City Of est. 1839
BOONVILLE

City of Boonville

January 2, 2024

7:00 PM

City Council Chambers
525 E. Spring Street
Boonville MO 65233

Meeting Live streamed https://www.youtube.com/user/cityofboonvillemo & Channel 3 with Suddenlink Cable TV

I. **Call to order – Pledge and Prayer**
   A. Barry Elbert
II. **Roll Call**
III. **Hearing of Citizens' Comments**
IV. **Approval of Minutes**
   A. December 18 Council Minutes
V. **Consent Items**
   A. Consider Pay Request No. 2 for **$427,168.48** to C&S Companies for Highway Waterline Extension 2023
VI. **Presentation of Accounts and Claims**
   A. Appropriations
VII. **Unfinished Business**
   A. Second Reading of Bill No. 2023-034 Amending Chapter 13 Alcohol and Chapter 14 Offenses-Miscellaneous
VIII. **New Business**
   A. First Reading of Bill No. 2024-01 Imposing a Sales Tax of 3% on all Retail Sales of Non-medicinal, Adult Use Marijuana Sold within the City of Boonville
IX. **Reports of Standing Committees**
   A. Boonville Housing Authority
X. **Reports of City Officials**
   A. Mayor
   B. City Administrator

C. City Clerk

XI. Miscellaneous

XII. Adjourn

NOTICE: The City of Boonville will comply with the Americans with Disabilities Act (ADA). Individuals who require an accommodation due to disability to attend this meeting should contact our office at (660) 882-2332 or Relay Missouri, 1-800-735-2966 TTY at least 48 hours in advance.

City of Boonville

December 18, 2023

7:00 PM

City Council Chambers
525 E. Spring Street
Boonville MO 65233

I. Call to order – Pledge and Prayer

A. Sy Harvell

Call to order – The Boonville City Council met in Regular Session on December 18, 2023, at 7:00 p.m. in the Council Chambers located at 525 East Spring Street, Boonville, Missouri. The following officers were present; Ned Beach, Mayor Kate Fjell, City Administrator; Amber Davis, City Clerk; and Randy Ayers, Sergeant at Arms. Interim City Counselor, Doug Abele was absent. The meeting was called to order. Sy Harvell led the prayer, after the pledge of allegiance.

II. Roll Call

The following Council representatives were present: Sy Harvell, Barry Elbert, Whitney Venable, Drew Davis, Brad Atkinson, Steve Young, Susan Meadows, and Andrew Cowherd.

III. Hearing of Citizens' Comments

Mike Kelly came before the council and stated that the sewer backed up into his basement while he was away from his home for an extended period of time, causing extensive damage. Mr. Kelly stated he was going to send in repair costs to his local council representatives.

IV. Approval of Minutes

A. December 4 council minutes

The minutes stand as submitted

V. Consent Items

A. Consider Pay App No. 3- **FINAL**-from Midstate Pipeline Maintenance in the amount of **$13,596.16** for Sanitary Sewer improvements 2023.

Mr. Venable moved and Mr. Cowherd seconded the motion to approve the consent item. Roll call was taken. Ayes: Harvell, Elbert, Venable, Davis, Atkinson, Young, Meadows and Cowherd. Total (8) Opposed: None(0). Motion Carried.

VI. Presentation of Accounts and Claims

A. Appropriations

Ms. Davis read the ordinance appropriating money, in its entirety, and a second time, by title only, since a copy of the ordinance had been made available prior to the meeting. Ms. Meadows moved and Mr. Davis seconded the motion to approve the ordinance appropriating money.

Roll call was taken. Ayes: Harvell, Elbert, Venable, Davis, Atkinson, Young, Meadows and Cowherd. Total (8) Opposed: None(0). Motion Carried.

VII. Unfinished Business

A. Second Reading of Bill No. 2023-031 Ordinance amending the Solid Waste Collection Fees portion of the Schedule of Administrative Fees (Appendix G) in the Code of General Ordinances

Mr. Venable moved and Mr. Atkinson seconded the motion to approve the bill.

Roll call was taken. Ayes: Harvell, Venable, Davis, Atkinson, Young, Meadows and Cowherd. Total (8) Opposed: Elbert (1). Motion Carried.

B. Second Reading of Bill No. 2023-032 Accepting the streets at Boone Point

Mr. Cowherd moved and Ms. Meadows seconded the motion to approve the bill.

Roll call was taken. Ayes: Harvell, Elbert, Venable, Davis, Atkinson, Young, Meadows and Cowherd. Total (8) Opposed: None(0). Motion Carried.

C. Second Reading of Bill No, 2023-033 Accepting the sewer lines and water distribution lines for Boone Point Subdivision

Mr. Cowherd moved and Mr. Venable seconded the motion to approve the bill.

Roll call was taken. Ayes: Harvell, Elbert, Venable, Davis, Atkinson, Young, Meadows and Cowherd. Total (8) Opposed: None(0). Motion Carried.

VIII. New Business

A. First Reading of Bill No. 2023-034 Amending Chapter 13 Alcohol and Chapter 14 Offenses-Miscellaneous

Ms. Davis read, by title only, a copy of the bill

IX. Reports of Standing Committees

A. Public Works Monthly Report November 2023

B. Board of Public Works November 30, 2023 No Quorum

X. Reports of City Officials

A. City Administrator

B. Mayor

C. City Clerk

Ms. Davis reminded the council that the candidate filing period for the April election would end on December 26th.
Filings as of Dec 18 are:
Ward 2- Heather Overstreet
Ward 3- Andrew Cowherd
Ward 4- Sy Harvell

XI. Miscellaneous

None

XII. Adjourn

With no further discussion, Mr. Young moved, and Mr. Cowherd seconded the motion to adjourn at 7:23 p.m. and the voice vote was unanimous.

APPLICATION AND CERTIFICATE FOR PAYMENT
(PAY ESTIMATE)

Original ______ of 6
Page _____ of

PROJECT: Highway Waterline Extension 2023	CONTRACTOR: C&S Companies Inc.	APPLICATION NO:	2
PROJECT NO: 454-256	OWNER: City of Boonville Missouri	APPLICATION DATE:	2-Jan-24
		PERIOD FROM:	11/17/2023 to 12/15/2023

ORIGINAL CONTRACT SUM:	$1,585,156.40
NET CHANGE BY CHANGE ORDERS:	$0.00
CONTRACT SUM TO DATE:	$1,585,156.40
TOTAL STORED TO DATE:	$0.00
TOTAL COMPLETED TO DATE:	$1,493,691.08
TOTAL COMPLETED AND STORED TO DATE:	$1,493,691.08
RETAINAGE 10%	$149,369.11
TOTAL EARNED LESS RETAINAGE:	$1,344,321.97
LESS PREVIOUS CERTIFICATES OF PAYMENT:	$917,153.49
CURRENT PAYMENT DUE:	$427,168.48
CONTRACT TIME LIMIT DATE:	August 2, 2024

ORDER NO.	DATE APPROVED	ADDITIONS	DEDUCTIONS
1	11/20/2023	$0.00	$0.00
	TOTALS	$0.00	$0.00

NET CHANGE BY CHANGE ORDERS: $0.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

In accordance with the Contract Documents, based on site observations and the data comprising this application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED OF $

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

CONTRACTOR:

BY: Jeffery Dane

DATE: 12-21-23

OWNER:

BY:

ENGINEER:

BY:

MECO

MECO ENGINEERING COMPANY, INC.
ENGINEERS * SURVEYORS

2701 INDUSTRIAL DRIVE
JEFFERSON CITY, MO 65109
(573)893-5558

Pay Estimate No.2
Highway Waterline Extension 2023

Item No	Description	Contract Quantity	Unit	Unit Price	Total	In Place Prev. Pay App	Installed This Period	$ Installed This Pay App	Total in Place	Left to Finish	Unit
1	12" PVC Class 200 Waterline **CO # 1**	10,108	LF	$ 52.35	$ 529,153.80	9603	339	$17,746.65	$520,463.70	166	LF
2	12" SDR 11 HDPE Butt Fushion Welded Carrier Pipe (Open-Cut) with a 12" HDPE (Butt Fushion Weld X M.J.) Adapter with STN. STL. Stiffener on Each End of Welded Section of Pipe	7,520	LF	$ 46.10	$ 346,672.00	2921	4457	$205,467.70	$340,125.80	142	LF
3	12" SDR 11 HDPE Butt Fushion Welded Carrier Pipe (Directional Bore (5) Creek Crossings) with a 12" HDPE (Butt Fushion Weld X M.J.) Adapter with STN. STL. Stiffener on Each End of Welded Section of Pipe	1,600	LF	$ 125.00	$ 200,000.00	1120	480	$60,000.00	$200,000.00	0	LF
4	State Hwy 87 Crossing Directional Bore 165' of 20" Steel Outer Casing with 200' of 12" PVC Class 200 Yelowmine Restrained Joint Carrier Pipe	1	LS	$ 65,100.00	$ 65,100.00	1	0	$0.00	$65,100.00	0	LS
5	Ameren Gas Pipeline Crossing Directional Bore 100' of 20" PVC Class 200 Yelowmine Restrained Joint Outer Casing with 120' of 12" PVC Class 200 Yelowmine Restrained Joint Carrier Pipe	1	LS	$ 41,550.00	$ 41,550.00	1	0	$0.00	$41,550.00	0	LS
6	Doyes Branch Creek Crossing (Open-Cut) 12" PVC Class 200 Yelowmine Restrained Joint Carrier Pipe **CO # 1**	0	LF	$ 122.00	$ -	0	0	$0.00	$0.00	0	LF
7	16"x12" Tapping Tee with 12" Valve and Valve Box	1	EA	$ 12,600.00	$ 12,600.00	1	0	$0.00	$12,600.00	0	EA
8	12" Tee with Thrust Block	2	EA	$ 2,260.00	$ 4,520.00	2	0	$0.00	$4,520.00	0	EA
9	12"x8" Reducing Tee with Thrust Box	1	EA	$ 2,150.00	$ 2,150.00	1	0	$0.00	$2,150.00	0	EA
10	12" -90° Bend with Thrust Block	3	EA	$ 1,800.00	$ 5,400.00	3	0	$0.00	$5,400.00	0	EA
11	12" -45° Bend with Thrust Block	7	EA	$ 1,620.00	$ 11,340.00	7	0	$0.00	$11,340.00	0	EA
12	12" -22.5° Bend with Thrust Block **CO # 1**	4	EA	$ 1,500.00	$ 6,000.00	2	0	$0.00	$3,000.00	2	EA
13	12" -11.25° Bend with Thrust Block **CO # 1**	2	EA	$ 1,400.00	$ 2,800.00	2	0	$0.00	$2,800.00	0	EA
14	12" Cap with Thrust Block	1	EA	$ 600.00	$ 600.00	0	0	$0.00	$0.00	1	EA
15	12"x8" Reducer	1	EA	$ 1,200.00	$ 1,200.00	1	0	$0.00	$1,200.00	0	EA
16	12"x6" Reducer	1	EA	$ 1,200.00	$ 1,200.00	1	0	$0.00	$1,200.00	0	EA
17	12" Gate Valve and Valve Box	12	EA	$ 5,400.00	$ 64,800.00	7	5	$27,000.00	$64,800.00	0	EA
18	Fire Hydrant Assembly **CO # 1**	9	EA	$ 8,920.00	$ 80,280.00	2	6	$53,520.00	$71,360.00	1	EA
19	#12 AWG Solid Copper Clad Steel Locate Wire w/ 0.030" HDPE Blue Insulation **CO # 1**	19,897	LF	$ 0.22	$ 4,377.34	12524	6815	$1,499.30	$4,254.58	558	LF
20	#12 AWG Solid Copper Cllad Steel Locate Wire w/ 0.045" HDPE Blue Insulation (Used on All Bores)	1,920	LF	$ 0.60	$ 1,152.00	1440	480	$288.00	$1,152.00	0	LF
21	Easement Clearing and Brush Removal	1	LS	$ 18,000.00	$ 18,000.00	1	0	$0.00	$18,000.00	0	LS
22	Compacted Full Depth Granular Backfill (All Driveways and Streets) **CO # 1**	412	LF	$ 25.00	$ 10,300.00	193	78	$1,950.00	$6,775.00	141	LF
23	Asphalt Driveway / Street Repair **CO # 1**	17	SY	$ 300.00	$ 5,100.00	3	0	$0.00	$900.00	14	SY
24	Fertilizing, Seeding and Mulching	1	LS	$ 25,000.00	$ 25,000.00	0	0	$0.00	$0.00	1	LS
25	8" PVC Class 200 Waterline **CO # 1**	2,094	LF	$ 40.00	$ 83,760.00	36	2019	$80,760.00	$82,200.00	39	LF
26	8" Gate Valve and Valve Box	2	EA	$ 3,200.00	$ 6,400.00	2	0	$0.00	$6,400.00	0	EA
27	8" Cap with Thrust Block	1	EA	$ 500.00	$ 500.00	0	0	$0.00	$0.00	1	EA
28	Contingency **CO # 1**	1	LS	$ 18,001.26	$ 18,001.26	0	0	$0.00	$0.00	1	LS
29	Doyes Branch Creek Crossing (Bore) 12" PVC Class 200 Yelowmine Restrained Joint Carrier Pipe **CO# 1**	200	LF	$ 120.00	$ 24,000.00	0	200	$24,000.00	$24,000.00	0	LF
30	8" - 90° Bend with Thrust Block **CO# 1**	2	EA	$ 1,200.00	$ 2,400.00	0	2	$2,400.00	$2,400.00	0	EA
31	8" - R.J. Coupling **CO #1**	2	EA	$ 900.00	$ 1,800.00	0	0	$0.00	$0.00	2	EA
32	8" x 6" TEE with Thrust Block **CO # 1**	6	EA	$ 1,500.00	$ 9,000.00	0	0	$0.00	$0.00	6	EA
				Contract Total	$ 1,585,156.40			$474,631.65	$1,493,691.08		

ORDINANCE APPROPRIATING MONEY

Be it Ordained by the Council of the City of Boonville as follows:

Section 1: For the purpose of paying salaries and various accounts against the City of Boonville, which have been allowed by the Council, at the regular meeting thereof on **January 2, 2024** the sum of **$717,069.60**

General Fund	$146,420.84
Sanitation	$40,641.89
CIP Tax	$101,291.71
Water Works	$182,430.66
Capital Projects	$0.00
Waste Water	$118,267.25
Tourism	$22,216.98
Gaming	$103,432.02
Parks/Water	$0.00
Kemper Sales Tax	$2,368.25
Economic Development Projects	$0.00

Section 2: The Accountant is hereby authorized and instructed to draw checks on the respective City bank accounts, in favor of the persons whose salaries and accounts have been allowed as above, amounting to **$717,069.60** being the total amount of money above appropriated.

Section 3: This ordinance shall take effect and be in force from and after its passage. First reading on **January 2, 2024** read for the second time this **January 2, 2024** since a copy was made available prior to the meeting.

Approved **January 2, 2024** ______________________________

Mayor

Endorsed **January 2, 2024** : I hereby certify that a sufficient sum of money stands to the credit of the City, unappropriated, in the various funds to meet the requirements of this ordinance.

____

Accountant

BILL NO. ___2023-34_______ **ORDINANCE NO.________**

AN ORDINANCE OF THE CITY OF BOONVILLE, MISSOURI, AMENDING CHAPTERS 3 ALCOHOLIC BEVERAGES AND CHAPTER 14 OFFENSES-MISCELLANEOUS PROVIDING AN EFFECTIVE DATE THEREFORE AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

WHEREAS, An amendment to Missouri's Constitution was approved by voters on November 8, 2022 allowing Recreational Marijuana in Missouri; and

WHEREAS, in 2019 the state of Missouri adopted the federal minimum age law for the purchase of cigarettes; and

WHEREAS, The City Council approved Ordinance no. 4547 on February 1, 2021 to provide various sections thereunder establishing, defining and providing for the enforcement of certain offenses pertaining to the use of marijuana, and further providing penalties for the violation thereof; and

WHEREAS, the City Council approved various Ordinances, including Ordinance regulating the sale of alcohol, the consumption of alcohol to minors, the sale of alcohol and tobacco to minors and the possession of open containers within the City limits; and

WHEREAS, the authority and scope are grounded in the Missouri statutes which are then operationalized through the City General Codes of Ordinances, adopted professional standards of the International Code Council and National Electric Code and city job descriptions.

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

SECTION 1: To amend Chapter 3, Section 3-1 Definitions; Section 3-2 Scope; Section 3-9 Sale in original packages; Section 3-10 Sales by minors; Section 3-11 Sales to Certain persons; and Section 3-38 License required; and adding Section 3-12 Minors in possession, as detailed in "Exhibit A"

SECTION 2: To amend Chapter 14, Section 14-4 Definitions; Section 14-70 Intoxicated persons entering school-house, church house, courthouse; Section 14-90 Drinking in public; Section 14-111 Cigarette Sales to minors; and Section 14-112 Use of Cigarettes by minors; Section 14-114 Policies for enforcing marijuana offenses and penalty provisions, Section 14-1119 Failure to produce proof, on demand, of a right to possess marijuana; adding section 14-113 Possession of drug paraphernalia; and eliminating sections 14-116 Possession of 35 grams or less of marijuana, or five grams or less of hashish; Section 14-117 Possession of drug paraphernalia, and Section 14-120 Consumption of marijuana in a public place, as detailed in "Exhibit A"

SECTION 3: This Ordinance shall take effect and be in full force after passage and approval.

SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

FIRST READING: December 18. 2023

READ FOR THE SECOND TIME AND PASSED ON THIS 2nd DAY OF JANUARY 2024, AFTER A COPY OF THIS ORDINANCE AND EXHIBIT HAVE BEEN MADE AVAILABLE FOR PUBLIC INSPECTION PRIOR TO ITS FIRST READING.

____
President of the Council

APPROVED THIS _____ DAY OF ________________ 2024

____
Ned Beach, Mayor

ATTEST:

____
Amber Davis, City Clerk

Chapter 3 ALCOHOLIC BEVERAGES [AND MARIJUANA][1]

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

[*Drug paraphernalia*: All equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, an illegal smoking product or an imitation controlled substance.]

[*Marijuana*: 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 (e.g., hashish) and marijuana-infused products. "Marijuana" does not include industrial hemp containing a crop-wide 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.]

Sec. 3-2. Scope.

(a) Nothing in this chapter shall be so construed as to prevent the natural fermentation of fruit juices **[or cultivation of plants]** in the home for the exclusive use of the occupants of the home and their guests.

(b) Nothing in this chapter limits the right of a duly licensed physician to prescribe intoxicating liquor **[or marijuana]** in accordance with his professional judgment for any patient at any time, or prohibited a regularly licensed druggist from selling intoxicating liquor lawfully acquired and lawfully in his possession, to any person on prescription from a regularly licensed physician, provided that no part of such intoxicating liquor shall be consumed on the premises where sold. A license for the sale of intoxicating liquor in the manner described in this section shall not be required.

(Code 1958, §§ 46.21, 46.23)

Sec. 3-9. Sale in original packages.

Intoxicating liquor **[or marijuana]** purchased in the original package shall not be consumed or permitted to be consumed upon any premises where intoxicating liquor **[or marijuana]** is authorized to be sold, nor shall such packages be opened on the premises where purchased.

(Code 1958, § 46.14)

State law reference(s)—For similar provisions, see RSMo 311.200.

Sec. 3-10. Sales by minors.

(a) Except as provided in subsection (b) of this section, no person under the age of 21 years shall sell or assist in the sale or dispensing of intoxicating liquor, ~~or~~ nonintoxicating beer, **[or marijuana]**.

(Code 1958, § 46.22)

State law reference(s)—For similar provisions, see RSMo 311.300.

Sec. 3-11. Sales to certain persons.

Any person who shall sell, vend, give away or otherwise supply any intoxicating liquor **[or marijuana]** in any quantity whatsoever to any person under the age of 21 years, or to any person intoxicated or appearing to be in a state of intoxication, or to an habitual drunkard, and any person whosoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor **[or marijuana]** to any person under the age of 21 years, or to any intoxicated person or person appearing to be in a state of intoxication, or to an habitual drunkard, shall be deemed guilty of an offense; provided, however, that this section shall not apply to the supplying of intoxicating liquor **[or marijuana]** to a person under the age of 21 years for medical purposes only, or to the administering of said intoxicating liquor **[or marijuana]** to any person by a duly licensed physician.

(Code 1958, § 46.22)

State law reference(s)—For similar provisions, see RSMo 311.310.

[Sec. 3-12. Minors in Possession.]

[Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, marijuana, or drug paraphernalia, or who is visibly in an intoxicated condition, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood, or is deemed to be under the influence of marijuana, is guilty of an offense. Provided, however, this section shall not apply to the possession of intoxicating liquor or marijuana by a person under the age of 21 years for authorized medical purposes only.]

[State law reference(s)—For similar provisions, see RSMo 311.325, see also RSMo 579.074]

[Secs. 3-13—3-21. Reserved.]

ARTICLE II. LICENSES

DIVISION 1. GENERALLY

*DIVISION 2. INTOXICATING LIQUOR/NONINTOXICATING BEER**[/MARIJUANA]***

Sec. 3-38. License required.

[(a)] It shall be unlawful for any person to manufacture, brew, sell or expose for sale, either at wholesale or retail, intoxicating liquor or nonintoxicating beer in any quantity (unless otherwise stated herein) without a liquor license from the city.

[(b) It shall be unlawful for any person to sell or expose for sale, either at wholesale or retail, marijuana in any quantity (unless otherwise stated herein) without an authorized license from the city.]

(Code 1958, § 46.02; Ord. No. 4050, § 1, 4-16-07)

Chapter 14 OFFENSES—MISCELLANEOUS

ARTICLE I. IN GENERAL

Sec. 14-4. Definitions.

[*Drug paraphernalia* means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, an illegal smoking product or an imitation controlled substance.]

[*Marijuana* means any Cannabis indica, Cannabis sativa, or Cannabis ruderalis, hybrids of such species, or any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant (e.g., hashish) or marijuana-infused products. "Marijuana" does not include industrial hemp containing a crop-wide 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.]

ARTICLE IV. OFFENSES AGAINST PUBLIC PEACE

Sec. 14-70. Intoxicated persons entering school-house, church house, courthouse.

It shall be unlawful for any person to enter any schoolhouse or church house in which there is an assemblage of people, meeting for a lawful purpose, or any courthouse, in a drunken or intoxicated and disorderly condition, or to drink **[or consume]** or offer to drink **[or consume]** any intoxicating liquors **[or marijuana]** in the presence of such assemblage of people, or in any courthouse, church or school within this city, and any person or persons so doing shall be guilty of an offense, **[except anyone who has received a physician certification to use medicinal marijuana.]**

(Ord. No. 2321, § 1, 9-18-78)

State law reference(s)—For similar provisions, see RSMo 574.075; power of city to prohibit disorderly practices, RSMo 77.570

ARTICLE V. OFFENSES AGAINST MORALS

Sec. 14-90. Drinking [or Consumption] in public.

(a) It shall be unlawful for any person to drink or encourage another to drink intoxicating liquor, malt liquor or nonintoxicating beer, **[or to consume marijuana, including medical marijuana, or encourage another to consume marijuana,]** upon any public street, sidewalk, alley or public thoroughfare, or on or in any public building, establishment, business or parking lot generally open to the public. For purposes of this section, it shall be considered evidence of drinking for a person to have in his possession an open bottle, can or other open container of intoxicating liquor, malt liquor or nonintoxicating beer, **[or for consumption for a person to have in his possession marijuana in an unsealed container, marijuana outside of the original packaging, or any paraphernalia with traceable amounts of marijuana.]**

(b) It shall be unlawful for any person to open any container or any original package containing intoxicating liquor, malt liquor, ~~or~~ nonintoxicating beer **[or marijuana]** upon any public street, sidewalk, alley or public thoroughfare, or on or in any public building, establishment, business or parking lot generally open to the public.

(c) It shall be unlawful for any person to transport an open container of intoxicating liquor, malt liquor, ~~or~~ nonintoxicating beer **[or marijuana]** in any automobile, truck or other vehicle as defined by the laws of the state, upon any public street, alley or public throughfare; and for purposes of this section it shall be considered evidence of this offense against a person if an open container of intoxicating liquor, malt liquor, ~~or~~ nonintoxicating beer **[or marijuana]** is found within such vehicle which that person has under his control, or in which that person is a passenger.

Sec. 14-111. Cigarette sales to minors.

(a) It shall be unlawful for any person to sell, provide or distribute tobacco products to persons under ~~18~~ **[21]** years of age.

(b) By January 1, 2002, all vending machines that dispense tobacco products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than ~~18~~ **[21]** years of age from purchasing any tobacco product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than ~~18~~ **[21]** years of age are not permitted or prohibited by law. Nothing in this section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

(e) A person cited for selling, providing or distributing any tobacco product to any individual less than ~~18~~ **[21]** years of age in violation of subsection (a), (b) or (c) of this section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that:

(1) Such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was ~~18~~ **[21]** years of age or older.

(Ord. No. 3836, § 1, 12-17-01)

State law reference(s)—Sale of tobacco products to minors, 407.924 et seq.

Sec. 14-112. Use of cigarettes by minors.

(a) No person less than ~~18~~ **[21]** years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment, or an employee of the Division of Liquor Control for enforcement purposes pursuant to subsection 5 of section 407.934.

(b) Any person less than ~~18~~ **[21]** years of age shall not misrepresent his or her age to purchase cigarettes or tobacco products.

[Sec. 14-113. Possession of drug paraphernalia.]

[(a) Except as pertaining to marijuana, it shall be unlawful for any person to possess drug paraphernalia as defined under section 14-4.]

[(b) For purposes of this section, in determining whether an object is "drug paraphernalia" a court or other law enforcement authority may consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use or intended use;

(2) Prior convictions, if any, of an owner or of anyone in control of the object under any state of federal law relating to any controlled substance or imitation controlled substance; ;

(3) The proximity of the object to controlled substances or imitation controlled substances;

(4) The existence of any residue of controlled substances or imitation controlled substances on the object;

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom he knows intend to use the object to facilitate a violation under this article; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding or determination that the object is intended for use, or designed for use as drug paraphernalia;

(6) Instructions, oral or written, provided with the object concerning its use;

(7) Descriptive materials accompanying the object which explain its use;

(8) National and local advertising concerning its use;

(9) The manner in which the object is displayed for sale;

(10) The existence and scope of legitimate uses for the object in the community;

(11) Expert testimony concerning its use.]

[State law reference(s)—For similar provisions, see RSMo 579.074]

ARTICLE VI. OFFENSES PERTAINING TO MARIJUANA

Sec. 14-114. Policies for enforcing marijuana offenses and penalty provisions.

The purpose of this section is to ensure that adults, as defined by state criminal statutes, and subject to the provisions of section 14-118 hereinafter set out, are not arrested for "misdemeanor" marijuana offenses prosecuted under this article VI, and that such persons sustain only a municipal ordinance violation rather than a state criminal conviction for such offenses. It is further recommended that such persons generally suffer only a fine and/or community service or counseling, and that the imposition of a jail sentence or a suspended jail sentence is generally not available as a punishment for the possession of a "misdemeanor" amount of marijuana and/or marijuana paraphernalia, except as otherwise provided in this article VI. This section shall be liberally construed for the accomplishment of these stated objectives. The intended message of this section is that persons s~~hould not use marijuana except for recognized medical purposes, but~~ should ~~also~~ not be denied the opportunity for education and employment because of unauthorized, limited personal marijuana use. It is further the purpose of this section to indicate that the limited resources of municipal law enforcement should be directed primarily toward crimes of violence and property loss rather than the enforcement of laws against limited marijuana use.

~~(1) When any law enforcement officer suspects any adult as defined by state criminal statutes (other than those excluded herein) of possession of a "misdemeanor" amount of marijuana (under 35 grams) and/or possession of drug paraphernalia relating to marijuana, that person shall not be required to post bond, suffer arrest, be taken into custody nor detained for any reason other than for the issuance of a summons, and shall suffer no incarceration except as otherwise expressly provided under this article, and shall suffer no loss of driver's license, or any other punishment or penalty at the time of the incident except for the issuance of such summons. If found guilty of such offense(s), the offender shall be subject only to a fine of up to $500.00, which may be suspended upon conditions of community service and/or drug counseling. There shall be a strong presumption that the proper disposition for any such offense shall be a suspended imposition of sentence and or community service work and/or drug counseling and education by a qualified provider. All such matters shall be referred only to the city prosecuting attorney, and to no other prosecuting attorney, and the city prosecuting attorney shall not refer the matter to any other prosecutor, agency or office, unless the provisions of subsection (b), as hereinafter set out, are applicable.~~

~~(2) Subsection (1) of this section, providing for certain penalties, shall not apply to persons:~~

~~a. Who have been convicted of any felony within the preceding seven years; or~~

~~b. Who have been convicted in a state court of a class A misdemeanor marijuana possession charge or misdemeanor possession of drug paraphernalia charge within the preceding five years; or~~

~~c. Who have been found guilty in a state or municipal court of misdemeanor marijuana possession on two or more prior occasions within the preceding five years; or~~

~~d. Who are arrested on suspicion of any felony or misdemeanor offense chargeable only under state law and arising from the same set of facts and circumstances as the alleged marijuana offense.~~

~~(3) In the event any of the provisions set out in subsection (2) apply, then the case shall be referred to any prosecutor having jurisdiction over such a case under state law and shall not be prosecuted at the municipal level.~~

~~(4) The provisions of this section are severable. If any provision of this section is declared invalid, such invalidity shall not adversely affect the other provisions of this section, which may be given effect without the invalid provision.~~

(Ord. No. 4547 , § 1, 2-1-21)

~~Sec. 14-116. Possession of 35 grams or less of marijuana, or five grams or less of hashish.~~

~~(a) It shall be unlawful for any person to possess 35 grams or less of marijuana or cannabis in any species or form thereof, including, but not limited to, cannabis sativa L, or five grams or less of hashish (see definition for marijuana, section 14-115). Such offense would be considered as either a class D misdemeanor or a class A misdemeanor under state law, depending upon the weight of the substance and whether the offender has prior drug-related convictions.~~

~~(b) Any person convicted of such offense shall be subject to the penalty provisions set out in section 14-114.~~

~~(Ord. No. 4547 , § 1, 2-1-21)~~

~~Sec. 14-117. Possession of drug paraphernalia.~~

~~(a) Except as provided in section 14-118(a) pertaining to medical marijuana, it shall be unlawful for any person to possess drug paraphernalia as defined under section 14-115. Such offense would be considered as either a class D misdemeanor or a class A misdemeanor under state law, depending upon whether the offender has prior drug-related convictions.~~

~~(b) Any person convicted of such offense shall be subject to the penalty provisions set out in section 14-114.~~

~~(c) For purposes of this section, in determining whether an object is "drug paraphernalia" a court or other law enforcement authority may consider, in addition to all other logically relevant factors, the following:~~

~~(1) Statements by an owner or by anyone in control of the object concerning its use or intended use;~~

~~(2) Prior convictions, if any, of an owner or of anyone in control of the object under any state of federal law relating to any controlled substance or imitation controlled substance;~~

~~(3) The proximity of the object, in time and space, to a direct violation of this article VI;~~

~~(4) The proximity of the object to controlled substances or imitation controlled substances;~~

~~(5) The existence of any residue of controlled substances or imitation controlled substances on the object;~~

~~(6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom he knows intend to use the object to facilitate a violation under this article; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding or determination that the object is intended for use, or designed for use as drug paraphernalia;~~

~~(7) Instructions, oral or written, provided with the object concerning its use;~~

~~(8) Descriptive materials accompanying the object which explain its use;~~

~~(9) National and local advertising concerning its use;~~

~~(10) The manner in which the object is displayed for sale;~~

~~(11) The existence and scope of legitimate uses for the object in the community;~~

~~(12) Expert testimony concerning its use.~~

~~(Ord. No. 4547 , § 1, 2-1-21)~~

Sec. 14-119. Failure to produce proof, on demand, of a right to possess marijuana.

(a) For any person **[under 21]** who possesses marijuana and claims a right to possess it for medical purposes, it shall be unlawful, upon the request of any law enforcement officer, for such person to fail or refuse to produce at the time of such request or demand, proof of a right to possess marijuana in the form of a valid qualifying patient identification card, a valid physician certification while making application for an identification card, or a valid primary caregiver identification card. Production of an equivalent identification card or authorization issued by another state or political subdivision of another state shall also be held to be valid for purposes of exempting a person from prosecution and the penalty provisions of this article VI. In the event such proof cannot be produced at the time requested, but can be produced to the arresting law enforcement officer or agency within a reasonable time thereafter (not to exceed 72 hours from the time of the request), any charge filed for failure or refusal to produce such proof may be dismissed at the discretion of the prosecuting attorney, and shall be dismissed if it is shown to have been in effect at the time of the request.

~~(b) Any person convicted of such offense shall be subject to the penalties set out in section 14-114.~~

(Ord. No. 4547 , § 1, 2-1-21

~~Sec. 14-120. Consumption of marijuana in a public place.~~

~~(a) It shall be unlawful for any person to consume marijuana in any form, including medical marijuana, in a public place. For purposes of this section a "public place" shall be deemed to be any public street, sidewalk, alley or public thoroughfare, or on or in any public building, establishment, business or parking lot generally open or accessible to the public.~~

~~(b) Any person convicted of such offense shall be subject to the penalties set out in section 14-114~~

Date: January 2, 2024

To: Mayor and Council

From: Kate Fjell, City Administrator

Re: First Reading of Bill No. 2024-01 Imposing a Sales Tax of 3% on all Retail Sales of Non-medicinal, Adult Use Marijuana Sold within the City of Boonville

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Following our discussion regarding calling an election for the addition of a sales tax on adult use marijuana at the last work session; this is the ordinance calling the election. The sales tax is only imposed on non-medicinal use, although the constitution does allow for municipalities to impose a sales tax on medicinal and adult use. Additionally, I am including an article detailing the question of "stacking" the sales tax. This is in the courts and will be decided in the future. If approved at the next meeting, this sales tax will be on the ballot in April. At the next budget work session, we will discuss how the Council would like to utilize these funds if approved by the voters. The constitution does not impose any limitations on the use of these funds, so they can be directed anywhere.

BILL NO. 2024-01 **ORDINANCE NO. _____________**

AN ORDINANCE OF THE CITY OF BOONVILLE, MISSOURI IMPOSING A SALES TAX AT A RATE OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF NON-MEDICINAL, ADULT USE MARIJUANA SOLD WITHIN THE CITY OF BOONVILLE, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024; DESIGNATING THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION.

WHEREAS, on November 8, 2022, the electors of the State of Missouri approved Amendment 3 to the Missouri Constitution enacting Section 2 of Article XIV of the Missouri Constitution effective December 8, 2022; and

WHEREAS, the newly enacted Article XIV, section 2.6(5) of the Missouri Constitution authorizes the City of Boonville, Missouri to impose, by ordinance, an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision subject to approval by voters of the City of Boonville, Missouri; and

WHEREAS, the City Council of the City of Boonville, Missouri finds that it is in the best interests of the citizens of the City of Boonville, Missouri to impose a sales tax of three percent on all tangible personal property retail sales of non-medicinal, adult use marijuana sold in the City of Boonville, Missouri and to submit the same to the voters of the City for approval by a majority of those voting at the general municipal election to be held on April 2, 2024.

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

SECTION 1 – NON-MEDICINAL, ADULT USE MARIJUANA SALES TAX. A sales tax at the rate of three percent on all tangible personal property retail sales of non-medicinal, adult use marijuana sold in the City of Boonville, Missouri, as authorized by Article XIV, section 2.6(5) of the Missouri Constitution, is hereby imposed. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

SECTION 2 – EFFECTIVE DATE. The sales tax imposed by this Ordinance shall not be effective unless approved by a majority of the votes cast by the qualified voters voting thereon at the General Municipal Election to be held on April 2, 2024, at which election a proposal to authorize the City Council of the City of Boonville, Missouri, to impose the tax herein provided for shall be submitted to the voters of the City of Boonville.

SECTION 3 – FORM OF BALLOT. The ballot to be used in such election shall contain the following question:

Shall the City of Boonville, Missouri, impose a sales tax of three percent (3%) on all retail sales of non-medicinal, adult use marijuana sold in the City of Boonville, Missouri?

☐ Yes ☐ No

SECTION 4 – NOTICE OF ELECTION. The City Clerk is hereby directed to notify the Clerk of Cooper County, Missouri, of the enactment of this Ordinance in accordance with the Comprehensive Election Act, Chapter 115, of the Revised Statutes of Missouri, as amended.

FIRST READING: January 2, 2024

READ FOR THE SECOND TIME AND PASSED THIS 16TH DAY OF JANUARY 2024, AFTER A COPY OF THIS ORDINANCE HAS BEEN MADE AVAILABLE FOR PUBLIC INSPECTION PRIOR TO ITS FIRST READING.

____
President of the Council

APPROVED THIS 16TH DAY OF JANUARY 2024

____
Ned Beach, Mayor

ATTEST:

____
Amber Davis, City Clerk

Cannabis
Courts

Pair of lawsuits challenge whether Missouri counties can 'stack' tax on marijuana sales

Cannabis dispensaries in Buchanan and St. Louis counties contend counties have no authority to tax sales made by retailers within city boundaries

By: Rudi Keller - October 17, 2023 6:30 am

Robust Cannabis has a 75,000-square-foot greenhouse in Cuba, Mo. and uses organic growing methods. (Rebecca Rivas/Missouri Independent).

Marijuana prices rose in many parts of Missouri on Oct. 1 as new local taxes took effect. Lawsuits filed in Buchanan and St. Louis counties argue that some of those taxes are illegal.

The constitutional amendment that legalized recreational cannabis sales included a 6% statewide excise tax and authorized local governments to charge a sales tax of up to 3%. The question now before the courts is whether the local taxes can be "stacked," meaning a dispensary within the boundaries of an incorporated city must collect both a county-imposed tax and a tax authorized by a vote in the municipality, or if only the city tax applies.

In an Oct. 10 news release announcing the St. Louis lawsuit, the Missouri Cannabis Trade Association called the effort to collect both an "unconstitutional money grab" that violates the terms of the amendment passed in November.

"Today's lawsuit should eventually put an end to Missouri adult-use marijuana customers having to pay stacked local taxes, which violate the Missouri Constitution and the will of the voters," said Andrew Mullins, MoCann's executive director.

Missourians are spending about $100 million a month on recreational marijuana, said Jack Cardetti, spokesman for the trade association. About three dozen counties have passed a local tax and the state Department of Revenue, which collects the tax for local entities, has notified dispensaries where a city and county tax is in effect that both levies must be charged.

"It equates to approximately $3 million a month that Missouri cannabis customers are being forced to pay when that is not what the constitution says," Cardetti said.

Counties believe they have authority under the constitution to impose the tax, said Steve Hobbs, executive director of the Missouri Association of Counties.

"It is a very minimal amount and I think the law is very clear that the counties have the ability to do this," Hobbs said.

Drafters of the amendment legalizing marijuana wanted to prevent stacking, so they used the broad term "local government" for the entity authorized to impose a tax. To make it apply to both cities and counties, the term was defined as meaning "a village, town, or city" for incorporated areas and applying to counties only for unincorporated places.

All dispensaries, whether selling marijuana for medical or recreational use, pay regular sales taxes. The full rate is the stacked combination of the 4.225% state tax and any local taxes, with retailers charging both county and city sales taxes at locations within municipal boundaries.

Users of medical marijuana pay an additional 4% that goes for state purposes and there is no authority for an extra local tax. Recreational users pay the standard sales tax, plus the 6% state tax and, where authorized by voters, 3% for local government programs.

Robust Missouri 3 LLC, operator of a dispensary in Florissant, sued after it was notified by the Department of Revenue that its sales tax rate for recreational marijuana sales would be 14.988%. That is the regular tax rate of 8.988% in Florissant plus the city and county marijuana sales tax.

Robust is suing the Department of Revenue and St. Louis County, seeking a court order blocking collection of the county tax.

The Department of Revenue declined to comment on the litigation.

If an injunction is not issued, the lawsuit states, Robust "will suffer irreparable harm by being required to collect sales tax from its customers above what is authorized by Article XIV of the Missouri Constitution, thereby permanently damaging those customer relationships."

In Buchanan County, St. Joseph dispensary Vertical Enterprises sued Buchanan County Collector Peggy Campbell, arguing that it, too, would be "irreparably harmed" if both taxes were imposed.

Both lawsuits are in their early stages. A hearing to set a trial date for the Buchanan County case is scheduled for early December.

In the St. Louis case, Robust filed exhibits showing the revenue department has given conflicting guidance to local governments on the issue of stacking. In one notice from the Taxation Division, issued in February, the department said the constitution prohibits stacking the local marijuana taxes.

Both cities and counties can ask voters to authorize the tax, the notice states.

"However, the tax collected from a customer is limited to the percentage passed and is based on the location of the recreational marijuana business (facility) and depends on if that facility is in an incorporated or unincorporated area," the notice states.

Later in the same month, the department reversed that guidance. The new notice from the Taxation Division stated that the section of the constitution authorizing the tax states that any successful tax vote is applicable to the "political subdivision" where it was enacted.

The amendment did not define "political subdivision," the new notice stated.

"The distinction between local government and political subdivision is important as voters in the entire county will authorize the additional tax, not just voters in the unincorporated area," the notice stated. "And practically, counties do not otherwise limit the applicability of their sales taxes based on geography."

The Missouri Association of Counties lobbied for the revised guidance, Hobbs said.

"We had a discussion with them on why we felt like the ballot language, and the way it was worded, absolutely allowed the counties to put that tax on," he said.

Counties should enjoy the new revenue from dispensaries located outside municipalities and the standard sales tax generated by all dispensaries within a county, Cardetti said.

"They are getting a portion of the sales because they are subject to the same sales tax as any other product," he said.

Members of the trade association will collect both city and county marijuana taxes until the courts rule on stacking, Cardetti said.

How money would be refunded if the courts agree with the dispensaries is uncertain, he said.

"It is too early to tell," he said. "I expect the order from the courts will be specific on that."

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HOUSING AUTHORITY
of the City of Boonville
506 Powell Ct. Office: 660-882-7332
Boonville, MO 65233-1521 Fax: 660-882-6811

EQUAL HOUSING OPPORTUNITY

MINUTES OF THE REGULAR MEETING OF THE HOUSING AUTHORITY OF THE CITY OF BOONVILLE, MO HELD ON DECEMBER 13, 2023

On the 13th Day of December 2023 at 12:00 P.M. the Housing Authority Commissioners met for a regular meeting at 506 Powell Court, Boonville, MO 65233

Present: Chairperson, Marilyn Adkins; Commissioner, Wayne Jones
Commissioner, Chrissy Stemmons; City Council Rep., Sy Harvell (Tele)
Secretary, Robert Rorah; Absent: Betty St. John
Guests: Charlene Carter, Tim Allen

1. Roll Call: Marilyn Adkins asked if there is any pertinent information to discuss before the agenda is placed on the table. Sad News, all Commissioners discussed the passing of Charles Green who had been Resident Commissioner/Board Member for the Housing Authority since 2013. Charles was a dear friend and will be greatly missed. Mr. Rorah reported the Vice-Chair signed a Proxy Vote Form for today's meeting as a result of a doctor's appointment conflict. There being a quorum Chairperson, Marilyn Adkins called the meeting to order.

2. Meeting Minutes: Consideration was given, and discussion held on the draft minutes of the November 8, 2023 Regular Board Meeting. Wayne Jones made a motion to approve the minutes. Chrissy Stemmons second. The motion passed.

3. Bills and Communications: Discussion was held, and consideration was given to the following. The UMB Bank Balance for December 13, 2023, was $116,235.79. November's check register and PILOT Payment summaries will be sent to all Commissioners after the meeting for their review. The Bank Reconciliation Statement, Operating Budget, Trial Balance, Board Summary Report from October 31, 2023, were discussed and reviewed.

4. Report of the Secretary: Consideration was given, and discussion was held on the following.
PIC Report for November 30, 2023, was 100%. Project Performance Reports for November 2023 were reviewed. Tenant Occupancy was at 100%.

5. Unfinished Business: a. Copies of the 2024 Flat Rents and Utility Allowance schedule were discussed and reviewed. Marilyn Adkins made a motion to approve. Wayne Jones second. Motion passed. **b.** 2023 PILOT Payments have been made and verification will be sent to all members present following the meeting.

6. New Business: Small Rural Frozen Base (SR-FRB) including Board Resolution No. 599 and Project Development Agreement with Johnson Controls Inc. were discussed and reviewed. The Energy Performance Contract (SR-FRB) will make HVAC improvements including the addition of Solar Photovoltaic Panels to all apartments and the Business Office and Maintenance Shop for Boonville Housing Authority by means of Grants, Utility rebates and incentives, State and local incentives, IRA rebates and ITC funding opportunities. Mr. Tim Allen with Johnson Controls was present to answer any remaining questions the Board of Commissioners may have regarding the PDA Project Development Agreement. Marilyn Adkins made a motion to approve Resolution No. 599 and the PDA Project Development Agreement with Johnson Controls Inc.. Chrissy Stemmons second. Resolution No. 599 passed, and the PDA agreement was approved.

7. Miscellaneous: **a.** Mr. Rorah reported the HUD required "Inspire" property inspection took place on November 30, 2023 with Midwest Inspections Inc.. b. Mr. Rorah also reported the Fiscal Year End - June 30, 2023 Annual Audit took place on December 7, 2023 with Barrale Renshaw CPAs and Advisors LLC, St. Louis, MO with no reported findings. The final audit report will be issued before March 31, 2024.

8. Adjournment: Wayne Jones made a motion to adjourn, Chrissy Stemmons second.

CHAIRPERSON: ____________________________ Date_______________

SECRETARY: ____________________________ Date________________

RPT MGC/3

Missouri Gaming Commission
State/Local Allocation of Gaming Revenues

For the Period 11/1/2023 through 11/30/2023

Year beginning 11/1/2023

Isle of Capri IB

Gaming Date	Day	Admission Tax Remitted	GamingTax Remitted	Total Tax Remitted	State & Local Portion of AdmTax	State Portion of GamingTax	Local Portion of Gaming Tax	Total Local Adm & Gaming Tax
11/01/2023	Wednesday	$3,998.00	$18,016.90	$22,014.90	$1,999.00	$16,215.21	$1,801.69	$3,800.69
11/02/2023	Thursday	$5,624.00	$53,406.61	$59,030.61	$2,812.00	$48,065.95	$5,340.66	$8,152.66
11/03/2023	Friday	$8,560.00	$66,484.76	$75,044.76	$4,280.00	$59,836.28	$6,648.48	$10,928.48
11/04/2023	Saturday	$11,180.00	$88,626.23	$99,806.23	$5,590.00	$79,763.61	$8,862.62	$14,452.62
11/05/2023	Sunday	$6,174.00	$46,459.15	$52,633.15	$3,087.00	$41,813.24	$4,645.91	$7,732.91
11/06/2023	Monday	$3,432.00	$27,980.61	$31,412.61	$1,716.00	$25,182.55	$2,798.06	$4,514.06
11/07/2023	Tuesday	$3,604.00	$24,154.81	$27,758.81	$1,802.00	$21,739.33	$2,415.48	$4,217.48
11/08/2023	Wednesday	$4,296.00	$35,569.89	$39,865.89	$2,148.00	$32,012.90	$3,556.99	$5,704.99
11/09/2023	Thursday	$6,066.00	$43,508.20	$49,574.20	$3,033.00	$39,157.38	$4,350.82	$7,383.82
11/10/2023	Friday	$8,736.00	$67,126.54	$75,862.54	$4,368.00	$60,413.89	$6,712.65	$11,080.65
11/11/2023	Saturday	$10,778.00	$79,219.21	$89,997.21	$5,389.00	$71,297.29	$7,921.92	$13,310.92
11/12/2023	Sunday	$6,492.00	$50,326.00	$56,818.00	$3,246.00	$45,293.40	$5,032.60	$8,278.60
11/13/2023	Monday	$3,454.00	$30,447.95	$33,901.95	$1,727.00	$27,403.16	$3,044.79	$4,771.79
11/14/2023	Tuesday	$3,652.00	$31,687.84	$35,339.84	$1,826.00	$28,519.06	$3,168.78	$4,994.78
11/15/2023	Wednesday	$3,980.00	$19,944.31	$23,924.31	$1,990.00	$17,949.88	$1,994.43	$3,984.43
11/16/2023	Thursday	$4,776.00	$48,070.22	$52,846.22	$2,388.00	$43,263.20	$4,807.02	$7,195.02
11/17/2023	Friday	$8,850.00	$81,441.50	$90,291.50	$4,425.00	$73,297.35	$8,144.15	$12,569.15
11/18/2023	Saturday	$9,726.00	$74,803.33	$84,529.33	$4,863.00	$67,323.00	$7,480.33	$12,343.33
11/19/2023	Sunday	$5,986.00	$40,764.27	$46,750.27	$2,993.00	$36,687.84	$4,076.43	$7,069.43
11/20/2023	Monday	$3,182.00	$22,029.39	$25,211.39	$1,591.00	$19,826.45	$2,202.94	$3,793.94
11/21/2023	Tuesday	$3,978.00	$41,173.84	$45,151.84	$1,989.00	$37,056.46	$4,117.38	$6,106.38
11/22/2023	Wednesday	$5,364.00	$51,379.32	$56,743.32	$2,682.00	$46,241.39	$5,137.93	$7,819.93
11/23/2023	Thursday	$8,092.00	$68,028.09	$76,120.09	$4,046.00	$61,225.28	$6,802.81	$10,848.81
11/24/2023	Friday	$9,698.00	$70,841.91	$80,539.91	$4,849.00	$63,757.72	$7,084.19	$11,933.19
11/25/2023	Saturday	$8,786.00	$79,621.82	$88,407.82	$4,393.00	$71,659.64	$7,962.18	$12,355.18
11/26/2023	Sunday	$5,038.00	$37,256.91	$42,294.91	$2,519.00	$33,531.22	$3,725.69	$6,244.69
11/27/2023	Monday	$3,116.00	$14,697.74	$17,813.74	$1,558.00	$13,227.97	$1,469.77	$3,027.77
11/28/2023	Tuesday	$3,554.00	$33,381.08	$36,935.08	$1,777.00	$30,042.97	$3,338.11	$5,115.11
11/29/2023	Wednesday	$3,806.00	$31,692.14	$35,498.14	$1,903.00	$28,522.93	$3,169.21	$5,072.21
11/30/2023	Thursday	$4,822.00	$48,509.14	$53,331.14	$2,411.00	$43,658.23	$4,850.91	$7,261.91
Casino Report Totals:		$178,800.00	$1,426,649.71	$1,605,449.71	$89,400.00	$1,283,984.78	$142,664.93	$232,064.93
Casino YTD Totals:		$178,800.00	$1,426,649.71	$1,605,449.71	$89,400.00	$1,283,984.74	$142,664.97	$232,064.97

*Note : The figures contained in this report may be subject to adjustment.

Wide Area Progressive Jackpot Contribution Reported as Manual Jackpot on Third Saturday of Month