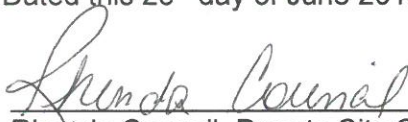


TENTATIVE AGENDAREGULAR CITY COUNCIL MEETING
SIKESTON CITY HALLMonday, July 1, 2019
5:00 P.M.

- I. CALL TO ORDER
- II. RECORD OF ATTENDANCE
- III. OPENING PRAYER
- IV. PLEDGE OF ALLEGIANCE
- V. APPROVAL OF CITY COUNCIL MINUTES
 - A. Regular Council Minutes June 3, 2019
 - B. Regular Council Minutes June 10, 2019
- VI. ACCEPTANCE OF BOARD AND COMMISSION MINUTES
 - None
- VII. ADVISORY BOARD COUNCIL LIAISON REPORTS
- VIII. ITEMS OF BUSINESS
 - A. Award Bid #19-45, Bank Depository Services
 - B. Authorization to Purchase Pickup Truck for Fire Division
 - C. Authorization to Purchase Patrol Vehicles
 - D. Authorization to Purchase Used Pickup Truck for LCRA/Public Works
 - E. Authorization to Purchase Replacement Mower Decks for LCRA/Public Works
 - F. Authorization to Purchase Used Van for PAWS Animal Shelter
 - G. 2nd Reading & Consideration, Emergency Bill #6139, Allowing the Sale and Use of Fireworks in the City of Sikeston
 - H. Briefing: Medical Marijuana Regulations
 - I. Other Items As May Be Determined During the Course of the Meeting
- IX. ADJOURNMENT

Dated this 26th day of June 2019
Rhonda Council, Deputy City Clerk

REGULAR CITY COUNCIL MEETING
JUNE 3, 2019

The regular Sikeston City Council meeting of June 3, 2019 was called to order at 5:00 p.m. in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmembers Brian Self, Karen Evans, Onethia Williams, Gerald Settles, Ryan Merideth and Brandon Sparks. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Carroll Couch, Deputy City Clerk Rhonda Council, Public Safety Director Mike Williams, Assistant Public Safety Director James McMillen, Public Works Director Jay Lancaster, Street Supervisor Darren Martin, Building Maintenance Supervisor Billy Smith, Airport Supervisor Chris Hart and Code Enforcement Officer Bruce Copeland.

APPROVAL OF CITY COUNCIL MINUTES

City Council minutes of May 6 for the Council Study Session and Regular Council meeting were presented for approval. Councilman Settles moved to approve the minutes as presented. Councilman Self seconded the motion and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

ACCEPTANCE OF BOARD AND COMMISSION MINUTES

None were presented.

ADVISORY BOARD COUNCIL LIAISON REPORTS

No reports were presented.

ITEMS OF BUSINESS

1st Reading, Bill #6143, FY20 Budget Ordinance

Councilman Settles moved for the first reading of Bill Number 6143. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Counselor Thurman presented the bill for reading. This bill as adopted shall become emergency Ordinance Number 6143, and shall be referred to as "The FY-2020 Budget" (July 1, 2019 through June 20, 2020), it shall repeal Ordinance 6097, being the "FY-19 Budget" and all amendments thereto, it shall provide for the appropriation of monies and administration of expenditures of monies received by the City of Sikeston in accordance with the ordinance.

1st Reading, Bill #6144, FY20 Staffing & Compensation Ordinance

Councilman Merideth moved for the first reading of Bill Number 6144. The motion was seconded by Councilman Sparks and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Counselor Thurman presented the bill for reading. This bill as adopted shall become emergency Ordinance Number 6144 and shall repeal Ordinance Number 6096 being the FY19 Compensation Plan and Employee Staffing Level Authorization, and all amendments thereto; and shall establish the Employee Compensation Plan and Staffing Levels, and the administration thereof for Fiscal Year 2020 (July 1, 2019 through June 30, 2020).

1st Reading, Bill #6150, Request to Rezone Land South of Brunt Blvd. and North of U.S. Highway 60 from "AG" Agriculture to "R-4" Two Family Duplex Dwelling

Councilman Self moved for the first reading of Bill Number 6150. The motion was seconded by Councilman Sparks and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Counselor Thurman presented the bill for reading. This bill as approved shall become Ordinance Number 6150, providing for the rezoning from Agriculture "AG" to Two Family Duplex Dwelling "R-4" the following described real estate to-wit: A tract of land, which consists of approximately 3.32 acres and is located generally south of Brunt Boulevard and north of U.S. Highway 60 in the City of Sikeston, New Madrid County, Missouri.

1st Reading, Bill #6151, Request for Approval of Proposed Subdivision – Hospitality Subdivision, 3rd Addition

Councilman Settles moved for the first reading of Bill Number 6151. The motion was seconded by Councilwoman Evans and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Counselor Thurman presented the bill for reading. This bill as approved shall become Ordinance Number 6151 providing for approval of subdividing a 3.32 acre tract of land being known as Hospitality Subdivision, 3rd Addition, which generally lies south of Brunt Boulevard and north of U.S. Highway 60 in the City of Sikeston, New Madrid County, Missouri.

1st Reading, Bill #6152, Update to Rental Property Minimum Housing Quality Standards

Staff has asked Council to table this bill and to schedule a study session to discuss the changes of the rental process to landlords and the general public. Councilman Self moved to table Bill #6152. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Award Bid #19-44, Purchase of Generators

Department of Public Works received bids from three vendors for the purchase and installation of two backup diesel generators for the Airport Terminal and the Animal Shelter. Council asked

if consideration was given to getting bid prices on LP generators and comparing the differences. Councilman Self moved for Staff to re-evaluate the bids for the purchase of two generators. Since this is close to the end of the fiscal year, the money appropriated for this purchase will need to be re-appropriated to next budget year. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Other Items

Public Works Director gave an update on the current street projects. Citizens from Davis Boulevard expressed their disappointment in the work that is being performed on their street.

Council Study Session has been scheduled for Monday, June 24 at 5:00 p.m. at the Clinton Building to discussion with landlords the proposed changes to registering rental property in Sikeston.

ADJOURNMENT

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

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL:

REGULAR CITY COUNCIL MEETING
JUNE 10, 2019

The regular Sikeston City Council meeting of June 10, 2019 was called to order at 5:00 p.m. in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Brian Self, Karen Evans, Gerald Settles, and Ryan Merideth. Absent were Councilman Brandon Sparks and City Counselor Tabatha Thurman. Councilwoman Onethia Williams arrived at 5:25 p.m. Staff in attendance were: City Manager Jonathan Douglass, City Clerk Carroll Couch, City Treasurer Karen Bailey, Deputy City Clerk Rhonda Council, Public Safety Director Mike Williams, Assistant Public Safety Director Jim McMillen, Public Works Director Jay Lancaster, Street Superintendent Brian Dial, Street Supervisor Darren Martin, Park Supervisor Dustin Care, Code Enforcement Manager Lorenzo Ware, Code Enforcement Officer Bruce Copeland and Airport Manager Chris Hart.

ITEMS OF BUSINESS

2nd Reading, Bill #6143, FY20 Budget Ordinance

Councilman Settles moved for the second reading of Bill Number 6143. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

City Clerk Couch presented the bill for reading.

Bill Number 6143

Ordinance Number 6143

THIS BILL AS ADOPTED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6143, AND SHALL BE REFERRED TO AS "THE FY-2020 BUDGET" (JULY 1, 2019 THROUGH JUNE 30, 2020), IT SHALL REPEAL ORDINANCE 6097, BEING THE "FY-19 BUDGET" AND ALL AMENDMENTS THERETO, IT SHALL PROVIDE FOR THE APPROPRIATION OF MONIES AND ADMINISTRATION OF EXPENDITURES OF MONIES RECEIVED BY THE CITY OF SIKESTON IN ACCORDANCE WITH THE ORDINANCE.

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

SECTION I: General

A. Ordinances Repealed:

1. Ordinance Number 6097 and all amendments to the FY-19 Budget are hereby repealed.

B. Codification:

1. This ordinance as may be amended and the attached detailed financial plan shall not be codified as part of the SIKESTON MUNICIPAL CODE.

C. Purpose and Responsibility:

1. This financial plan or budget, as submitted by the City Manager of the City of Sikeston, hereinafter referred to as "MANAGER" and "CITY" respectively and approved by the City Council, hereinafter referred to as "COUNCIL", shall represent the entire

financial plan of anticipated revenues, fund balances and expected expenses of the CITY for the period aforesaid, and shall be referred to collectively as the "FY-2020 BUDGET".

SECTION II: Appropriations

- A. General Fund 010: The sum of \$ 11,172,090 is hereby appropriated out of revenues accruing to the CITY, transfers from other Funds and Fund balance, for the payment of operating and capital expenses, for designated governmental services as itemized, to wit;
- B. Sales Tax Fund 020: The sum of \$ 3,143,583 is hereby appropriated out of Sales Tax Revenue accruing to the CITY and available Fund balance, for payment of operating and capital expenditures for designated governmental functions, in accordance with the provisions of the Sales Tax Ordinance Number 3798.
- C. SAHEC Sales Tax 022: The sum of \$ 56,998 is hereby appropriated out of Sales Tax Revenue accruing to the City and available Fund balance, for payment of expenditures relating to the construction, furnishing, and debt service of the Sikeston Area Higher Education Center.
- D. Transportation Sales Tax 025: The sum of \$ 1,622,504 is hereby appropriated out of Sales Tax Revenue accruing to the City and available Fund balance, for payment of capital item purchases and capital improvements for designated governmental projects and related equipment only, in accordance with the provisions of the Transportation Sales Tax Ordinance Number 4775.
- E. Economic Development 030: The sum of \$ 250,000 is hereby appropriated out of revenues accruing to the City, transfers from other funds, and available fund balances for the payment of operating expenses designated for economic development functions.
- F. Essex Fund 031: The sum of \$ 30,000 is hereby appropriated out of revenues accruing to the City, available fund balances, and transfers from other funds for the purpose of maintaining the Essex building, and other economic development functions.
- G. Park Fund 040: The sum of \$ 685,749 is hereby appropriated out of revenues accruing to the Park Fund, transfers from other funds, and available Fund balance, for the payment of operating and capital expenses designated for public park functions.
- H. Municipal Court Fund 050: The sum of \$ 235,062 is hereby appropriated out of revenues accruing to the CITY, transfers from other funds and fund balance, for the payment or expenses resulting from designated capital items and capital improvements.
- I. Tourism Fund 065: The sum of \$ 102,678 is hereby appropriated out of revenues accruing to the Tourism Tax Fund, transfers from other funds, and available Fund balance, for the payment of operating and capital expenses designated for tourism promotion and marketing functions.
- J. Airport Fund 066: The sum of \$ 547,093 is hereby appropriated out of revenues accruing to the City, transfers from other funds, and available Fund balance, for the payment of Airport Improvements.

- K. 911 Fund 070: The sum of \$ 696,592 is hereby appropriated out of revenues accruing to the CITY, transfers from other Funds and Fund balance, for the payment or expenses related to E-911 operations.
- L. Capital Improvement Fund 075: The sum of \$ 1,771,951 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment or expenses resulting from designated capital items.
- M. 60 West TIF District Fund 091: The sum of \$ 202,233 is hereby appropriated out of revenues accruing to the City, transfers from other funds and Fund balance, for the payment of Public Improvements.
- N. 60/61 TIF District Fund 090: The sum of \$ 105,809 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment of TIF Notes.
- O. Main & Malone TIF District Fund 095: The sum of \$ 203,104 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment of TIF Bond issuances.
- P. SEDC 096: The sum of \$313,414 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment of loan from U.S.D.A. for the DPS Headquarters Building.

SECTION III: Administration

- A. The MANAGER shall be responsible for:
1. Ensuring compliance with the provisions of this ordinance; the general and specific administration of the FY-2020 Budget plan and may adopt any supportive policy or procedure he deems appropriate to and in support of such administration.
 2. Monitoring revenues, fund balances and expenditures to ensure compliance with this ordinance and appropriate use of City funds.
 3. Disapproving any expenditure and/or disallowing any claim, which in his sole opinion is not justified or not in compliance with this ordinance or City Code or established policy or procedure.
 4. Authorizing minor transfers, re-appropriation and/or expenditure in excess of specific accounts or Divisional appropriations, provided Fund appropriations based on revenue receipts plus fund balance are not exceeded.
 5. Drafting or causing to be drafted for Council consideration any amendment to this Ordinance when 1) significant change may be required; 2) to address Council action; revenue(s) and/or expenditure(s) which differ from estimates by greater than ten percent (10%) of the estimates or plan.
- B. The CITY CLERK shall be responsible for:
1. Confirming and certifying that total expenditures plus encumbrances shall not at any time exceed the total of actual revenue received plus fund balances.
 2. Providing monthly financial statements to the:
 - a. Council and Manager, summarizing all financial activity of all Funds, in a format to be approved by the Manager.
 - b. Manager containing detailed budget summaries of all Fund, Department and Division financial activity, including direct expenditures and

- encumbrances, in a format to be approved by the Manager.
- c. Department heads containing detailed budget summaries of all Personnel, Maintenance and Operation accounts, and Capital Items/Improvements, by line item, for which they are responsible, including expenditures and encumbrances, in a format to be approved by the Manager.
3. Ensuring no expenditure is authorized from the Capital Improvement Fund, except as approved by Council and/or Manager action as appropriate and in compliance with the Municipal Code Title 3 et.seq.
4. Developing, implementing, monitoring, revising and/or upgrading the City's accounting system and purchasing policy and procedures, at the direction and with the approval of the Manager.
- C. All Department Heads are responsible for:
1. Exercising prudent management control over each account assigned to their respective department.
 2. Ensuring compliance with this ordinance and policy and procedure currently or as may be established.
 3. Continually striving for the most cost effective method(s) of operation of their department, in all areas including personnel, maintenance, operations and capital expenditures.
- D. No expenditure shall be made for any fund which is not in compliance with this ordinance and/or with the formal detailed financial plan or Budget, City Code and policy or procedure as approved by the Manager.

SECTION IV: Compensation and staffing levels. Administration of Compensation and Staffing Levels shall be in accordance with Ordinance Number 6144.

SECTION V: Repealer. Any other ordinances or part(s) thereof inconsistent herewith are hereby repealed.

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

SECTION VII: Emergency Clause. This Ordinance is adopted as an emergency measure so that the effective date corresponds with the fiscal year.

SECTION VIII: Record of Passage:

- A. Bill Number 6143 was introduced and read the first time this 3rd day of June 2019.
- B. Bill Number 6143 was read the second time and discussed on this 10th day of June 2019. Following discussion, Councilman Settles moved to approved Bill Number 6143. The motion was seconded by Councilman Self, discussed and the following roll call vote was recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye, Williams Absent, and Burch Aye, thereby being passed.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6143 and shall be in full force and effect from and after July 1, 2019.

2nd Reading, Bill #6144, FY20 Staffing & Compensation Ordinance

Councilman Self moved for the second reading of Bill Number 6144. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

City Clerk Couch presented the bill for reading.

BILL Number 6144

ORDINANCE Number 6144

THIS BILL AS ADOPTED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6144 AND SHALL REPEAL ORDINANCE NUMBER 6096 BEING THE FY-19 COMPENSATION PLAN AND EMPLOYEE STAFFING LEVEL AUTHORIZATION, AND ALL AMENDMENTS THERETO; AND SHALL ESTABLISH THE EMPLOYEE COMPENSATION PLAN AND STAFFING LEVELS, AND THE ADMINISTRATION THEREOF FOR FISCAL YEAR 2020 (JULY 1, 2019 THROUGH JUNE 30, 2020).

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

SECTION I: General

- A. This ordinance shall not be codified as part of the Sikeston Municipal Code.
- B. This ordinance and all attachments hereto as may be amended shall be incorporated with and become part of the FY-20 BUDGET CODE.

SECTION II: Administration.

- A. The City Manager hereinafter referred to as "MANAGER" shall be responsible for the general and specific provisions of this Ordinance, including but not necessarily limited to:
 - 1. Development, implementation, monitoring and revision of supporting policy and procedure he deems necessary for proper administration and good business practices.
 - 2. Certifying employee compensation records for compliance to the provisions set forth herein and with supporting policy and procedure of II.A.I. Above.
- B. The MANAGER may:
 - 1. Approve higher initial compensation for any staff position authorized, when in his sole opinion such action is appropriate based on:
 - a. Degree of difficulty in attracting the most wholly qualified applicant at the published beginning rate; or
 - b. Specific or special qualifications are required for the position; or
 - c. Preferred/best candidate(s) background, experience and/or special qualifications result in extreme difficulty in recruiting at the regular entrance rate; or
 - d. The current local compensation trend for the skills required is substantially greater than the published beginning rate.

2. Approve the hiring at a lesser initial compensation when, in his sole opinion, such action is appropriate based on:
 - a. An otherwise eligible candidate will require a period of specialized training; or
 - b. The current local compensation trend for the skills required is substantially less than the published beginning rate.
 3. Increase any employee's paid compensation when sustained performance indicates such action is appropriate:
 - a. Within the guidelines of the merit pay plan; or
 - b. When a given position responsibility and/or scope is significantly broadened; or
 - c. When a specific employee displays consistent and noteworthy performance, behavior and supportive attitude, which in the MANAGER'S sole opinion, collectively warrant such action.
 4. Decrease any employee's paid compensation:
 - a. When sustained or severe single case performance or behavior is below expected standards or represents severe disregard or violation of policy or procedure; or
 - b. Upon employee demotion or transfer as appropriate.
- C. Changes to and Offers of Compensation:
1. No change to any part of any employee's compensation in total or in part, either increase or decrease, may be made without the approval of the MANAGER.
 2. No offer shall be made to any prospective or current employee of paid compensation or benefits, either greater or lesser than those allowed by this ordinance, except as may be approved by the MANAGER.
 3. Entry range compensation and benefits as specified herein may be discussed with potential employees, including whatever action a respective Department Head may intend to make, provided no actual offer is made without the approval of the MANAGER.
- D. DEPARTMENT HEAD shall be responsible for:
1. Becoming and remaining knowledgeable with the provisions of this Ordinance including any amendment thereto and supporting policy or procedure as in effect currently or as may be established or revised in future.
 2. Ensuring compliance with the provisions of this Ordinance and supporting policy or procedure, as currently in effect or as may be amended.
 3. Training their Division Heads and Supervisors on the provisions of this Ordinance and supporting policy and procedure.
 4. Recommending any change to the compensation of each employee assigned to their Department, in support of the provisions of this Ordinance and supporting Personnel Policy.
 5. Ensuring timeliness and accuracy of any change, either increase or decrease, upon:
 - a. Each Anniversary Date
 - b. Upon Hiring, Promotion, Transfer, Discipline or Termination
 6. May suspend any employee within their Department, pending an appeals hearing in accordance with the provisions of the Discipline Policy, without pay.
- E. CITY TREASURER shall be responsible for:
1. Ensuring compliance with the provisions of this Ordinance and supporting policy,

- reporting any violation of either, immediately to the MANAGER.
2. Generating and maintaining employee compensation records as needed including any change thereto, in a timely fashion.
 3. Generating and maintaining personnel rosters, in a format to be approved by the MANAGER, and shall contain as a minimum:
 - a. A complete POSITION listing, including current status of each, as authorized by this Ordinance or the MANAGER under the provisions of this Ordinance.
 - b. Current EMPLOYEE information including, department/division assignment, pay classification code, FLSA Classification code, hiring date, anniversary date, date of eligibility for next increase, and any other as required by the MANAGER.
 - c. Said roster to be updated at least monthly and a working copy updated daily, as may be required, and maintained by the City Treasurer.
 4. Generating and forwarding to responsible Department Head, any employee compensation record as needed to support the provisions of this Ordinance and ensuring the completeness and accuracy of any such compensation record.
 5. Ensuring timely entry and/or change, as approved by the MANAGER, to any employee's compensation as specified in the compensation record.

SECTION III: Paid Compensation.

A. Pay Plan (See Tables IIA or IIB as applicable.)

1. Shall be a merit (performance) plan.
2. Shall be constructed of twenty-three (23) levels called GRADES for all employees, and sixteen (16) ranges called STEPS for all employees except Commissioned Public Safety Officers, which have six (6) GRADES and eighteen (18) STEPS. STEPS are based upon years in service and the ability to maintain compliance with ongoing job requirements associated with the merit pay plan. (Please note: Commissioned Public Safety employees are subject to an alternate compensation plan. See Table IIB).
3. Employees must be eligible in all respects on the appropriate anniversary date to receive the indicated increase in paid compensation.
4. Employees ineligible for any reason on the appropriate anniversary date shall be awarded as follows:
 - a. The appropriate STEP assignment without any resulting increase in salary or wages.
 - b. Any benefit in terms of sick leave, vacation or other such, as would otherwise be awarded had the ineligibility not occurred.
 - c. Once an employee's eligibility is restored, they will receive a merit raise.

B. Allowances are hereby authorized as follows:

1. Clothing allowance for employees of the Department of Public Safety serving in the positions of Command Staff, Communications Officers, Communications Supervisor, all Public Safety Officers, Investigators, Sergeants, and Lieutenants, will be earned at a rate of \$850.00 annually. This will be paid by installment on the first pay date in March and the second one-half (1/2) of the allowance to be paid on the first pay date in September, excluding new hires which will receive the first portion of their uniform allowance on their first pay check and the second portion either on the first pay date in March or the first payday in September.
2. Clothing and boot allowance for Entry Level Maintenance Workers, Skilled Workers, Mechanic, Airport Linemen, Shelter Director, DPW Supervisors, Code

- Enforcement Officers and Code Enforcement Supervisor/City Planner at a rate of \$450 annually.
3. Clothing allowance for administrative assistants, account clerks, city collector, city treasurer, secretary/receptionist, deputy city clerk, IT technician, network administrator, court clerk and deputy court clerk at a rate of \$250 annually.
 4. Mileage in the amount currently established by the United States Internal Revenue Service (IRS) Regulations per documented mile, when a privately owned vehicle is required to be used for CITY business, upon the responsible Department Heads certification of the claim for reimbursement. Said certification to be both for requirement of use and accuracy of the respective claim.
 5. Direct reimbursement of "out-of-pocket" expenses of any employee incurred in the performance of their duties subject to Per Diem rates and completion/submission of appropriate claim and required supporting documentation within three (3) working days of return to work.

SECTION IV: Benefits:

- A. Vacation banking shall be limited to two (2) times the annual accrual rate.
 1. Vacation in excess of this amount shall be lost, without compensation, on the employee's anniversary date of employment.
 2. An employee may submit a request to cash-in vacation time, to the MANAGER. The MANAGER may authorize the payment (cashing in) of vacation, if it is warranted. An employee may request the cashing in of no more than two weeks of vacation within a fiscal year.
 3. Vacation in excess of the limits as herein established, shall be forfeited on the appropriate anniversary date, without recourse or grievance to or by the employee so affected.
 4. Vacation shall be earned and accrued monthly after the first anniversary date as follows:
 - a. Employment at first anniversary, six (6) days or two and ½ (2.5) shifts provided however, employees shall not accrue any vacation until the end of their initial employment qualifying period (first anniversary with recommendation for continued employment) and further, employees leaving the service of the City prior to their first anniversary, as established in Section VII of this Ordinance, shall forfeit any and all claim to any vacation time.
 - b. Beginning year two (2) to end of year four (4), eleven (11) days or four and ½ (4.5) shifts.
 - c. Beginning year five (5) to end of year eight (8), thirteen (13) days or five and ½ (5.5) shifts.
 - d. Beginning year nine (9) to end of year twelve (12), fifteen (15) days or six and ½ (6.5) shifts.
 - e. Beginning of year thirteen (13) to end of year sixteen (16), seventeen (17) days or seven and ½ (7.5) shifts.
 - f. Beginning of year seventeen (17) to end of year twenty (20), nineteen (19) days or eight and ½ (8.5) shifts.
 - g. Beginning of year twenty-one (21) to end of year twenty-five (25), twenty-one (21) days or nine and ½ (9.5) shifts.
 - h. Beginning year twenty-six (26) to end of employment, twenty-six (26) days or twelve and ½ (12.5) shifts.
 6. Employees shall not accrue any vacation until the end of their initial employment

qualifying period (first anniversary with recommendation for continued employment).

- a. Employees leaving the service of the City prior to their first anniversary as established in Section VII of this Ordinance shall forfeit all claims to any vacation time.
7. Accrued banked vacation shall be bought back at the employee's regular rate of pay when the employee leaves the service of the City.
8. After the first anniversary of employment, vacation earned at the rates as set out herein above, shall accrue to the employee as follows:
 - a. Initial year's (six (6) days) shall be accrued (provided employee is recommended for continual employment) as a lump sum (in hours), the first pay period immediately following the anniversary date as set forth in Section VII of this Ordinance.
 - b. An amount in hours, equal to the rates established herein above, shall be accrued on a one-twelfth (1/12) per year pro-rata, to each eligible employee's vacation bank and stated on the employee's check stub on the first pay date immediately following the month the vacation time was earned. Vacation time used, as indicated on the employee time cards, shall be deducted from this balance on the pay date immediately following use.
9. For the purpose of this Ordinance, a work month shall be defined as thirty (30) consecutive days.
10. Accrual of vacation time shall continue up to the end of the first work month of authorized sick leave usage. Accrual of vacation time shall cease upon the completion of the first work month of sick leave usage, medical leave or leave of absence. Accrual of vacation time shall resume, as herein above set forth, upon the employee's return to work, upon doctor's release. Accrual rates may be prorated, to reflect actual work hours, if less than full-time.

Vacation Earned Per Year, Accrued Monthly

Leave Based on Years of Completed Service

Assigned Hours Per Shift	Year 1	2-4	5-8	9-12	13-16	17-20	21-25	26+
	6 Days/ 2.5 Shifts	11 Days/ 4.5 Shifts	13 Days/ 5.5 Shifts	15 Days/ 6.5 Shifts	17 Days/ 7.5 Shifts	19 Days/ 8.5 Shifts	21 Days/ 9.5 Shifts	26 Days/ 12.5 Shifts
8	48	88	104	120	136	152	168	208
8.3	49.8	91.3	107.9	124.5	141.1	157.7	174.3	215.8
8.5	51	93.5	110.5	127.5	144.5	161.5	178.5	221
24	60	108	132	156	180	204	228	300

- B. Sick leave shall be considered an insurance type benefit, the use of which represents a claim against the City and the banking of which shall be limited to 1,040 hours for general and supervisory personnel, 1079 hours for patrol and communication hourly employees, 1,105 hours for patrol sergeants, and 1404 hours for fire division personnel assigned to 24 hour shifts.
 1. Abuse of sick leave shall be considered a false claim against the City and sufficient reason for immediate discharge of any employee when, in the sole opinion of the MANAGER, any such abuse may exist.
 2. Sick leave in excess of banked limits shall be lost, without compensation, on the employee's anniversary date of employment. Employees, which have exceeded

the bank limit, shall only be reduced to the bank limit. Employees, who have received their sick leave bank limit and forfeited the excess, shall begin to accrue sick leave in the routine manner until their next anniversary.

3. The MANAGER may authorize carry over, not to exceed one (1) additional year of sick leave accrual when, in his sole opinion, such action is warranted, upon receipt of an appropriate request at least thirty (30) days prior to the anniversary date the employee would otherwise forfeit sick leave time accrued.
4. Trading, transferring or giving of sick leave time is only authorized through the Shared Leave Program.
5. Sick leave shall be accrued monthly beginning after the first six (6) months of employment, upon department head recommendation and MANAGER approval as follows:

Sick Leave Earned Per Month				
Leave Based on Years of Completed Service				
Assigned Hours per Shift	<6 months	6 months – 2 years & 11 months	3-4 Years & 11 months	5 years +
8	0	4	6	8
8.3 & communications	0	4.15	6.225	8.3
8.5	0	4.25	6.38	8.5
24	0	6	8	10

6. Unused sick leave banked at the time the employee leaves the service of the City shall be forfeited and no paid compensation is authorized for any such time, unless the employee has at least 10 continuous years of service and leaves in good standing, then the employee will be paid for 25% of his accrued sick leave bank at his regular hourly rate.
7. Accrual of sick leave shall continue up to the end of the first work month of authorized sick leave usage. Accrual of sick leave shall cease upon the completion of the first work month of sick leave usage, medical leave or leave of absence. Accrual of sick leave shall resume, as hereinabove set forth, upon the employee's return to work; upon doctor's release. Accrual rates may be prorated, to reflect actual work hours, if less than full-time.

C. Holiday time shall be provided at a rate of thirteen (13) days per year, which shall be:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (3rd Monday in January)
- President's Day (3rd Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Columbus Day (2nd Monday in October)
- Thanksgiving Day (4th Thursday in November)
- Friday following Thanksgiving (4th Friday in November)
- Christmas Eve (December 24)
- Christmas Day (December 25)
- Floating Holidays (City offices remain open)
Good Friday and Veteran's Day

1. When any authorized holiday shall fall on a Saturday, that holiday shall be

observed on the preceding Friday. When any authorized holiday shall fall on a Sunday, that holiday shall be observed on the following Monday.

2. Whenever an eligible employee is required to work or whenever a scheduled City Holiday shall fall on an eligible employee's regularly scheduled day off then an employee may be choose to be paid the holiday or that holiday (in hours) shall be credited to the employee's Personal Hours as follows:

Holiday/Personal Hours Banked Per Shift			
Salaried/40E	171E (8.3 hour shifts)	171E (8.5 hour shifts)	212 E (24 hours shifts)
8	8.3	8.5	12

3. Banked holiday/personal hours shall be reflected in the appropriate box on the next paycheck stub.
 4. Banked holiday time shall accrue until the employee requests to be paid or until the employee's anniversary date, at which time all banked time shall be bought back from the employee at the employee's regular hourly rate.
 5. The MANAGER may authorize a carryover of greater than that referenced in C(4) above, when in his sole opinion such action is warranted and upon written request at least thirty (30) days prior to the employee's anniversary date, and with Department Head recommendations.
 6. Banked holiday time shall be bought back at the employee's regular rate of pay, when any employee leaves the service of the City.
 7. Employees absent for more than 30 consecutive days will not accrue holiday/personal hours.
- D. The City shall participate in the Local Government Employee Retirement System (LAGERS) LT8-65 (65)-retirement plan. This retirement plan increases employee benefits to 1.50% for a life allowance; plus an additional 50% allowance to age 65. Effective FY-92 the City changed from a "Contributory" to "Non-Contributory" Plan, and is subject to the administrative requirements of State Statute and LAGERS regulations.
- E. The City shall provide an employee health insurance plan and pay eighty percent (80%) of the established premium contribution amount to be effective the first of the month following ninety (90) days of continued employment.
1. Employees shall contribute twenty percent (20%) of the established premium amount.
 2. Employees have the opportunity to enroll, when hired, for the health insurance coverage for themselves and any dependents. If coverage is declined at initial employment, employees can only enroll under special circumstances as a special enrollee or late enrollee. Please see the City of Sikeston Employee Health Benefits booklet for descriptions of special enrollee and late enrollee.
- F. The City shall offer a public employees' cafeteria plan, as allowed under Internal Revenue Code Section 125. All full time employees of the City are eligible for participation in the cafeteria plan. Benefit categories to be offered are as follows:
1. City sponsored medical insurance
 2. Flexible medical benefits
 3. Dependent care assistance
 4. Additional features or benefits the City may desire to add

SECTION V: Classification.

- A. Each employee shall be assigned a compensation code; it shall be a three (3)-part code to track, in order: grade, step and longevity. The Compensation Code shall be upgraded at least annually, with an effective date the same as the employee's anniversary date, or upon any compensation change with the new anniversary date as herein set out, as follows, the:
 - 1. First two (2) digits designate Pay Grade.
 - 2. Letter Designation indicates Pay Step.
 - 3. Last two (2) digits designate completed years of service.
- B. In general, higher pay grades reflect:
 - 1. Greater responsibility
 - 2. Hierarchy within the Organization
 - 3. Higher pay and/or allowances

SECTION VI: Eligibility.

- A. Eligibility shall encompass any and all criteria established by this Ordinance, and/or City policy and procedure. The absence or loss of any such or part of such eligibility shall limit or disallow pay increase as herein or otherwise authorized. Employees ineligible for, at the time they might normally expect to receive a pay increase, shall be assigned the next higher step designator. Any increase in compensation will be delayed until eligibility is restored.
- B. Ineligibility may occur, but may not be limited to the following:
 - 1. Qualifying Periods
 - a. Initial employment qualifying period for MERIT adjustment only.
 - b. An employee under investigation which may result in disciplinary action or who is under assignment to a disciplinary qualifying period shall:
 - 1. Have the outcome of the investigation applied retroactive to the date of eligibility.
 - 2. Not be eligible for any compensation increase, but shall be assigned the next STEP as appropriate or as determined by due process, until eligibility is restored.
 - 2. When the average evaluation grade for the most recent merit period averages five point five (5.5) or less.
 - 3. When repeated or severe violations of policy or procedure occur.
 - 4. Upon department head or MANAGER recommendation.
- C. Merit Eligibility:
 - 1. Generally:
 - a. All positions except MANAGER and DEPARTMENT HEADS shall be eligible for merit increase upon completed service (see Tables II-A and II-B), and compliance with all criteria established by ordinance and/or City policy and procedure.
 - b. Merit increases shall be based on the mathematical average of all evaluations received since the employee's last merit increase, as determined in the Pay Plan Tables II-A and II-B.
 - c. Merit increases for the MANAGER and DEPARTMENT HEADS shall be individually determined
 - 2. General Service Employees, for purposes of this ordinance, shall be defined as all employees of the City of Sikeston other than Commissioned Employees. Merit

increases shall be awarded to General Service Employees, when eligible in all respects, as set forth in Pay Plan Table II-A.

3. Commissioned Employees, for the purposes of this ordinance, shall be defined as all rookie and commissioned public safety officers employed within the Sikeston Department of Public Safety. Merit increases shall be awarded to Commissioned Employees, when eligible in all respects, as set forth in Pay Plan Table II-B.

D. Reclassifications and Other Compensation Increases:

1. General Service Employees:
 - a. Public Works Skilled Workers, when classified as a leadsman by their Department Head shall receive an additional \$.75 per hour.
 - b. Rookie Communications Officers shall be assigned to Grade 6. Upon successful completion of their training, and upon Department Head recommendation and City Manager approval, the employee will be reclassified to Communications Officer, Grade 8, and receive appropriate compensation for that grade.
 - c. Communications Field Training Officer (FTO) - Communications Officers filling this position shall receive an additional one dollar and twenty-five cents (\$1.25) per hour. This additional compensation will only be paid when training a rookie communications officer.
 - d. Firefighter - A sub-classification of "Firefighter" will exist within the general classification of PSO. This class is used for non-commissioned officers assigned to Fire Division. Compensation for these employees shall be set by the City Manager, as determined by their training, education and performance.
2. Commissioned Employees:
 - a. Public Safety FTO – Additional compensation of One Dollar and twenty-five cents (\$1.25) per hour is available for any commissioned Public Safety Officer trained, and designated as a Field Training Officer. This additional compensation will only be paid when training a rookie public safety officer.
 - b. Canine Officer – Any commissioned Public Safety Officer trained and designated as the City's Canine Officer shall receive additional, annualized, compensation of three thousand six hundred dollars (\$3,600).

SECTION VII: Anniversary Date.

- A. Shall be rounded to the first day of the month when the employee begins employment on or before the sixteenth (16th) day of the employment month, or to the first of the month following the employment month when the employee begins work after the sixteenth (16th) day of the employment month.
- B. This anniversary date shall be used when computing all eligibility times throughout the employee's employment.
- C. Merit changes, (pay or benefits) shall be based on employment anniversary dates of consecutive years of service.
- D. Employees leaving the service of the City prior to their 1st anniversary shall forfeit any and all claim to any vacation time.

SECTION VIII: Less Than Full Time Employees.

- A. The MANAGER shall determine hourly rates for employees working part time or temporary (seasonal) in accordance with sound business practices, the minimum wage laws and provisions of FLSA.
- B. The MANAGER may authorize up to one-half (1/2) the holiday time benefits to such employee when in his opinion such is warranted by the nature of the position and the specific employee's performance both warrant such action and provided said employee(s) is/are regularly scheduled for twenty-five (25) or more hours per week.

SECTION IX: Staffing Generally

- A. The City Manager shall be authorized for the following, including but not limited to:
 - 1. Development, monitoring and revision of supporting policy and procedure.
 - 2. Ensuring best-qualified candidate is selected for any given position.
 - 3. Appropriate discipline including removal from the City employ any person he deems necessary, in his sole opinion.
 - 4. Elimination of any position he deems appropriate due to lack of work, changing work process, or reorganization.
- B. The MANAGER shall not be required to fill any position simply because a vacancy exists.
- C. The MANAGER may amend staffing levels or authorized positions within any specific department, provided
 - 1. Such amendment does not exceed the total number of City employees established herein.
 - 2. Such amendment does not cause the anticipated appropriation budgeted for Personnel Services within said department to be exceeded.
- D. The MANAGER may employ additional temporary personnel when regular employees are not available (illness, injury, medical or military leave) or a specific increase in a work process requires such action to maintain levels of service.

SECTION X: Authorized Staffing Levels & Compensation Classifications.

FY-2020 Authorized Staffing Level Totals,

- 1. 125 Full Time Employees
- 2. 15 Part Time Employees
- 3. 25 Seasonal/Temporary Employees

SECTION XI: Repealer. Any other ordinances or part(s) thereof inconsistent herewith are hereby repealed.

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

SECTION XIII: Emergency Clause. This ordinance is adopted as an emergency measure so that the effective date corresponds with the fiscal year.

SECTION XIV: Record of Passage:

1. Bill Number 6144 was introduced and read the first time this 3rd day of June 2019.
2. Bill Number 6144 was read the second time and discussed on this 10th day of June 2019. Following discussion, Councilman Settles moved to approved Bill Number 6143. The motion was seconded by Councilman Self, discussed and the following roll call vote was recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6143 and shall be in full force and effect from and after July 1, 2019.

1st & 2nd Reading, Emergency Bill #6153, FY19 Budget Amendment

Councilman Merideth moved for the first reading of Bill Number 6143. The motion was seconded by Councilwoman Evans and the following vote recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

City Clerk Couch presented the bill for reading. This bill as adopted shall become an emergency Ordinance Number 6153, and shall amend Ordinance Number 6097, the FY-19 Budget. This Ordinance is adopted as an emergency measure so that the effective date is prior to the end of FY-19.

Councilman Self moved for the second reading of Bill Number 6153. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

City Clerk Couch presented the bill for a second reading.

BILL Number 6153

ORIDINANCE Number 6153

THIS BILL AS ADOPTED SHALL BECOME AN EMERGENCY ORDINANCE NUMBER 6153, AND SHALL AMEND ORDINANCE NUMBER 6097, THE FY-19 BUDGET.

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

SECTION I: General

A. Codification:

1. This ordinance shall not be codified as part of the SIKESTON MUNICIPAL CODE.
2. Ordinance Number 6097 is hereby amended to read as follows:

SECTION II: Appropriations

- A. General Fund 010: The sum of \$12,936,030 is hereby appropriated out of revenues accruing to the CITY, transfers from other Funds and Fund balance, for the payment of operating and capital expenses, for designated governmental services.

- B. Transportation Sales Tax 025: The sum of \$2,222,564 is hereby appropriated out of Sales Tax Revenue accruing to the City and available Fund balance, to provide financial support for construction, reconstruction, repair and maintenance of streets, street drainage, roads, bridges and equipment necessary for same, in accordance with the provisions of the Transportation Sales Tax Ordinance Number 4775.
- C. Park Fund 040: The sum of \$638,252 is hereby appropriated out of revenues accruing to the Park Fund, transfers from other funds and available fund balance for the payment of operating and capital expenses designated for public park functions.
- D. Tourism Fund 065: The sum of \$247,412 is hereby appropriated out of revenues accruing to the Tourism Tax Fund, transfers from other funds, and available Fund balance, for the payment of operating and capital expenses designated for tourism promotion and marketing functions.
- E. Airport Fund 066: The sum of \$610,686 is hereby appropriated out of revenues accruing to the City, transfers from other funds, and available Fund balance, for the payment of Airport Improvements.
- F. 911 Fund 070: The sum of \$765,427 is hereby appropriated out of revenues accruing to the CITY, transfers from other Funds and Fund balance, for the payment or expenses related to E-911 operations.
- G. Capital Improvement Sales Tax Fund 075: The sum of \$2,148,993 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment or expenses resulting from designated capital items.
- H. 60 West TIF District Fund 091: The sum of \$259,109 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment of TIF Bond issuances.

SECTION III: Repealer. Any other ordinances or part(s) thereof inconsistent herewith are hereby repealed.

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

SECTION V: Emergency Clause. This Ordinance is adopted as an emergency measure so that the effective date is prior to the end of FY-19.

SECTION VI: Record of Passage:

- A. Bill Number 6153 was introduced and read the first time this 10th day of June 2019.
- B. Bill Number 6153 was read the second time and discussed on this 10th day of June 2019. Following discussion, Councilman Merideth moved to approved Bill Number 6153. The motion was seconded by Councilman Settles, discussed and the following roll call vote was recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,

Williams Absent, and Burch Aye, thereby being passed.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6153 and shall be in full force and effect.

2nd Reading, Bill #6150, Request to Rezone Land South of Brunt Blvd. and North of U.S. Highway 60 from "AG" Agriculture to "R-4" Two Family Duplex Dwelling

Councilwoman Evans moved for the second reading of Bill Number 6150. The motion was seconded by Councilman Merideth and following vote recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

City Clerk Couch presented the bill for a second reading.

Bill Number 6150

Ordinance Number 6150

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6150 PROVIDING FOR THE REZONING FROM AGRICULTURE "AG" TO TWO FAMILY DUPLEX DWELLING "R-4" THE FOLLOWING DESCRIBED REAL ESTATE TO-WIT: A TRACT OF LAND, WHICH CONSISTS OF APPROXIMATELY 3.32 ACRES AND IS LOCATED GENERALLY SOUTH OF BRUNT BOULEVARD AND NORTH OF U.S. HIGHWAY 60 IN THE CITY OF SIKESTON, NEW MADRID COUNTY, MISSOURI.

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

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: The Planning and Zoning Commission met on May 14, 2019 and voted to approve the rezoning from Agriculture "AG" to Two Family Duplex Dwelling "R-4" the following described real estate to-wit: A tract of land, which consists of approximately 3.32 acres and is located generally south of Brunt Boulevard and north of U.S Highway 60 in the City of Sikeston, New Madrid County, Missouri and incorporated by reference and legally described as follow:

"A part of Lot 1 of "Four Corners Development, Phase XVI Subdivision" in the City of Sikeston, New Madrid County, Missouri and as recorded in office of the New Madrid County Recorder in Plat Book 7 on Page 139, a part of U.S.P.S.'s 643 and 1127, Township 26 North, Range 14 East, New Madrid County, Missouri and described by metes and bounds as follows:

Commencing at the Northeast corner of Hospitality Subdivision, 2nd Addition as recorded in Plat Book 7 on Page 162 for the point of beginning; thence N 80°33'41" E along the North line of said Lot 1 a distance of 35.51 feet to the Northeast Corner thereof; thence continuing N 80°33'41" E along the South right-of-way line of Brunt Blvd. a distance of 181.25 feet; thence continuing along said right-of-way line along a curve to the left with a radius of 560.00 feet and a chord bearing N78°51'35"E-33.26' a distance of 33.26 feet; thence S 9°54'08" E parallel with the East line of said Hospitality Subdivision, 2nd Addition a distance of 549.49 feet to the North right-of-way line of U.S. Highway 60; thence S 65°34'42" W along said right-of-way line a distance of 116.20 feet to Hwy Sta 1141+50, 125'LT; thence continuing along said right-of-way line S 70°43'16" W a distance of 139.38 feet; thence N 9°54'08" W along the east line of said

2nd Addition a distance of 602.36 feet to the point of beginning and containing 3.319 acres, more or less. Subject to any and all easements and right-of-way, if any, affecting the same”.

SECTION III: A plat of said real estate is marked as Exhibit “A” attached hereto and incorporated by reference.

SECTION IV: The above tract of land is hereby rezoned from “AG” Agriculture to “R-4” Two Family Duplex Dwelling.

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

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

SECTION VII: Record of Passage

- A. Bill Number 6150 was introduced and read the first time this 3rd day of June 2019.
- B. Bill Number 6150 was read the second time and discussed on this 10th day of June 2019. Following discussion, Councilman Self moved to approved Bill Number 6150. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

- C. Ordinance 6150 shall be in full force and effect from and after Wednesday, July 10, 2019.

2nd Reading, Bill #6151, Request for Approval of Proposed Subdivision – Hospitality Subdivision, 3rd Addition

Councilman Merideth moved for the second reading of Bill Number 6151. The motion was seconded by Councilwoman Evans and the following vote recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

City Clerk Couch presented the bill for a second reading.

Bill Number 6151

Ordinance Number 6151

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6151 PROVIDING FOR APPROVAL OF SUBDIVIDING A 3.32 ACRE TRACT OR PARCEL OF LAND BEING KNOWN AS HOSPITALITY SUBDIVISION, 3RD ADDITION, WHICH GENERALLY LIES SOUTH OF BRUNT BOULEVARD AND NORTH OF U.S. HIGHWAY 60 IN THE CITY OF SIKESTON, NEW MADRID COUNTY, MISSOURI.

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

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: The Planning and Zoning Commission met on May 14, 2019 and passed a favorable recommendation to approve the subdividing of a tract or parcel of land the plat of which is attached hereto, marked Exhibit "A" and incorporated by reference and legally described as follows and known as Hospitality Subdivision, 3rd Addition:

"A part of Lot 1 of "Four Corners Development, Phase XVI Subdivision" in the City of Sikeston, New Madrid County, Missouri and as recorded in office of the New Madrid County Recorder in Plat Book 7 on Page 139, a part of U.S.P.S.'s 643 and 1127, Township 26 North, Range 14 East, New Madrid County, Missouri and described by metes and bounds as follows:
Commencing at the Northeast corner of Hospitality Subdivision, 2nd Addition as recorded in Plat Book 7 on Page 162 for the point of beginning; thence N 80°33'41" E along the North line of said Lot 1 a distance of 35.51 feet to the Northeast Corner thereof; thence continuing N 80°33'41" E along the South right-of-way line of Brunt Blvd. a distance of 181.25 feet; thence continuing along said right-of-way line along a curve to the left with a radius of 560.00 feet and a chord bearing N78°51'35"E-33.26' a distance of 33.26 feet; thence S 9°54'08" E parallel with the East line of said Hospitality Subdivision, 2nd Addition a distance of 549.49 feet to the North right-of-way line of U.S. Highway 60; thence S 65°34'42" W along said right-of-way line a distance of 116.20 feet to Hwy Sta 1141+50, 125'LT; thence continuing along said right-of-way line S 70°43'16" W a distance of 139.38 feet; thence N 9°54'08" W along the east line of said 2nd Addition a distance of 602.36 feet to the point of beginning and containing 3.319 acres, more or less. Subject to any and all easements and right-of-way, if any, affecting the same".

SECTION III: Said plat and subdivision is accepted and approved subject to full compliance with all applicable building and other codes and the stormwater management plan.

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

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

SECTION VI: Record of Passage

- A. Bill Number 6151 was introduced and read the first time this 3rd day of June 2019.
- B. Bill Number 6151 was read the second time and discussed on this 10th day of June 2019. Following discussion, Councilman Settles moved to approved Bill Number 6151. The motion was seconded by Councilman Evans, discussed and the following roll call vote was recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

- C. Ordinance 6151 shall be in full force and effect from and after Wednesday, July 10, 2019.

1st Reading, Emergency Bill #6139, Allowing the Sale & Use of Fireworks in the City of Sikeston

Councilman Self moved for the first reading of Bill Number 6139. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Absent, and Burch Aye, thereby being passed.

City Clerk Couch presented the bill for reading. This bill as approved shall become Emergency Ordinance Number 6139 and shall amend Article IV, Chapter 201, of the City Code Establishing Offenses within the City of Sikeston, Missouri. This bill would allow the sale of fireworks June 27-July 4 and December 29-December 31 and would allow the use of fireworks between June 27-July 6 between the hours of 10:00 a.m. and 10:00 p.m. and on December 31-January 1 between the hours of 9:00 p.m. and 12:30 a.m. Second reading of this bill will be during the July 1st Council meeting and if approved, would go into effect immediately.

Councilwoman Onethia Williams arrived.

Discussions included adding stipulations regarding use of fireworks if a “no burn ban” is in effect during this time; using fireworks on private property only with the owner’s permission; and no fireworks allowed in City parks.

Award Bid #19-46, Purchase of Tractor

Staff opened bids June 6 for the purchase of a new tractor for mowing right of ways and the airport. Two bids were received, Greenway Equipment (John Deere 5090M tractor) in the amount of \$35,000 and Medlin Equipment (M5091HDC-1 tractor) for \$38,500.

Councilman Self moved to authorize the purchase of the John Deere 5090M tractor from Greenway Equipment in the amount of \$35,000. The motion was seconded by Councilman Settles and the following vote recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Award RFQ #19-43, Engineering Services for TAP Project #5807(002), North West Street Sidewalk

The City of Sikeston was awarded project funding for the construction of the sidewalk along the east side of Northwest Street under MoDOT project number TAP-5807(002). Part of this project involves selecting a consultant for design and inspection services.

The Professional Services Committee met on May 29th. Five consultants submitted letters of interest and were evaluated by the group. The group recommended Lambert Engineering and Surveying of Sikeston, Missouri for council approval for this project.

Councilman Merideth moved to award the contract for Engineering Services for the North West Street Sidewalk to Lambert Engineering and Surveying. The motion was seconded by Councilman Self and the following vote recorded:

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,

Williams Aye, and Burch Aye, thereby being passed.

Other Items

Public Works Director Jay Lancaster gave an update on the FEMA project and he indicated that everything had been submitted to FEMA and now await their response.

Discussed the painting that BMU is doing to the water tower located in downtown Sikeston and their desire to add the wording "We Are" to the tower for it to read "We Are Sikeston". With several slogans used for Sikeston, it was decided to leave the tower with just "Sikeston" written on there.

The next Council meeting/study session will be held Monday, June 24th at 5:00 p.m. at the Clinton Building. Item of discussion will be the update to the rental housing process. The public, particularly landlords with rental property in Sikeston, is encouraged to attend.

ADJOURNMENT

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

Sparks Absent, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL:

Council Letter

Date of Meeting: 19-07-01

Originating Department: Administrative Services

To the Mayor and City Council:

Subject: Award of Bid Number 19-45, City's Bank Depository

Attachment(s):
Bid Analysis Sheet

Action Options:

1. Award Bid #19-45 to Southern Missouri Bank for the fixed rate option, for a five-year period
2. Other action Council may deem appropriate

Background:

Bids to become the depository for the City of Sikeston were opened on June 19, 2019. The bid committee consisted of City Clerk Carroll Couch, City Treasurer Karen Bailey, Staff Accountant Amanda Groves and Account Clerk Jessica Britton.

Bids were sent to all local banks. Responses were received from Montgomery Bank, Southern Missouri Bank and First Midwest Bank. The bid from First Midwest Bank was rejected due to an unsigned Non-Kickback and Non-Collusion Affidavit. After review, it is the recommendation of city staff to award the bid to Southern Missouri Bank for the fixed rate option.

Southern Missouri Bank bid a fixed rate of 2.06% APY on swept repurchase agreements or time deposits. On transaction accounts, they propose to pay the city a 2.01% APY. The current contract pays 1% on swept repurchase agreements or time deposits and .5% on transaction accounts.

BANK DEPOSITORY BID ANALYSIS

DEPOSITORY	UTILIZING THE ICS ¹ PROGRAM		NOT UTILIZING THE ICS PROGRAM		BANKING SERVICES
	FIXED RATE ICS ACCOUNT	FLOATING RATE OPTION	FIXED RATE OPTION	FLOATING RATE OPTION	
Southern Bank	2.06% for funds swept and held in ICS accounts	91-day T-bill minus 30 basis points. As of 6/21 the T-bill rate was 2.07 which would give an earnings rate of 1.84%	2.01% for funds held in Southern Bank checking accounts	91 day T-bill minus 40 basis points. As of 6/21 the T-bill rate was 2.07 which would give an earnings rate of 1.67%	All banking services acknowledged and no fees charged
Montgomery Bank				80% of 3-month CMT ² . As of 6/21 the CMT was 2.14, 80% of 2.14% = 1.71%	All banking services acknowledged and no fees charged
First Midwest Bank – BID REJECTED, NO EXECUTED NON-KICKBACK, NON-COLLUSION AFFIDAVIT			1.25% for funds held at First Midwest Bank	Excess funds will be placed in Money Market, 91 Day T-bill less .25%. T-bill rate on 6/21 less .25% = 1.82%	Internet banking provided free of charge Other than initial orders, City will pay for all deposit slips and checks Other fees waived

¹ICS: Deposits are covered by FDIC Insurance using an Insured Cash Sweep (ICS) provided by third party financial institutions.

²CMT: 3-Month Treasury Constant Maturity Rate

Council Letter

Date of Meeting: 19-07-01

Originating Department: Department of Public Safety - Fire Division

To the Mayor and City Council:

Subject: Purchase of Fire Division pickup truck

Attachments:

1. Quote for State Contract 2019 Ford F-350 Pickup

Action Options:

1. Approval to proceed with the purchase
2. Other action deemed appropriate by City Council

Background:

Department of Public Safety Fire Division is requesting permission to proceed with the FY-2020 Budgeted purchase of a replacement pickup truck to replace our current Unit #12. Our current Unit #12 is a 1997 Ford F-350 Diesel and has become unreliable and costly to maintain. The current truck is nearly 22 years old and is at the end of its service life.

We are requesting to purchase a Red 2019 Ford F-350 SRW (single rear wheel) pickup. This truck is available on state contract from Joe Machens Ford Lincoln under state contract # CC190548002. The purchase price of this truck is \$44,809, with an expected 14-16 week delivery time.

This truck is used for multiple different operations including, but not limited to pulling our foam response trailer, mobile air supply trailer, technical rescue trailer, large generators, and light units; as well as containing a fuel tank in the bed for fueling fire trucks at long term emergency events.

JOE MACHENS FORD LINCOLN

1911 W. Worley • Columbia, MO 65203 • (573) 445-4411 • (800) 745-4454 • www.machens.com

June 18, 2019

State Contract # CC190548002

City of Sikeston

Subject: Joe Machens Proposal on a **2019 Ford F350 Crew Cab 4x4** (Final order cutoff: 8/2/19)

To: Whom it May Concern;

As per the requested proposal on a 2019 Ford F350 Crew Cab 4x4, Joe Machens Ford proposes the following. The Ford F350 includes the factory standard options. The Ford F350 includes the State Contract standard options and others as noted below.

Item #308 Price – Included Equipment

\$28,649 – Item 308/X3B/148 – 2019 Ford F350 Super Cab Cab 4x4 (X3B)

6.2L V8 fuel-injected gasoline engine (996)

Mfr. std rear end axle ratio

Automatic Transmission

Air conditioning

LH & RH manual mirrors

Frontal and Side Impact Air Bags

Painted Grey Bumpers

AM/FM Radio

Std. LT Tires, plus full spare and wheel (512)

Std. GVWR

Std. Receiver Hitch, 4/7 pin wiring

Brakes, 4-wheel ABS

Speed Control and Tilt wheel (525)

Manual Windows & Locks

Vinyl Flooring

Cloth Bench type Seat 40/20/40 (1S)

2 sets of keys

6.75' Short Bed (148)

Single Rear Wheels

Added Optional equipment (Price – Dealer Code – Option):

\$9,100 – Item 323 / 99T – 6.7L Diesel Engine

\$2,290 – Item 322 / W3B / 160 – Crew Cab w/ 6.75' bed (short)

\$390 – Item 309 / X3E – Limited Slip Axle

\$650 – Item 326A / LNX – Spray in Bedliner

\$440 – Item 328A / 18B – Running Boards (Factory)

\$1,100 – Item 315B / 90L – Power Windows, Locks, Mirrors and Key Fobs

\$180 – Item 328B / 473 – Snow Plow Prep Pkg

\$210 – Item 328C / 86M – Medium Duty Battery

\$1,650 – Item 328D / 17S – STX Package, to incl...

\$0 – PQ – Exterior Color: Race Red

\$0 – Item 328F/AS – Interior: Grey Vinyl 40 / 20 / 40 Bench Seat in lieu of Cloth

\$150 – Line 330 / DEL – Delivery / Fees

Total

\$44,809 per (6.7L Diesel) (Order cutoff is 8/2)

Joe Machens Ford appreciates your business and we look forward to servicing your needs in the future. Any questions should be directed to Kelly Sells, Fleet Department Manager.

Thanks,



Kelly Sells, Fleet Manager, Joe Machens Ford, 573-445-4411, ksells@machens.com



LINCOLN

Council Letter

Date of Meeting: 19-07-01

Originating Department: Department of Public Safety

To the Mayor and City Council:

Subject:

Award State Contract Patrol Vehicles

Attachments:

1. State Contract Price Sheet

Action Options:

1. Award State Contract Patrol Vehicles
2. Other action Council may deem appropriate.

Background:

The Department of Public Safety would like to purchase three (3) 2020 Chevrolet Tahoe PPV's 4wd at the state contract price of \$36,621 each from Don Brown Chevrolet of St. Louis and use remaining dollars to outfit them with necessary equipment. Due to increased demand from other departments we are asking to place the order early.

The Department of Public Safety would also like to purchase one (1) used AWD Highway Patrol 2016 Dodge Charger at the price of \$16,950 with additional dollars used to outfit the vehicle with emergency equipment.



2244 S. Kingshighway, St. Louis, Missouri 63110
(314)772-1400 (314)772-1022 Fax
dave@donbrownchevrolet.com

ATTN: SIKESTON PD

DATE: 06/05/19

QUOTE

	DESCRIPTION		TOTAL
	MO STATE CONTRACT CC190367001		
3	ITEM 1 TAHOE PPV 2WD	\$32,293.00	\$96,879.00
3	ITEM 2 4WD	\$2,973.00	\$8,919.00
3	ITEM 4 (6) ADDITIONAL KEY FOBS	\$69.00	\$207.00
3	ITEM 8 PREPARATION COST	\$985.00	\$2,955.00
	BLACK IN COLOR		
3	OPTION 5HP - 6 ADDITIONAL KEYS	\$40.00	\$120.00
12	EXTRA KEY FOBS	\$45.00	\$540.00
3	OPTION UT7 - REAR GROUND STUDS	\$81.00	\$243.00
GRAND TOTAL			\$109,863.00

If you should have any questions, please don't hesitate to give me a call. Thank you!

Dave Helterbrand
Fleet Department Manager

This quote is good for 30 days

FACSIMILE COVER SHEET

MISSOURI STATE HIGHWAY PATROL

PATROL GARAGE
POST OFFICE BOX 568
JEFFERSON CITY, MISSOURI 65102
TELEPHONE: 573-526-6147
FACIMILE: 573-526-2277

DATE: _____ TIME _____ PAGE 1 OF 1

FROM: Todd Diehl TELEPHONE NO: 573-526-6147

TO: _____

FACSIMILE NO.: _____

COMMENTS:

To Whom It May Concern,

-The Missouri State Highway Patrol has to offer for sale the following used patrol vehicles in various colors.

*2016 Dodge Charger 50 to 55,000 miles \$16,950.00(HEMI,AWD)

-These vehicles will have bucket seats, power windows & locks, tilt, cruise control, am-fm stereo, rear Window defrost and police package.

-If you have any questions, please call Todd Diehl, Fleet Control Coordinator at 573-526-6147 or www.mshp.dps.mo.gov

Thank You

CONFIDENTIALITY NOTICE:

THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION MAY CONTAIN CONFIDENTIAL INFORMATION BELONGING TO THE SENDER WHICH IS LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY RECIPIENT NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF THE ORIGINAL DOCUMENTS TO US.

Council Letter

Date of Meeting: 19-07-01

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: Authorization to Proceed with Purchase of Used Pickup Truck

Attachments:

1. Letter to the Land Clearance Redevelopment Authority
2. Photo

Action Options:

1. Authorization to proceed with purchase of Used Pickup Truck
2. Other action the City Council deems appropriate

Background:

Staff requested resources from the LCRA last week to create a second lot maintenance crew (See attached letter). This included two additional seasonal workers, some replacement mower decks for two existing mowers, and a used truck. The LCRA approved all three requests.

This council agenda item is for the purchase of a used pickup truck to be used with the additional lot maintenance crew. The City's Department of Public Works has all vehicles in use, and needs an additional vehicle if we are to start a second crew. We are seeking Council Approval for the purchase of a used work truck with an amount up to \$17,000.00 (See Attached Example). The LCRA will be issuing a check to the city, and the city will be making the actual purchase.



105 E. Center Street
Sikeston, MO 63801
573-471-2512
www.Sikeston.org

June 13, 2019

Dan Marshall, Chairman
Land Clearance for Redevelopment Authority

Dear Mr. Marshall:

As the City of Sikeston Department of Public Works continues to offer maintenance of the LCRA's property, it has become obvious that additional help is needed. While the City has been able to hire 2 seasonal workers and procure new equipment, the amount of property is still requiring us to subsidize with normal street department workers, and not maintain property to the quality standards we wish to provide.

Currently, the LCRA has 256 lots on their spreadsheets. In addition to these 256 lots, the city maintains an additional 70 lots that do not have an owner claiming them. Many of these lots should become LCRA property, and we will be bringing them to the LCRA for consideration in the coming months.

Based on these facts, the City would like to request some assistance from the LCRA in the property maintenance in the following ways:

- 1) We would ask that the LCRA consider funding two (2) more additional seasonal workers so that we can form a second independent lot maintenance crew. This would be two seasonal staff that would work 40 hour weeks from now until the end of September. This would provide for 13 weeks of assistance in 2019, which we estimate would have a cost of \$11,232. We would like this to also be a consideration in future years until a reduction of lots owned reduces the need.
- 2) The city currently still owns the two mowers that were previously used for LCRA lots. They are John Deere Front Deck mowers, but the original front decks are no longer functional. If we were to set up a second maintenance crew, we would request that the LCRA purchase new mower decks. The cost to replace the mower decks is \$10,240 for both.
- 3) The third and final request to setup this second maintenance crew would be for a used pickup truck. The DPW is currently using all vehicles, and no spare vehicles exist to set up a second crew. While we do have the mowers and a trailer, a vehicle would be needed. We would like to request the purchase of a used pickup truck with an amount not to exceed of \$17,000. An example of a suitable vehicle is attached on a separate page.

If authorized, these items would be utilized for seasonal LCRA lot maintenance. This would include mowing, tree trimming, and removal of dumped items.

As a final thought, we would like to share an idea for reducing lot inventory. We would like to ask the LCRA to give consideration to developing a program that could be offered either permanently or on a temporary basis. The concept for the program would simply be for any 40' wide lots that have no adjacent lots (whether list 1 or 2) that we offer them free to either adjacent property owner. We identify the lots, and then notify the adjacent owners in writing. We then give a deadline to respond. If only one is interested, we give it to that owner. If both are interested, we divide it between the two adjacent owners. The likelihood of the lot being used as anything other than a larger yard is unlikely. Several owners do not have \$500 to purchase a lot, and this could possibly unload several lots, thus reducing maintenance. If interested, we could investigate it further, and come up with a list of lots that are candidates.

Regardless of what the Commission decides, we appreciate your continue support as we strive to maintain the unwanted property of our community. We appreciate your time and consideration of these requests.

We would be happy to provide any additional information for your consideration. Just let us know what questions you may have.

Respectfully Submitted,

Jay S. Lancaster
Director of Public Works

Attachment – Truck Example

CAPE AUTO SALES

573-334-3056



WWW.CAPEAUTOSALES.BIZ

Council Letter

Date of Meeting: 19-07-01

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: Authorization to Proceed with Purchase of Replacement Mower Decks

Attachments:

1. Letter to the Land Clearance Redevelopment Authority

Action Options:

1. Authorization to proceed with purchase of Replacement Mower Decks
2. Other action the City Council deems appropriate

Background:

Staff requested resources from the LCRA last week to create a second lot maintenance crew (See attached letter). This included two additional seasonal workers, some replacement mower decks for two existing mowers, and a used truck. The LCRA approved all three requests.

This council agenda item is for the purchase of replacement mower decks for two existing John Deere Front Mount mowers (Model 1435). The estimated cost is \$10,240. The LCRA will be issuing a check to the city, and the city will be making the actual purchase. Staff is seeking Council Approval to purchase these mower decks from Greenway Equipment at no cost to the City.



105 E. Center Street
Sikeston, MO 63801
573-471-2512
www.Sikeston.org

June 13, 2019

Dan Marshall, Chairman
Land Clearance for Redevelopment Authority

Dear Mr. Marshall:

As the City of Sikeston Department of Public Works continues to offer maintenance of the LCRA's property, it has become obvious that additional help is needed. While the City has been able to hire 2 seasonal workers and procure new equipment, the amount of property is still requiring us to subsidize with normal street department workers, and not maintain property to the quality standards we wish to provide.

Currently, the LCRA has 256 lots on their spreadsheets. In addition to these 256 lots, the city maintains an additional 70 lots that do not have an owner claiming them. Many of these lots should become LCRA property, and we will be bringing them to the LCRA for consideration in the coming months.

Based on these facts, the City would like to request some assistance from the LCRA in the property maintenance in the following ways:

- 1) We would ask that the LCRA consider funding two (2) more additional seasonal workers so that we can form a second independent lot maintenance crew. This would be two seasonal staff that would work 40 hour weeks from now until the end of September. This would provide for 13 weeks of assistance in 2019, which we estimate would have a cost of \$11,232. We would like this to also be a consideration in future years until a reduction of lots owned reduces the need.
- 2) The city currently still owns the two mowers that were previously used for LCRA lots. They are John Deere Front Deck mowers, but the original front decks are no longer functional. If we were to set up a second maintenance crew, we would request that the LCRA purchase new mower decks. The cost to replace the mower decks is \$10,240 for both.
- 3) The third and final request to setup this second maintenance crew would be for a used pickup truck. The DPW is currently using all vehicles, and no spare vehicles exist to set up a second crew. While we do have the mowers and a trailer, a vehicle would be needed. We would like to request the purchase of a used pickup truck with an amount not to exceed of \$17,000. An example of a suitable vehicle is attached on a separate page.

If authorized, these items would be utilized for seasonal LCRA lot maintenance. This would include mowing, tree trimming, and removal of dumped items.

As a final thought, we would like to share an idea for reducing lot inventory. We would like to ask the LCRA to give consideration to developing a program that could be offered either permanently or on a temporary basis. The concept for the program would simply be for any 40' wide lots that have no adjacent lots (whether list 1 or 2) that we offer them free to either adjacent property owner. We identify the lots, and then notify the adjacent owners in writing. We then give a deadline to respond. If only one is interested, we give it to that owner. If both are interested, we divide it between the two adjacent owners. The likelihood of the lot being used as anything other than a larger yard is unlikely. Several owners do not have \$500 to purchase a lot, and this could possibly unload several lots, thus reducing maintenance. If interested, we could investigate it further, and come up with a list of lots that are candidates.

Regardless of what the Commission decides, we appreciate your continue support as we strive to maintain the unwanted property of our community. We appreciate your time and consideration of these requests.

We would be happy to provide any additional information for your consideration. Just let us know what questions you may have.

Respectfully Submitted,

Jay S. Lancaster
Director of Public Works

Attachment – Truck Example

Council Letter

Date of Meeting: 19-07-01

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: Authorization to Proceed with Purchase of Used Van for PAWS

Attachments:

1. Photo

Action Options:

1. Authorization to proceed with purchase of Used Van for PAWS
2. Other action the City Council deems appropriate

Background:

After analyzing the numbers, we have determined that we have \$20,037 additional revenue for PAWS from donations that were unbudgeted. The Animal Shelter badly needs a vehicle for animal control and animal transport. We would like to purchase a small commercial van for this use with these funds. We are requesting that Council approve the purchase of a used van for PAWS with a purchase price not to exceed \$20,000.

A picture of a sample van is included for your information.



Council Letter

Date of Meeting: July 1, 2019

Originating Department: City Manager

To the Mayor and City Council:

Subject: Fireworks

Attachment(s):

1. Bill #6139

Action Options:

1. Conduct second reading of Emergency Bill Number 6139
2. Other Action Council May Deem Necessary

Background:

The Sikeston City Code currently contains a blanket prohibition on the sale and use of fireworks inside the city limits. With sales of fireworks taking place just outside of city limits for many years, the policing of the fireworks ban has been challenging. Every year around Independence Day there is interest from some people in relaxing the ban.

On June 10 the Council held first reading of Bill Number 6139, which would allow the sale and use of fireworks with certain restrictions. Several changes have been made to the bill since the first reading of it, either at the direction of the City Council during the June 10 meeting, or borrowed from Cape Girardeau's regulations:

- The allowable dates/hours for use of fireworks have been changed to the following, which are the same dates/hours allowed by Cape Girardeau:
 - June 27 to July 3 between the hours of 10 a.m. and 10 p.m.
 - July 4 between the hours of 10 a.m. and midnight
 - December 31 from 11:30 p.m. until Jan. 1 at 12:30 a.m.
- The bill requires fireworks vendors to have a valid business license from the City and any applicable licenses/permits from State or Federal agencies.
- Fireworks cannot be shot in City parks, public rights-of-way, or public property, unless specifically authorized (i.e. for the official community fireworks show sponsored by the Elks Club and shot from the Complex or the Bootheel Golf Course).
- Fireworks cannot be shot from private property without the owner's permission.

- Fireworks may not be shot if there is an active burn ban declared by the City or County.
- The launching of sky lanterns, sometimes known as “Chinese lanterns,” is prohibited at all times, even during approved fireworks shooting times. Occasionally the city gets a call at times other than the Independence Day holiday season asking if it is legal to launch these. The City Code formerly lumped these devices together with other fireworks, but due to their propensity to burn for long periods and land miles away from where they were launched, staff is suggesting an outright ban on these devices.
- It shall be unlawful for any individual under seventeen (17) years of age to purchase, possess, or discharge any fireworks unless under the direct supervision of a parent or guardian.

At the June 10 meeting it was asked how the cities of Cape Girardeau and Jackson regulate fireworks. A summary of their regulations follows:

City of Cape Girardeau:

- Fireworks Sales
 - Allowed June 27 to July 4 between the hours of 8 a.m. and 10 p.m.
 - Fireworks may not be sold after 10 p.m. on July 4
- Fireworks Use
 - Allowed June 27 to July 3 between the hours of 10 a.m. and 10 p.m.
 - Allowed July 4 between the hours of 10 a.m. and midnight
 - Allowed Dec. 31 from 11:30 p.m. until Jan. 1 at 12:30 a.m.

City of Jackson:

- Fireworks Sales
 - No fireworks may be sold except between the hours of 8:00 a.m. and 10:00 p.m. each day during the period from June 27th through July 4th of each year.
- Fireworks Use
 - No person shall discharge, ignite or explode any article of fireworks except between the hours of 10:00 a.m. and 10:00 p.m. during the period from June 27th through July 3rd of each year and between the hours of 10:00 a.m. on July 4th and 12:00 (midnight) on July 4th of each year.

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6139 AND SHALL AMEND ARTICLE IV, CHAPTER 210, OF THE CITY CODE ESTABLISHING OFFENSES WITHIN 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: Article IV, Chapter 210, Section 210.560 – Fireworks; shall be amended to read as follows:

- A. It is unlawful for any person to willfully discharge (fire, light, ignite, shoot off, set off, use, burn, or explode) any firecrackers, fireworks, torpedoes, bombs, rockets, pinwheels, Roman candles, or other fireworks of like kind or nature within the City, except during the following periods:
 - 1. June 27 to July 3 between the hours of 10 a.m. and 10 p.m.
 - 2. July 4 between the hours of 10 a.m. and midnight
 - 3. December 31 from 11:30 p.m. until Jan. 1 at 12:30 a.m.
- B. No person shall sell or expose for sale any fireworks, firecrackers, torpedoes, bombs, rockets, pin wheels, Roman candles, or other fireworks of like kind or nature within the City, except during the periods of June 27 through July 4 and December 29 through December 31 of each year, provided however, that this shall not be construed to prohibit the sale of fireworks in wholesale lots by any person holding a wholesale license to do business within the City for use or sale outside the limits of the City.
- C. No person shall sell or expose for sale any fireworks, firecrackers, torpedoes, bombs, rockets, pin wheels, Roman candles, or other fireworks of like kind or nature within the City, without holding a valid business license from the City and any applicable license(s) or permit(s) from State and/or Federal agencies.
- D. The discharge of fireworks during allowed time periods shall be prohibited on private property without the property owner’s permission.
- E. The discharge of fireworks shall be prohibited in City parks or upon public rights-of-way or public property, unless expressly permitted per Section 210.560(I).
- F. The discharge of fireworks shall be prohibited at all times during any burn ban declared by the City or County.
- G. The sale, launching or flying of sky lanterns, fire balloons, or similar devices shall be prohibited at all times.
- H. It shall be unlawful for any individual under seventeen (17) years of age to purchase, possess, or discharge any fireworks unless under the direct supervision of a parent or guardian.
- I. The discharge of fireworks during any time period or in any manner not permitted by this section shall at all times be prohibited within the City unless a permit shall first have been secured from the Department of Public Safety authorizing such activity at a given place and time.

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

SECTION IV: 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 V: Emergency Clause. This ordinance is adopted as an emergency measure so that the effective date corresponds with the Independence Day holiday season.

SECTION VI: Record of Passage:

- A. Bill Number 6139 was introduced and read the first time this 10th day of June, 2019.
- B. Bill Number 6139 was read the second time and discussed this 1st day of July, 2019, and voted as follows:

Williams _____, Evans _____, Merideth _____,
Self _____, Sparks _____, Settles _____,
Burch _____, thereby being
_____,
becoming ordinance 6139.

- C. Ordinance 6139 shall be in full force and effect immediately upon passage.

Steven H. Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: July 1, 2019

Originating Department: City Manager

To the Mayor and City Council:

Subject: Medical Marijuana Facilities

Attachment(s):

1. Missouri Municipal League Article
2. Map of Sikeston with 1000' restrictions marked
3. Article XIV of the Missouri Constitution
4. Article regarding Cape Girardeau's regulations

Action Options:

1. Briefing Only
2. Other Action Council May Deem Necessary

Background:

Amendment 2, passed by Missouri voters in November 2018, legalized and set up a framework for issuing State licenses for medical marijuana facilities. Since that time the State has been setting up the licensing system and will begin accepting applications in August, with license approvals by the end of the year. The City has received a number of serious inquiries regarding local regulations pertaining to medical marijuana facilities, particularly dispensaries, which are the retail establishments where qualifying patients may buy medical marijuana and related products.

Attached is an article from the Missouri Municipal League that gives an overview of the new law. Amendment 2 expressly prohibits municipalities from banning or practically banning medical marijuana facilities through overly burdensome regulations, but it does allow for local regulation in three main areas:

1. **Distance Restriction from Schools, Churches and Daycares** - Amendment 2 prohibits medical marijuana facilities within 1,000 feet of primary and secondary schools, churches, and day care facilities, unless the city decreases that spacing requirement. Attached is a map of Sikeston showing both the zoning of properties and circles with a 1,000 radius around all known schools, churches and day care facilities, to give you an idea what

properties the default distance restriction would eliminate from eligibility to house a medical marijuana facility.

2. **Zoning.** The city can regulate the “time, place, and manner” of the operation of marijuana facilities, which is interpreted to mean the City can choose which zoning categories the facilities can be located in, the hours of operation, and require a city business license. None of these regulations, however, can be “unduly burdensome.” The different types of facilities defined in the law as follows, and each may be more or less appropriate in different zoning designations:
 - a. **"Medical marijuana cultivation facility"** means a facility licensed by the department to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.
 - b. **"Medical marijuana dispensary facility"** means a facility licensed by the department to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.
 - c. **"Medical marijuana-infused products manufacturing facility"** means a facility licensed by the department to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.
 - d. **"Medical marijuana testing facility"** means a facility certified by the department to acquire, test, certify, and transport marijuana.
3. **Hours of Operation.** The city can regulate the “time, place, and manner” of the operation of marijuana facilities, which includes the hours of operation, as long as the regulation is not “unduly burdensome.”

The Planning and Code Enforcement staff are drafting an ordinance defining our regulations for your consideration at the July 29 meeting. If an emergency ordinance is adopted on July 29, it should allow plenty of time for interested parties to meet State of Missouri deadlines for license applications. The State is accepting applications from August 3 to August 17 (see <https://health.mo.gov/safety/medical-marijuana/how-to-apply-fi.php>).

Many cities around the state are grappling with this issue currently; therefore there aren't many finalized local regulations with which to compare. It appears that Cape Girardeau will keep the 1,000 foot buffer, allow facilities in general commercial, highway commercial, light industrial, and heavy industrial areas, and allow dispensaries to operate from 7:00 a.m. – 7:00 p.m. (with no hours defined for the other types of facilities). See attached article regarding Cape Girardeau's regulations.

Action Requested: We ask for your direction regarding the three main areas of regulation explained above.

Medical Marijuana And Amendment 2

The Times, They Are A Changin'

After the passage of Amendment 2 on Nov., 6, 2018, Missouri became the 32nd state in the country to allow for the use of marijuana as a treatment for certain, specified medical conditions. Now enacted as Article XIV of the Missouri Constitution, the overarching purpose of Amendment 2 is to allow for the cultivation, production, transportation, sale, purchase and administration of medical marijuana; to ensure patient access to medical marijuana; and to make changes to Missouri law necessary to implement Amendment 2.

The purpose of this article is to give an overview of Amendment 2, including discussion on what type of facilities and identification cards the amendment allows for, and discuss specific topics of concern to local government entities.

Medical Marijuana Facilities, Identification Cards, And The Role Of The Department Of Health And Senior Services

As stated above, the overarching purpose of Amendment 2 is to allow for the cultivation, production, transportation, sale, purchase and administration of medical marijuana. To accomplish this purpose, Amendment 2 creates four types of medical marijuana facilities and three types of identification cards while granting the Department of Health and Senior Services (DHSS) the ability to regulate the licensing and approval of the facilities and identification cards. This section will first discuss the different types of facilities and identification cards and then outline DHSS's role in regulating facilities and approving identification cards.

Medical Marijuana Facilities

Amendment 2 creates and designates four types of medical marijuana facilities: (1) medical marijuana cultivation facilities; (2) medical marijuana infused products facilities; (3) medical marijuana dispensary facilities; and (4) medical marijuana testing facilities. The names used by the drafters of Amendment 2 for each type of facility generally describes

the role of each facility: Medical marijuana cultivation facilities cultivate medical marijuana; medical marijuana infused products facilities infuse medical marijuana; medical marijuana dispensary facilities dispense medical marijuana to qualifying patients and primary caregivers; and medical marijuana testing facilities are certified by DHSS to test medical marijuana.

In addition to defining the roles of each of the medical marijuana facilities, Amendment 2 authorizes DHSS to limit the number of each type of facility. Specifically, Amendment 2 allows DHSS to limit medical marijuana cultivation facilities to 1 per 100,000 inhabitants (roughly 61 statewide); medical marijuana infused products facilities to 1 per 70,000 inhabitants (roughly 87 statewide); and medical marijuana dispensary facilities to 24 per the 8 United States Congressional Districts in Missouri (roughly 192 statewide).

Identification and Primary Caregiver Cards

Amendment 2 creates three, separate identification cards that may be obtained by persons who have a qualifying condition or are designated as a primary caregiver to an individual with a qualifying condition. The three identification cards established by Amendment 2 are (1) qualifying patient identification cards; (2) qualifying patient cultivation card; and (3) primary caregiver identification cards.

Similar to how the various titles given to medical marijuana facilities describe their role in the production of medical marijuana, the titles given to the different identification cards also describe their role in the administration of medical marijuana. Qualifying patient identification cards are for persons with qualifying conditions, discussed below, to identify themselves as having the right to possess medical marijuana. Qualifying patient cultivation cards allow for qualifying patients to cultivate up to six flowering marijuana plants in an enclosed, locked facility for their personal use. Finally, primary caregiver identification cards are for people



Photos courtesy of Jennifer Silverberg Photography

who qualify to act as a caregiver for qualifying patients and allows primary caregivers to possess, administer and cultivate medical marijuana under certain circumstances for qualifying patients.

To be considered a qualifying patient, and thus be eligible to receive a qualifying patient identification card or qualifying patient cultivation card, an individual must first obtain certification from a physician that they have a qualifying condition. There are 10 qualifying conditions; however, several of the listed conditions are broader than one, single condition. Qualifying conditions; include cancer; epilepsy; glaucoma; chronic medical conditions that cause severe, persistent pain; and chronic medical conditions usually treated with prescription medication that could lead to dependence. A full list of qualifying conditions can be found in Article XIV, Section 2, Subsection 15.

The Role Of The Department Of Health And Human Services In The Medical Marijuana Landscape

The role of the DHSS under Amendment 2 is to act primarily as the regulatory body overseeing medical marijuana. In this role, DHSS promulgates rules regarding medical marijuana facilities and holders of identification cards, issues licenses to medical marijuana facilities, and approves applications for persons seeking an identification card. Amendment 2 further grants DHSS the authority to issue rules relating to a broad variety of topics concerning medical marijuana, including control of information and product displays; instructions or guidance for local governments; security requirements for licensed or certified premises; the reporting and transmittal of tax payments; and seed-to-sale tracking systems.

Amendment 2 sets out timelines for DHSS to implement their regulatory scheme. The timeline put in place by Amendment 2 is as follows:

June 4, 2019: Application forms and instructions for medical marijuana facilities, qualifying patients, and caregivers will be available.

July 4, 2019: Applications for identification cards for qualifying patients and caregivers will begin to be accepted.

Aug. 3, 2019: Facility applications will begin to be accepted.

Aug. 4, 2019: Deadline for approval of applications for identification cards accepted on July 4, 2019

Dec. 31, 2019: Deadline for approval of facility applications accepted on Aug. 3, 2019.

Provisions Of Amendment 2 With Direct Impacts On Local Government Entities

While Amendment 2 presents significant issues for both public and private entities, there are certain provisions that are of distinct concern for municipalities, including provisions relating to municipal regulatory authority, policing and taxation. This section will discuss various provisions from Amendment 2 that directly relate to cities, specifically provisions that deal with municipal regulation and policing of medical marijuana, employment and taxation.

Municipal Regulation Under Amendment 2

As discussed previously, one of the overarching purposes of Amendment 2 is to ensure patient access to medical marijuana. One way that Amendment 2 accomplishes this goal is by partially preempting municipal regulatory authority over medical marijuana. Amendment 2 expressly prohibits municipalities from banning or practically banning medical marijuana facilities through overly burdensome regulations. Even though Amendment 2 restricts municipal regulatory authority, it does provide two specific avenues for municipal regulation. The first, is the Amendment 2's imposed, 1000-foot separation requirement; the second is Amendment 2's grant of authority to local governments to regulate the "time, place and manner" of the operation of medical marijuana facilities, as long as the regulations are not unduly burdensome.

Amendment 2 includes a default land-use regulation in

that it explicitly prohibits medical marijuana facilities from originally sitting within 1,000 feet of any elementary or secondary school, child daycare center and church unless a city decides to decrease the spacing requirement. There has been significant discussion around this provision, mainly regarding where to start and end the 1,000-foot measurement. Due to Amendment 2's specific reference to the actual facility in its separation provision, it is reasonable to interpret that the 1,000 feet should be measured from the building housing the medical marijuana facility to the building housing the protected entity (e.g., elementary or secondary school, child daycare center, or church). However, Section 311.080 RSMo contains a similar separation requirement for premises licensed to sell intoxicating liquor and churches and schools. In *State ex rel. Casey's General Stores, Inc. v. Kissinger* the proper measurement for Section 311.080 RSMo's separation requirement was determined to be from the property line of the address listed on the liquor license to the protected building.

Amendment 2 also permits cities to adopt regulations regarding the "time, place and manner" of the operation of medical marijuana facilities, as long as those regulations are not "unduly burdensome" on the operation of the medical marijuana facility. While this grant of authority is narrow, it is the largest and most important, grant of authority to cities in Amendment 2. It potentially implicates various municipal regulatory schemes, including zoning and business license authority.

The word "time" in "time, place and manner" clearly means that cities may regulate the hours of operation of medical marijuana facilities so long as those regulations are not unduly burdensome. The use of the phrase "place and manner" appears to allow cities to adopt reasonable zoning and business license regulations and standards for medical marijuana facilities, including requiring medical marijuana facilities to obtain additional zoning approvals, such as special or conditional use permits. Common standards that should be researched and potentially implemented include standards relating to odor and ventilation; onsite usage of medical marijuana; and hours of operation. Moreover, if a city does not already generally require the submission and approval of site plans for new construction or exterior additions or alterations to commercial buildings, it would be prudent to consider implementing such a requirement. Each zoning and business license regulation and standard may vary from city to city; however, at the end of the day, the regulations and standards must not be "unduly burdensome" on the operation of the medical marijuana facility.

Finally, Amendment 2 does allow for cities to establish civil penalties for the failure of a medical marijuana facility to comply with the city's reasonable time, place and manner restrictions.

Policing of the Use and Possession of Medical Marijuana

Currently, most, if not all, offenses chapters of city codes prohibit the possession of marijuana; however, due to the passage of Amendment 2, these provisions must be amended to allow for possession under certain circumstances. Though Amendment 2 makes possession and transportation of medical marijuana legal, it specifically prohibits the consumption of medical marijuana in public places and driving under the influence of marijuana. Likewise, Amendment 2 requires that qualifying patients produce on demand their identification card or equivalent identification card from another state.

Employment and Personnel Policies

Amendment 2's effect on city employment policies and procedures is generally limited by the amendment's specific prohibition on persons bringing claims against employers for adverse employment actions, such as the employee either being under the influence of marijuana at work, or for attempting to work while under the influence of marijuana. While Amendment 2 generally gives cities and employers the discretion to craft personnel policies that best fit their circumstances, due to the requirements of the federal law, specifically the Drug Free Workplace Act and 18 USC § 922(g)(3) that prohibits users of federally illegal drugs from possessing firearms, and licensing requirements for persons



- Water
- Wastewater
- Environmental
- Transportation
- All Engineering Design

Qualifications-Based Selection (QBS) -
is a partnership between the public agency and consultant

Select your Engineering Firm using QBS!
For more information on implementing QBS, contact ACEC/MO.

ACEC Missouri

American Council of Engineering Companies of Missouri
200 E. McCarty Street, Suite 201
Jefferson City, MO 65101
1-888-881-4080 (toll free) • Website: www.acecmo.org

operating certain types of trucks or other heavy equipment remaining a drug free workplace may still be required.

Also, due to marijuana use still being considered illegal drug use at the federal level, it is doubtful that the Americans with Disabilities Act requires cities to provide reasonable accommodations to qualifying patients.

Potential Revenue Increases and Implications

Although Amendment 2 limits the amount of taxes that may be imposed on the sale of marijuana for medical use to only those authorized by Amendment 2, it does explicitly makes local sales and uses taxes applicable to retail sales of medical marijuana.

Summary

Amendment 2 legalizes the cultivation, production, transportation, sale, purchase and administration of marijuana for medical purposes in part through the establishment of various medical marijuana facilities and identification cards, and by granting the Department of Health and Senior Services regulatory oversight of said facilities and identification cards. Further, certain provisions of Amendment 2 markedly affect municipalities across the state, by partially preempting municipal regulatory authority over medical marijuana; requiring revisions to municipal offense provisions related to the possession of marijuana;

potentially necessitating the redrafting of personnel policies; and increasing municipal revenues through the explicit applicability of local sales taxes on the sale of medical marijuana. 🍃

Padraic Corcoran is an attorney at the law firm of Williams & Campo, P.C. practicing in the areas of general municipal, land use, litigation, eminent domain, telecommunications, and real estate development/redevelopment (economic incentives) law. Williams & Campo, P.C. is a law firm based in Lee's Summit, Missouri, that was formed for the express purpose of and is devoted to the representation of municipalities and other local government entities. Contact him at (816) 524-4646 or pcorcoran@publiclawfirm.com

Did You Know?

MML has added a medical marijuana resource page to the League's One Stop Shop on www.mocities.com that includes sample ordinances, frequently asked questions, a recorded webinar on this topic, and more. Watch for the latest resources as they become available!

The funny thing about retirement planning is, it actually takes planning.

Haven't kept up with retirement planning? Voya Financial can help.

Contact us for more information.

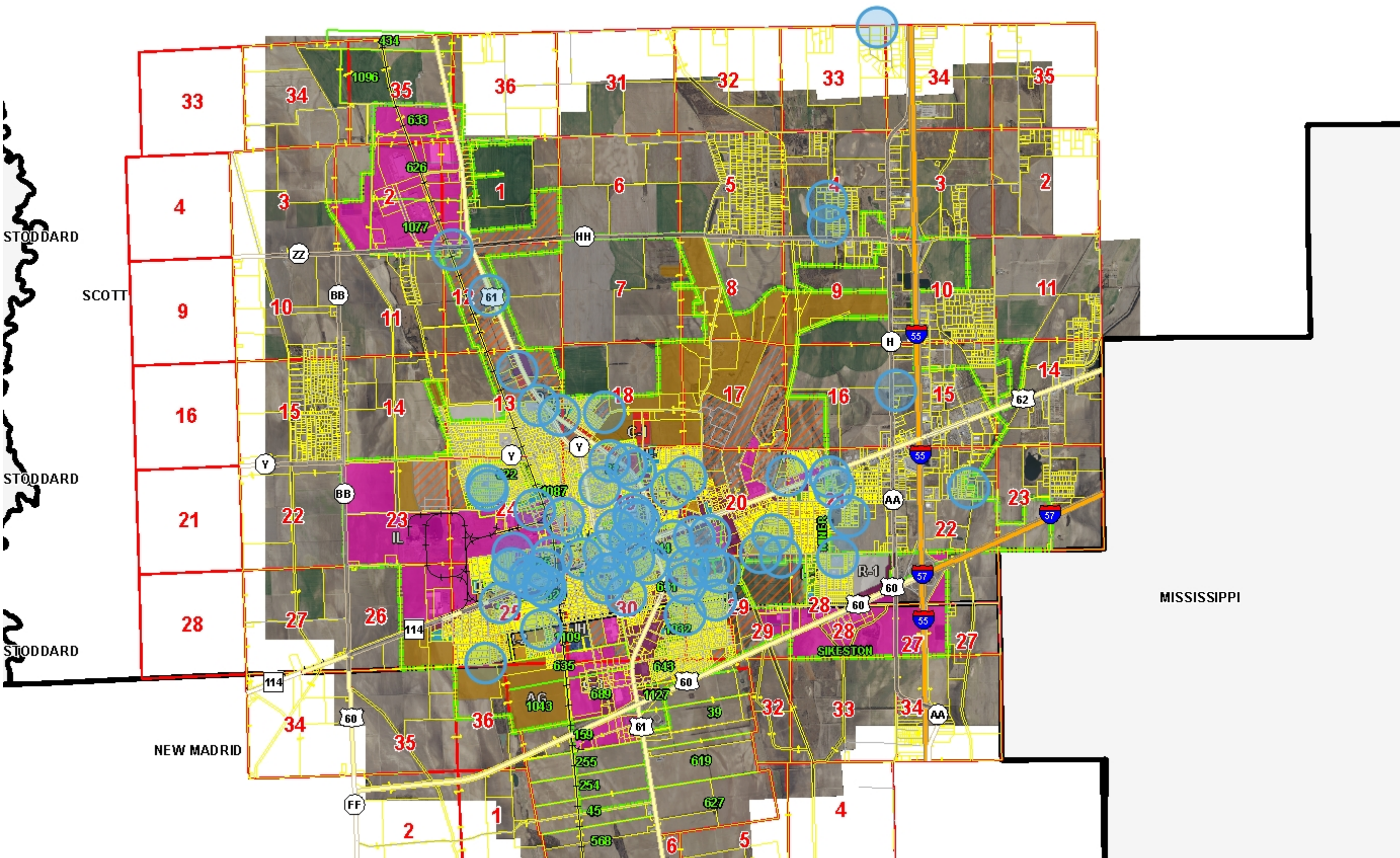
Steve Marchbanks
Partner
Marathon Benefits Group
325 S. Kingshighway, Suite D
Cape Girardeau, MO 63703
800.335.8325
smarchbanks@voyafa.com
Marathon Benefits Group www.marathonbenefitsgroup.com

PLAN | INVEST | PROTECT



Registered Representative of and securities offered through the Voya Financial Advisors Inc., (member SIPC). Please log on to www.Voya.com or www.Voyafinancialadvisors.com for all information regarding other products offered by Voya Financial Advisors Inc. Not all products available in all locations. Marathon Benefits Group is not a subsidiary of nor controlled by Voya Financial Advisors. © 2017 Voya Services Company. All rights reserved CN0819-21592-0916

Sikeston, MO



Legend

Road

_____ <all other values>

INTERSTATE

ROAD

U.S. HIGHWAY

STATE HIGHWAY

+	Railroad
---	----------

Parcel

- Corporate Limit Line

Section

☐ Land Grant

County Boundary

 <all other values>

NEW MADRID

NEW MARKET

SCOTT

Zoning

 None

 R-1 Single-Family Residential

 R-2 Single-Family Residential

R-2 Single-Family Residential

 R-3 Manufactured Housing


 R-4 Two Family / Duplex

 R-5 Multiple-Family Residential

☐ R-6 Planned Manufactured Housin

R-7 Condos

 T-Z Transitional

 T-Z DT: Transitional DT

0.1 Neighborhood 2 years

 C-1 Neighborhood Commercial

 C-2 General Commercial

 C-2 DT General Commercial DT

C-3 Highway Commercial

 C-3 DT Highway Commercial DT

 O-1 Office District

II Light Industrial

■ Light Industrial

■ IH Heavy Industrial

1 in. = 4936ft.



Notes

1000 FEET OF SCHOOLS, CHURCHES
AND CHILD CARE FACILITIES

9,871.5	0	4,935.73	9,871.5 Feet
---------	---	----------	--------------

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Revisor of Statutes

State of Missouri

[Publications](#)[Constitution](#)[Committee](#)[About](#)[Help / FAQ](#)[Other Links](#)

Words ▼

1st search term

And ▼

2nd search term

**Effective 06 Dec 2018, see footnote** ↓

***XIV Section 1. Right to access medical marijuana. — 1. Purposes.**

This section is intended to permit state-licensed physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions. The section allows patients with qualifying medical conditions the right to discuss freely with their physicians the possible benefits of medical marijuana use, the right of their physicians to provide professional advice concerning the same, and the right to use medical marijuana for treatment under the supervision of a physician.

This section is intended to make only those changes to Missouri laws that are necessary to protect patients, their primary caregivers, and their physicians from civil and criminal penalties, and to allow for the limited legal production, distribution, sale and purchase of marijuana for medical use. This section is not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. The section does not allow for the public use of marijuana and driving under the influence of marijuana.

2. Definitions.

(1) "**Administer**" means the direct application of marijuana to a qualifying patient by way of any of the following methods:

- (a) Ingestion of capsules, teas, oils, and other marijuana-infused products;
- (b) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
- (c) Application of ointments or balms;
- (d) Transdermal patches and suppositories;
- (e) Consuming marijuana-infused food products; or
- (f) Any other method recommended by a qualifying patient's physician.

(2) "**Department**" means the department of health and senior services, or its successor agency.

(3) "**Entity**" means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

(4) "**Flowering plant**" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(5) "**Marijuana**" or "**marihuana**" means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

(6) "**Marijuana-infused products**" means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

(7) "**Medical marijuana cultivation facility**" means a facility licensed by the department to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

(8) "**Medical marijuana dispensary facility**" means a facility licensed by the department to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

(9) "**Medical marijuana-infused products manufacturing facility**" means a facility licensed by the department to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

(10) "**Medical marijuana testing facility**" means a facility certified by the department to acquire, test, certify, and transport marijuana.

(11) "**Medical use**" means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

(12) "**Physician**" means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

(13) "**Physician certification**" means a document, whether handwritten, electronic or in another commonly used format, signed by a physician and stating that, in the physician's professional opinion, the patient suffers from a qualifying medical condition.

(14) "**Primary caregiver**" means an individual twenty-one years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under this section or in other written notification to the department.

(15) "**Qualifying medical condition**" means the condition of, symptoms related to, or side-effects from the treatment of:

(a) Cancer;

(b) Epilepsy;

(c) Glaucoma;

(d) Intractable migraines unresponsive to other treatment;

(e) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;

(f) Debilitating psychiatric disorders, including, but not limited to, posttraumatic stress disorder, if diagnosed by a state licensed psychiatrist;

(g) Human immunodeficiency virus or acquired immune deficiency syndrome;

(h) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

(i) Any terminal illness; or

(j) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

(16) "**Qualifying patient**" means a Missouri resident diagnosed with at least one qualifying medical condition.

3. Creating Patient Access to Medical Marijuana.

(1) In carrying out the implementation of this section, the department shall have the authority to:

(a) Grant or refuse state licenses and certifications for the cultivation, manufacture, dispensing, sale, testing, tracking, and transportation of marijuana for medical use as provided by law; suspend, fine, restrict, or revoke such licenses and certifications upon a violation of this section or a rule promulgated pursuant to this section; and impose any administrative penalty authorized by this section or any rule promulgated pursuant to this section.

(b) Promulgate rules and emergency rules necessary for the proper regulation and control of the cultivation, manufacture, dispensing, and sale of marijuana for medical use and for the enforcement of this section so long as patient access is not restricted unreasonably and such rules are reasonably necessary for patient safety or to restrict access to only licensees and qualifying patients.

(c) Develop such forms, certificates, licenses, identification cards, and applications as are necessary for, or reasonably related to, the administration of this section or any of the rules promulgated under this section;

(d) Require a seed-to-sale tracking system that tracks medical marijuana from either the seed or immature plant stage until the medical marijuana or medical marijuana-infused product is sold to a qualifying patient or primary caregiver to ensure that no medical marijuana grown by a medical marijuana cultivation facility or manufactured by a medical marijuana-infused products manufacturing facility is sold or otherwise transferred except by a medical marijuana dispensary facility. The department shall certify, if possible, at least two commercially available systems to licensees as compliant with its tracking standards and issue standards for the creation or use of other systems by licensees.

(e) Issue standards for the secure transportation of marijuana and marijuana-infused products. The department shall certify entities which demonstrate compliance

with its transportation standards to transport marijuana and marijuana-infused products to a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another entity with a transportation certification. The department shall develop or adopt from any other governmental agency such safety and security standards as are reasonably necessary for the transportation of marijuana. Any entity licensed or certified pursuant to this section shall be allowed to transport cannabis.

(f) The department may charge a fee not to exceed \$5,000 for any certification issued pursuant to this section.

(g) Prepare and transmit annually a publicly available report accounting to the governor for the efficient discharge of all responsibilities assigned to the department under this section;

(h) Establish a system to numerically score competing medical marijuana licensee and certificate applicants, only in cases where more applicants apply than the minimum number of licenses or certificates as calculated by this section, which scoring shall be limited to an analysis of the following:

(i) the character, veracity, background, qualifications, and relevant experience of principal officers or managers;

(ii) the business plan proposed by the applicant, which in the case of cultivation facilities and dispensaries shall include the ability to maintain an adequate supply of marijuana, plans to ensure safety and security of qualifying patients and the community, procedures to be used to prevent diversion, and any plan for making marijuana available to low-income qualifying patients;

(iii) site security;

(iv) experience in a legal cannabis market;

(v) in the case of medical marijuana testing facilities, the experience of their personnel with testing marijuana, food or drugs for toxins and/or potency and health care industry experience;

(vi) the potential for positive economic impact in the site community;

(vii) in the case of medical marijuana cultivation facilities, capacity or experience with agriculture, horticulture, and health care;

(viii) in the case of medical marijuana dispensary facilities, capacity or experience with health care, the suitability of the proposed location, and its accessibility for

patients;

(ix) in the case of medical marijuana-infused products manufacturing facilities, capacity or experience with food and beverage manufacturing; and

(x) maintaining competitiveness in the marijuana for medical use marketplace.

In ranking applicants and awarding licenses and certificates, the department may consult or contract with other public agencies with relevant expertise regarding these factors. The department shall lift or ease any limit on the number of licensees or certificate holders in order to meet the demand for marijuana for medical use by qualifying patients.

(2) The department shall issue any rules or emergency rules necessary for the implementation and enforcement of this section and to ensure the right to, availability, and safe use of marijuana for medical use by qualifying patients. In developing such rules or emergency rules, the department may consult with other public agencies. In addition to any other rules or emergency rules necessary to carry out the mandates of this section, the department may issue rules or emergency rules relating to the following subjects:

(a) Compliance with, enforcement of, or violation of any provision of this section or any rule issued pursuant to this section, including procedures and grounds for denying, suspending, fining, restricting, or revoking a state license or certification issued pursuant to this section;

(b) Specifications of duties of officers and employees of the department;

(c) Instructions or guidance for local authorities and law enforcement officers;

(d) Requirements for inspections, investigations, searches, seizures, and such additional enforcement activities as may become necessary from time to time;

(e) Creation of a range of administrative penalties for use by the department;

(f) Prohibition of misrepresentation and unfair practices;

(g) Control of informational and product displays on licensed premises provided that the rules may not prevent or unreasonably restrict appropriate signs on the property of the medical marijuana dispensary facility, product display and examination by the qualifying patient and/or primary caregiver, listings in business directories including phone books, listings in marijuana-related or medical publications, or the sponsorship of health or not for profit charity or advocacy events;

(h) Development of individual identification cards for owners, officers, managers, contractors, employees, and other support staff of entities licensed or certified

pursuant to this section, including a fingerprint-based federal and state criminal record check in accordance with U.S. Public Law 92-544, or its successor provisions, as may be required by the department prior to issuing a card and procedures to ensure that cards for new applicants are issued within fourteen days. Applicants licensed pursuant to this section shall submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check. The Missouri state highway patrol, if necessary, shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for the purpose of conducting a fingerprint-based criminal background check. Fingerprints shall be submitted pursuant to [43.543](#) and fees shall be paid pursuant to [43.530](#);

(i) Security requirements for any premises licensed or certified pursuant to this section, including, at a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications to the premises;

(j) Regulation of the storage of, warehouses for, and transportation of marijuana for medical use;

(k) Sanitary requirements for, including, but not limited to, the preparation of medical marijuana-infused products;

(l) The specification of acceptable forms of picture identification that a medical marijuana dispensary facility may accept when verifying a sale;

(m) Labeling and packaging standards;

(n) Records to be kept by licensees and the required availability of the records;

(o) State licensing procedures, including procedures for renewals, reinstatements, initial licenses, and the payment of licensing fees;

(p) The reporting and transmittal of tax payments;

(q) Authorization for the department of revenue to have access to licensing information to ensure tax payment and the effective administration of this section; and

(r) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this section.

(3) The department shall issue rules or emergency rules for a medical marijuana and medical marijuana-infused products independent testing and certification program for medical marijuana licensees and requiring licensees to test medical

marijuana using one or more impartial, independent laboratories to ensure, at a minimum, that products sold for human consumption do not contain contaminants that are injurious to health, to ensure correct labeling and measure potency. The department shall not require any medical marijuana or medical marijuana-infused products to be tested more than once prior to sale.

(4) The department shall issue rules or emergency rules to provide for the certification of and standards for medical marijuana testing facilities, including the requirements for equipment and qualifications for personnel, but shall not require certificate holders to have any federal agency licensing or have any relationship with a federally licensed testing facility. The department shall certify, if possible, at least two entities as medical marijuana testing facilities. No medical marijuana testing facility shall be owned by an entity under substantially common control, ownership, or management as a medical marijuana cultivation facility, medical marijuana-infused product manufacturing facility, or medical marijuana dispensary facility.

(5) The department shall maintain the confidentiality of reports or other information obtained from an applicant or licensee containing any individualized data, information, or records related to the licensee or its operation, including sales information, financial records, tax returns, credit reports, cultivation information, testing results, and security information and plans, or revealing any patient information, or any other records that are exempt from public inspection pursuant to state or federal law. Such reports or other information may be used only for a purpose authorized by this section. Any information released related to patients may be used only for a purpose authorized by federal law and this section, including verifying that a person who presented a patient identification card to a state or local law enforcement official is lawfully in possession of such card.

(6) Within one hundred eighty days of December 6, 2018, the department shall make available to the public license application forms and application instructions for medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana dispensary facilities, and medical marijuana-infused products manufacturing facilities.

(7) Within one hundred eighty days of December 6, 2018, the department shall make available to the public application forms and application instructions for qualifying patient, qualifying patient cultivation, and primary caregiver identification cards. Within two hundred ten days of December 6, 2018, the department shall begin accepting applications for such identification cards.

(8) An entity may apply to the department for and obtain one or more licenses to grow marijuana as a medical marijuana cultivation facility. Each facility in operation shall require a separate license, but multiple licenses may be utilized in a single facility. Each indoor facility utilizing artificial lighting may be limited by the department to thirty thousand square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting may be limited by the department to two thousand eight hundred flowering plants. Each greenhouse facility using a combination of natural and artificial lighting may be limited by the department, at the election of the licensee, to two thousand eight hundred flowering plants or thirty thousand square feet of flowering plant canopy. The license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of ten thousand dollars per license application or renewal for all applicants filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of five thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of twenty-five thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than three medical marijuana cultivation facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(9) An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana dispensary facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than five medical marijuana dispensary facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(10) An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana-infused products manufacturing facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than three medical marijuana-infused products manufacturing facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(11) Any applicant for a license authorized by this section may prefile their application fee with the department beginning 30 days after December 6, 2018.

(12) Except for good cause, a qualifying patient or his or her primary caregiver may obtain an identification card from the department to cultivate up to six flowering marijuana plants for the exclusive use of that qualifying patient. The card shall be valid for twelve months from its date of issuance and shall be renewable with the annual submittal of a new or updated physician's certification. The department shall charge an annual fee for the card of one hundred dollars, with such rate to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

(13) The department may set a limit on the amount of marijuana that may be purchased by or on behalf of a single qualifying patient in a thirty-day period, provided that limit is not less than four ounces of dried, unprocessed marijuana, or its equivalent. Any such limit shall not apply to a qualifying patient with written certification from two independent physicians that there are compelling reasons why the qualifying patient needs a greater amount than the limit established by the department.

(14) The department may set a limit on the amount of marijuana that may be possessed by or on behalf of each qualifying patient, provided that limit is not less than a sixty-day supply of dried, unprocessed marijuana, or its equivalent. A primary

caregiver may possess a separate legal limit for each qualifying patient under their care and a separate legal limit for themselves if they are a qualifying patient. Qualifying patients cultivating marijuana for medical use may possess up to a ninety-day supply, so long as the supply remains on property under their control. Any such limit shall not apply to a qualifying patient with written certification from two independent physicians that there are compelling reasons for additional amounts. Possession of between the legal limit and up to twice the legal limit shall subject the possessor to department sanctions, including an administrative penalty and loss of their patient identification card for up to a year. Purposefully possessing amounts in excess of twice the legal limit shall be punishable by imprisonment of up to one year and a fine of up to two thousand dollars.

(15) The department may restrict the aggregate number of licenses granted for medical marijuana cultivation facilities, provided, however, that the number may not be limited to fewer than one license per every one hundred thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(16) The department may restrict the aggregate number of licenses granted for marijuana-infused products manufacturing facilities, provided, however, that the number may not be limited to fewer than one license per every seventy thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(17) The department may restrict the aggregate number of licenses granted for medical marijuana dispensary facilities, provided, however, that the number may not be limited to fewer than twenty-four licenses in each United States congressional district in the state of Missouri pursuant to the map of each of the eight congressional districts as drawn and effective on December 6, 2018. Future changes to the boundaries of or the number of congressional districts shall have no impact.

(18) The department shall begin accepting license and certification applications for medical marijuana dispensary facilities, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, seed-to-sale tracking systems, and for transportation of marijuana no later than two hundred forty days after December 6, 2018. Applications for licenses and certifications under this section shall be approved or denied by the department no later than one hundred fifty days after their submission. If the department fails to carry out

its nondiscretionary duty to approve or deny an application within one hundred fifty days of submission, an applicant may immediately seek a court order compelling the department to approve or deny the application.

(19) Qualifying patients under this section shall obtain and annually renew an identification card or cards from the department. The department shall charge a fee of twenty-five dollars per year per card with such fee to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor or its successor agency. Upon receiving an application for a qualifying patient identification card or qualifying patient cultivation identification card, the department shall, within thirty days, either issue the card or provide a written explanation for its denial. If the department fails to deny and fails to issue a card to an eligible qualifying patient within thirty days, then their physician certification shall serve as their qualifying patient identification card or qualifying patient cultivation identification card for up to one year from the date of physician certification. All initial applications for or renewals of a qualifying patient identification card or qualifying patient cultivation identification card shall be accompanied by a physician certification that is less than thirty days old.

(20) Primary caregivers under this section shall obtain and annually renew an identification card from the department. The department shall charge a fee of twenty-five dollars per year, with such fee to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. Upon receiving an application for a primary caregiver identification card, the department shall, within thirty days, either issue the card or provide a written explanation for its denial.

(21) All marijuana for medical use sold in Missouri shall be cultivated in a licensed medical marijuana cultivation facility located in Missouri.

(22) All marijuana-infused products for medical use sold in the state of Missouri shall be manufactured in a medical marijuana-infused products manufacturing facility.

(23) The denial of a license, license renewal, or identification card by the department shall be appealable to the administrative hearing commission, or its successor entity. Following the exhaustion of administrative review, denial of a license, license renewal, or identification card by the department shall be subject to judicial review as provided by law.

(24) No elected official shall interfere directly or indirectly with the department's obligations and activities under this section.

(25) The department shall not have the authority to apply or enforce any rule or regulation that would impose an undue burden on any one or more licensees or certificate holders, any qualifying patients, or act to undermine the purposes of this section.

4. Taxation and Reporting.

(1) A tax is levied upon the retail sale of marijuana for medical use sold at medical marijuana dispensary facilities within the state. The tax shall be at a rate of four percent of the retail price. The tax shall be collected by each licensed medical marijuana dispensary facility and paid to the department of revenue. After retaining no more than five percent for its actual collection costs, amounts generated by the tax levied in this section shall be deposited by the department of revenue into the Missouri veterans' health and care fund. Licensed entities making retail sales within the state shall be allowed approved credit for returns provided the tax was paid on the returned item and the purchaser was given the refund or credit.

(2) There is hereby created in the state treasury the "Missouri Veterans' Health and Care Fund", which shall consist of taxes and fees collected under this section. The state treasurer shall be custodian of the fund, and he or she shall invest monies in the fund in the same manner as other funds are invested. Any interest and monies earned on such investments shall be credited to the fund. Notwithstanding any other provision of law, any monies remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The commissioner of administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the department in advance of it receiving annual application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall stand appropriated without further legislative action as follows:

(a) First, to the department, an amount necessary for the department to carry out this section, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section;

(b) Next, the remainder of such funds shall be transferred to the Missouri veterans commission for health and care services for military veterans, including the following

purposes: operations, maintenance and capital improvements of the Missouri veterans homes, the Missouri service officer's program, and other services for veterans approved by the commission, including, but not limited to, health care services, mental health services, drug rehabilitation services, housing assistance, job training, tuition assistance, and housing assistance to prevent homelessness. The Missouri veterans commission shall contract with other public agencies for the delivery of services beyond its expertise.

(c) All monies from the taxes authorized under this subsection shall provide additional dedicated funding for the purposes enumerated above and shall not replace existing dedicated funding.

(3) For all retail sales of marijuana for medical use, a record shall be kept by the seller which identifies, by secure and encrypted patient number issued by the seller to the qualifying patient involved in the sale, all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations, taxes collected and grand total sale amounts. All such records shall be kept on the premises in a readily available format and be made available for review by the department and the department of revenue upon request. Such records shall be retained for five years from the date of the sale.

(4) The tax levied pursuant to this subsection is separate from, and in addition to, any general state and local sales and use taxes that apply to retail sales, which shall continue to be collected and distributed as provided by general law.

(5) Except as authorized in this subsection, no additional taxes shall be imposed on the sale of marijuana for medical use.

(6) The fees and taxes provided for in this Article XIV*, Section 1 shall be fully enforceable notwithstanding any other provision in this Constitution purportedly prohibiting or restricting the taxes and fees provided for herein.

(7) The unexpended balance existing in the fund shall be exempt from the provisions of section [33.080](#) relating to the transfer of unexpended balances to the general revenue fund.

5. Additional Patient, Physician, Caregiver and Provider Protections.

(1) Except as provided in this section, the possession of marijuana in quantities less than the limits of this section, or established by the department, and transportation of marijuana from a medical marijuana dispensary facility to the qualifying patient's residence shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law, provided that the possessor produces on demand to the

appropriate authority a valid qualifying patient identification card; a valid qualifying patient cultivation identification card; a valid physician certification while making application for an identification card; or a valid primary caregiver identification card. Production of the respective equivalent identification card or authorization issued by another state or political subdivision of another state shall also meet the requirements of this subdivision.

(2) No patient shall be denied access to or priority for an organ transplant because they hold a qualifying patient identification card or use marijuana for medical use.

(3) A physician shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri state board of registration for the healing arts, or its successor agency, for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or issuing a physician certification to a patient diagnosed with a qualifying medical condition in a manner consistent with this section and legal standards of professional conduct.

(4) A health care provider shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or providing health care services that involve the medical use of marijuana consistent with this section and legal standards of professional conduct.

(5) A medical marijuana testing facility shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to the medical use of marijuana consistent with this section and otherwise meeting legal standards of professional conduct.

(6) A health care provider shall not be subject to mandatory reporting requirements for the medical use of marijuana by nonemancipated qualifying patients under eighteen years of age in a manner consistent with this section and with consent of a parent or guardian.

(7) A primary caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing, transporting, or administering marijuana for medical use to a qualifying patient or participating in the patient cultivation of up to

six flowering marijuana plants per patient in a manner consistent with this section and generally established legal standards of personal or professional conduct.

(8) An attorney shall not be subject to disciplinary action by the state bar association or other professional licensing body for owning, operating, investing in, being employed by, contracting with, or providing legal assistance to prospective or licensed medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, qualifying patients, primary caregivers, physicians, health care providers or others related to activity that is no longer subject to criminal penalties under state law pursuant to this section.

(9) Actions and conduct by qualifying patients, primary caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities licensed or registered with the department, or their employees or agents, as permitted by this section and in compliance with department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this section.

(10) Nothing in this section shall provide immunity for negligence, either common law or statutorily created, nor criminal immunities for operating a vehicle, aircraft, dangerous device, or navigating a boat under the influence of marijuana.

(11) It is the public policy of the state of Missouri that contracts related to marijuana for medical use that are entered into by qualifying patients, primary caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities and those who allow property to be used by those entities, should be enforceable. It is the public policy of the state of Missouri that no contract entered into by qualifying patients, primary caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to medical marijuana may be prohibited by federal law.

6. Legislation.

Nothing in this section shall limit the general assembly from enacting laws consistent with this section, or otherwise effectuating the patient rights of this

section. The legislature shall not enact laws that hinder the right of qualifying patients to access marijuana for medical use as granted by this section.

7. Additional Provisions.

(1) Nothing in this section permits a person to:

(a) Consume marijuana for medical use in a jail or correctional facility;

(b) Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice; or

(c) Operate, navigate, or be in actual physical control of any dangerous device or motor vehicle, aircraft or motorboat while under the influence of marijuana; or

(d) Bring a claim against any employer, former employer, or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employer, former employer, or prospective employer prohibiting the employee, former employee, or prospective employee from being under the influence of marijuana while at work or disciplining the employee or former employee, up to and including termination from employment, for working or attempting to work while under the influence of marijuana.

(2) No medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, or entity with a transportation certification shall be owned, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense. A "**disqualifying felony offense**" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

(a) The person's conviction was for the medical use of marijuana or assisting in the medical use of marijuana; or

(b) The person's conviction was for a nonviolent crime for which he or she was not incarcerated and that is more than five years old; or

(c) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.

The department may consult with and rely on the records, advice and recommendations of the attorney general and the department of public safety, or their successor entities, in applying this subdivision.

(3) All medical marijuana cultivation facility, medical marijuana dispensary facility, and medical marijuana-infused products manufacturing facility licenses, entities with medical marijuana testing facility certifications, and entities with transportation certifications shall be held by entities that are majority owned by natural persons who have been citizens of the state of Missouri for at least one year prior to the application for such license or certification. Notwithstanding the foregoing, entities outside the state of Missouri may own a minority stake in such entities.

(4) No medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall manufacture, package or label marijuana or marijuana-infused products in a false or misleading manner. No person shall sell any product in a manner designed to cause confusion between a marijuana or marijuana-infused product and any product not containing marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional department sanction, up to and including loss of license.

(5) All edible marijuana-infused products shall be sold in individual, child-resistant containers that are labeled with dosage amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, in a font size at least as large as the largest other font size used on the package, as containing "Marijuana", or a "Marijuana-Infused Product". Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty.

(6) No individual shall serve as the primary caregiver for more than three qualifying patients.

(7) No qualifying patient shall consume marijuana for medical use in a public place, unless provided by law. Violation of this prohibition shall subject the violator to sanctions as provided by general law.

(8) No person shall extract resins from marijuana using dangerous materials or combustible gases without a medical marijuana-infused products manufacturing facility license. Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty and, if applicable, loss of their identification card, certificate, or license for up to one year.

(9) All qualifying patient cultivation shall take place in an enclosed, locked facility that is equipped with security devices that permit access only by the qualifying patient or by such patient's primary caregiver. Two qualifying patients, who both hold valid qualifying patient cultivation identification cards, may share one enclosed, locked

facility. No more than twelve qualifying patient or primary caregiver cultivated flowering marijuana plants may be cultivated in a single, enclosed locked facility, except when a primary caregiver also holds a qualifying patient cultivation identification card, in which case no more than eighteen flowering marijuana plants may be cultivated in a single, enclosed, locked facility.

(10) No medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, medical marijuana testing facility, or entity with a transportation certification shall assign, sell, give, lease, sublicense, or otherwise transfer its license or certificate to any other entity without the express consent of the department, not to be unreasonably withheld.

(11) Unless allowed by the local government, no new medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. No local government shall prohibit medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place, and manner of operation of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana-infused products manufacturing facility, medical marijuana dispensary facility, or entity holding a transportation certification that may operate in such locality.

(12) Unless superseded by federal law or an amendment to this Constitution, a physician shall not certify a qualifying condition for a patient by any means other than providing a physician certification for the patient, whether handwritten, electronic, or in another commonly used format. A qualifying patient must obtain a new physician certification at least annually.

(13) A physician shall not issue a certification for the medical use of marijuana for a nonemancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. The department shall not issue a qualifying patient identification card on behalf of a nonemancipated qualifying

patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. Such card shall be issued to one of the parents or guardians and not directly to the patient. Only a parent or guardian may serve as a primary caregiver for a nonemancipated qualifying patient under the age of eighteen. Only the qualifying patient's parent or guardian shall purchase or possess medical marijuana for a nonemancipated qualifying patient under the age of eighteen. A parent or guardian shall supervise the administration of medical marijuana to a nonemancipated qualifying patient under the age of eighteen.

(14) Nothing in this section shall be construed as mandating health insurance coverage of medical marijuana for qualifying patient use.

(15) Real and personal property used in the cultivation, manufacture, transport, testing, distribution, sale, and administration of marijuana for medical use or for activities otherwise in compliance with this section shall not be subject to asset forfeiture solely because of that use.

8. Severability.

The provisions of this section are severable, and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by any court of competent jurisdiction, the other provisions shall continue to be in effect to the fullest extent possible.

9. Effective Date.

The provisions of this section shall become effective on December 6, 2018.

(Adopted November 6, 2018)

*Ballot language of Constitutional Amendment 2 adopted November 6, 2018, placed this section in a new Article XVI but was renumbered as a new Article XIV, Section 1.

< end of effective 06 Dec 2018 >

[use this link to bookmark section XIV 1](#)



In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.

► Other Information



► Other Links

© Missouri Legislature, all rights reserved.

Site errors / suggestions - webmaster@LR.mo.gov



Over 34,374,700 page views.

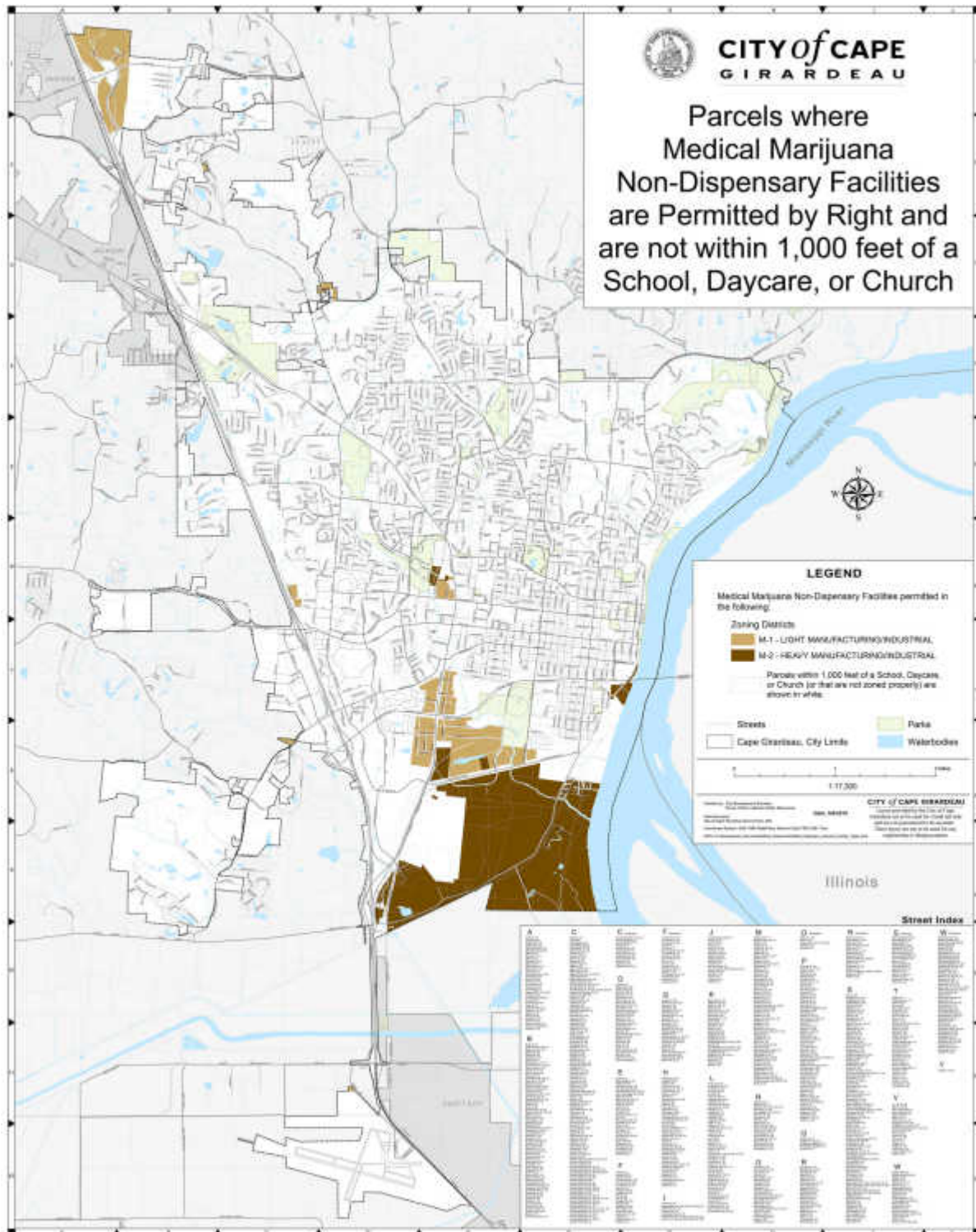
00:43:12

41

City of Cape Girardeau looks to limit locations for medical marijuana facilities; Jackson also seeks restrictions

Friday, May 10, 2019

By Mark Bliss ~ Southeast Missourian



Dispensaries would be allowed only in parts of four nonresidential zoning districts and not within 1,000 feet of existing churches, day cares, and elementary and secondary schools, according to the proposal.

The buffer distance also would apply to all other medical marijuana facilities under the city's plan.

Planning commission members on Wednesday recommended the restrictions as the state readies to license medical marijuana facilities later this year. The final decision on local zoning rules rests with the city council.

City planner Ryan Shrimplin said the goal is for the city to draft a proposed ordinance the council could approve by July.

The planning and zoning commission in Jackson also met Wednesday night and discussed a draft ordinance on medical marijuana that was presented last month to the Jackson Board of Aldermen.

Members of the Jackson planning board said some issues that may need to be considered include the minimum distance a medical marijuana dispensary can be located from a school, church or day care, as well as whether to regulate hours of operation and include a definition for "day care."

Jackson's commission will hold a public hearing June 12.

The Missouri Department of Health and Senior Services (DHSS) will begin accepting permit applications for marijuana facilities Aug. 3.

Missouri voters last year approved a constitutional amendment permitting the use of medical-grade marijuana for the treatment of certain medical conditions for patients under the supervision of a prescribing physician.

At a distance

A maximum 1,000-foot buffer is specified in the amendment for all medical marijuana businesses, but cities can adopt less restrictive buffer zones.

The city planner said reducing the buffer distance to 500 feet would open up more areas for marijuana facilities to be located.

But city staff prefer keeping the 1,000-foot buffer, he said. The planning and zoning commission agreed.

Commission member Thomas Welch said, "I wouldn't want to do less than 1,000 feet."

The amendment bars cities from prohibiting medical marijuana facilities entirely, Shrimplin said. He told commissioners the city's proposal makes "reasonable accommodations" for such facilities.

Shrimplin said it is important to have straightforward zoning regulations governing marijuana facilities. "You don't want to play games with this," he said.

Under the city's plan, dispensaries only would be allowed in certain areas of the central business district, C-1 and C-2, general and highway commercial zones and in light manufacturing/industrial zones.

As a result of the required distance from churches, schools and day cares, only a small area of the central business district -- in the vicinity of Broadway and Henderson and Park avenues -- would qualify as a site for a dispensary, Shrimplin said.

No dispensaries could be located on Main Street or other streets in the downtown riverfront corridor, according to city officials.

Dispensaries could be located in some commercially zoned and light industrial areas, including properties along Kingshighway, Broadview, Gordonville Road, Siemers Drive, and in the Greater Cape Girardeau Business Park along Interstate 55 and the Doctors' Park complex on Mount Auburn Road, Shrimplin said.

In the zone

Cultivation, marijuana-infused products manufacturing, marijuana transportation and state-approved testing facilities would be allowed in light and heavy manufacturing/industrial zones, mostly in the southwest and northwest parts of the city, including areas along Southern Expressway and South Kingshighway, and in the Greater Cape Girardeau Business Park.

Marijuana-growing businesses also could be located in the city's two agricultural zones, although only one property, TeeHouse Complex golf business, formerly Arena Golf, is now zoned agricultural, Shrimplin said.

As a result, a city staff-produced map, which outlines zones where non-dispensary facilities could be located, does not show the agricultural zones, he said.

Missouri's Amendment 2 does allow patients and their caregivers to cultivate a small number of marijuana plants regardless of how the property is zoned, said Shrimplin.

Eligible patients could grow up to six plants, while caregivers could cultivate as many as 18 plants, he said.

Regardless of the actions of local government, DHSS will limit the number of marijuana businesses that will be licensed.

The state agency announced recently it will license 338 medical-marijuana facilities, including 192 dispensaries, 86 marijuana-infused-product manufacturing facilities and 60 cultivation facilities.

The amendment calls for the state to award 24 dispensary licenses in each of Missouri's eight congressional districts. It's uncertain how many of the 8th District's 24 would end up in Cape Girardeau, Shrimplin said.