; but in no point shall the light level exceed three (3.0) foot-candles, nor shall any increase in light levels or visible glare be permitted beyond the lot line.

SECTION III: Title IV Land Use – Chapter 405 – Division 11 “C-1,” “C-2” and “C-3” Commercial Districts shall be amended as follows:

**Article VII. District Regulations****Division 11 “C-1”, “C-2” and “C-3” Commercial Districts****Section 405.920 Tables – Use, Height and Area Regulations**

A. *Table I—Uses.* The uses provided for in the "C-1" Neighborhood Shopping, the "C-2" General Commercial and the "C-3" Highway Commercial Districts are set forth in the table below. Where the letter "P" appears on the line of a use and in the column of a district, the listed use is permitted as a matter of right. Where the letters "CU"

appears on the line of a use and in the column of a district, the listed use may be permitted by the Board of Adjustment as provided in Article V of this Chapter. In both cases, all uses shall be in compliance with all applicable provisions of this zoning ordinance and the Code of the City of Sikeston. *Also See Reference Table 450.1*

Table I – Permitted Uses				
A	B			
CATEGORY USE	Zoning District—Conditional Or Permitted Use "C-1", "C-2", "C-3", "DT"			
P=Permitted as a matter of right CU=May be permitted by the Board of Adjustments	"C-1" Neighborhood	"C-2" General	"C-3" Highway	"DT" Downtown
<b>Commercial, miscellaneous (b)(c)</b>				
Adult use, by license only (f)			CU	

SECTION VI: Record of Passage

- A. Bill Number 6294 was introduced to Council and read the first time this 9<sup>th</sup> day of January 2023.
- B. Bill Number 6294 was read the second time and discussed on this 30<sup>th</sup> day of January 2023. Following discussion, Councilman Baker moved to approve Bill Number 6294. The motion was seconded by Councilman Robison, discussed and the following roll call vote was recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

- C. Ordinance 6294 shall be in full force and effect from and after March 1, 2023.

2<sup>nd</sup> Reading & Consideration, Bill #6295, Recreational Marijuana - Zoning

Councilman Baker moved for the second reading of Bill Number 6295. The motion was seconded by Councilman Teachout and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Aye, thereby being passed.

City Counselor Thurman presented the bill for reading.

**BILL Number 6295**

**ORDINANCE Number 6295**

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6295 AND SHALL AMEND ARTICLE XII, CHAPTER 405, OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI, REGARDING MARIJUANA FACILITIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: Chapter 405, Article XII Medical Marijuana shall be amended to read as follows:

**Chapter 405. Zoning Regulations****Article XII. Marijuana Facilities**

SECTION III: Article XII, Chapter 405, of the City Code of the City of Sikeston, Missouri, shall be amended as follows:

**Section 405.010. Definitions.**

“Definitions” of the Code of Sikeston, Missouri is amended to add the following definitions. If any of the new definitions adopted herein conflict with any preexisting definitions, the definitions in this Ordinance shall supersede any preexisting definitions:

**Marijuana-Infused Products**

Means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls, for legal medical or non-medical use.

**Marijuana Cultivation Facility**

Means a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings to a medical, non-medical, or comprehensive marijuana facility as defined by State law, including a Marijuana Dispensary Facility, Marijuana Testing Facility, or Marijuana-Infused Products Manufacturing Facility.

**Marijuana Dispensary Facility**

Means a facility licensed by the State of Missouri to acquire, process, package, store, sell, transport, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, a consumer, or another Marijuana Dispensary Facility, a Marijuana Testing Facility, or a Marijuana-Infused Projects Manufacturing Facility.

**Marijuana-Infused Products Manufacturing Facility**

Means a facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical, non-medical, or comprehensive marijuana facility as defined by State law, including a Marijuana Dispensary Facility, a Marijuana Testing Facility, or to another Marijuana-Infused Projects Manufacturing Facility.

**Marijuana Testing Facility**

Means a facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

**Microbusiness Dispensary Facility**

Means a facility licensed by the State of Missouri to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings, marijuana-infused products and drug paraphernalia used to administer marijuana, to a consumer, qualifying patient, or primary caregiver, as those terms are defined by the State, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary



directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

**Microbusiness Wholesale Facility**

Means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings, and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

SECTION IV: Article XII, Chapter 405, Section 405.1490 of the City Code of the City of Sikeston, Missouri, shall be amended to read as follows:

**Section 405.1490. Marijuana Facilities.**

A. Marijuana Dispensaries (including Microbusiness Dispensaries).

1. Standards For Marijuana Dispensaries. No building shall be constructed, altered or used for a Marijuana Dispensary without complying with the following regulations this Article.

a. No Marijuana Dispensary shall be located within five hundred (500) feet of a then existing elementary or secondary school, child day care center, or church\*. Measurements shall be in a method consistent with the following:

1. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
2. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

\* "Then existing" shall mean any school, child day care center, or church with a written building permit from the City to be

constructed, or under construction, or completed and in use at the time the Marijuana Dispensary first applies for either zoning or a building permit, whichever comes first.

- b. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Marijuana Dispensary building.
  - c. Hours Of Operation. All sales or distribution of Marijuana and any other products sold to the public through a Marijuana Dispensary shall take places between the hours of 7:00 A.M. and 7:00 P.M., Monday - Sunday. Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this Subsection and no persons not employed by the Marijuana Dispensary may be present in such a facility at any time it is closed to the public.
  - d. Display Of License Required. The Marijuana Dispensary license issued by the State of Missouri shall be prominently in a highly visible location, easily seen by patients on the dispensary's sales floor.
  - e. Zoning Limitations. Marijuana Dispensaries shall be in any Commercial-2 ("C-2"), Commercial-3 ("C-3") Zones, Light Industrial Districts ("IL") and Heavy Industrial ("IH") Districts located in the City of Sikeston.
  - f. Site Plan Review. Any plans for a Marijuana Dispensary shall meet the standard new construction or new business requirements of all General Business and Commercial District construction outlined in this Title and approved subject to the standard procedures of the currently adopted and applicable International Code Council and local ordinances of the City of Sikeston, general business and commercial zoning code.
- B. Marijuana-Infused Products Manufacturing Facilities, Marijuana Testing Facilities, and Microbusiness Wholesale Facilities.
1. No building shall be constructed, altered or used for a Marijuana-Infused Products Manufacturing Facility, Marijuana Testing Facility or Microbusiness Wholesale Facility without complying with the following regulations:
    - a. Distance Requirement. No Marijuana-Infused Products Manufacturing Facility, Marijuana Testing Facility, or Microbusiness Wholesale Facility shall be located within one thousand (1,000) feet of a then existing elementary or secondary school, licensed child day care center, or church\*. Measurements shall be in a method consistent with the following:
      1. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the

entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

2. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

\* "Then existing" shall mean any school, child day care center, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time the Marijuana-Infused Products Manufacturing Facility or Marijuana Testing Facility first applies for either zoning or a building permit, whichever comes first.

- b. Outdoor Operations Or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.
- c. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Marijuana-Infused Products Manufacturing Facility, Marijuana Testing Facility or Microbusiness Wholesale Facility during regular business hours.
- d. Hours Of Operation. All Marijuana-Infused Products Manufacturing Facilities, Marijuana Testing Facilities or Microbusiness Wholesale Facilities shall be closed to the public and no persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
- e. Display Of Licenses Required. The Marijuana-Infused Products Manufacturing Facility, Marijuana Testing Facility or Microbusiness Wholesale Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.
- f. Zoning Limitations. A Marijuana-Infused Products Manufacturing Facility, Marijuana Testing Facility or Microbusiness Wholesale Facility shall be allowed in any Light Industrial Districts ("IL") and Heavy Industrial ("IH") Districts located in the City of Sikeston.
- g. Site Plan Review Required. Any plans for a Marijuana-Infused Products Manufacturing Facility, Marijuana Testing Facility or Microbusiness

Wholesale Facility using combustible gases or CO2 in the extraction process shall meet the standard new construction requirements of the Light Industrial District outlined in this Title and approved subject to the standard procedures of the 2012 currently adopted and applicable International Building Code and local ordinances of the City of Sikeston for Light Industrial Districts ("IL") or Heavy Industrial Districts ("IH").

C. Marijuana Cultivation Facility.

1. No building shall be constructed, altered or used for a Marijuana Cultivation Facility without complying with the following regulations of the Heavy Industrial ("IH") District and Agricultural/Open Space ("AG") District or the City Code of Sikeston, Missouri.

a. Distance Requirement. No Marijuana Cultivation Facility shall be located within one thousand (1,000) feet of a then existing elementary or secondary school, State licensed child day care center or church\*. Measurements shall be consistent with the following:

1. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

2. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

\* "Then existing" shall mean any school, child day care center, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time the Marijuana Cultivation Facility first applies for either zoning or a building permit, whichever comes first.

b. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.

- c. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Marijuana Cultivation Facility during regular business hours.
- d. Hours Of Operation. All Marijuana Cultivation Facilities shall be closed to the public and no persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
- e. Display Of Licenses Required. The Marijuana Cultivation Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
- f. Zoning Limitations. A Marijuana Cultivation Facility shall be allowed in any Heavy Industrial ("IH") or Agricultural/Open Space ("AG") Districts located in the City of Sikeston.
- g. Site Plan Review Required. Any plans for an indoor Marijuana Cultivation Facility shall meet the standard new construction requirements of the Heavy Industrial ("IH") District outlined in this Title and approved subject to the standard procedures of the currently adopted and applicable International Code Council and local ordinances of the City of Sikeston. In the Agricultural/Open Space ("AG") District, any outdoor Marijuana Cultivation Facility shall meet the standard requirements for of any other crop, except as otherwise set forth herein.

SECTION V: Chapter 405, Article VII, Division 11. "C-1", "C-2", and "C-3" commercial districts – Section 405.920. TABLES – USE, HEIGHT AND AREA REGULATIONS, is amended as follows:

Table I – Permitted Uses				
A	B			
CATEGORY USE	Zoning District—Conditional Or Permitted Use "C-1", "C-2", "C-3", "DT"			
P=Permitted as a matter of right CU=May be permitted by the Board of Adjustments	"C-1" Neighborhood	"C-2" General	"C-3" Highway	"DT" Downtown
<b>Commercial, miscellaneous (b)(c)</b>				
Marijuana Dispensaries, including Microbusiness Dispensaries (h)		P	P	

SECTION VI: Chapter 405, Article VII, Division 14. "IL" and "IH" Industrial Districts – Section 405.1130. TABLES – USE, HEIGHT AND AREA REGULATIONS, is amended as follows:

Table of Uses
P = Permitted as a matter of right
CU = May be permitted by the Board of Adjustment

NA = Not allowed			
Category Use	“IL” Light Industrial	“IH” Industrial	Heavy “DT” Downtown District
<b>Chemical and Allied Products</b>			
Marijuana Cultivation Facility	P NA	P	NA
<b>Food Beverage and Products</b>			
Marijuana-Infused Products manufacturing facility	P	P	NA
Marijuana Testing Facility	P	P	NA
Marijuana Microbusiness Wholesale Facility	P	P	NA
Marijuana Dispensaries, including Microbusiness Dispensaries	P	P	NA

SECTION VII: Article XII, Chapter 405, Section 405.700 “AG” Agricultural/Open Space Permitted Uses, of the City Code of the City of Sikeston, Missouri, shall be amended to read as follows:

**Section 405.700. Permitted Uses.**

- A. In District "AG," no building, land or premises shall be hereafter erected, constructed, reconstructed or altered except for one (1) or more of the following uses:
  1. All permitted and conditional uses provided for in District "R-1" except for the provisions permitting zero lot line construction.
  2. Agricultural activities on a farm or open land that consists of five (5) or more acres including general farming, truck gardening, cultivation of field crops, orchards, nurseries for growing or propagation of plants, turf, trees and shrubs, dairy farming, keeping or raising for sale large or small animals, but not including, public auction facilities or commercial slaughtering of animals. In no case shall on-premise sales be permitted.
  3. Storage facilities for farm use only to include provisions for grain fertilizer and other farm products, but not the milling, manufacture or processing of these products, such activities being more appropriately associated with commercial or industrial uses.
  4. One (1) single-family dwelling unit and accessory buildings or structures normally associated with farm uses to include barns, sheds, tool houses and any other facility ancillary to farming or open land, not to include a manufactured home.
  5. Marijuana Cultivation Facility. See Section 405.1490 of this Chapter for regulations regarding same.

SECTION VIII: General Repealer Section. Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION IX: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION X: Record of Passage:

- A. Bill Number 6295 was introduced to Council and read the first time this 9<sup>th</sup> day of January 2023.
- B. Bill Number 6295 was read the second time and discussed on this 30<sup>th</sup> day of January 2023. Following discussion, Councilman Robison moved to approve Bill Number 6295. The motion was seconded by Councilman Leible, discussed and the following roll call vote was recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye,  
Williams Absent, and Turnbow Absent, thereby being passed.

- C. Ordinance Number 6295 shall be in full force and effect from and after March 1, 2023.

1<sup>st</sup> Reading, Bill #6296, Request to Rezone Land on North Side of Baker Lane from Single Family Residential (R-1) to Single Family Residential District (R-2)

Councilman Self moved for the first reading of Bill Number 6296. The motion was seconded by Councilman Leible and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye,  
Williams Absent, and Turnbow Absent, thereby being passed.

City Counselor Thurman presented the bill for reading. This bill as approved shall become Ordinance Number 6296, providing for the rezoning from "R-1" Single Family Residential to "R-2" Single Family Residential District the following described real estate to-wit: 5.530 acres on the north Side of Baker Lane, Scott County, Missouri.

1<sup>st</sup> Reading, Bill #6297, Request to Subdivide Tract of Land on North Side of Baker lane to be known as Magazine Trace

Councilman Baker moved for the first reading of Bill Number 6297. The motion was seconded by Councilman Teachout and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye,  
Williams Absent, and Turnbow Absent, thereby being passed.

City Counselor Thurman presented the bill for reading. This bill as approved shall become Ordinance Number 6297, providing for the approval to subdivide a tract of land containing 5.530 acres to be known as Magazine Trace north of Baker Lane in the City of Sikeston, Missouri.

Authorization to Surplus Tables and Chairs – Parks Department

The Parks and Recreation Department is seeking approval to surplus 30 round tables, 15 long tables, and 300 chairs for the Clinton Building. The Parks and Recreation Department budgeted \$20,000 to replace the existing tables and chairs at the Clinton Building. Once the tables and chairs are surplus, the Parks and Recreation Department would solicit bids to anyone wishing to purchase these items.

Councilman Baker moved to authorize the surplus of tables and chairs from the Clinton Building. The motion was seconded by Councilman Robison, discussed and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye,  
Williams Absent, and Turnbow Absent, thereby being passed.

Authorize Purchase of Portable Radios – Parks Department

The Parks and Recreation Department budgeted \$14,000.00 for the purchase of seven (7) new portable radios in the Capital Improvement Fund. Motorola Solutions gave a quote through the MissouriBUYs Bid Board for \$15,217.79. The \$15,217.79 is over what was budgeted for the purchase of new radios; however, unused funds from other line items within the Capital Improvement Fund will be used to cover the additional costs.

Councilman Leible moved to authorize the purchase of seven (7) new portable radios for Parks Department from MissouriBUYs in the amount of \$15,217.79. The motion was seconded by Councilman Robison, discussed and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye,  
Williams Absent, and Turnbow Absent, thereby being passed.

Authorization to Purchase Extrication Equipment

Sikeston DPS is requesting to enter a purchase agreement in the amount of \$42,595.99 with Banner Fire Equipment to purchase new vehicle extrication equipment for use on the new Fire Engine once it arrives. Funding will be from remaining ARPA funds not used with the purchase of the new Fire Engine. Extrication rescue equipment to be purchased is as follows:

- Battery power cutter
- Battery power Spreaders
- Battery power ram
- Combi tool
- Misc. equipment

Councilman Robison moved to authorize the purchase of extrication equipment from Banner Fire Equipment in the amount of \$42,595.99. The motion was seconded by Councilman Teachout, discussed and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye,  
Williams Absent, and Turnbow Absent, thereby being passed.



Authorization to Purchase Mobile Data Terminal with Funding from Local Violent Crime Prevention Grant

The Sikeston DPS applied for a Local Violent Crime Prevention Grant through the Missouri Department of Public Safety to fund to purchase 6 Panasonic FZ-55Z006KM Multi Data Terminal (MDT) computers with extended warranty. These MDTs are rugged lap top computers used by law enforcement and fire responders in the field. These type computers are needed since they are exposed to harsh weather and operating conditions that a normal laptop may not operate.

The total cost would be \$21,948.00 of which \$19,896.00 would be covered with the approval of this grant. The difference is \$2,052 and that would be paid by the city and is currently in our budget. The MDTs would be purchased from Turn-Key Mobile, Inc. in Jefferson City, MO. and would be issued to our criminal investigation unit to combat violent crime.

Councilman Baker moved to authorize the purchase of 6 Multi Data Terminal Computers from Turn-Key, Inc. of Jefferson City, MO in the amount of \$21,948. The motion was seconded by Councilman Teachout, discussed and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

Approval of Engineering Services Contract for Sikeston Airport

The City of Sikeston is required by MoDOT to select an on-call consulting engineer for the Sikeston Memorial Airport on a 5 year basis. The City recently posted an RFQ for qualifications and only one firm, Hanson Professional Services INC., submitted qualifications by the designated deadline. The City has worked with Hanson on multiple occasions and is 100% comfortable with their expertise. On 01/06/2023 we conducted a phone interview with Barry Stolz of Hanson to discuss services.

Councilman Baker moved to approve Hanson Professional Services as the on-call airport engineering consultant. The motion was seconded by Councilman Teachout, discussed and the following vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

Other Items:

Location for February 6<sup>th</sup> Council meeting will be Lincoln University Extension located at 214 Lincoln St.

**ADJOURNMENT INTO EXECUTIVE SESSION**

There being no further business before the City Council, Councilman Teachout moved to adjourn into Executive Session (Property and Personnel). The motion was seconded by Councilman Leible and the following roll call vote was recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

Mayor Pro Tem Brian Self called the Executive Session to order. Present were: Mayor Pro Tem Self and Councilmembers David Teachout, Vest Baker, John Leible and Tom Robison. Staff

present were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Rhonda Council, Finance Director Karen Bailey, Public Works Director Jay Lancaster and Public Safety Director James McMillen.

Councilman Baker moved to authorize contract negotiation with SEMO Electric for purchase of 11 acres of land at \$20,000/acre in South Industrial Park. The motion was seconded by Councilman Leible, discussed and the following roll call vote was recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

Councilman Robison moved to appoint Amanda Groves as City Treasurer. The motion was seconded by Councilwoman Leible, discussed and the following roll call vote was recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

### **ADJOURNMENT OUT OF EXECUTIVE SESSION**

Councilman Teachout moved to adjourn from executive session. The motion was seconded by Councilman Leible and the following roll call vote recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

### **ADJOURNMENT**

There being no further business before the City Council, Councilman Teachout moved to adjourn. The motion was seconded by Councilman Robison and the following roll call vote was recorded:

Baker Aye, Leible Aye, Robison Aye, Self Aye, Teachout Aye, Williams Absent, and Turnbow Absent, thereby being passed.

APPROVED:

---

GREG TURNBOW, MAYOR

ATTEST:

---

RHONDA COUNCIL, CITY CLERK

SEAL: