



City Of
BOONVILLE

City of Boonville

April 3, 2023

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**
- II. Roll Call**
- III. Hearing of Citizens' Comments**
- IV. Approval of Minutes**
 - A. March 20 council meeting minutes
- V. Consent Items**
- VI. Presentation of Accounts and Claims**
 - A. Appropriations
- VII. Unfinished Business**
 - A. Second Reading of Bill No. 2023-014 Approving a Replat of 1290 Locust Street
- VIII. New Business**
 - A. First Reading of Bill No. 2023-015 Amending the code of general ordinances section 2-36, to establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials
 - B. Bill NO. 2023-016 Amending Article XIII, Marijuana Facilities in Chapter 10 (Scrivener's Error)
 - C. Consider Resolution R2023-03 Authorizing Extension of Engineering Contract with Mecor Engineering Company, LLC
- IX. Reports of City Officials**
 - A. City Administrator
 - Waste Management: Gate Rate Increase and Bulk Pick-Up Week in April
 - B. Mayor
 - C. City Clerk

- X. Reports of Standing Committees**
- 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.



March 20, 2023

7:00 PM

City Council Chambers

525 E. Spring Street

Boonville MO 65233

I. Public Hearing 7:00 p.m.

A. PUBLIC HEARING – To Consider Rezoning of Hail Ridge Golf Course

No public comment

B. PUBLIC HEARING -Amending Allowable Uses in C1 and C2 Zones in the City of Boonville.

No public comment

II. Call to order – Pledge and Prayer

Call to order – Pledge and Prayer

The Boonville City Council met in Regular Session on March 20, 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; Randy Ayers, Sergeant at Arms and Interim City Counselor, Doug Abele was absent. The meeting was called to order. Susan Meadows led the prayer, after the pledge of allegiance. Mr. Venable moved to amend the city council agenda by adding, Item F in unfinished business 3rd reading of Bill No. 2023-008 Approving a rezoning application for Hail Ridge Golf Course. Mr. Cowherd seconded the motion.

Roll call was taken. Ayes: Susan Meadows, Andrew Cowherd, Sy Harvell, Barry Elbert, Whitney Venable, Albert Turner, Michael Stock, and Steve Young. Total (8) Opposed: None (0) Absent: None (0).

A. Susan Meadows

III. Roll Call

The following Council Representatives were present: Susan Meadows, Andrew Cowherd, Sy Harvell, Barry Elbert, Whitney Venable, Albert Turner, Michael Stock, and Steve Young.

IV. Hearing of Citizens' Comments

Bill Lang, ward 1, came before the council and expressed his concerns about the new Boone Point Subdivision having only one entrance in and out. Mr. Lang stated he thinks it is a big

liability to only have one entry in case of an emergency or some other unforeseen issue. He also expressed concern about the steepness of the hill going up to the second level of the subdivision.

Gary Francis came before the council and stated he was going to be replacing roofs on 501 and 505 Main Street. Mr. Francis asked for a no-parking restriction on Chestnut Street due to the fact he is worried debris from the roof replacement would fly off and hit someone's car.

V. Approval of Minutes

A. March 6 council meeting minutes

The minutes stand as corrected

VI. Consent Items

None

VII. 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. Venable seconded the motion to approve the ordinance appropriating money. Roll call was taken. Ayes: Susan Meadows, Andrew Cowherd, Sy Harvell, Barry Elbert, Whitney Venable, Albert Turner, Michael Stock, and Steve Young. Total (8) Opposed: None (0) Absent: None (0).

VIII. Unfinished Business

A. Second reading of Bill No. 2023-009 Ordinance amending rates to be paid Water and Wastewater services

Second reading of Bill No. 2023-009 Ordinance amending rates to be paid for Water and Wastewater services.

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

There was a brief discussion for clarification on Water and Wastewater services for fiscal year 2023-2024.

Roll Call was taken. Ayes: Susan Meadows, Andrew Cowherd, Whitney Venable, Michael Stock, and Steve Young. Total (5) Opposed: Sy Harvell, Barry Elbert, and Albert Turner () Absent: None.

B. SecondReading of Bill No. 2023-010 Approving a land lease with Missouri Department of Natural Resources for Katy Caboose

SecondReading of Bill No. 2023-010 Approving a land lease with the Missouri Department of Natural Resources for Katy Caboose.

Mr. Cowherd moved and Mr. Stock seconded the motion to approve this bill. Roll call was

taken. Ayes: Susan Meadows, Andrew Cowherd, Sy Harvell, Barry Elbert, Whitney Venable, Albert Turner, Michael Stock, and Steve Young. Total (8) Opposed: None (0) Absent: None (0).

C. Second Reading of Bill No. 2023-011 Amending Chapter X, Article XIII Medical Marijuana Facilities

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

Mr. Cowherd asked if this ordinance was the same as the medical marijuana ordinance. Ms. Fjell stated yes.

Mr. Cowherd asked if the medical marijuana facilities would have to get a license. Ms. Fjell stated they would need to get a state license and a city license.

Mr. Elbert asked how much sales tax the city expected to get from these facilities. Ms. Fjell stated it would be just the regular sales tax rate.

Roll call was taken. Ayes: Susan Meadows, Andrew Cowherd, Sy Harvell, Barry Elbert, Whitney Venable, Albert Turner, Michael Stock, and Steve Young. Total (8) Opposed: None (0) Absent: None (0).

D. Second Reading of Bill No. 2023-012 Amending allowable uses in C1 and C2 zones in the City of Boonville

Mr. Venable moved and Mr. Young seconded the motion to approve this bill. Roll call was taken. Ayes: Susan Meadows, Andrew Cowherd, Sy Harvell, Barry Elbert, Whitney Venable, Albert Turner, Michael Stock, and Steve Young. Total (8) Opposed: None (0) Absent: None (0).

E. Discussion/Action of Tabled Bill No. 2023-006 Approving a Final Site Plan for 512 Investments Lot 2A

Mr. Venable moved to take Bill No. 2023-006 approving the final site plan for 512 investments lot 2A. off the table. Mr. Stock seconded the motion to take the bill off the table.

Roll call was taken. Ayes: Susan Meadows, Andrew Cowherd, Sy Harvell, Barry Elbert, Whitney Venable, Albert Turner, Michael Stock, and Steve Young. Total (8) Opposed: None (0) Absent: None (0).

Mr. Venable moved to postpone indefinitely Bill No. 2023-006. Ms. Meadows seconded the motion to postpone the bill indefinitely.

Mr. Venable stated that this motion allows the council to kill the bill without voting it down and allows the re-plat and new development plan to go to planning and zoning.

Roll call was taken. Ayes: Susan Meadows, Andrew Cowherd, Sy Harvell, Barry Elbert, Whitney Venable, Albert Turner, Michael Stock, and Steve Young. Total (8) Opposed: None (0) Absent: None (0).

IX. New Business

A. First and Second Reading of Bill No. 2023-013 Amending Fiscal Year 2023-2024 Budget
Ms. Davis read, by title only, a copy of the bill

B. First Reading of Bill No. 2023-014 Approving a Replat of 1290 Locust Street
Ms. Davis read, by title only, a copy of the bill

C. GIS Development Consultant Selection

Public Works director, Jeff Ditto came before the council and stated himself and Teresa Studley had talked with 4 different companies who submitted proposals and they made the decision to go with SAM

(Survey and Mapping LLC).;

Mr. Cowherd asked what this program does that benefits the city. Mr. Dittos stated this project includes mapping streets, utilities including water, sanitary sewer, and storm drainage facilities, and planning related layers such as zoning and flood plain data. This program is a critical tool in completing the lead line survey that needs to be completed by October 2024.

X. Reports of Standing Committees

A. Planning and Zoning

Minutes are in the packet

B. Industrial Development Authority

Minutes are in the packet

XI. Reports of City Officials

A. City Administrator

Ms. Fjell gave an update on the closing of the library property. The city is set to do the property transfer on Friday the 31st of March.

- Discussion of Police Employment Contracts (Randy Ayers)

Ms. Fjell introduced Mr. Ayers went before the council to discuss police employment contracts. Mr. Ayers went over the example contract in the council packet. Mr. Ayers explained that most departments sponsor people to go through the academy to be a police officer in their community. If sponsored, the city would pay for them to go through the academy, but the officer would have to sign a 3-year contract. Ms. Fjell stated a similar contract would apply to the new K9 officer to insure that they stay employed with the city for a period of time.

B. Mayor

- Discussion of Real and Personal Property Tax Collection

Mayor Beach directed the council to the Cooper County Commissioners' position statement that was included in the packet. Mayor Beach explained that there was a meeting with the commissioners, other cooper county municipalities, the County Clerk, and the County Collector. Mayor Beach stated that Ms. Fjell and himself will continue to work to resolve this issue.

Mr. Cowherd stated he hopes that a resolution to this issue is found.

C. City Clerk

None

D. Economic Developer

Economic developer Gigi Quinlan McAreavy came before the council and gave some updates on projects going on around the area, such as,

Work is still being done on the Cooper/Howard county port to become sustainable.

A&D Barracks project moving forward

Working on Project mindfulness

Working on Project travel

Helping to Promote the Boonville Chamber of Commerce

Ms. McAreavy was recently Elected to the MEDC Board and is very excited to serve on this board. Ms. McAreavy also mentioned the beginning of efforts to market the certified site development at Windsor Place. Ms. McAreavy wrapped up by saying the new Missouri Healthcare clinic will have its grand opening on April 11th at 3:00. Scooters coffee is open, Kawasaki is talking about opening up a 5th line, Club car wash is working toward a June opening, and Fox Hollow subdivision has sold some lots. Just to name a few exciting things going on around the area.

XII. Miscellaneous

Ms. Meadows stated she has had complaints from the public about the entrance in and out of Boone point off of Ashley road and Ms. Meadows asked if that was a city issue or a MODOT issue. Ms. Fjell stated Ashley Road is a MODOT road and MODOT reviewed the access plan in and out of the subdivision and approved it. Mr. Cowherd stated he thinks there is a simple solution to correct this issue. Ms. Fjell stated the city could have a meeting with MODOT about this issue. Mr. Turner asked for an update on the river levels and if they had improved, Mr. Gerling from Alliance Water resources stated yes there has been an improvement.

XIII. Adjourn

With no further discussion, Mr. Young moved, and Mr. Venable seconded the motion to Adjourn at 8:30 p.m. and the voice vote was unanimous.

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 **April 3, 2023** the sum of **\$262,876.97**

General Fund	\$94,845.95
Sanitation	\$40,236.81
CIP Tax	\$41,308.68
Water Works	\$16,191.96
Capital Projects	\$15,270.15
Waste Water	\$42,459.06
Tourism	\$3,217.46
Gaming	\$9,027.59
Parks/Water	\$319.31
Kemper Sales Tax	\$0.00
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 **\$262,876.97** 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 **April 3, 2023** read for the second time this **April 3, 2023** since a copy was made available prior to the meeting.

Approved **April 3, 2023**

Mayor

Endorsed **April 3, 2023** : 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

Date: April 3, 2023

To: Mayor and Council

From: Kate Fjell, City Administrator

Re: First Reading of Bill No. 2023-015 Amending the code of general ordinances section 2-36, to establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials

Every two years, the City renews the conflict of interest disclosure policy. This is then filed with the Missouri ethics commission. This means that candidates for City Council do not have to file a Personal Financial Disclosure Statement with the Missouri Ethics Commission, as spelled out in the interest. For those who read or heard about the situation in Glasgow, MO, in which all the candidates were disqualified for not filing the necessary paperwork on time with the Missouri Ethics Commission, this policy is why candidates filing to run for office in the City of Boonville do not have to file with the Missouri Ethics Commission, although there is no harm if you have filed with the Ethics Commission.

AN ORDINANCE OF THE CITY OF BOONVILLE, MISSOURI, AMENDING THE CODE OF GENERAL ORDINANCES SECTION 2-36, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.

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

SECTION 1: Declaration of Policy. The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

SECTION 2: Conflicts of Interest. The mayor or any member of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

SECTION 3: Disclosure Reports. Each elected official, the chief administrative officer, the chief purchasing officer, and the general counsel (if employed full-time) shall disclose the following information by May 1, if any such transactions were engaged in during the previous calendar year:

- a. For such person, and all such persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and,
- b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

- c. The chief administrative officer and the chief purchasing officer also shall disclose by May 1 for the previous calendar year the following information:
 1. The name and address of each of the employees of such person from whom income of one thousand dollars or more was received during the year covered by the statement;
 2. The name and address of each sole proprietorship that he/she owned; the name, address, and the general nature of the business conducted of each partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held limited liability corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests.
 3. The name and address of each corporation for which such person served in the capacity of a director, officer, receiver, employee, agent, or consultant.

SECTION 4: Filing of Reports. The reports, in the attached format, shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

SECTION 5: When Filed. The financial interest statements shall be filed at the following time, but no person is required to file more than one financial interest statement in any calendar year:

- a. Each person appointed to office shall file the statement within thirty days of such appointment or employment;
- b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

SECTION 6: Filing of Ordinance. The City Clerk shall send a certified copy of this Ordinance to the Missouri Ethics Commission within ten days of its adoption.

SECTION 7: Effective Date. This Ordinance shall be in full force and in effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council.

FIRST READING: April 3, 2023

**READ FOR THE SECOND TIME AND PASSED THIS 17th DAY OF APRIL 2023
AFTER A COPY OF THIS ORDINANCE HAS BEEN MADE AVAILABLE FOR
PUBLIC INSPECTION PRIOR TO ITS FIRST READING.**

APPROVED THIS 17th DAY OF APRIL 2023.

Ned Beach, Mayor

ATTEST:

Teresa Studley, City Clerk

Date: April 3, 2023

To: Mayor and Council

From: Kate Fjell, City Administrator

Re: Bill NO. 2023-016 Amending Article XIII, Marijuana Facilities in Chapter 10 (Scrivener's Error)

As a quick primer, a Scrivener's Error is an unintentional and usually obvious mistake, such as failing to omit a word, typing the wrong word, or even omitting a clause. In this instance, in our amending of Chapter 10, we failed to amend the definition of "Inspection Authority" to reflect the addition of comprehensive medical facilities. This ordinance will correct the mistake.

BILL NO. 2023-16

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BOONVILLE, MISSOURI, AMENDING ARTICLE XIII, MARIJUANA FACILITIES IN CHAPTER 10, LICENSES AND TAXATION, CITY OF BOONVILLE CODE OF ORDINANCES NEWLY APPROVED MARIJAUNA FACILITES DUE TO A SCRIVENER’S ERROR; PROVIDING AN EFFECTIVE DATE THEREFORE AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

WHEREAS, on March 20, 2023 under Ordinance No. 4637, the City Council approved revised sections of the Code of General Ordinances to update Chapter X, Section XII, Marijuana facilities, and;

WHEREAS, Section 10-282 Definitions, the definition for Inspection Authority was not amended in accordance with the necessary addition for comprehensive marijuana facilities; and;

WHEREAS, the attached amendment reflects this correction with the changes approved at the last meeting.

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

SECTION 1: To amend Chapter 10, Article XIII as detailed in Exhibit “A” herein attached to and incorporated in this Ordinance to correct the scrivener’s error.

SECTION 2: 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: April 3, 2023

READ FOR THE SECOND TIME AND PASSED ON THIS 3rd DAY OF APRIL 2023, 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 _____ 2023

Ned Beach, Mayor

ATTEST:

Amber Davis, City Clerk

ARTICLE XIII. MARIJUANA FACILITIES

Sec. 10-282 Definitions.

Comprehensive Facility means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana -infused products manufacturing facility.

Comprehensive Marijuana Cultivation Facility means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or a marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana but shall not include the manufacture of marijuana -infused products.

Comprehensive Marijuana Dispensary facility means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana -infused products, an drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient or primary caregiver, as those terms are defined in section I or Article XIV of the Missouri Constitution, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitation of Article XIV of the Missouri Constitution and otherwise allowed by law to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet including from a third party. A Comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in this Article XIV of the Missouri Constitution and provide for by general or local law.

Comprehensive Marijuana Infused Products Manufacturing Facility means a facility licensed by the Department to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana infused products, prerolls, and infused prerolls to a marijuana dispensary facility. A comprehensive marijuana- infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

Consumer means a person who is at least twenty-one years of age.

Department means the Missouri Department of Health and Senior Services, or its successor agency.

Inspection authority means city staff who shall inspect annually medical marijuana facilities and comprehensive marijuana facilities and can include: the police chief (or his/her designee), the fire chief (or his/her designee), and the building inspector.

Marijuana 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 seed thereof and resin extracted from the plant 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 bases, or commodities or products manufactured from industrial hemp.

Marijuana Facility means a comprehensive cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana – related facility or business

licensed or certified by the Department pursuant to this section but shall not include a medical facility licensed by Missouri Law.

Medical marijuana cultivation facility means a facility licensed by the state to acquire, cultivate, process, store, transport and sell marijuana to a medical dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

Medical marijuana dispensary facility means a facility licensed by the state 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.

Medical Marijuana-Infused Products Manufacturing Facility means a facility licensed by the State of Missouri to acquire, store, manufacture, transport and sell marijuana-infused products to a Medical Marijuana Dispensary, a Medical Marijuana Test Facility or to another Medical Marijuana- Infused Products Manufacturing Facility.

Medical marijuana facility means all medical marijuana facilities including medical marijuana cultivation facility, medical marijuana dispensary, medical marijuana infusion/manufacturing facility.

Marijuana testing facility means a facility certified by the state to acquire, test, certify and transport marijuana.

Medical marijuana-infused products mean 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.

Sec. 10-283. Operating permits.

- (a) No medical marijuana facility or marijuana facility shall be allowed to operate without a current permit issued by the city, including but not by way of limitation, dispensaries, manufacturing facilities, cultivation facilities and testing facilities as defined in this article.
- (b) Any person desiring to operate a medical marijuana facility or a marijuana facility as defined in this article shall submit a written application for a permit on a form provided by the city. The application shall include the applicant's full name, address, telephone number, location of the proposed facility and such additional information as shall be required for the city to enforce the provisions of this article.
- (c) After receipt of the completed application by the city, the head of the appropriate city department (inspection authority) shall inspect the proposed facility to determine whether the facility is in compliance with the provisions of this article. A written notice shall be provided within ten business days to the operator of such facility identifying all matters of noncompliance. A facility may require inspection by more than one inspection authority in order to receive a permit.
- (d) If applicable, the person(s) seeking a permit for a medical marijuana facility or marijuana facility that requires a health inspection shall submit the appropriate form to the county health department who shall conduct such inspection. A written form from the county health department showing compliance with all current health regulations shall be submitted to the city before a city permit will be issued.
- (e) The city shall not issue a permit relating to a medical marijuana facility or marijuana facility until the applicant supplies a true and complete copy of all "state-required" licenses issued to the applicant for such a facility indicating such license is current and in good standing with the state. The city operating permit will be issued only to the same person/entity that holds the applicable state license.
- (f) An annual inspection fee of \$100.00 shall be paid to the City at the time of application for the city permit.

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- (g) A permit for a medical marijuana facility or marijuana Facility may be granted at any time during a calendar year, but all such permits shall expire on the thirty-first day of the next succeeding December and shall be subject to renewal at that time. Medical marijuana-related facility permits shall not be assignable or transferrable without the express, prior written consent of the city.
 - (h) All medical marijuana facility or marijuana facility permits, together with a copy of any applicable regulations required by law to be posted, shall be posted at all times in a conspicuous place in the facility.
 - (i) The terms "permit" and "license" may be used interchangeably for purposes of this article.

Sec. 10-284. Suspension and revocation of permits.

- (a) The city may suspend or revoke a permit issued to any medical marijuana facility or marijuana facility by the city for failure of the permit holder to comply with the requirements of this article or the requirements of the permit holders' state license. Whenever the applicable inspection authority for the city finds unsecure, unsafe, or inadequate conditions at a medical marijuana facility or marijuana facility which in the judgment of such inspection authority constitutes a substantial hazard to the public health and safety of the community and its citizens, the inspection authority shall notify the city administrator or other appropriate city staff person. The inspection authority may issue a written notice to the permit holder citing such condition(s) deemed to be out of compliance with the requirements of the city permit and specifying the corrective action to be taken in order to mitigate such conditions. The notice shall further state the time period within which such corrective action must be completed. If deemed a substantial and continuing hazard to the public health and security, an interlocutory order may be issued by the appropriate member of the governing body of the city that the city permit is immediately suspended pending a hearing on the matter. Any permit holder to whom such an order is issued shall comply immediately with the order, but upon written petition to the city administrator, shall be afforded an administrative hearing by the city administrator within five business days. In the event such administrative hearing shall result in an adverse decision to the permit holder, the permit holder may file a petition with the city council appealing such decision, in which event a public hearing by the city council shall be granted to the permit holder within 30 days of the filing of such appeal.
- (b) In lieu of an administrative hearing or appeal, any permit holder whose permit has been suspended or revoked may request a reinspection or reinstatement of the permit. Within five business days of receiving such request for reinspection, the city shall reinspect the facility. If the applicant is found to be in compliance and can produce a current state license, the city permit shall be immediately reinstated.
- (c) Any person or entity who holds a city permit but who has their state license suspended or revoked by the department shall also have its corresponding city permit suspended or revoked.

Sec. 10-285. General regulations, marijuana dispensary.

- (a) Medical marijuana dispensary facilities and comprehensive marijuana dispensary facilities shall be permitted to conduct business operations only between the hours of 6:00 a.m. to 1:30 a.m. the following morning, Monday—Saturday. Such facilities shall remain closed at all other times.
- (b) Medical marijuana dispensary facilities shall not sell, vend, give away, or otherwise supply medical marijuana to any person or qualified caregiver who does not possess a current patient or caregiver ID card, or who otherwise is not legally qualified to receive medical marijuana.

Sec. 10-286. Distance from churches and schools, marijuana facilities.

- (a) A medical marijuana cultivation facility, comprehensive marijuana cultivation facility, a medical marijuana-infusion/manufacturing facility, a comprehensive marijuana infused products/manufacturing facility and a marijuana testing facility must be located in a C-2 district or higher.
- (b) A medical marijuana dispensary facility and a comprehensive marijuana dispensary facility must be located in a C-1 district or higher.
- (c) The set distance that medical marijuana dispensary facility or comprehensive marijuana dispensary facility are required to remain away from any elementary or secondary school, day care, church, or other building regularly used as a place of religious worship shall be as follows:
 - (1) Medical marijuana cultivation facility or Comprehensive cultivation facility: 0 feet.
 - (2) Medical marijuana-infusion/manufacturing facility or Comprehensive marijuana infused products manufacturing facility: 0 feet.
 - (3) Marijuana testing facility: 0 feet.
 - (4) Medical marijuana dispensary facility or Comprehensive marijuana dispensary facility: 100 feet. Distance shall be measured from building to building. Unless the applicant shall first obtain, in writing, the consent of the city council. Such consent shall not be granted until at least ten days written notice has been provided to all owners of property within 100 feet of the proposed medical marijuana dispensary facility/comprehensive marijuana dispensary facility.

Date: April 3, 2023

To: Mayor and Council

From: Kate Fjell, City Administrator, Jeff Ditto, Director, Teresa Studley, Assistant to the City Administrator

Re: Consider Resolution R2023-03 Authorizing Extension of Engineering Contract with Meco Engineering Company, LLC

Our 3 year contract with Meco is up for renewal. The City has several significant large scale projects that are in progress and it makes the most sense to continue using their services. We have not had any issues or problems with Meco, and they do an excellent job in assisting us in bidding, contracting, and procuring services. They are also always willing to offer advice or ideas on issues we are facing. Staff strongly recommend continuing our relationship with Meco.

RESOLUTION NO. R2023- 03

A RESOLUTION OF THE CITY OF BOONVILLE, MISSOURI, AUTHORIZING AND EXTENDING A NEW AGREEMENT BETWEEN THE CITY OF BOONVILLE, MISSOURI AND MECO ENGINEERING COMPANY, LLC. FOR PROFESSIONAL ENGINEERING SERVICES AND PROVIDING AN EFFECTIVE DATE THEREFORE

WHEREAS, the City of Boonville has been served by MECO Engineering Company, LLC for a number of years and has established a good working relationship with the firm; and

WHEREAS, several of the projects are in progress and therefore continuity is appropriate strategy; and

WHEREAS, as given the status, the City desires to extend and engage **MECO Engineering Company, LLC.** as the provider of engineering services for a list of current and future needs and the City Administrator recommends executing a new 3-year Agreement for services.

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

SECTION 1: That an Agreement between the City of Boonville, Missouri and **MECO ENGINEERING COMPANY, LLC.**, a copy of which is marked **“Exhibit A”** is attached hereto and made a part hereof, is hereby approved.

SECTION 2: That the City Administrator and the City Clerk are hereby authorized to execute and attest said agreement on behalf of the City of Boonville.

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

Passed this 3rd day of April 2023, by the City Council of Boonville, Missouri

Ned Beach, Mayor

ATTEST:

Amber Davis, City Clerk

AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

THIS AGREEMENT for professional engineering services (hereinafter referred to as the “Agreement”) entered into as of this 3rd day of April, 2023, by and between the City of Boonville, a municipal corporation organized and existing under the laws of the State of Missouri, and MECO Engineering Company, Inc. (hereinafter “MECO”), a corporation organized and existing under the laws of the State of Missouri and whose principal place of business is Jefferson City, Missouri.

WITNESSETH:

WHEREAS, the City of Boonville and MECO have agreed to continue their contractual relationship whereby MECO will render certain professional engineering services, technical advice, and bid procurement assistance in connection with various ongoing and future projects and undertakings of the City;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

SCOPE OF SERVICES

This Agreement is intended to be comprehensive and includes, but is not necessarily limited to, the engineering of streets; water treatment and wastewater handling systems and upgrades; mapping, surveying and plat review; environmental regulatory compliance assistance for water, wastewater, storm-water and landfill post-closure issues; parks development; project cost estimates, inspection services, technical advice; and preparation of preliminary engineering reports.

No minimum quantity of engineering projects and/or services must be ordered by the City under the terms of this agreement. However, unless precluded by state or federal law or by MECO’s own technical or manpower limitations, Boonville is hereby continuing to retain MECO as its primary source of engineering for in-house Public Works projects of the City. The City of Boonville and MECO agree that the City retains the right to order and/or contract for professional and technical services for other professional engineering firms for certain projects, at the sole discretion of the City Administrator, whenever; 1) such projects require specialty services or a level of expertise offered by another firm; 2) such projects have a pre-existing relationship with another firm; and/or 3) the City Administrator deems it to be in the City’s best interest to engage another firm to work on the project.

This Agreement is subject to annual funding and periodic appropriations by the City of Boonville, in accordance with its normal funding and budgetary processes.

MECO shall work for the City on a fee for services basis at Charge Out Rates provided to the City (effective August 1, 2022 through July 31, 2023) and amended from time to time hereafter, subject to approval by the City Administrator. In the event the City defaults in its payments and/or refuses to accept any change in Charge Out Rates made on or after August 1, 2023, this Agreement shall be cancelled and/or subject to modification to the extent of availability of funds.

MECO shall not assign, delegate, subcontract or otherwise dispose of any rights or obligations set out in this Agreement, or otherwise by separate agreement of the parties herein, without the express written consent and authorization of the City of Boonville.

MECO shall provide City of Boonville with a prompt response to any request for services, and shall keep the City apprised of an anticipated timeline on each project undertaken for the City of Boonville.

In the event the City of Boonville experiences an emergency requiring an immediate response and help from MECO, MECO shall endeavor to respond as quickly as possible, but in no event shall MECO take longer than two (2) hours to respond in such a situation.

COMPENSATION

On projects with a defined scope of work, MECO shall submit a written design and construction consultation proposal, specifying the nature and anticipated costs for engineering services, to the City Administrator for approval. The design proposal and cost estimate shall be a not-to-exceed basis considering the standard engineering percentage of project fee curves as well as the City of Boonville's projected budget allowance for the project. The construction consultation and administration fee shall also be a not-to-exceed basis at 75% of the design fee.

On all projects or services without a defined scope of work, MECO shall submit itemized invoices, based upon the hourly Charge Out Rates in effect and approved by the City of Boonville at the time services were actually performed. In order to meet the City Council monthly appropriation deadline, MECO acknowledges and accepts that it must present its monthly invoices no later than the 25th day of each month.

MECO shall provide the City of Boonville with advance written notice, no fewer than thirty (30) days, before expiration of its current Charge Out Rates, of any changes or modifications thereto.

INSURANCE

MECO shall, at all times, carry professional liability insurance for all services rendered to the City of Boonville in accordance and associated with this Agreement. Further, MECO pledges and agrees to indemnify and hold harmless the City of Boonville, its officials, employees, agents and assigns and to assume all risks and responsibility for death, loss, cost, injury or damage to any person or property – expressly including litigation expenses and attorney fees – occasioned or caused by the acts, errors, and/or omissions of MECO and its employees for which they would be otherwise be legally liable, arising out of or in any way connected with this Agreement.

TERMINATION

Except as otherwise provided herein, this Agreement may be terminated by either party by giving thirty (30) days advance written notice to the other party. To the extent, and so long as, any work or service related to this Agreement remains in progress after the termination of the principal Agreement and is not yet completed as of the date of termination, the terms and conditions of the Agreement shall continue to apply through completion of and acceptance of the work ordered by the City of Boonville, including payment and compensation or related expenses therefor.

In the event this Agreement is terminated or cancelled upon the request and for the convenience of the City of Boonville, and less that thirty (30) days' notice has been given, the City may be charged a reasonable termination fee based on costs and expenses incurred by MECO through the expedited termination, if any such cost are applicable.

In the event the City of Boonville cites cause for termination of the Agreement, whether or not thirty (30) days' notice is given, MECO shall only be reimbursed for actual expenses through termination. Cause for termination without notice shall include, but is not necessarily limited to, acts or omissions constituting negligence by MECO, misrepresentation, breach of any actual or implied agreement or warranty extended as to any particular project, or poor/substandard workmanship or reasonable degree of engineering care and certainty applied to any particular project, consultation or proposal.

This Agreement will automatically expire on the 1st day of April 2026, unless extended prior to that date by the City Council of Boonville.

IN WITNESS WHEREOF, the Parties have executed this agreement to be effective the date first written above or upon passage of the Ordinance authorizing the Agreement, whichever last occurs.

**MECO ENGINEERING COMPANY, INC.
MISSOURI**

CITY OF BOONVILLE, MISSOURI

Scott E. Vogler, P.E., President

Kate Fjell, City Administrator

ATTEST:

ATTEST:

Kim Laird, Administrative Manager

Amber Davis, City Clerk



CHARGE OUT RATES
(Effective thru 07-31-2023)

Rates shown below are provided as a courtesy to our clients who may, from time to time, require our services on an hourly rate or time-and-materials basis.

PROFESSIONAL SERVICES

Senior Principal Engineer	\$210.00 per hour
Principal Engineer	\$200.00 per hour
Principal Architect	\$180.00 per hour
Engineer Manager II	\$195.00 per hour
Engineer Manager	\$160.00 per hour
Senior Engineer III	\$160.00 per hour
Senior Engineer II	\$155.00 per hour
Senior Engineer I	\$145.00 per hour
Engineer	\$125.00 per hour

CHARGE OUT RATES

TECHNICAL SERVICES

Technical Manager	\$145.00 per hour
Architectural Designer	\$125.00 per hour
Administrative Manager	\$100.00 per hour
Administrative Assistant	\$ 85.00 per hour
Marketing Coordinator	\$ 85.00 per hour
Technician III	\$115.00 per hour
Technician II	\$105.00 per hour
Technician I	\$ 95.00 per hour
Inspector II	\$120.00 per hour
Inspector I	\$108.00 per hour
Field Man	\$ 67.00 per hour
Clerical	\$ 65.00 per hour
Land Surveyor II	\$130.00 per hour
Land Surveyor I	\$120.00 per hour
Land Surveyor	\$ 95.00 per hour
1 Man Survey Team	\$130.00 per hour
2 Man Survey Team	\$170.00 per hour
3 Man Survey Team	\$225.00 per hour

HOURLY RATES

REIMBURSABLE EXPENSES

Mileage (Subject to Change)	\$.75 per mile
Per Diem	\$130.00 per day
Ultrasonic Testing (2 hour minimum)	\$ 86.00 per hour
Flow Meter	\$ 75.00 per day
Sewer Camera	\$225.00 per day
Boat/Sounding Equipment	\$270.00 per day
Drone Rental	\$250.00 per day
UTV/ATV/Trailer Rental	\$250.00 per day
Laths & Hubs	\$ 1.00 each
Rebar	\$ 2.00 each
Post	\$ 6.00 each
Blackline 2'x3' Paper	\$ 9.50 each
Blackline 2'x3' Mylar	\$ 21.00 each
Copies, Telephone, Postage, Miscellaneous At Cost	

Charges are payable within 10 days of Invoice for services performed. Charges not paid within 30 days of invoice shall be subject to a service charge of 1-1/2% per month on the unpaid balance, which is an annual interest rate of 19.58%.



3/22/23

City of Boonville, MO
401 Main St
Boonville, MO
65233

Re: Gate Rates Adjustment

Dear City Leadership:

Waste Management of Missouri, Inc. ("WM") is proud to be your community's service provider and grateful for your business. WM is also proud of the essential work our landfill and transfer station crews provide your community despite lingering and difficult supply chain and inflationary disruptions, provoked in part by the Force Majeure event of the COVID-19 pandemic.

These disruptions have had an especially large impact on our operations at the Boonville Transfer Station, which is owned by the City, but operated by WM. Our current Contract includes language to help address these types of disruptions. Specifically, the Contract allows for "rate increases to cover unforeseen and unusual increases in the cost of operating the Transfer Station..." The city approved this language. Such language keeps the Transfer Station operations fiscally sustainable in Boonville. WM is responsible to document to the City the impact of such expenses. Accordingly, this letter provides notice to the City of the need for adjustments to the gate rates due to unusual increases in the cost of operating the Transfer Station. A descriptive documentation of the need for each increase is provided.

		Proposed New Pricing (Gate Rate)				
Material		Current Rate	Labor Adjustment	Environmental Adjustment	Fuel Adjustment	New Rate
MSW		\$ 56.82	\$ 6.25	\$ 15.14	\$ 14.06	\$ 92.27
C & D		\$ 56.82	\$ 6.25	\$ 15.14	\$ 14.06	\$ 92.27
All above	100 lbs or less	\$ 6.74	\$ 0.74	\$ 1.80	\$ 1.67	\$ 10.94
Materials -	101 lbs to 500 lbs	\$ 16.38	\$ 1.80	\$ 4.36	\$ 4.05	\$ 26.60
Minimums	501 lbs to 999 lbs	\$ 27.51	\$ 3.03	\$ 7.33	\$ 6.81	\$ 44.67

- Labor Adjustment - Supports our efforts to hire and retain top talent to consistently run the Transfer Station with safe and effective operating procedures.
- Environmental Adjustment - Supports our costs associated with environmental compliance, maintenance of environmental systems and facilities, disposal of used tires, batteries, oils and fluids, and monitoring and management of vehicle emissions.
- Fuel Adjustment (fluctuating fee) - Fuel is a major cost for WM, and this charge helps us stay current with the fluctuating costs of diesel and other hydrocarbon based fuels and products used within our company operations.

WM anticipates implementing these new gate rates effective May 1, 2023. As your community partner, WM is as committed as ever to provide best-in-class service to our customers and the communities we call home. We value our partnership with the City of Boonville in addressing these difficult cost increases and unusual market conditions. Please reach out if you have any questions,

Mike J. Hey
Sincerely,
Mike Hey
Area Manager of Disposal Operations