

**REGULAR CITY COUNCIL MEETING**  
**SEPTEMBER 30, 2019**

The regular Sikeston City Council meeting of September 30, 2019 was called to order at 7:30 a.m. in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmembers Ryan Merideth, Gerald Settles, Ryan Merideth, Onethia Williams, Karen Evans and Brandon Sparks. Councilman Brian Self was absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Carroll Couch, City Treasurer Karen Bailey, Deputy City Clerk Rhonda Council, Public Safety Director James McMillen, Public Works Director Jay Lancaster, Street Superintendent Brian Dial, Street Supervisor Darren Martin, Parks Director Dustin Care and Code Enforcement Manager Lorenzo Ware.

**ITEMS OF BUSINESS**

**1<sup>st</sup> & 2nd Reading, Emergency Bill #6163, Request to Replat 533 N. Main Street**

Councilman Merideth moved for the first reading of Bill Number 6163. The motion was seconded by Councilman Settles and the following vote recorded:

Sparks Aye, Merideth Aye, Self Absent, 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 6163 providing for approval of the replat of 533 North Main Street, further described as a part of Lots 3 & 3 of Tannerland Subdivision to the City of Sikeston, Scott County, Missouri to be known as "P&J Marketing Addition".

Councilwoman Evans moved for the second reading of Bill Number 6163. The motion was seconded by Councilman Merideth and the following vote recorded:

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

Counselor Thurman presented the bill for a second reading.

**BILL Number 6163**

**ORDINANCE Number 6163**

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6163 PROVIDING FOR APPROVAL OF THE REPLAT OF 533 NORTH MAIN STREET, FURTHER DESCRIBED AS: A PART OF LOTS 3 & 4 OF TANNERLAND SUBDIVISION TO THE CITY OF SIKESTON, SCOTT COUNTY, MISSOURI TO BE KNOWN AS "P & J MARKETING ADDITION".

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 September 24, 2019 and passed a favorable recommendation to approve the Replat of 533 North Main Street, further described as: A Part of Lots 3 & 4 of Tannerland Subdivision to the City of Sikeston, Scott County, Missouri, to

be known as “P & J Marketing Addition” the plat of which is attached hereto, marked Exhibit “A” and incorporated by reference.

SECTION III: Aforesaid replat is accepted and approved subject to its recording in Scott County, Missouri and full compliance with the building codes and housing ordinances of the City of Sikeston, Missouri, and in the event the provision of aforesaid codes of this City conflict with said replat, the Code shall be determinative.

SECTION IV: Aforesaid replat is accepted subject to full compliance with the stormwater management plan.

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: Emergency Clause. Time is of the essence for this development. An emergency clause will allow the developer to immediately begin the marketing of this tract since this matter is being presented as an emergency measure.

SECTION VIII: Record of Passage

- A. Bill Number 6163 was introduced and read the first time this 30<sup>th</sup> day of September, 2019.
- B. Bill Number 6163 was read the second time and discussed this 30<sup>th</sup> day of September, 2019. Following discussion, Councilman Merideth moved to approve Bill Number 6163. The motion was seconded by Councilman Sparks, discussed and the following roll call vote was recorded:

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

- C. Ordinance 6163 shall be in full force and effect immediately upon passage.

#### BMU Annual Report

Rick Landers, Board of Municipal Utilities (BMU) General Manager, presented to Council their most recent independent auditor’s report and financial statements which was conducted by BKD CPA’s and Advisors out of Springfield, MO.

#### Appointment to TIF Commission, Traffic Committee, Tourism Advisory Board & PAWS Advisory Board

On September 9th, Council tabled the appointments to TIF Commission (replace Matt Wright who move before his term was to expire in 2022) and the Traffic Committee (one full member and one alternate member). Councilman Merideth moved to appoint Matt Drake to the TIF Commission. The motion was seconded by Councilman Settles and the following vote recorded:

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

Councilman Sparks moved to appoint James Miller and Robert Murphy to the Traffic Committee. The motion was seconded by Councilman Merideth and the following vote recorded:

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

On September 20th, City staff was informed that Aaron Bouldrey has recently moved and can no longer serve on the Tourism Advisory Board. His term expires in 2021. Councilman Merideth moved to appoint David Turnbow to the Tourism Advisory Board. The motion was seconded by Councilman Settles and the following vote recorded:

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

Crystal Stanislav, who was recently appointed to PAWS Advisory Board for a partial term, notified staff on September 23rd that she had relocated to Texas. Her partial appointment expires in 2021. Councilwoman Evans moved to appoint Carrie Lape to the PAWS Advisory Board. The motion was seconded by Councilman Sparks and the following vote recorded:

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

#### Authorization to Submit Governor's Cost Share Application for Ingram Interchange Project

City Council previously authorized Staff to submit a MoDOT Cost Share Application to fund the I-57/Ingram Interchange Project. An additional funding source has recently become available through the Governor's Cost Share Program. Projects may apply for funding from both programs, but the deadline to apply for this application is this week. Councilman Settles moved to authorize Staff to submit an application for the Governor's Cost Share Program. The motion was seconded by Councilman Sparks and the following vote recorded:

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

#### 1st & 2nd Reading, Emergency Bill #6164, Amendment to Ordinance #6518 - Medical Marijuana Dispensary Guidelines

Councilman Merideth moved for the first reading of Bill Number 6164. The motion was seconded by Councilman Sparks and the following vote recorded:

Sparks Aye, Merideth Aye, Self Absent, 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 emergency Ordinance Number 6164 and shall amend Article XII, Chapter 405, of the City Code of the City of Sikeston, Missouri, regarding medical marijuana facilities

Councilman Merideth moved for the second reading of Bill Number 6164. The motion was seconded by Councilwoman Evans and the following vote recorded:

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

Counselor Thurman presented the bill for a second reading.

BILL NUMBER 6164

ORDINANCE NUMBER 6164

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6164 AND SHALL AMEND ARTICLE XII, CHAPTER 405, OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI, REGARDING MEDICAL MARIJUANA FACILITIES.

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

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

SECTION II: Section 405.020.A.3.a) is hereby amended and shall hereafter read as follows:

- a) No Medical Marijuana Dispensary shall be located within five hundred (500) feet of a then existing elementary or secondary school, child day care center, or church\*. Measurements shall be in a method consistent with the following:
  - a. The distance between the facility and the school, daycare, or church shall be measured between the closest public entrances of the facility and the school, daycare or church.
  - b. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

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

SECTION III: Section 405.020.B. is hereby amended and shall hereafter read as follows:

- A. Medical Marijuana-Infused Products Manufacturing Facilities and Medical Marijuana Testing Facilities.
  1. "Light Industrial (IL) District and Heavy-Industrial (IH) District of the City Code of Sikeston, Missouri is hereby amended to add to **Section 405.1130 Tables-Use, Height and Area Regulations** *Standards for Medical Marijuana-Infused Products Manufacturing Facilities and Medical Marijuana Testing Facilities*, which shall state the following:
  2. No building shall be constructed, altered or used for a Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Testing Facility without complying with the following regulations:

- a) **Distance Requirement** No Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Testing Facility using any combustible gases or CO<sub>2</sub> in the extraction process shall be located within one thousand (1,000) feet of a then existing elementary or secondary school, licensed child day care center, or church. Any other Medical Marijuana - Infused Products Manufacturing Facility or Medical Marijuana Testing Facility may be located in any location where a Medical Marijuana Dispensary may be located as detailed above, and subject to zoning restrictions. Measurements shall be in a method consistent with the following:
- The distance between the facility and the school, daycare, or church shall be measured between the closest public entrances of the facility and the school, daycare or church.
  - Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
- \*Then existing” shall mean any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Testing Facility first applies for either zoning or a building permit, whichever comes first.**
- b) **Outdoor Operations or Storage** All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.
- c) **Onsite Usage Prohibited** No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Testing Facility during regular business hours.
- d) **Hours of Operation** All Medical Marijuana-Infused Products Manufacturing Facilities and Medical Marijuana Testing Facilities shall be closed to the public and no persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
- e) **Display of Licenses Required** The Medical Marijuana-Infused Products Manufacturing Facility license or Medical Marijuana Testing Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.
- f) **Site Plan Review Required** Any plans for a Medical Marijuana-Infused Products Facility or Medical Marijuana Testing Facility using combustible gases or CO<sub>2</sub> in the extraction process shall meet the standard new construction requirements of the “Light Industrial District” outlined in this Title and approved subject to the standard procedures of 2012 International Building Code and Local Ordinances of the City of Sikeston for “Light Industrial Districts (IL)” or “Heavy Industrial Districts (IH).” Furthermore, this Section clarifies that Medical Marijuana-Infused Products Facility may be built in either a “Light Industrial (IL)” or “Heavy Industrial District (IH).”

SECTION IV: Chapter 405, Article VII, Division 14. “IL” and “IH” Industrial Districts – Section 405.1130. TABLES – USE, HEIGHT AND AREA REGULATIONS, is amended to add the following to the Category Chemical and Allied Products, and Food Beverage and Products

**Table Of Uses**

P = Permitted as a matter of right  
 CU = May be permitted by the Board of Adjustment  
 NA = Not Allowed

<b>CATEGORY USE</b>	<b>“IL” Light Industrial</b>	<b>“IH” Heavy Industrial</b>	<b>“DT” Downtown</b>
<b>District</b>			
<b>Chemical and Allied Products</b>			
Medical Marijuana Cultivation Facility	P	P	NA
<b>Food Beverage and Products</b>			
Medical Marijuana-Infused Products manufacturing facility	P	P	NA
Medical Marijuana Testing Facility	P	P	NA

SECTION V: General Repealer Section. Any 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, then 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 State licensing requirements.

SECTION VIII: Record of Passage:

- A. Bill Number 6164 was introduced and read the first time this 30<sup>th</sup> day of September, 2019.
- B. Bill Number 6164 was read the second time and discussed this 30<sup>th</sup> day of September, 2019. Following discussion, Councilman Settles moved to approve Bill Number 6164. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:  
  
 Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye, Williams Aye, and Burch Aye, thereby being passed.
- C. Ordinance 6164 shall be in full force and effect immediately upon passage.

Other Items

Council was reminded that the dates to file for City Council are October 15 - November 19.

Stan Parham, citizen of Sikeston, spoke to Council about their consideration to prepare an ordinance to allow UTV's to operate on streets in the City of Sikeston. Mr. Parham presented Council with the proposal he prepared which included ordinances from other cities in Missouri that allow UTV's in their city, requiring the owner to have proper insurance and seatbelts in the vehicles and not allowing the vehicles to operate on the main roads. Council will think about putting this item on the next agenda to discuss the proper wording needed if Staff were to prepare an ordinance for consideration.

A brief update was given on the Floodplain. All information has been sent to FEMA and Staff is waiting on their final approval.

Mayor Burch would like Staff to add as upcoming agenda items the following topics that were previously tabled - Sale/Use of Fireworks, Rental Housing Ordinance and UTV's/Golf Carts.

**ADJOURNMENT**

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

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

APPROVED:

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STEVEN BURCH, MAYOR

ATTEST:

\_\_\_\_\_  
CARROLL L. COUCH, CITY CLERK

SEAL: