



**City of Grain Valley Board of Aldermen
Regular Meeting Agenda**

September 25, 2023

7:00 P.M.

Open to the Public

Located in the Council Chambers of City Hall
711 Main Street | Grain Valley, Missouri

ITEM I: Call to Order

- Mayor Mike Todd

ITEM II: Roll Call

- City Clerk Jamie Logan

ITEM III: Invocation

- Pastor Jason Williams of Valley Community Church

ITEM IV: Pledge of Allegiance

- Alderman Rick Knox

ITEM V: Approval of Agenda

- City Administrator Ken Murphy

ITEM VI: Police Officer Oath of Office

- Police Captain Joseph Christiansen

ITEM VII: Public Comment

- The public is asked to please limit their comments to three (3) minutes

ITEM VIII: Consent Agenda

- September 11, 2023 – Board of Aldermen Regular Meeting Minutes
- September 25, 2023 – Accounts Payable
- September 25, 2023 – Destruction Certificate City Clerk
- September 25, 2023 – Destruction Certificate Human Resources
- September 25, 2023 – Destruction Certificate Utility Billing
- September 25, 2023 – Destruction Certificate Finance

ITEM IX: Previous Business

- None

ITEM X: New Business

- None

ITEM XI: Presentations

- None

ITEM XII: Public Hearing

- Property Tax Levy

ITEM XIII: Resolutions

ITEM XIII (A) **A Resolution by the Board of Aldermen of the City of Grain Valley, Missouri Expressing Strong Concern With the Leadership of Jackson County Executive Frank White Jr. and Declaring and Affirming a Vote of No Confidence In His Ability to Serve Jackson County Residents**
R23-67
Introduced by Alderman Ryan Skinner

To express displeasure and lack of confidence in the management of the 2022 real property tax assessment process under the leadership of Frank White, Jr.

ITEM XIV: Ordinances

ITEM XIV (A) **An Ordinance to Establish the City of Grain Valley, Missouri's Annual Tax Levies for the 2023 Calendar Year for General Municipal Government Operations; The Retirement of General Obligation Debt; Park Maintenance; and Public Health Purposes**
B23-29
1ST & 2ND READ
Introduced by Alderman Ryan Skinner

To meet the required timelines for establishing the tax rate within Jackson County, Missouri

ITEM XIV (B) **An Ordinance of the City of Grain Valley Amending the City Code Regarding Marijuana**
B23-30
2ND READ
Introduced by Alderman Dale Arnold

To amend City Code Chapter 215 regulating marijuana and the use thereof

ITEM XIV (C) **An Ordinance by the Board of Aldermen of the City of Grain Valley, Missouri to Amend the City Code Title IV, Chapter 425 to Remove Medical Marijuana Facilities and Replace it With Comprehensive Marijuana Facilities**
B23-31
2ND READ
Introduced by Alderman Brian Bray

To amend Chapter 425 to be consistent with the December 8, 2022, Missouri Constitution amendment regarding recreational marijuana

ITEM XV: City Attorney Report

- City Attorney

ITEM XVI: City Administrator & Staff Reports

- City Administrator Ken Murphy
- Deputy City Administrator Theresa Osenbaugh
- Police Chief Ed Turner
- Finance Director Steven Craig
- Community Development Director Mark Trosen
- Parks & Recreation Director Shannon Davies
- City Clerk Jamie Logan

ITEM XVII: Board of Aldermen Reports & Comments

- Alderman Dale Arnold
- Alderman Brian Bray
- Alderman Tom Cleaver
- Alderman Rick Knox

- Alderman Darren Mills
- Alderman Ryan Skinner

ITEM XVIII: Mayor Report

- Mayor Mike Todd

ITEM XIX: Executive Session

- Legal Actions, Causes of Action of Litigation Pursuant to Section 610.021(1), RSMo. 1998, as Amended
- Leasing, Purchase or Sale of Real Estate Pursuant to Section 610.021(2), RSMo. 1998, as Amended
- Hiring, Firing, Disciplining or Promoting of Employees (personnel issues), Pursuant to Section 610.021(3), RSMo. 1998, as Amended
- Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents to a negotiated contract until a contract is executed, or all proposals are rejected, Pursuant to Section 610.021(12), RSMo. 1998, as Amended
- Individually Identifiable Personnel Records, Personnel Records, Performance Ratings or Records Pertaining to Employees or Applicants for Employment, Pursuant to Section 610.021(13), RSMo 1998, as Amended.

ITEM XX: Adjournment

Please Note

The next scheduled meeting of the Board of Aldermen is a Regular Meeting on September 25, 2023 at 7:00 P.M. The meeting will be in the Council Chambers of the Grain Valley City Hall. Persons requiring accommodation to participate in the meeting should contact the City Clerk at 816.847.6211 at least 48 hours before the meeting.

The City of Grain Valley is interested in effective communication for all persons. Upon request, the minutes from this meeting can be made available by calling 816.847.6211.

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Consent

Agenda

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ITEM I: Call to Order

- The Board of Aldermen of the City of Grain Valley, Missouri, met in Regular Session on September 11, 2023, at 7:00 p.m. in the Board Chambers located at Grain Valley City Hall
- The meeting was called to order by Mayor Mike Todd

ITEM II: Roll Call

- Clerk Jamie Logan called roll
- *Present: Arnold, Bray, Cleaver, Knox, Skinner*
- *Absent: Mills*

-QUORUM PRESENT-

ITEM III: Invocation

- Invocation was given by Darryl Jones of Crossroads Church

ITEM IV: Pledge of Allegiance

- The Pledge of Allegiance was led by Alderman Tom Cleaver

ITEM V: Approval of Agenda

- Requested to amend the agenda to remove ordinance B23-29 as new numbers have been received from Jackson County
- *Alderman Skinner made a Motion to amend the agenda to remove B23-29 from the agenda*
- *The Motion was Seconded by Alderman Bray*
 - *There was a change from the numbers initially received from Jackson County so another public hearing needs to occur and the process needs to start over with 2 reads of the ordinance at the next meeting*
- *Motion to amend the agenda to remove B23-29 from the agenda was voted on with the following voice vote:*
 - *Aye: Arnold, Bray, Cleaver, Knox, Skinner*
 - *Nay:*
 - *Abstain:*

-Motion Approved: 5-0-

ITEM VI: Proclamations

- None

ITEM VII: Public Comment

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

Alderman Darren Mills

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Parks and Recreation Director Shannon Davies
Finance Director Steven Craig
Community Development Director Mark Trosen
Chief Ed Turner
City Clerk Jamie Logan
City Attorney Lindsey Kolisch

- Jan Brill; 1035 Ephraim – Thanked the City Council, Fair Committee and the mayor for the fair; mentioned Grain Valley Democrats were at the fair and did a pin the issue tail on the donkey at their booth; she shared the results photo with the Board. There were 116 tails – 27 different issues were chosen. Education was the number 1 issue.
- The next person that wanted to speak during Public Comment approached the podium and requested more than 3 minutes.
- *Alderman Skinner made a Motion to allow time beyond the 3 minutes of Public Comment*
- *The Motion was Seconded by Alderman Knox*
- Cory Unrein; 2118 NW Hedgewood Drive; She stated she and her husband own Grain Valley News and recently served as the Grain Valley fair volunteer coordinator; Ms. Unrein thanked the Police Department and Chief Turner for their assistance with the parade on Saturday; Ms. Unrein stated she was posting photos from the parade on their facebook page and saw a comment on a community page from someone she knows to be a business owner. She stated she spoke with this person before and after the parade. She stated the business owner expressed dismay in this post of not having a flag presentation at the parade. She stated if this person had reached out to her by phone, email, social media she would have let them know it was an unintentional oversight and would have made a statement to that effect. This was not what this person chose to do, they commented in this particular group knowing how this page and its commenters tend to name call, present uninformed gossip, etc. Ms. Unrein commented in this particular group as she felt as the volunteer parade coordinator she needed to respond; Ms. Unrein read her statement which stated she cannot speak as to why there were not flags at the parade – she stated it was an unintentional oversight; She stated the responses received to that comment were awful (citing she was not a true American, unpatriotic, etc.) in which she is offended – her father was a combat medic in the Vietnam war and received two purple hearts. She stated Alderman Arnold’s message to her personally on her facebook page is what brought her to the meeting; she stated he messaged her to express his opinion about her response . She said he stated her response was off base and she shouldn’t have passed blame to the ROTC on an assumption they would bring flags without it being clear. He said he knew she put in several hours volunteering and felt her response tainted that saying she should have accepted and noted it was an oversight and that it would be addressed in future events. She comes here out of concern for future community volunteers –and shared she didn’t feel it was Alderman Arnold’s place to share his comments with a volunteer for an event he has no involvement in. She stated she was disappointed he felt he could message a volunteer in which he has no authority over invading her personal social media space. She stated it was a pleasure to serve in this role over the last 3 years and will be stepping down from this volunteer role in the future.

ITEM VIII: Consent Agenda

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

Alderman Darren Mills

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Parks and Recreation Director Shannon Davies
Finance Director Steven Craig
Community Development Director Mark Trosen
Chief Ed Turner
City Clerk Jamie Logan
City Attorney Lindsey Kolisch

- August 28, 2023 – Board of Aldermen Regular Meeting Minutes
- September 11, 2023 – Accounts Payable
- *Alderman Skinner made a Motion to Accept the Consent Agenda*
- *The Motion was Seconded by Alderman Knox*
 - *No discussion*
- *Motion to Approve the Consent Agenda was voted on with the following voice vote:*
 - *Aye: Arnold, Bray, Cleaver, Knox, Skinner*
 - *Nay:*
 - *Abstain:*

-Motion Approved: 5-0-

ITEM IX: Previous Business

- None

ITEM X: New Business

- None

ITEM XI: Presentations

- Comprehensive Plan and Parks Master Plan was presented by Confluence representative Christopher Shires.
- Provided a summary of the process – Went to the Planning and Zoning Commission on August 9, 2023 where it was adopted and then to the Parks board where it was adopted on August 15, 2023. The plans are before the Board of Aldermen to acknowledge the acceptance. They utilized several tools for citizen feedback including the ETC Survey, an Engagement Website, Public Workshop, and a Public Open House
- Planning Outside the Lines was the first phase which looked at land-use analysis & the land-use map – worked with a steering committee to come up with the appropriate mix of diversity of other types of housing to include more multi-family housing
- They worked with the steering committee and boards – they plan with flexibility
- He reviewed the future land use categories and provided a future potential land-use map highlighting growth areas trying to account for a future interchange by Lefoltz and what should go around that
- Alderman Skinner asked what areas were low-density residential and were changed to medium to high-density residential; N of interchange at I-70 (N of Lefoltz) and South and East of Buckner Tarsney E and South of Pink Hill (not apartments, but duplex, townhomes, etc.

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Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

Alderman Darren Mills

STAFF OFFICIALS PRESENT

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- Alderman Skinner asked why area set aside for low density residential would it be changed to medium or high; It was from the research and feedback on more affordable homes, and types of homes; there is reflecting market demands
- Alderman Skinner stated concerns of some areas are medium density and these are being pushed far away from the city center; This is a typical development pattern that is used around Kansas City – idea is to put some flexibility in the plan and provide more offerings
- Zoning compatibility matrix was discussed – to show what zonings that could be approved as compatible or partially compatible for different zoning areas
- Reviewed planning for housing of proposed residential mix
- Transportation Chapter: Planning for transportation and future streets, sidewalk network (built off of what the city’s gap analysis recently completed) including new potential interchange as well as transportation strategic opportunities including the railroad and Downtown – looking to preserve corridor in the future and potentially extend south
- Infrastructure: Discussed a map of where future expansion would require utilities, infrastructure, etc.
- Alderman Skinner clarified we are currently at 89% single family of the developed land in Grain Valley and proposing a change to 75% for single family of developed land in the future – and asked if those being annexed would require a change in zoning; No, this is a guiding document – and the areas that could be higher density are also compatible with single family – Mr. Murphy stated the zoning document is different then the planned use map and does not establish zoning. This plan is adopted at the Planning & Zoning level since it does not establish zoning with a set plan for any certain parcel. Mr. Shires stated just a guiding document and not law.
- Alderman Cleaver asked to see the slide showing potential number of people /population; if some of the housing is available, that would project our population to increase with it as well. Multi-family from 2% to 10% in the future; attached single-family from 9% to 15%- Mr. Shires is asking if they want to go further on the multi-family.
- Parks and Recreation Master Plan; Hank Myers from Confluence; they toured each City park facility/amenities, etc. and a Park facilities inventory was completed as part of this project – they used the feedback and conditions from what they saw to make recommendations for improvements to begin their planning and implementation.
- Extensive public improvement was received: Paved trails, indoor rec, improvement to playgrounds and nature trails, neighborhood parks were desired from the community; there were some courts/playgrounds in need of attention – and some rec programs could use attention; to improve the quality of life – Trails were the top priority

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

Alderman Darren Mills

STAFF OFFICIALS PRESENT

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- Mr. Myers provided the top preferred results from the imagery feedback included: Farmers market, nature center, inclusive playgrounds, dog parks, indoor facilities, more parks/playgrounds
- The community is currently underserved by the amount of acres of parks – estimated Parkland demand in the future (2050) would need 346 Acres to match national standards and there are strategies proposed to reach that level.
- Future trails plan was presented to include proposed trails and trail heads
- Suggested a Parkland Dedication Ordinance to help acquire additional parkland in the future

ITEM XII: Public Hearing

- *Mayor Todd opened the public hearing for **Title IV of the Code of Ordinances be amended in Chapter 425 to remove Medical Marijuana Facilities and changing to Comprehensive Marijuana Facilities pursuant to the Missouri Constitution being amended at 7:44PM** –*
- *Mr. Trosen stated this particular section in the zoning ordinances – voters approved an amendment to the MO constitution – the city needs to amend chapter 425 as a result*
- *Mayor Todd opened the floor to citizens for comment at 7:45PM for **Title IV of the Code of Ordinances be amended in Chapter 425 to remove Medical Marijuana Facilities and changing to Comprehensive Marijuana Facilities pursuant to the Missouri Constitution being amended-***
 - None
- *Mayor Todd closed the public hearing for **Title IV of the Code of Ordinances be amended in Chapter 425 to remove Medical Marijuana Facilities and changing to Comprehensive Marijuana Facilities pursuant to the Missouri Constitution being amended at 7:46PM-***

ITEM XIII: Resolutions

Resolution No. R23-64 A Resolution by the Board of Aldermen of the City of Grain Valley, Missouri Adopting the 2050 Comprehensive Plan and the 2050 Parks Master Plan

- *Alderman Knox moved to approve Resolution No. R23-64*
- *The Motion was Seconded by Alderman Arnold*
 - This is relating to the presentation this evening- The Comprehensive Plan by state statute is approved and adopted by the Planning and Zoning Commission and accepted the Board of Alderman and the Planning and Zoning Commission adopted it

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

Alderman Darren Mills

STAFF OFFICIALS PRESENT

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- Alderman Skinner clarified -the comp plan is what the City would like to be and how they would like to grow into the future (2050); Mr. Murphy stated yes; Alderman Skinner asked if anyone in the Board wants to see the 89% to 74% single family in the future; Alderman Arnold stated these are lines in the sand and these are just a roadmap, but all is subject to change; Alderman Skinner said if the Board were to agree to this today, are they telling people 20 years from now that less single family is desired by the board; Alderman Arnold stated this is the plan based on the best information provided, but everything is subject to change; Alderman Skinner reiterated is this what the board wants and don't they have to vote on this to approve it
- Mr. Murphy stated no – technically the planning and zoning commission approves, the board accepts the plan. This isn't a policy document and just a plan. The recommendations are based off of what residents are sharing they want – this will require annexations, etc. and this would be a developer that would want to propose these developments- and stated this is a guess – not in stone. This is a planning document. It will still require a developer to want to come in and develop.
- Alderman Bray asked if these numbers were based on community feedback- how do we compare to national numbers? Mr. Shires stated a combo of public input, steering committee and commissions. City of Grain Valley is high on the single-family scale compared to other communities in the area- most are moving to 50/50 split. Many would like the financial revenue from this shift.
- Alderman Skinner does not see our community as a 50/50 community; Alderman Arnold stated he agrees and feels anything under 75% of single family would lead us to becoming more transient city
- Alderman Skinner stated he sees lots of multi-family on his daily route through Grain Valley; he doesn't feel his constituents would agree with this either
- Alderman Arnold shared up to 5-plexes, have the same 19% assessed value rate – it is higher when more than 5-plexes
- Alderman Skinner asked if duplex, triplex, etc. is what we want to see; Alderman Arnold stated rental properties are the only way into the community as our starter homes are more than people can afford
- Alderman Skinner stated land that was zoned single family are being rezoned to multifamily; Alderman Arnold stated that is what he hears as well
- They both feel it sends a mixed message to the future boards/constituents if they approve this today as it is.
- Alderman Cleaver agrees – he agrees the level is too high
- Alderman Bray asked what impact a reduced population would have - will businesses/restaurants want to come if we don't have the population – where the

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

Alderman Darren Mills

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Parks and Recreation Director Shannon Davies
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Chief Ed Turner
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- businesses are bringing in higher taxes?
- Alderman Arnold stated studies have been done by businesses and not enough lunch crowds, dinner crowds to support new business
- Alderman Skinner stated restaurants are coming in even without the multi-family
- Alderman Arnold cautioned on future tax incentive plans as it affects the taxes for the community
- Alderman Skinner stated he cannot agree to the residential proposed land-use changes
- Alderman Bray stated this is a soft plan and land-use categories can be changed as the city grows - compatibility matrix could go from single to multi-family in the future – need to have people coming in setting up roots; Alderman Skinner sees a lot of multi-family and doesn't see a reason to change course
- Mr. Murphy stated an addition to the plan that hasn't existed in the past was the compatibility matrix to show what could be done/options that would make sense as well as the suggested
- *Motion to approve Resolution No. R23-64 was voted upon with the following voice vote:*
 - *Aye: Bray*
 - *Nay: Arnold, Cleaver, Knox, Skinner*
 - *Abstain:*

-Resolution No. R23-64 Failed : 1-4-

*** Per state statute, Comprehensive plans are approved and adopted by the Planning and Zoning Commission. The City of Grain Valley Planning and Zoning Commission approved and adopted this plan at the August 9, 2023 meeting.**

Resolution No. R23-65 A Resolution by the Board of Aldermen of the City of Grain Valley Authorizing the City Administrator to Execute Task Agreement No. 2023-4 With Crawford, Murphy and Tilly, Inc. for Design of Northeast Sewer Interceptor and Pump Station Subject to All Provisions Included in the On-Call Professional Engineering Services Agreement

- *Alderman Skinner moved to approve Resolution No. R23-65*
- *The Motion was Seconded by Alderman Arnold*
 - During the budget workshops – Ideas were discussed for the recovery funds – this is a big hurdle to development in this area – this would provide the design work and the start of a plan for a need in the community; the bid came in lower than was budgeted
- *Motion to approve Resolution No. R23-65 was voted upon with the following voice vote:*

ELECTED OFFICIALS PRESENT
Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT
Alderman Darren Mills

STAFF OFFICIALS PRESENT
City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Parks and Recreation Director Shannon Davies
Finance Director Steven Craig
Community Development Director Mark Trosen
Chief Ed Turner
City Clerk Jamie Logan
City Attorney Lindsey Kolisch

- *Aye: Arnold, Bray, Cleaver, Knox, Skinner*
- *Nay:*
- *Abstain:*

-Resolution No. R23-65 Approved: 5-0-

Resolution No. R23-66 A Resolution by the Board of Aldermen of the City of Grain Valley, Missouri to Enter Into a Contract With Shawnee LED for the Installation of an Electronic, Digital Sign

- *Alderman Arnold moved to approve Resolution No. R23-66*
- *The Motion was Seconded by Alderman Bray*
 - Another item discussed during budget time – will be placed south of City Hall – the bid came in lower than was budgeted. 7 bids received and a couple were lower but did not meet design criteria
 - Alderman Cleaver asked size; per Mr. Davies the sign is 4x8
 - Alderman Bray asked resolution; 6 mm pixel pitch
 - Alderman Knox asked ETA; end of November
 - Alderman Arnold asked if this meets the relief funds rules; Mr. Murphy stated with the thresholds on this round and yes it meets; Mr. Craig stated a wider variety of projects could be handled this round
- *Motion to approve Resolution No. R23-66 was voted upon with the following voice vote:*
 - *Aye: Arnold, Bray, Cleaver, Knox, Skinner*
 - *Nay:*
 - *Abstain:*

-Resolution No. R23-66 Approved: 5-0-

ITEM XIV: Ordinances

Bill No. B23-30: An Ordinance of the City of Grain Valley Amending the City Code Regarding Marijuana

Bill No. B23-30 was read by City Clerk Jamie Logan for the first reading by title only

- *Alderman Arnold moved to accept the first reading of Bill No. **B23-30** and bring it back for a second reading by title only at the next regular meeting*

ELECTED OFFICIALS PRESENT
Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT
Alderman Darren Mills

STAFF OFFICIALS PRESENT
City Administrator Ken Murphy
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Parks and Recreation Director Shannon Davies
Finance Director Steven Craig
Community Development Director Mark Trosen
Chief Ed Turner
City Clerk Jamie Logan
City Attorney Lindsey Kolisch

- *The Motion was Seconded by Alderman Skinner*
 - There are two parts to the change from medical to recreational marijuana; this deals with the offenses side to match new state law
- *Motion to accept the first reading of Bill No. B23-30 and bring it back for a second reading was voted upon with the following voice vote:*
 - *Aye: Arnold, Bray, Cleaver, Knox, Skinner*
 - *Nay:*
 - *Abstain:*

-Motion Approved 5-0-

Bill No. B23-31: An Ordinance by the Board of Aldermen of the City of Grain Valley, Missouri to Amend the City Code Title IV, Chapter 425 to Remove Medical Marijuana Facilities and Replace it With Comprehensive Marijuana Facilities

Bill No. B23-31 was read by City Clerk Jamie Logan for the first reading by title only

- *Alderman Bray moved to accept the first reading of Bill No. B23-31 and bring it back for a second reading by title only at the next regular meeting*
- *The Motion was Seconded by Alderman Arnold*
 - None
- *Motion to accept the first reading of Bill No. B23-31 and bring it back for a second reading was voted upon with the following voice vote:*
 - *Aye: Arnold, Bray, Cleaver, Knox, Skinner*
 - *Nay:*
 - *Abstain:*

-Motion Approved 5-0-

ITEM XV: City Attorney Report

- None

ITEM XVI: City Administrator & Staff Reports

- City Administrator Ken Murphy
 - None
- Deputy City Administrator Theresa Osenbaugh
 - None
- Police Chief Ed Turner

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

Alderman Darren Mills

STAFF OFFICIALS PRESENT

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City Attorney Lindsey Kolisch

- Written report
- Finance Director Steven Craig
 - None
- Parks & Recreation Director Shannon Davies
 - Fall baseball and softball kicked off and will run to the middle or end of October depending on weather – 335 kids registered
- Community Development Director Mark Trosen
 - Written Report
- City Clerk Jamie Logan
 - None

ITEM XVII: Board of Aldermen Reports & Comments

- Alderman Dale Arnold
 - Wanted to recognize those affected and that perished in 9/11
 - Publicly congratulated Ms. Unrein that she did a great job with the parade and thought it went very well and was disappointed in the way his comments were taken
- Alderman Brian Bray
 - None
- Alderman Tom Cleaver
 - Thanked Chief for the report
- Alderman Rick Knox
 - He wanted to address the concern by Cory (Unrein); stated he's part of a committee for an antique truck show convention (10-15 person committee) with 10 years minimum experience. He stated every year with that much experience on the committee, there is always something. He stated the hit she took was very harsh for only doing this for 3 years; feels the board should reach out and show her to continue with the board's support
- Alderman Darren Mills
 - Absent
- Alderman Ryan Skinner
 - Construction dates for the all-inclusive playground; 10-12 week lead time for materials – the surface material is the final piece that has temperature requirements for the final pad so this has been pushed out to March 2024 -
 - Shared he attended the football game last night and saw a ton of foot traffic and vehicles at the restaurants and at the fair – good to see

ITEM XVIII: Mayor Report

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

Alderman Darren Mills

STAFF OFFICIALS PRESENT

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- Thanked everyone for the support of the fair including the Police Department (specifically Officer Staat), Jerry from Parks, Parks staff, public works, and all the staff
- Mayor also feels bad about the hit Cory took from the parade and saw some of these messages; this is the ROTC's 2nd leader in the last 12 months of the organization—everyone is so busy that day and it wasn't intentional. He stated he's organized the parade once and it is a lot of work and hopes she will reconsider and this is why so many different people have taken this on over the years. He stated he was receiving calls on Thursday to be part of the parade and they don't want to turn anyone away
- He doesn't have a record of attendance going back on the fair, but felt this was the highest attendance as they ran out of items and had to restock early- thanked all for their participation and for all that came out
- Alderman Arnold motioned that the Board of Aldermen send Cory a vote of full confidence that she did a good job with the parade and appreciation for the service she has given.
- Alderman Knox seconded the motion
- *The motion was voted on with the following voice vote:*
 - *Aye: Arnold, Bray, Cleaver, Knox, Skinner*
 - *Nay:*
 - *Abstain:*

-Motion Approved: 5-0-

ITEM XIX: Executive Session

- *Mr. Murphy stated an executive session was needed for Legal Actions, Causes of Action of Litigation Pursuant to Section 610.021(1), RSMo. 1998, as Amended*
- *Alderman Skinner moved to close the Regular Meeting for items related to Legal Actions, Causes of Action of Litigation Pursuant to Section 610.021(1), RSMo. 1998, as Amended*
- *The motion was seconded by Alderman Bray*
 - *No Discussion*
- *The motion was voted on with the following roll call vote:*
 - *Aye: Arnold, Bray, Knox, Skinner, Cleaver*
 - *Nay: None*
 - *Abstain: None*

-Motion Carried:5-0-

- The regular meeting closed at 8:25 PM-

- *Alderman Arnold moved to open the Regular Meeting*
- *The motion was seconded by Alderman Skinner*
 - *No Discussion*
- *The motion was voted on with the following roll call vote:*

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Mayor Mike Todd
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STAFF OFFICIALS PRESENT
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Finance Director Steven Craig
Community Development Director Mark Trosen
Chief Ed Turner
City Clerk Jamie Logan
City Attorney Lindsey Kolisch

CITY OF GRAIN VALLEY
Board of Aldermen Meeting Minutes
Regular Session

09/11/2023
PAGE 12 OF 12

- *Aye: Arnold, Bray, Cleaver, Knox, Skinner*
- *Nay: None*
- *Abstain: None*

- Motion Carried: 5-0-

- The regular meeting opened at 8:57 PM-

ITEM XX: Adjournment

- The meeting was adjourned at 8:58 P.M.

Minutes submitted by:

Jamie Logan
City Clerk

Date

Minutes approved by:

Mike Todd
Mayor

Date

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Brian Bray
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

Alderman Darren Mills

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Parks and Recreation Director Shannon Davies
Finance Director Steven Craig
Community Development Director Mark Trosen
Chief Ed Turner
City Clerk Jamie Logan
City Attorney Lindsey Kolisch



CITY OF GRAIN VALLEY DESTRUCTION CERTIFICATE

The City of Grain Valley follows the rules set by the Missouri Secretary of State's Office. The Missouri Secretary of State's Office oversees document retention in Missouri's political subdivisions in accordance Missouri Revised Statutes Chapter 109, Section 255. According to the Missouri Records Retention Manual published by that office, certain records need only be retained for limited periods of time, at which point they can be destroyed.

Each City department reviewed the manual and provided the City Clerk's office with the list of documents below available for destruction per the Missouri Records Retention Manual.

<u>Retention Schedule Number</u>	<u>Type of Document</u>	<u>Quantity/Series</u>	<u>Department</u>
GS 055	Bid Records – Not selected & selected	April & October 2018, 2019, 2020, 1999, 1996, 1991	City Clerk
GS 012	Correspondence	1986, 1991-1995- 1998, 1999-2001, 2001	City Clerk, Legal
GS 058	Litigation Case Files	1986-2000	Legal
GS 040	Grant Records/correspondence	1990, 1989	Legal/Community Development
GS 060	Correspondence/contract info	1986/2017,1995	City Clerk, Community Development
GS 007	Accounts Payable Records	1988,2000, 2001, 1991	Legal, Community development, parks
GS 066	Sunshine Requests	2016-2019, 2001	City Clerk
1204	Variance Requests – building and zoning requirements	10.2018	City Clerk
GS050	Permits and Licenses	2020-2021	City Clerk
GS060	Contracts, leases and agreements	2017, 1999	City Clerk
GS1204	Variance Request	2018	Planning & Zoning
GS076	Administrative Reports	2009	Admin
GS 056	Insurance Policy Records	1991-1999, 2002	Administration
GS 057	Insurance Claims Files	1994, 2002	Administration
GS 117	Benefits filings	2000	Administration

Approved via Consent Agenda this _____ day of _____, 2023.

By:

Mike Todd
Mayor

Attest:

Jamie Logan
City Clerk

Staff witnessed the destruction of the above records via _____ on this _____ day of _____, 20__ in accordance with the practice outlined by the Secretary of State's office above.

This list serves as the permanent record and be attached to the minutes for this regularly scheduled Board of Aldermen meeting.



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GS007	Accounts Payable	2015-2017	Finance

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Mayor

Attest:

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City Clerk

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711 Main Street
Grain Valley, MO 64029
816.847.6211
Cityofgrainvalley.org

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GS062	Employment Recruitment & Selection Records	2020 Interviews/Test Scores/Conditional Offers/Memos	Human Resources
GS067	Vehicle Ownership & Retention Records	Sold 2021/Title Issued 2005, 2007/Lein Release 2019	Human Resources
GS043/GS027	Drug Testing Records/Employee Medical Records	October 2015-October 2016	Human Resources
GS056	Insurance Policy Records	2013-2015	Human Resources
GS057	Insurance Claim Files	Legal Action Taken (2012-2013)/No Legal Action Taken 3/2009-10/2018	Human Resources
GS091	Workers Compensation Files	2012 (Action Taken)-2020 (No Action Taken)	Human Resources
GS012	Correspondence-General	Vantage Trust Annual Report 2010-2013	Human Resources

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GS020	2018 Meter sets and repairs 2019-2020 Meter readings, sewer billing, cut off registers, bad debt registers 2020 Service orders, finalized service agreements	1	Utility Billing
GS011	2015-2016 Dep Journal	1	Utility Billing

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Attest:

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DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT		
NON-DEPARTMENTAL	GENERAL FUND	KCMO CITY TREASURER	KC EARNINGS TAX WH	22.26		
		MO DEPT OF REVENUE	MISSOURI WITHHOLDING	2,581.42		
		FRATERNAL ORDER OF POLICE	EMPLOYEE DEDUCTIONS	315.00		
		HAMPEL OIL INC	CJC FUEL	595.18		
		AFLAC	AFLAC AFTER TAX	73.73		
			AFLAC CRITICAL CARE	11.88		
			AFLAC PRETAX	267.41		
			AFLAC-W2 DD PRETAX	230.57		
		MIDWEST PUBLIC RISK	DENTAL	139.68		
			COPAY	276.50		
			COPAY	249.55		
			COPAY	323.28		
			QHDHP HSA	226.64		
			QHDHP HSA	1,421.31		
			QHDHP HSA	22.63		
			VISION	16.00		
			VISION	40.22		
			VISION	99.15		
			VISION	18.59		
		HSA BANK	HSA - GRAIN VALLEY, MO	370.32		
			HSA - GRAIN VALLEY, MO	525.43		
		OMNIGO SOFTWARE	OMINGO RMS SYSTEM	7,633.06		
		CITY OF GRAIN VALLEY -FLEX	FLEX PLAN	15.00		
		MISSIONSQUARE RETIREMENT	MISSIONSQUARE 457 %	1,087.02		
			MISSIONSQUARE 457	437.85		
			MISSIONSQUARE ROTH IRA	92.85		
		INTERNAL REVENUE SERVICE	FEDERAL WH	7,312.84		
			SOCIAL SECURITY	4,906.99		
			MEDICARE	<u>1,147.60</u>		
			TOTAL:	30,459.96		
		HR/CITY CLERK	GENERAL FUND	MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	385.51
				ARC PHYSICAL THERAPY PLUS LP	WORKSTEPS: CHRISTIANSEN/KN	300.00
OFFICE DEPOT	COPY PAPER/ERASERS/RUBBERB			82.48		
	SHARPIES			15.04		
INSIGHT PUBLIC SAFETY AND FORENSIC CON	NEW HIRE EVALUATION			1,100.00		
MIDWEST PUBLIC RISK	DENTAL			51.84		
	COPAY			365.95		
	QHDHP HSA			259.33		
	QHDHP HSA			358.21		
HSA BANK	HSA - GRAIN VALLEY, MO			100.27		
CONCENTRA MEDICAL CENTERS	KNIGHT SCREENING			103.00		
NAVIGATE360 LLC	ALICE TRAINING			1,802.50		
	ALICE TRAINING			772.50		
INTERNAL REVENUE SERVICE	SOCIAL SECURITY			175.79		
	MEDICARE			<u>41.11</u>		
	TOTAL:			5,913.53		
INFORMATION TECH	GENERAL FUND			NETSTANDARD INC	Misc. Projects	2,531.25
		CDW GOVERNMENT	VERKADA 802.3AT POE INJECT	129.00		
			Adobe Acrobat Pro	800.47		
			Adobe Creative Cloud	1,572.98		
		OMNIGO SOFTWARE	OMNIGO RMS SYSTEM	<u>7,633.06</u>		
			TOTAL:	12,666.76		
BLDG & GRDS	GENERAL FUND	AAA DISPOSAL SERVICE INC	50% FACILITIES MAINTENANCE	180.00		

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		SAMS CLUB/SYNCHRONY BANK	CITY HALL TOILET PAPER	111.92
		COMCAST - HIERARCY ACCT	CITY HALL	53.89
			CITY HALL	212.40
		ORKIN	SEPT 2023 MAIN ST SERVICE	81.89
		GENERAL ELEVATOR	SEPTEMBER 2023 SERVICE	153.00
		SC REALTY SERVICES	Janitorial Services	1,062.27
		SPIRE	33333 - 624 JAMES ROLLO CT	9.47
			41111 - 711 S MAIN ST 70%	43.39
		COMCAST	SEPT 2023 FIBER	<u>389.28</u>
			TOTAL:	2,297.51
ADMINISTRATION	GENERAL FUND	MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	583.71
		SAMS CLUB/SYNCHRONY BANK	PARADE CANDY	485.48
			COFFEE	42.64
		PITNEY BOWES INC	4) RED INK CTG	365.16
		HOME DEPOT CREDIT SERVICES	PLYWOOD/GLIDDEN FLAT BASE/	74.20
		MIDWEST PUBLIC RISK	DENTAL	24.25
			DENTAL	1.98
			COPAY	26.19
			QHDHP HSA	11.64
			QHDHP HSA	432.38
		HSA BANK	HSA - GRAIN VALLEY, MO	101.02
			HSA - GRAIN VALLEY, MO	2.20
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	311.24
			MEDICARE	72.80
		GREATAMERICA FINANCIAL SERVICES CORP.	50% CH ADMIN	118.50
			50% CH BILLING	<u>118.50</u>
			TOTAL:	2,771.89
LEGAL	GENERAL FUND	ENSZ & JESTER P C	GENERAL ADVICE	<u>157.50</u>
			TOTAL:	157.50
FINANCE	GENERAL FUND	MO DEPT OF REVENUE	MISSOURI WITHHOLDING	0.50
		MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	374.56
		SAMS CLUB/SYNCHRONY BANK	INTEREST CHARGE	18.00
		MIDWEST PUBLIC RISK	DENTAL	34.90
			QHDHP HSA	265.15
			QHDHP HSA	348.67
		HSA BANK	HSA - GRAIN VALLEY, MO	100.00
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	183.85
			MEDICARE	<u>42.99</u>
			TOTAL:	1,368.62
COURT	GENERAL FUND	CITY OF BLUE SPRINGS	PRISONER HOUSING - AUG 202	105.00
		MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	198.19
		RAY COUNTY TREASURER/COUNTY	AUGUST 2023 BILLING	360.00
		MIDWEST PUBLIC RISK	DENTAL	18.00
			COPAY	398.00
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	156.27
			MEDICARE	<u>36.54</u>
			TOTAL:	1,272.00
VICTIM SERVICES	GENERAL FUND	MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	206.11
		MIDWEST PUBLIC RISK	DENTAL	18.00
			QHDHP HSA	321.00
		HSA BANK	HSA - GRAIN VALLEY, MO	75.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	163.39
			MEDICARE	<u>38.21</u>
			TOTAL:	821.71
FLEET	GENERAL FUND	CLARKS TOOL & EQUIPMENT	RIGHT ANGLE DRILL/CHEMICAL	237.60
		MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	127.71
		ADVANCE AUTO PARTS	BATTERY CLEANER/BAT TERM P	10.90
		OREILLY AUTOMOTIVE INC	TPMS SRVC KIT	20.00
			WIRE LOOM	30.50
		MIDWEST PUBLIC RISK	DENTAL	17.94
			QHDHP HSA	165.02
		HSA BANK	HSA - GRAIN VALLEY, MO	38.55
		CINTAS CORPORATION # 430	PW/WOLTZ UNIFORMS	5.06
			PW/WOLTZ UNIFORMS	5.06
		FACTORY MOTOR PARTS CO	FULL SYN DEXOS/CONV OIL	242.55
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	65.44
			MEDICARE	<u>15.31</u>
			TOTAL:	981.64
POLICE	GENERAL FUND	GALLS LLC	SALOMON - XA FORCES MID GT	220.35
		MISSOURI LAGERS	EMPLOYER CONTRIBUTIONS	6,829.03
			MONTHLY CONTRIBUTIONS	430.80
		PETTY CASH	OFFICE DEPOT: SD ULTRA CRU	23.37
			CAR WASHES	16.00
		ADVANCE AUTO PARTS	SCENT FOGGER	7.73
			BTRY-PLATINUM AGM	169.33
		OFFICE DEPOT	3 HOLE PUNCH/MANILA FOLDER	54.85
			COPY PAPER/ERASERS/RUBBERB LABELS	205.45
			LABELS	11.18
		OREILLY AUTOMOTIVE INC	CORE RETURN	22.00-
			A/T FILTER/1QT TRANS FLUID	101.08
			FUSE HOLDER	15.96
			WIPER BLADES	16.78
			BATTERY/CORE CHARGE/BATTER	182.05
			MICRO-V BELT/BELT TENSNER	78.89
		HAMPEL OIL INC	FUEL	2,037.34
			FUEL	320.12
		GRAIN VALLEY CUSTOM MUFFLER LLC	AP RESONATOR/MODIFY EXHAUS	200.00
		MIDWEST PUBLIC RISK	DENTAL	162.00
			DENTAL	383.90
			COPAY	1,309.50
			COPAY	796.00
			COPAY	861.45
			COPAY	758.10
			QHDHP HSA	530.30
			QHDHP HSA	2,247.00
			QHDHP HSA	4,184.10
		HSA BANK	HSA - GRAIN VALLEY, MO	450.00
			HSA - GRAIN VALLEY, MO	700.00
		GREGS LOCK & KEY SERVICE INC	FORD KEYS/PROGRAM REMOTE K	123.00
		METRO FORD	KIT-T	62.71
		ROSS MILLER CLEANERS	DRY CLEANING: TURNER	24.05
		OAK GROVE ANIMAL CLINIC	DOZIER HRTWRM TEST	30.00
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	3,269.59
			MEDICARE	764.67
		MOLLE CHEVROLET INC	WIRE	135.95

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		MAYWOOD PRINTING CO., INC	BUSINESS CARDS	35.00
		GREATAMERICA FINANCIAL SERVICES CORP.	PD END OF HALL	237.00
			PD ADMIN	237.00
			PD FRONT WINDOW	120.00
		BLACKJACK TRUCK ACCESSORIES	#280744/581444	<u>498.00</u>
			TOTAL:	28,817.63
ANIMAL CONTROL	GENERAL FUND	MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	168.99
		HAMPEL OIL INC	FUEL	74.76
		MIDWEST PUBLIC RISK	COPAY	398.00
		OAK GROVE ANIMAL CLINIC	BOARDING	3,186.00
			VET CARE	72.50
			BOARDING	1,206.00
			VET CARE	993.54
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	87.31
			MEDICARE	<u>20.42</u>
			TOTAL:	6,207.52
PLANNING & ENGINEERING GENERAL FUND		MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	893.67
		HAMPEL OIL INC	FUEL	124.11
		MIDWEST PUBLIC RISK	DENTAL	31.43
			DENTAL	45.14
			COPAY	113.72
			QHDHP HSA	881.51
			QHDHP HSA	88.02
		HSA BANK	HSA - GRAIN VALLEY, MO	205.96
			HSA - GRAIN VALLEY, MO	14.33
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	494.11
			MEDICARE	115.57
		GRECO LAWN & MAINTENANCE LLC	MOWING	<u>900.00</u>
			TOTAL:	3,907.57
NON-DEPARTMENTAL	PARK FUND	KCMO CITY TREASURER	KC EARNINGS TAX WH	23.88
		MO DEPT OF REVENUE	MISSOURI WITHHOLDING	510.63
		FAMILY SUPPORT PAYMENT CENTER	SMITH CASE 91316387	92.31
		AFLAC	AFLAC CRITICAL CARE	6.78
			AFLAC PRETAX	58.52
			AFLAC-W2 DD PRETAX	57.20
		MISCELLANEOUS FIRST SAMOAN ASSEMBLY	FIRST SAMOAN ASSEMBLY OF G	200.00
		COUNTRY CLUB HOMES II,	COUNTRY CLUB HOMES II, LLC	150.00
		MIDWEST PUBLIC RISK	DENTAL	13.54
			COPAY	18.72
			QHDHP HSA	134.65
			QHDHP HSA	39.70
			VISION	8.00
			VISION	17.16
			VISION	2.15
			VISION	0.77
		HSA BANK	HSA - GRAIN VALLEY, MO	196.46
			HSA - GRAIN VALLEY, MO	127.72
		MISSIONSQUARE RETIREMENT	MISSIONSQUARE 457 %	340.77
			MISSIONSQUARE 457	228.46
			MISSIONSQUARE ROTH IRA	158.87
			MISSIONSQUARE ROTH IRA	52.44
		INTERNAL REVENUE SERVICE	FEDERAL WH	1,403.80
			SOCIAL SECURITY	1,118.98

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			MEDICARE	<u>261.69</u>
			TOTAL:	5,223.20
PARK ADMIN	PARK FUND	MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	902.84
		AT&T	U-VERSE PARK MAINTENANCE	64.20
		COMCAST - HIERARCY ACCT	CITY HALL	8.10
			CITY HALL	42.05
		OREILLY AUTOMOTIVE INC	WIPER FLUID/CAR WASH	17.25
		HAMPEL OIL INC	FUEL	318.69
		MIDWEST PUBLIC RISK	DENTAL	3.45
			DENTAL	51.90
			COPAY	73.19
			QHDHP HSA	633.61
			QHDHP HSA	61.49
			QHDHP HSA	136.60
		HSA BANK	HSA - GRAIN VALLEY, MO	14.37
			HSA - GRAIN VALLEY, MO	139.07
		COMCAST	SEPT 2023 FIBER	64.88
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	444.04
			MEDICARE	<u>103.85</u>
			TOTAL:	3,079.58
PARKS STAFF	PARK FUND	AAA DISPOSAL SERVICE INC	MONKEY MOUNTAIN COMPLEX	65.00
		MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	646.49
		PETTY CASH	HOME DEPOT: CLUE GAME SUPP	14.04
		KORNIS ELECTRIC SUPPLY INC	3/4 NM LIQUIDTIGHT CONNECT	4.14
		FASTENAL COMPANY	HOSE CLAMPS	101.58
		WEST CENTRAL ELECTRIC COOP INC	07/28-08/29 BALL PARK COMP	209.57
		ELKINS AIR CONDITIONING & HEATING	New AC Unit-Armstrong Con	2,650.00
		MENARDS - INDEPENDENCE	MOUSE GLUE TRAPS/MOUSE BAI	50.07
			BLACK PLUG/BLACK BUSHSING/	173.82
		MIDWEST PUBLIC RISK	DENTAL	54.00
			QHDHP HSA	963.00
		HSA BANK	HSA - GRAIN VALLEY, MO	225.00
		SPIRE	00609 - 600 BUCKNER TARSNE	21.67
			33333 - 624 JAMES ROLLO CT	4.75
		GREGS LOCK & KEY SERVICE INC	COMBO LOCK AT ARMSTRONG CO	334.99
			PADLOCK FOR SHOP GARAGE DO	46.25
		LAWN & LEISURE	HY GARD	60.88
			SWITCH	51.75
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	323.22
			MEDICARE	<u>75.59</u>
			TOTAL:	6,075.81
RECREATION	PARK FUND	PETTY CASH	AMAZON: CLUE GAME SUPPLIES	20.82
		SAMS CLUB/SYNCHRONY BANK	Conc. Food Blanket PO	45.10
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	1.64
			MEDICARE	<u>0.38</u>
			TOTAL:	67.94
COMMUNITY CENTER	PARK FUND	A&A ELECTRICAL INC	REPAIR CENTER POLE LIGHT B	150.00
		AAA DISPOSAL SERVICE INC	COMMUNITY CENTER	130.00
		MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	421.45
		COMCAST - HIERARCY ACCT	COMMUNITY CENTER	288.95
		MIDWEST PUBLIC RISK	DENTAL	36.00
			QHDHP HSA	642.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		HSA BANK	HSA - GRAIN VALLEY, MO	150.00
		SC REALTY SERVICES	Janitorial Services	177.05
		SPIRE	21111 - 713 S MAIN ST	129.70
			22222 - 713 S MAIN ST A	47.37
		MARY ALLGRUNN	08/22-08/31 LINE DANCING	144.00
		TIFFANI KEY	08/21-09/01 SILVERSNEAKERS	150.00
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	308.25
			MEDICARE	72.08
		JULIE HENGEL	08/21-09/01 SILVERSNEAKERS	150.00
		GREATAMERICA FINANCIAL SERVICES CORP.	CC HALLWAY	237.00
			CC FRONT DESK	<u>119.00</u>
			TOTAL:	3,352.85
POOL	PARK FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY	41.83
			MEDICARE	<u>9.79</u>
			TOTAL:	51.62
NON-DEPARTMENTAL	TRANSPORTATION	MO DEPT OF REVENUE	MISSOURI WITHHOLDING	160.54
		FAMILY SUPPORT PAYMENT CENTER	DZEKUNSKAS CASE 41452523	30.00
		AFLAC	AFLAC PRETAX	16.05
			AFLAC-W2 DD PRETAX	8.05
		MIDWEST PUBLIC RISK	DENTAL	13.59
			COPAY	67.87
			QHDHP HSA	45.08
			QHDHP HSA	81.06
			QHDHP HSA	22.62
			VISION	1.60
			VISION	1.37
			VISION	4.40
			VISION	3.95
		HSA BANK	HSA - GRAIN VALLEY, MO	11.08
			HSA - GRAIN VALLEY, MO	84.26
		MISSIONSQUARE RETIREMENT	MISSIONSQUARE 457 %	73.30
			MISSIONSQUARE 457	60.00
			MISSIONSQUARE ROTH IRA	50.00
		INTERNAL REVENUE SERVICE	FEDERAL WH	452.12
			SOCIAL SECURITY	286.23
			MEDICARE	<u>66.94</u>
			TOTAL:	1,540.11
TRANSPORTATION	TRANSPORTATION	MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	596.71
		SAMS CLUB/SYNCHRONY BANK	COFFEE	8.82
		ADVANCE AUTO PARTS	FUEL FILTER/OIL FILTER/ROT	26.70
			SYLVANIA H11 LED/SYLVANIA	28.00
			ENGINE OIL FILTER	1.57
		OFFICE DEPOT	COPY PAPER/ERASERS/RUBBERB	22.00
		COMCAST - HIERARCY ACCT	CITY HALL	1.00
			CITY HALL	15.58
			PW 36084	24.37
			TYER RD	24.97
			PW 59845	37.43
			PW 59845	61.76
		OREILLY AUTOMOTIVE INC	CABLE TIES	9.99
			RETURN HVAC ATUATOR	9.04-
		ORKIN	SEPT 2023 MAIN ST SERVICE	7.02
			SEPT 2023 JAMES ROLLO SERV	17.19

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		BLUE SPRINGS WINWATER CO	HEAVY-DUTY 10" RAPITGRIP W	13.00
		HAMPEL OIL INC	FUEL	96.36
		MIDWEST PUBLIC RISK	DENTAL	10.65
			DENTAL	52.12
			COPAY	79.60
			COPAY	265.35
			QHDHP HSA	212.12
			QHDHP HSA	189.97
			QHDHP HSA	278.94
			QHDHP HSA	88.02
		HSA BANK	HSA - GRAIN VALLEY, MO	44.40
			HSA - GRAIN VALLEY, MO	114.33
		SC REALTY SERVICES	Janitorial Services	106.23
		SPIRE	31111 - 405 JAMES ROLLO 20	9.47
			33333 - 624 JAMES ROLLO CT	9.47
			41111 - 711 S MAIN ST 6%	3.71
			81111 - 618 JAMES ROLLO CT	12.13
		ANDERSON RENTALS & SALES	CONCRETE & MIXING TRAILER	315.00
		CINTAS CORPORATION # 430	PW/WOLTZ UNIFORMS	26.22
			PW/WOLTZ UNIFORMS	26.22
		COMCAST	SEPT 2023 FIBER	38.93
		RUSH TRUCK CENTER	CLAMP HEAT EXCHANGER	18.40
			TRUCK PART	941.35
			TRUCK PART	0.04
			TRUCK PARTS	329.76
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	286.25
			MEDICARE	66.95
		GREATAMERICA FINANCIAL SERVICES CORP.	20% PW FRONT OFFICE	47.40
		BOLEY UTILITIES CONSTRUCTION, LLC	VACTRON RENTAL 8/29/23	70.00
			TOTAL:	4,626.46
PUBLIC HEALTH	PUBLIC HEALTH	PETTY CASH	LIBERTY SOC EXP: SR LUNCH	22.58
			TOTAL:	22.58
NON-DEPARTMENTAL	ARPA FUND	CDW GOVERNMENT	Armstrong Camera	2,140.00
			TOTAL:	2,140.00
NON-DEPARTMENTAL	2022 GO BONDS	HOEFER WELKER LLC	PD Design Services	22,333.59
		MCCOWNGORDON CONSTRUCTION LLC	July PD Construction	896,570.34
			TOTAL:	918,903.93
NON-DEPARTMENTAL	WATER/SEWER FUND	MO DEPT OF REVENUE	MISSOURI WITHHOLDING	1,104.91
		FAMILY SUPPORT PAYMENT CENTER	DZEKUNSKAS CASE 41452523	120.00
		AFLAC	AFLAC PRETAX	127.89
			AFLAC-W2 DD PRETAX	52.63
		MISCELLANEOUS WYMAN, GLENN M	10-129900-02	60.42
		SWINGLEY, CASSI	10-134000-07	9.10
		GOODMAN, TRACY	10-142100-12	29.34
		MIGUEL, EZEQUIEL	10-149200-01	15.54
		WILLIAMSON, ASHLEA	10-217600-07	38.36
		CROOKS, JENELL	10-226400-03	15.54
		KINNEVAN, BLANCHE	10-238900-06	24.72
		STARTED ON LEE, LLC	10-251200-08	15.54
		SEIZ, PEYTON	10-256230-06	65.54
		ADAMS, DUSTIN	10-300400-02	15.54
		BARKER, CONNIE	10-350200-09	71.69

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		DATTOLICO, ANNETTE	10-350600-11	67.34
		YATES, ASHLEY	10-353600-12	65.54
		DINGMAN, FOREST	10-360800-08	76.65
		MAJETICH, JULIE	10-363700-06	15.54
		CHOUTEAU, CYNTHIA	10-371100-03	15.54
		OGLE, GARRETT	10-378200-01	0.23
		INVESTMENT CREATIONS	10-382400-09	15.54
		GUFFEY, DANA	10-386600-09	7.86
		BAKER, JASON	10-393600-03	5.33
		MURRY, DALTON	10-394800-07	65.54
		HONEYWELL, JO ANNE W	10-403400-01	12.86
		CYGAN, KIMBERLY	10-471740-07	65.54
		AFFILTER, JARRETT	10-503790-08	34.78
		GORING, WILLIAM	10-539500-02	14.01
		STROPE, JAMES	10-558330-01	27.59
		ORVIS, JASON	10-830500-16	31.08
		KOCHANOWICZ, JESSICA	10-831140-02	65.54
		RAYMOND, WILLIAM	10-851070-01	15.54
		POPPELWELL, KATHIE	10-900350-02	33.29
	MIDWEST PUBLIC RISK		DENTAL	87.99
			COPAY	365.73
			QHDHP HSA	382.53
			QHDHP HSA	484.43
			QHDHP HSA	112.60
			VISION	6.40
			VISION	13.25
			VISION	26.30
			VISION	24.69
	HSA BANK		HSA - GRAIN VALLEY, MO	78.72
			HSA - GRAIN VALLEY, MO	517.58
	MISSIONSQUARE RETIREMENT		MISSIONSQUARE 457 %	515.19
			MISSIONSQUARE 457	488.69
			MISSIONSQUARE ROTH IRA	329.71
	INTERNAL REVENUE SERVICE		FEDERAL WH	3,395.68
			SOCIAL SECURITY	2,115.78
			MEDICARE	<u>494.84</u>
			TOTAL:	11,842.21
WATER	WATER/SEWER FUND	AAA DISPOSAL SERVICE INC	25% FACILITIES MAINTENANCE	90.00
		PEREGRINE CORPORATION	BILL PRINT AND MAIL	615.18
			BILL PRINT AND MAIL	91.22
		CITY OF INDEPENDENCE UTILITIES	20937CCF 07/18-08/16	32,522.35
		MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	2,148.45
		SAMS CLUB/SYNCHRONY BANK	COFFEE	17.62
		ADVANCE AUTO PARTS	FUEL FILTER/OIL FILTER/ROT	53.39
			SYLVANIA H11 LED/SYLVANIA	55.99
			ENGINE OIL FILTER	3.12
		VANCO SERVICES LLC	AUG 2023 GATEWAY ES20605	77.90
		OFFICE DEPOT	COPY PAPER/ERASERS/RUBBERB	43.98
		COMCAST - HIERARCY ACCT	CITY HALL	11.59
			CITY HALL	51.85
			PW 36084	48.74
			TYER RD	49.94
			PW 59845	74.87
			PW 59845	123.52
		OREILLY AUTOMOTIVE INC	RETURN HVAC ATUATOR	18.08-

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		TRI-COUNTY WATER AUTHORITY	AUG 2023 TRI COUNTY WATER	54,410.51
			AUG 2023 TRI COUNTY WATER	80,266.58
		ORKIN	SEPT 2023 MAIN ST SERVICE	14.04
			SEPT 2023 JAMES ROLLO SERV	34.40
		MISSOURI ONE CALL SYSTEM INC	AUGUST 336 LOCATES	453.60
		BLUE SPRINGS WINWATER CO	HEAVY-DUTY 10" RAPITGRIP W	26.00
		HAMPEL OIL INC	FUEL	192.72
		MIDWEST PUBLIC RISK	DENTAL	46.12
			DENTAL	169.26
			COPAY	159.20
			COPAY	725.99
			QHDHP HSA	899.98
			QHDHP HSA	900.31
			QHDHP HSA	833.50
			QHDHP HSA	219.06
		HSA BANK	HSA - GRAIN VALLEY, MO	210.36
			HSA - GRAIN VALLEY, MO	364.90
		SC REALTY SERVICES	Janitorial Services	212.45
		SPIRE	31111 - 405 JAMES ROLLO 40	18.95
			33333 - 624 JAMES ROLLO CT	11.84
			41111 - 711 S MAIN ST 12%	7.44
			81111 - 618 JAMES ROLLO CT	24.26
		CINTAS CORPORATION # 430	PW/WOLTZ UNIFORMS	52.45
			PW/WOLTZ UNIFORMS	52.45
		COMCAST	SEPT 2023 FIBER	77.86
		RUSH TRUCK CENTER	CLAMP HEAT EXCHANGER	36.81
			TRUCK PART	1,882.69
			TRUCK PART	0.08
			TRUCK PARTS	659.50
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	1,059.13
			MEDICARE	247.70
		GREATAMERICA FINANCIAL SERVICES CORP.	40% PW FRONT OFFICE	94.80
			50% CH COMMUNITY DEV	118.50
			25% CH ADMIN	59.25
			25% CH BILLING	59.25
		BOLEY UTILITIES CONSTRUCTION, LLC	VACTRON RENTAL 8/29/23	<u>140.00</u>
			TOTAL:	180,803.57
SEWER	WATER/SEWER FUND	AAA DISPOSAL SERVICE INC	25% FACILITIES MAINTENANCE	90.00
		PEREGRINE CORPORATION	BILL PRINT AND MAIL	615.19
			BILL PRINT AND MAIL	91.22
		MISSOURI LAGERS	MONTHLY CONTRIBUTIONS	2,142.86
		SAMS CLUB/SYNCHRONY BANK	COFFEE	17.62
		ADVANCE AUTO PARTS	FUEL FILTER/OIL FILTER/ROT	53.39
			SYLVANIA H11 LED/SYLVANIA	55.99
			ENGINE OIL FILTER	3.12
		VANCO SERVICES LLC	AUG 2023 GATEWAY ES20605	77.90
		OFFICE DEPOT	COPY PAPER/ERASERS/RUBBERB	43.98
		COMCAST - HIERARCY ACCT	CITY HALL	11.59
			CITY HALL	51.85
			PW 36084	48.74
			TYER RD	49.94
			PW 59845	74.87
			PW 59845	123.53
		OREILLY AUTOMOTIVE INC	RETURN HVAC ATUATOR	18.08-
		ORKIN	SEPT 2023 MAIN ST SERVICE	14.04

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			SEPT 2023 JAMES ROLLO SERV	34.40
		BLUE SPRINGS WINWATER CO	HEAVY-DUTY 10" RAPITGRIP W	26.00
			261-00069012-000 SS FCC	400.00
		HAMPEL OIL INC	FUEL	192.72
		MIDWEST PUBLIC RISK	DENTAL	46.10
			DENTAL	168.22
			COPAY	159.20
			COPAY	703.91
			QHDHP HSA	899.97
			QHDHP HSA	900.32
			QHDHP HSA	833.48
			QHDHP HSA	219.05
		HSA BANK	HSA - GRAIN VALLEY, MO	210.34
			HSA - GRAIN VALLEY, MO	364.90
		SC REALTY SERVICES	Janitorial Services	212.45
		SPIRE	31111 - 405 JAMES ROLLO 40	18.95
			33333 - 624 JAMES ROLLO CT	11.84
			41111 - 711 S MAIN ST 12%	7.44
			81111 - 618 JAMES ROLLO CT	24.26
		CINTAS CORPORATION # 430	PW/WOLTZ UNIFORMS	52.45
			PW/WOLTZ UNIFORMS	52.45
		COMCAST	SEPT 2023 FIBER	77.86
		RUSH TRUCK CENTER	CLAMP HEAT EXCHANGER	36.81
			TRUCK PART	1,882.69
			TRUCK PART	0.08
			TRUCK PARTS	659.50
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	1,056.63
			MEDICARE	247.11
		GREATAMERICA FINANCIAL SERVICES CORP.	40% PW FRONT OFFICE	94.80
			50% CH COMMUNITY DEV	118.50
			25% CH ADMIN	59.25
			25% CH BILLING	59.25
		BOLEY UTILITIES CONSTRUCTION, LLC	VACTRON RENTAL 8/29/23	<u>140.00</u>
			TOTAL:	13,518.68

===== FUND TOTALS =====

100	GENERAL FUND	97,643.84
200	PARK FUND	17,851.00
210	TRANSPORTATION	6,166.57
230	PUBLIC HEALTH	22.58
285	ARPA FUND	2,140.00
291	2022 GO BONDS	918,903.93
600	WATER/SEWER FUND	206,164.46

	GRAND TOTAL:	1,248,892.38

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-CITY OF GRAIN VALLEY
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
ITEM DATE: 9/02/2023 THRU 9/15/2023
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 0/00/0000 THRU 99/99/9999

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: None
SEQUENCE: By Department
DESCRIPTION: Distribution
GL ACCTS: NO
REPORT TITLE: C O U N C I L R E P O R T
SIGNATURE LINES: 0

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM: YES

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Resolutions

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**CITY OF GRAIN VALLEY
BOARD OF ALDERMEN AGENDA ITEM**

MEETING DATE	09/25/2023	
BILL NUMBER	R23-67	
AGENDA TITLE	<p>A RESOLUTION BY THE BOARD OF ALDERMEN OF THE CITY OF GRAIN VALLEY EXPRESSING STRONG CONCERN WITH THE LEADERSHIP OF JACKSON COUNTY EXECUTIVE FRANK WHITE JR. AND DECLARING AND AFFIRMING A VOTE OF NO CONFIDENCE IN HIS ABLITY TO SERVE JACKSON COUNTY RESIDENTS</p>	
REQUESTING DEPARTMENT	Elected	
PRESENTER	Mayor Todd	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	N/A
	Balance Available:	N/A
	New Appropriation Required:	[] Yes [X] No
PURPOSE	To express displeasure and lack of confidence in the management of the 2022 real property tax assessment process under the leadership of Frank White	
BACKGROUND	<p>Jackson County recently underwent a parcel-by-parcel assessment review through a contracted third party. The outcome of the review has caused inconsistent and extraordinary changes to resident's tax assessments. This has resulted in trouble and delays with the appeals process leaving many residents without answers or the opportunity to present their case. This has also left cities with very little confidence as they are required by state statute to set their tax levies by September 30, 2023.</p>	
SPECIAL NOTES	Not Applicable	
ANALYSIS	Not Applicable	
PUBLIC INFORMATION PROCESS	Not Applicable	

BOARD OR COMMISSION RECOMMENDATION	Not Applicable
DEPARTMENT RECOMMENDATION	Not Applicable
REFERENCE DOCUMENTS ATTACHED	Resolution

CITY OF
GRAIN VALLEY

STATE OF
MISSOURI

September 25, 2023

RESOLUTION NUMBER

R23-67

**A RESOLUTION BY THE BOARD OF ALDERMEN OF THE CITY OF GRAIN VALLEY
EXPRESSING STRONG CONCERN WITH THE LEADERSHIP OF JACKSON COUNTY
EXECUTIVE FRANK WHITE AND DECLARING AND AFFIRMING A VOTE OF NO
CONFIDENCE IN HIS ABLITY TO SERVE JACKSON COUNTY RESIDENTS**

WHEREAS, Frank White, Jr. was elected Jackson County Executive on November 8, 2016 after serving as appointed County Executive starting January 11, 2016;

WHEREAS, in this role, Frank White, Jr. serves as the Chief Executive Officer for Jackson County and is responsible for the oversight of county departments and agencies;

WHEREAS, under Frank White, Jr.'s leadership, the 2022 assessment of real property has caused significant disruption to county operations and has caused many residents to see unparallel increases to their assessed property value with the average increase being 30%;

WHEREAS, 55% of Jackson County residents have appealed their 2022 assessments and some have yet to have resolution to their appeal;

WHEREAS, the county has increased taxes beyond the allowable percentage, failed to notify property owners of increases, failed to perform inspections and failed to correctly and timely account for new construction;

WHEREAS, the County, under the management and supervision of Frank White, Jr. has not taken corrective action to address the failures of the assessment process;

WHEREAS, the Grain Valley Board of Aldermen wishes to publicly declare they have no confidence in the leadership of Frank White, Jr. and the ability of the county to make satisfactory corrective actions to real property assessments.

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Grain Valley, Missouri as follows:

SECTION 1: Adoption of this resolution declares and affirms that the Grain Valley Board of Aldermen has no confidence in the leadership of County Executive Frank White, Jr. in his current role serving Jackson County, Missouri.

SECTION 2: The Board of Aldermen hereby views the conduct of the county to be unlawful and inappropriate.

SECTION 3: The Board of Aldermen hereby calls on Frank White to make publicly known the county's plan for correcting the discrepancies and complications resulting from the 2022 assessment process.

PASSED and APPROVED, via voice vote, (-) this 25th Day of September, 2023.

[R23-67]

Mike Todd
Mayor

ATTEST:

Jamie Logan
City Clerk

Ordinances

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**CITY OF GRAIN VALLEY
BOARD OF ALDERMEN AGENDA ITEM**

MEETING DATE	09/25/2023	
BILL NUMBER	B23-29	
AGENDA TITLE	AN ORDINANCE TO ESTABLISH THE CITY OF GRAIN VALLEY, MISSOURI'S ANNUAL TAX LEVIES FOR THE 2023 CALENDAR YEAR FOR GENERAL MUNICIPAL GOVERNMENT OPERATIONS; THE RETIREMENT OF GENERAL OBLIGATION DEBT; PARK MAINTENANCE; AND PUBLIC HEALTH PURPOSES	
REQUESTING DEPARTMENT	Administration & Finance	
PRESENTER	Ken Murphy, City Administrator Steven Craig, Finance Director	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	N/A
	Balance Available:	
	New Appropriation Required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
PURPOSE	To meet the required timelines for establishing the tax rate within Jackson County, Missouri. The tax generated provides revenue for operating the city and making the debt service payments.	
BACKGROUND	N/A	
SPECIAL NOTES	N/A	
ANALYSIS	N/A	
PUBLIC INFORMATION PROCESS	Newspaper publication on 9/16/2023 and public hearing on 9/25/2023	
BOARD OR COMMISSION RECOMMENDATION	N/A	
DEPARTMENT RECOMMENDATION	Staff Recommends Approval	
REFERENCE DOCUMENTS ATTACHED	N/A	

BILL NO. B23-31

ORDINANCE NO.
SECOND READING
FIRST READING

**AN ORDINANCE TO ESTABLISH THE CITY OF GRAIN VALLEY,
MISSOURI'S ANNUAL TAX LEVIES FOR THE 2023 CALENDAR YEAR FOR GENERAL MUNICIPAL
GOVERNMENT OPERATIONS; THE RETIREMENT OF GENERAL OBLIGATION DEBT; PARK
MAINTENANCE; AND PUBLIC HEALTH PURPOSES**

WHEREAS, the Board of Aldermen, City of Grain Valley, Missouri are required by statute to adopt an annual budget and establish a tax rate sufficient to meet the planned expenditures for the upcoming fiscal year; and

WHEREAS, the Board conducted a public hearing on September 25, 2023, to solicit and listen to public input for the City tax levies for the upcoming year.

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Grain Valley, Missouri as follows:

SECTION 1: The City of Grain Valley's annual tax levies for 2023 shall be levied on each one hundred dollars (\$100) assessed valuation of all taxable real estate, personal property, including individual and business personal property, and all locally assessed railroad and other utility real estate and personal property in the City of Grain Valley, Missouri at the following rates:

- A. General Municipal Government Operations - \$0.4012 for general municipal government operations to be deposited in General Fund.
- B. Retirement of General Obligation Debt - \$0.5530 for the retirement of general obligation debt, including the payment of principal and interest, to be deposited in the Debt Service Fund.
- C. Park Fund - \$0.0886 for park maintenance to be deposited in the Park Fund.
- D. Public Health - \$0.0353 for public health purposes to be deposited in the Public Health Fund.

Total City Levy - \$1.0781

Read two times and PASSED by the Board of Aldermen this ____ day of _____, 2023, the aye and nay votes being recorded as follows:

ALDERMAN ARNOLD	_____	ALDERMAN BRAY	_____
ALDERMAN CLEAVER	_____	ALDERMAN KNOX	_____
ALDERMAN MILLS	_____	ALDERMAN SKINNER	_____

Mayor _____ (in the event of a tie only)

Approved as to form:

Lauber Municipal Law
City Attorney

Mike Todd
Mayor

ATTEST:

Jamie Logan
City Clerk

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**CITY OF GRAIN VALLEY
BOARD OF ALDERMEN AGENDA ITEM**

MEETING DATE	09/11/2023, 09/25/2023	
BILL NUMBER	B23-30	
AGENDA TITLE	AN ORDINANCE OF THE CITY OF GRAIN VALLEY AMENDING THE CITY CODE REGARDING MARIJUANA	
REQUESTING DEPARTMENT	POLICE	
PRESENTER	Ed Turner, Chief of Police	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	N/A
	Balance Available:	N/A
	New Appropriation Required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
PURPOSE	To amend City Code Chapter 215 regulating marijuana and the use thereof.	
BACKGROUND	The City of Grain Valley originally regulated marijuana under the State of Missouri medical marijuana requirements. The addition of recreational marijuana at the state level requires municipalities to amend city ordinances. This ordinance will align Grain Valley with the statutory requirements. Effective December 6, 2018, the Missouri Constitution was amended by adding Article XIV, Section 1, pertaining to medical marijuana. Effective December 8, 2022, the Missouri Constitution was further amended by adding Article XIV, Section 2, through Amendment 3 regarding recreational marijuana.	
SPECIAL NOTES	N/A	
ANALYSIS	N/A	
PUBLIC INFORMATION PROCESS	N/A	

BOARD OR COMMISSION RECOMMENDATION	N/A
DEPARTMENT RECOMMENDATION	Staff Recommends Approval
REFERENCE DOCUMENTS ATTACHED	Ordinance

**CITY OF
GRAIN VALLEY**

**STATE OF
MISSOURI**

BILL NO. B23-30

ORDINANCE NO.
SECOND READING
FIRST READING

September 11, 2023 (5-0)

**AN ORDINANCE OF THE CITY OF GRAIN VALLEY AMENDING THE CITY
CODE REGARDING MARIJUANA**

WHEREAS, Effective December 6th, 2018, the Missouri Constitution was amended by adding Article XIV, Section 1, pertaining to medical marijuana; and

WHEREAS, effective December 8th, 2022, the Missouri Constitution was further amended by adding Article XIV, Section 2, regarding recreational marijuana;

WHEREAS, it is necessary to amend the ordinances of this City to conform to the provisions of the Constitution; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF GRAIN VALLEY, MISSOURI AS FOLLOWS:

SECTION 1: The Code of the City of Grain Valley is hereby amended by repealing Chapter 655 and enacting one new Chapter in lieu thereof to read as follows:

CHAPTER 655 MARIJUANA

655.010 Definitions

- A. Any term not specifically defined in this Chapter shall have the definition set forth in Article XIV of the Constitution, if any.
- B. Specific Definitions. Unless the context indicates otherwise, the following terms shall have the meaning set forth herein.
 - (1) "Administer" means the direct application of marijuana to a Qualifying Patient by way of any of the following methods:
 - a. Ingestion of capsules, teas, oils, and other marijuana-infused products;
 - b. Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
 - c. Application of ointments or balms;
 - d. Transdermal patches and suppositories;
 - e. Consuming marijuana-infused food products.

- (2) 'Church' means a permanent building primarily and regularly used as a place of religious worship.
- (3) 'Comprehensive Facility' means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.
- (4) '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 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 shall include the creation of prerolls. but shall not include the manufacture of marijuana-infused products.
- (5) 'Comprehensive Marijuana Dispensary Facility' means a facility licensed by the Department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and 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 of Article XIV, 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 limitations of this Article and as 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 and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.
- (6) '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 marijuana testing facility, or another marijuana-infused products manufacturing 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.
- (7) 'Constitution' shall mean the Constitution of the State of Missouri.

- (8) 'Consumer' means a person who is at least twenty-one years of age.
- (9) 'Daycare' means a child-care facility, as defined by section 215.201, RSMo., or successor provisions, that is licensed by the state of Missouri.
- (10) 'Department' means the Department of Health and Senior Services, or its successor agency.
- (11) 'Directly' For the purpose of this chapter the term 'directly' shall mean the shortest possible practicable route from the Medical Marijuana Facility to the permitted destination or destinations, without any voluntary detours or additional stops.
- (12) Enclosed, Locked Facility
- a. An indoor stationary closet, room, garage, greenhouse, or other comparable fully enclosed space equipped with locks or other functioning security devices that permit access only to the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana; or
 - b. An outdoor stationary structure:
 - i. That is enclosed on all sides, except at the base, by chain-link fencing, wooden slats, or a similar material that is anchored, attached or affixed to the ground and that cannot be accessed from the top;
 - ii. In which the plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure at any level; and
 - iii. That is equipped with locks or other security devices that restrict access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana.
- (13) 'Fine' when used herein shall mean a monetary fine imposed by the Municipal Court for this City.
- (14) 'Marijuana' or 'Marihuana' means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. 'Marijuana' or 'Marihuana' do not include industrial hemp containing a 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.

- (15) 'Marijuana Business' means any facility licensed by the Department of Health and Senior Services under the authority granted by Article XIV of the Constitution.
- (16) 'Marijuana Dispensary' means either a Medical Marijuana Dispensary, a Comprehensive Marijuana Dispensary, or a Micro-Business as those terms are defined in Art. XIV of the Constitution.
- (17) 'Marijuana Facility' shall mean a medical marijuana facility or a comprehensive facility as that term is defined by Art. XIV Section 2 of the Constitution.
- (18) 'Marijuana-Infused Products' means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.
- (19) 'Medical Marijuana Cultivation Facility' means a facility licensed by the Department, to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility and shall also mean a Comprehensive Marijuana Cultivation Facility, as that term is defined in Article XIV of the Constitution.
- (20) 'Medical Marijuana Dispensary Facility' means a facility licensed by the Department, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.
- (21) 'Medical Marijuana-Infused Products Manufacturing Facility' means a facility licensed by the Department, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.
- (22) 'Microbusiness Dispensary Facility' The term "microbusiness dispensary facility" means a facility licensed by the Department to acquire, process, package, store on site or offsite, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a consumer, qualifying patient, as the term is defined in Section I of Article XIV of the Missouri Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of such Article XIV and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via internet, including from a third

party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

- (23) 'Microbusiness Wholesale Facility' The term "microbusiness wholesale facility" means a facility licensed by the Department to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and marijuana infused products.
- (24) 'Primary caregiver' means a person designated as such by the Department.
- (25) 'Qualifying Patient' means a person designated as such by the Department.
- (26) 'Then existing' shall mean any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time a business regulated under this Chapter first applies for either zoning or a building permit, whichever comes first.

655.020 Business License; No additional licenses.

Marijuana Businesses shall be required to have a city business license as required in Chapter 605 but shall not be required to have any other city issued license.

655.030 Marijuana Dispensaries

- A. Marijuana Dispensaries shall not be open to the public or make any sales between the hours of 6:00 p.m. and 8:00 a.m. Stated otherwise, Marijuana Dispensaries shall have an opening time no earlier than 8:00 a.m and a closing date of no later than 6:00 p.m for the purposes of being open to the public and making sales.
- B. No Marijuana, of any type, may be consumed on the premises of a Marijuana Dispensary, nor shall the licensee permit such consumption.
- C. Any Medical Marijuana Dispensary shall require any customer to display the customers permit card from the Department of Health and Senior Services or other proof of eligibility at the time of each purchase.
- D. No person under the age of twenty-one who is not a qualifying patient shall be allowed into a comprehensive marijuana dispensary facility. No person under the age of twenty-one shall be allowed into any micro-business dispensary. No

person under the age of eighteen years old shall be allowed into a medical marijuana dispensary. The foregoing notwithstanding, a qualifying patient who is too young to enter a medical marijuana dispensary, a comprehensive marijuana dispensary, or micro-business, may do so if such qualifying patient is accompanied by a parent or guardian or if such qualifying patient has been emancipated and shows proof of emancipation.

- E. A Marijuana Dispensary shall have displayed its state issued license, visible to the public, at all times.
- F. Each marijuana dispensary shall be operated from a permanent and fixed location. No marijuana dispensary shall be permitted to operate from a moveable, mobile, or transitory location. This subsection shall not prevent the physical delivery of marijuana to a customer, patient or the patient's primary caregiver at a location off of the premises of the permittee's marijuana dispensary, to the extent so allowed by law, if:
 - (1) the marijuana was lawfully purchased;
 - (2) the marijuana is delivered only by the permittee or an employee of the permittee;
 - (3) the marijuana is delivered only by the use of a motor vehicle, bicycle, or other lawful means of transportation; marijuana may not be delivered by drone or any remotely operated vehicle, or by any self-navigating vehicle unless a human occupies such self-navigating vehicle.
- G. Paraphenalia designed or intended for use in consuming marijuana may be sold at a marijuana dispensary.
- H. A Marijuana Dispensary shall provide adequate security on the premises of the marijuana dispensary including, but not limited to, the following:
 - (1) Security surveillance cameras installed to monitor the main entrance along with the interior and exterior of the premises to discourage and to facilitate the reporting of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least 72 hours by the permittee;
 - (2) Alarm systems which are professionally monitored and maintained in good working conditions;
 - (3) A locking safe permanently affixed to the premises, or a locked secure storage room, that is suitable for storage of all of the saleable inventory of marijuana if marijuana is to be stored overnight on the premises; and
 - (4) Exterior lighting that illuminates the exterior walls of the business and is compliant with the City Code.
- I. Location.

- (1) A Dispensary may not be located within 500 feet of a then existing elementary or secondary school, state licensed child day-care center or church (see § 655.010 B(26) for definition of 'then existing').
- (2) In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
- (3) The Board of Aldermen may reduce this distance by resolution if an applicant shows good for the same. The determination of what constitutes good cause shall be in the sole discretion of the Board of Aldermen.

655.035 Offsite Storage Facilities.

Marijuana Dispensaries may operate an Offsite Storage Facility for storage of products and inventory. A single Offsite Storage Facility may only be used by a single Entity licensed as a Marijuana Dispensary. An Offsite Storage Facility shall not be open to the public. An Offsite Storage Facility shall comply with the same requirements of a dispensary in regard to location, security, and odor control.

655.040 Marijuana-Infused Products Manufacturing Facility

- A. No permit shall be issued or renewed for a Marijuana-Infused Products Manufacturing Facility that does not meet the standards of this section.
- B. Distance Requirement. No Marijuana-Infused Products Manufacturing Facility using any combustible gases or CO₂ in the extraction process shall be located within 500 feet of a then existing elementary or secondary school, licensed child day care center, or church. Any other Marijuana-Infused Products Manufacturing Facility may be located in any location where a Medical Marijuana Dispensary may be located as detailed above. Measurements shall be in a method consistent with the city's existing liquor license measurement standard. The Board of Aldermen may reduce this distance by resolution if an applicant shows good for the same. The determination of what constitutes good cause shall be in the sole discretion of the Board of Aldermen.

- C. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a fence with razor wire at least ten (10) feet in height, not including the razor wire or such other alternative security measures approved by the Board of Aldermen.
- D. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Marijuana-Infused Products Manufacturing Facility at any time.
- E. Display of Licenses Required. The Marijuana-Infused Products Manufacturing Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.
- F. The City may revoke the business license of the facility for violations of this section.

655.050 Marijuana Cultivation and Testing Facilities

- A. No permit shall be issued or renewed for a Marijuana-Cultivation or Testing Facility that does not meet the standards of this section.
- B. Distance Requirement.
 - (1) No Marijuana Cultivation Facility shall be located within 500 feet of a then existing elementary or secondary school, state licensed child day-care center or church(see § 655.010 B(26) for definition of ‘then existing’).
 - (2) In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a large r structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
 - (3) The Board of Aldermen may reduce this distance by resolution if an applicant shows good for the same. The determination of what constitutes good cause shall be in the sole discretion of the Board of Aldermen.
- C. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building

structure or outdoors on the property in an area enclosed by a fence with razor wire at least ten (10) feet in height, not including the razor wire or such other alternative security measures approved by the Board of Aldermen.

- D. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Cultivation Facility at any time.
- E. Display of Licenses Required. The Medical Marijuana Cultivation Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
- F. The City may revoke the business license of the facility for violations of this section after notice and an opportunity for a hearing

655.060 Disposal of Medical Marijuana

No person shall dispose of Marijuana or Marijuana-Infused products in an unsecured waste receptacle not in possession and control of the Licensee and designed to prohibit unauthorized access.

655.070 Edible Marijuana, Labeling Requirements.

- A. No edible marijuana-infused product, packaging, or logo sold in this City pursuant to Article XIV of the Missouri Constitution shall be designed in the shape of a human, animal, or fruit, including realistic, artistic, caricature, or cartoon renderings. However, geometric shapes, including, but not limited to, circles, squares, rectangles, and triangles, shall be permitted.
- B. Each package, or packages with or within a package, containing an edible marijuana-infused product with ten or more milligrams of tetrahydrocannabinols (THC) shall be stamped with a universal symbol for such products, which shall consist of the following:
 - (1) A diamond containing the letters "THC";
 - (2) The letter "M" located under the "THC" within the diamond, to signify that the product is for medical purposes; and
 - (3) The number of milligrams of THC in the package.

The universal symbol shall be placed on the front of the package in red and white print and shall measure one-half inch by one-half inch from point to point.



SECTION 2: Chapter 225 of the City Code is hereby amended by adding one new section to read as follows:

225.080 Marijuana Odors and Smoke Declared to be a Nuisance.

Any medical marijuana facility, microbusiness, comprehensive marijuana facility authorized by Article XIV of the Missouri Constitution which generates marijuana smoke or odor that is capable of being detected by a person of ordinary senses (including but not limited to any police officer) beyond the property line of the facility is hereby declared to be a nuisance. In addition to any other remedy provided for the abatement of nuisances, the City may revoke the business license of any such facility for violation of this section after notice and the opportunity for a hearing.

SECTION 3: Chapter 215 of the City Code is hereby amended by

A. Repealing the following sections:

§ 215.040 Definitions

§ 215.078 Disposal Of Medical Marijuana.

§ 215.077 Administration Of Medical Marijuana In A Public Place Prohibited.

§ 215.079 Driving Under the Influence of Marijuana.

And

B. Enacting two new sections in lieu thereof to read as follows:

215.040 Definitions.

As used in this Article, the following terms shall mean:

ADMINISTER

To apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

1. A practitioner (or, in his/her presence, by his/her authorized agent); or
2. The patient or research subject at the direction and in the presence of the practitioner.

CONTROLLED SUBSTANCE

A drug, substance or immediate precursor in Schedules I through V listed in Chapter 195, RSMo.

DELIVER or DELIVERY

The actual, constructive or attempted transfer from one (1) person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale.

DEPRESSANT OR STIMULANT SUBSTANCE

1. A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. Section 352(d);
2. A drug containing any quantity of:
 - a. Amphetamine or any of its isomers;
 - b. Any salt of amphetamine or any salt of an isomer of amphetamine; or
 - c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;
3. Lysergic acid diethylamide; or
4. Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

DISPENSE

To deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses.

DISTRIBUTE

To deliver other than by administering or dispensing a controlled substance.

DRUG PARAPHERNALIA

1. 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, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of

Sections 195.005 to 195.425, RSMo. It includes, but is not limited to:

- a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;
- c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;
- d. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;
- e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;
- f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;
- g. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;
- h. Reserved.
- i. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;
- j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;
- k. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;
- l. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing, cocaine, hashish, or hashish oil into the human body, except those designed or intended for use with marijuana, such as:
 - (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (2) Water pipes;
 - (3) Carburetion tubes and devices;
 - (4) Smoking and carburetion masks;

- (5) Roach clips, meaning objects used to hold burning material, except those for use with marijuana, cigarette, that has become too small or too short to be held in the hand;
- (6) Miniature cocaine spoons and cocaine vials;
- (7) Chamber pipes;
- (8) Carburetor pipes;
- (9) Electric pipes;
- (10) Air-driven pipes;
- (11) Chillums;
- (12) Bongs;
- (13) Ice pipes or chillers;
- (14) Substances used, intended for use, or designed for use in the manufacture of a controlled substance.

2. In determining whether an object, product, substance, or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- a. Statements by an owner or by anyone in control of the object concerning its use;
- b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance or imitation controlled substance;
- c. The proximity of the object, in time and space, to a direct violation of this chapter or Chapter 579, RSMo.;
- d. The proximity of the object to controlled substances or imitation controlled substances;
- e. The existence of any residue of controlled substances or imitation controlled substances on the object;
- f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he/she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter or Chapter 579 RSMo.; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter or Chapter 579, RSMo., shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- g. Instructions, oral or written, provided with the object concerning its use;
- h. Descriptive materials accompanying the object which explain or depict its use;
- i. National or local advertising concerning its use;
- j. The manner in which the object is displayed for sale;
- k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

- l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- m. The existence and scope of legitimate uses for the object in the community;
- n. Expert testimony concerning its use;
- o. The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;

HALLUCINOGENIC SUBSTANCES

Including lysergic acid diethylamide, mescaline, psilocybin, and various types of methoxyamphetamines.

IMITATION CONTROLLED SUBSTANCE

A substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an imitation controlled substance the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

1. Whether the substance was approved by the Federal Food and Drug Administration for over-the-counter (non-prescription or non-legend) sales and was sold in the Federal Food and Drug Administration-approved package, with the Federal Food and Drug Administration-approved labeling information;
2. Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;
3. Whether the substance is packaged in a manner normally used for illicit controlled substances;
4. Prior convictions, if any, of an owner, or anyone in control of the object, under State or Federal law related to controlled substances or fraud;
5. The proximity of the substances to controlled substances;
6. Whether the consideration tendered in exchange for the non-controlled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a non-controlled substance that was initially introduced in commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate. Furthermore, an imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research.
7. Stimulants such as amphetamines and methamphetamines.
8. Barbiturates and other depressants such as amobarbital, secobarbital,

pentobarbital, phenobarbital, methaqualone, phencyclidine, and diazepam.

LICENSE or LICENSED

Persons required to obtain annual registration as issued by the State Division of Health as provided by Section 195.030, RSMo.

MANUFACTURE

The production, preparation, propagation, compounding, or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance by an individual for his/her own use or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

1. By a practitioner as an incident to his/her administering or dispensing of a controlled substance or an imitation controlled substance in the course of his/her professional practice; or
2. By a practitioner or by his/her authorized agent under his/her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

MARIJUANA

All parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., except industrial hemp, Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

PERSON

An individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.

PHARMACIST

A licensed pharmacist as defined by the laws of this State, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in this section shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right or privilege that is not granted to him/her by the pharmacy laws of this State.

PRACTITIONER

A physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this State to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this State, or a pharmacy, hospital or other institution licensed,

registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research.

PRESCRIPTION

A written order and, in cases of emergency, a telephone order, issued by a practitioner in good faith in the course of his/her professional practice to a pharmacist for a drug or a particular patient which specifies the date of its issue, the name and address of the patient (and, if such drug is prescribed for an animal, the species of such animal), the name and quantity of the drug prescribed, the directions for use of such drug, and the signature of the practitioner.

PRIMARY CAREGIVER

An individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under the provisions of Article **XIV**, Section 1, of the Missouri Constitution or in other written notification to the Missouri Department of Health and Senior Services.

PRODUCTION

Includes the manufacture, planting, cultivation, growing or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance.

QUALIFYING PATIENT

A Missouri resident diagnosed with at least one (1) qualifying medical condition as defined by Article **XIV**, Section 1, of the Missouri Constitution.

WAREHOUSEMAN

A person who, in the usual course of business, stores drugs for others, lawfully entitled to possess them and who has no control over the disposition of such drugs except for the purpose of such storage.

WHOLESALE

A person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.

215.079 Driving Under The Influence Of Marijuana.

A. A person commits the offense of driving under the influence of marijuana if he/she operates a motor vehicle under the influence of marijuana. For the purpose of determining the presence of marijuana in a person's blood under this Section, a test shall be conducted in accordance with the provisions of Sections 342.040 through 342.060 of Chapter 342 of this Code of Ordinances. Provided however that the presence of marijuana in the defendant's system alone shall not be sufficient proof that the defendant was under the influence of marijuana.

B. Any violation of this Section shall be punished in accordance with the provisions of Section 100.110 of this Code of Ordinances.

SECTION 4: Chapter 215 of the City Code is hereby amended by adding one new Article to read as follows:

ARTICLE XIV Offenses Involving Marijuana

215.700 Residential Cultivation, Marijuana

A. To the extent allowed by State law, marijuana for medicinal purposes may be cultivated in a residential structure, provided:

(1) The structure is the primary residence of a Primary Caregiver or Qualifying Patient and the marijuana is grown solely for the use of the Qualifying Patient who resides there or who is under the care of the Primary Caretaker.

(2) The residence has operating systems to assure that the emission of fumes or vapors connected with the cultivation are not allowed out of the building, or if the residence is in a multifamily building, that such fumes and vapors are not allowed into any other residence.

B. To the extent allowed by State law, marijuana for recreational purposes may be cultivated in a residential structure, provided:

(1) Cultivation is limited to six flowering, six non-flowering, and six clone plants and must be for non-commercial use.

(2) The residence has operating systems to assure that the emission of fumes or vapors connected with the cultivation is not allowed out of the building, or if the residence is a multifamily building, that such fumes and vapors are not allowed into any other residence.

(3) The cultivation must comply with the requirements of the Department and the person cultivating must have obtained a registration card from the Department.

(4) The plants and any marijuana produced by the plants in excess of three ounces must be kept at one private residence and in a locked place.

(5) Not more than twelve flowering marijuana plants may be kept in or on the grounds of a private residence at one time.

(6) That marijuana plants may not be visible by normal, unaided vision from a public place.

C. No manufacturing of marijuana products shall occur in any residence.

D. The cultivation must comply with the security and other requirements of state law and the rules of the Division of Health and Senior Services.

E. the resident has notified the City Clerk, including providing proof of eligibility, on a form provide by the City Clerk, so that law enforcement and code officials will be aware that the cultivation is lawfully taking place.

215.710 Residential Consumption.

- A. Persons may consume marijuana in their private residence, or in the residence of another with permission, but may not dispense or smoke marijuana in such a manner that the marijuana smoke or odor, exits the residence. If marijuana smoke or odor is capable of being detected by a person of ordinary senses (including but not limited to any police officer) beyond the property line of single family home or outside of the owned or leased premises of a duplex or multifamily unit there shall be a rebuttable presumption that this section has been violated. In a multifamily or similar dwelling, medical marijuana may not be dispensed or consumed in any common area.
- B. Violation of this provision shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

215.720 Illegal Possession and Transportation.

- A. No person under the age of 21 years may possess, use, ingest, inhale, transport, deliver with or without consideration, marijuana or marijuana paraphenalia, except that qualified patients under the age of twenty-one years (21) years may possess medical marijuana or paraphenalia to the extent allowed by law.
 - (1) If the violation of this Section involves three ounces of marijuana or less, the penalty shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00)
- B. No person may possess more than three ounces (3 oz) of recreational marijuana nor more than allowed by Missouri Law of medical marijuana.
- C. Illegal Growing:
 - (1) Possessing, transporting, planting, cultivating, harvesting, drying, processing, or manufacturing more than six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall); or
 - (2) possessing, transporting, planting, cultivating, harvesting, drying, processing, or manufacturing marijuana plants without being registered with the Department of Health and Senior Servies for cultivation of marijuana plants; or
 - (3) growing or possession of such plants by a person under the age of twenty-one years old.
 - (4) failing to keep in excess of three ounces of such plants in a locked space not visible by normal. unaided vision from a public place; or

- D. Sale to Persons Under Twenty-One. No person shall deliver to, transfer to, or sell to persons twenty-one years of age or older marijuana or marijuana paraphernalia.
- E. Penalties. Subject to the limitations of this section, a person who possesses not more than twice the amount of marijuana allowed pursuant to this subsection, produces not more than twice the amount of marijuana allowed pursuant to this subsection, delivers without receiving any consideration or remuneration to a person who is at least twenty-one years of age not more than twice the amount of marijuana allowed by this subsection, or possesses with intent to deliver not more than twice the amount of marijuana allowed by this subsection:
 - (1) For a first violation, is subject to an ordinance violation punishable by a fine not exceeding two hundred and fifty dollars and forfeiture of the marijuana:
 - (2) For a second violation and subsequent violations, is subject to an ordinance violation punishable by a fine not exceeding five hundred dollars and forfeiture of the marijuana:
 - (3) A person under twenty-one years of age is subject to a fine not to exceed two hundred and fifty dollars. Any such person shall be provided the option of attending up to eight hours of drug education or counseling in lieu of the fine: and
 - (4) In lieu of payment, penalties under this subsection may be satisfied by the performance of community service. The rate of pay-down associated with said service option will be the greater of \$15 or the minimum wage in effect at the time of judgment.

215.730 Motor Vehicle Offenses Involving Marijuana. It shall be unlawful for any person to:

- A. Operating or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana. Notwithstanding the foregoing, a conviction of a person who is at least twenty-one years of age for any applicable offenses shall require evidence that the person was in fact under the influence of marijuana at the time the person was in physical control of the motorized form of transport and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's system;
- B. Consumption of marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;
- C. Smoking marijuana within a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

215.740 Possession or Consumption Prohibited on Certain Property.

If shall be unlawfull for an person to be in possession or consumption of marijuana or possession of marijuana accessories on the grounds of a public or private preschool, elementary or secondary school, institution of higher education, in a school bus, or on the grounds of any correctional facility.

215.750 Public Consumption.

- A. Smoking marijuana in a location where smoking tobacco is prohibited.
- B. Consumption of marijuana in a public place, other than in an area authorized by the the City for that purpose is prohibited.
- C. Restaurants serving food which contains marijuana must register with the City and provide notice on all public entrances and on all menus that certain food contains marijuana.
- D. Violation of this Section shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00) for the first offense and not more than Five Hundred Dollars (\$500.00) as well as confiscation of of the marijuana for subsequent offenses.

SECTION 5: The provisions of any ordinance or code section in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: This ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 7: The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

Read two times and PASSED by the Board of Aldermen this ___day of_____, 2023, the aye and nay votes being recorded as follows:

ALDERMAN ARNOLD	_____	ALDERMAN BRAY	_____
ALDERMAN CLEAVER	_____	ALDERMAN KNOX	_____
ALDERMAN MILLS	_____	ALDERMAN SKINNER	_____

Mayor _____ (in the event of a tie only)

Approved as to form:

Lauber Municipal Law
City Attorney

Mike Todd
Mayor

ATTEST:

Jamie Logan
City Clerk

**CITY OF GRAIN VALLEY
BOARD OF ALDERMEN AGENDA ITEM**

MEETING DATE	9/11/2023, 9/25/2023	
BILL NUMBER	B23-31	
AGENDA TITLE	AN ORDINANCE BY THE BOARD OF ALDERMEN OF THE CITY OF GRAIN VALLEY, MISSOURI TO AMEND THE CITY CODE TITLE IV, CHAPTER 425 TO REMOVE MEDICAL MARIJUANA FACILITIES AND REPLACE IT WITH COMPREHENSIVE MARIJUANA FACILITIES	
REQUESTING DEPARTMENT	COMMUNITY DEVELOPMENT DEPARTMENT	
PRESENTER	Mark Trosen, Community Development Director	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	N/A
	Balance Available	N/A
	New Appropriation Required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
PURPOSE	To amend Chapter 425 to be consistent with the December 8, 2022, Missouri Constitution amendment regarding recreational marijuana.	
BACKGROUND	Effective December 6, 2018, the Missouri Constitution was amended by adding Article XIV, Section 1, pertaining to medical marijuana. Effective December 8, 2022, the Missouri Constitution was further amended by adding Article XIV, Section 2, through Amendment 3 regarding recreational marijuana.	
SPECIAL NOTES	None	
ANALYSIS	Please refer to Staff Report	
PUBLIC INFORMATION PROCESS	The notice for the BOA public hearing on September 11, 2023, was published in the Examiner on August 26, 2023.	
BOARD OR COMMISSION RECOMMENDATION	The Planning and Zoning Commission held a public hearing on August 9, 2023, and voted to recommend approval to the Board of Aldermen.	
DEPARTMENT RECOMMENDATION	Staff Recommends Approval	

**REFERENCE DOCUMENTS
ATTACHED**

Ordinance, Planning and Zoning Commission Resolution
2023-01, Staff Report

**CITY OF
GRAIN VALLEY**

**STATE OF
MISSOURI**

BILL NO. B23-31

ORDINANCE NO.
SECOND READING
FIRST READING

September 11, 2023 (5-0)

**AN ORDINANCE BY THE BOARD OF ALDERMEN OF THE CITY OF GRAIN VALLEY,
MISSOURI TO AMEND THE CITY CODE TITLE IV, CHAPTER 425 TO REMOVE MEDICAL
MARIJUANA FACILITIES AND REPLACE IT WITH COMPREHENSIVE MARIJUANA
FACILITIES**

WHEREAS, effective December 6th, 2018, the Missouri Constitution was amended by adding Article XIV, Section 1, pertaining to medical marijuana; and

WHEREAS, effective December 8th, 2022, the Missouri Constitution was further amended by adding Article XIV, Section 2, through Amendment 3 regarding recreational marijuana; and

WHEREAS, to implement the State's rules and Amendment 3, the text of Chapter 425 of the Grain Valley City Code (the "Grain Valley Zoning Regulations) needs to be amended to address marijuana facilities; and

WHEREAS, the Planning and Zoning Commission held a public hearing on August 9th, 2023, and voted to recommend approval to the Board of Aldermen recommending the proposed amendment to Chapter 425: and

WHEREAS, the Board of Aldermen conducted a public hearing on September 11th, 2023, which was properly noticed.

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Grain Valley, Missouri as follows:

SECTION 1. Chapter Four Hundred and Twenty-Five of the Grain Valley City Code is hereby amended as follows, with boldened language representing new language and struck through language, representing language to be removed.

Chapter 425 – ~~MEDICAL~~ MARIJUANA FACILITIES

Sec. 425.010. – Definitions.

For the purpose of this Chapter, the following words shall have the meanings set forth below:

ADMINISTER

means the direct application of marijuana to a Qualifying Patient by way of the following methods:

- a. **Ingestion of capsules, teas, oils, and other marijuana-infused products;**
- b. **Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;**
- c. **Application of ointments or balms;**

- d. Transdermal patches or suppositories; or
- e. Consuming marijuana-infused food products.

CHURCH

A permanent building primarily and regularly used as a place of religious worship.

COMPREHENSIVE FACILITY

A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY

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 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 shall include the creation of prerolls. but shall not include the manufacture of marijuana-infused products.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY

A facility licensed by the Department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and 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 of Article XIV, 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 limitations of this Article and as 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 and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

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 marijuana testing facility, or another marijuana-infused products manufacturing 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.

CONSTITUTION

The Constitution of the State of Missouri.

CONSUMER

A person who is at least twenty-one years of age.

DAY CARE

A child-care facility, as defined by Section 210.201, RSMo., that is licensed by the State of Missouri.

DEPARTMENT

The Department of Health and Senior Services, or its successor agency.

DIRECTLY

The shortest possible practicable route from the Medical Marijuana Facility to the permitted destination or destinations, without any voluntary detours or additional stops.

ELEMENTARY OR SECONDARY SCHOOL

Any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than 12th grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

ENCLOSED, LOCKED FACILITY

1. An indoor stationary closet, room, garage, greenhouse, or other comparable fully enclosed space equipped with locks or other functioning security devices that permit access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana; or

2. An outdoor stationary structure:

a. That is enclosed on all sides, except at the base, by chain-link fencing, wooden slats, or a similar material that is anchored, attached, or affixed to the ground and that cannot be accessed from the top; and

b. In which the plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure at any level; and

c. That is equipped with locks or other security devices that restrict access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana.

IDENTIFICATION CARD

A document, whether in paper or electronic format, issued by the department that authorizes a qualifying patient, primary caregiver, or employee or contractor of the licensed facility to access medical marijuana as provided by law.

MARIJUANA or MARIHUANA

Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3 of 1%) on a dry-weight basis, or commodities or products manufactured from industrial hemp.

MARIJUANA BUSINESS

any facility licensed by the Department of Health and Senior Services under the authority granted by Article XIV of the Constitution.

MARIJUANA DISPENSARY

Either a Medical Marijuana Dispensary, a Comprehensive Marijuana Dispensary, or a Micro-Business Dispensary as those terms are defined in Art. XIV of the Constitution.

MARIJUANA FACILITY

A Micro-Business, Medical Marijuana Facility or a Comprehensive Facility as those terms are defined by Art. XIV Section 2 of the Constitution.

MARIJUANA-INFUSED PRODUCTS

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.

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the department to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility. **and shall also mean a Comprehensive Marijuana Cultivation Facility, as that term is defined in Article XIV of the Constitution.**

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the department to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this Section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the department to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the department to acquire, test, certify, and transport marijuana.

MEDICAL MARIJUANA TRANSPORTATION FACILITY

A facility certified by the department to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.

MICROBUSINESS DISPENSARY FACILITY

A facility licensed by the Department to acquire, process, package, store on site or offsite, sell, transport to or form, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a consumer, qualifying patient, as the term is defined in Section I of Article XIV of the Missouri Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of such Article XIV and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

MICROBUSINESS WHOLESALE FACILITY

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

PRIMARY CAREGIVER

An individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under this Section or in other written notification to the department.

QUALIFYING PATIENT

A Missouri resident diagnosed with at least one (1) qualifying medical condition.

THEN EXISTING

Shall mean any school, child day-care center, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time a business regulated in this Chapter first applies for either zoning or building permit, whichever comes first.

Sec. 425.020. – Rules of Interpretation.

(a) The distance limitations in this Chapter, when referring to distances between ~~medical~~ marijuana facilities and churches, day cares and elementary or secondary schools, shall be measured in accordance with **Article XIV of the Constitution**. ~~19 CSR 30-95-040(4)~~.

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

(b) The distance limitations in this Chapter, when referring to distances between a ~~medical~~ marijuana facility and a separate ~~medical~~ marijuana facility shall be measured in a straight line between the primary entrances of each ~~medical~~ marijuana facility.

Sec. 425.030. – No Additional Licenses.

(a) ~~Medical~~ Marijuana facilities shall be required to be properly licensed and/or certified by the **Department Missouri Department of Health and Senior Services as required by 19 CSR 30-95**. Each ~~medical~~ marijuana facility in operation shall obtain a separate license, but multiple licenses may be utilized in a single location. All licenses shall be displayed at all times within twenty (20) feet of the main entrance to the ~~medical~~ marijuana facility.

- (b) Furthermore, ~~medical~~ marijuana facilities shall be required to have a city business license as require by Title VI of the Code of the City of Grain Valley and a Conditional Use Permit as required by Section 400.240 of the Grain Valley Code of Ordinances and any other license required by ~~the City that complies with 19 CSR 30-95~~ **the Department**. Certain activities performed in relation to such facilities may require permits from other agencies not related to the City.

Sec. 425.040. – ~~Medical~~ Marijuana Dispensary Siting Requirements.

- (a) A ~~medical~~ marijuana dispensary may be located as a conditional use in any Controlled Business District (C-B), Central Business District (C-1), General Business District (C-2), Highway Commercial District (C-3), and the Downtown Overlay District upon satisfactory compliance with the provisions of this section:

1. ~~Medical~~ Marijuana dispensary conditional use permit applicants shall comply with all provisions of Section 400.240 of the Code of the City of Grain Valley regarding conditional use permit applications, including, but not limited to the requirements of this Section.
2. A ~~medical~~ marijuana dispensary shall have the appropriate State license ~~pursuant to 19 CSR 30-95~~. An applicant may apply for a conditional use permit upon showing that they have applied for ~~this~~ State license **as required by law**, but the conditional use permit shall not be issued until such license has been obtained from the Missouri Department of Health and Senior Services.
3. A ~~medical~~ marijuana dispensary facility shall not be located closer than five hundred (500) feet from any other ~~medical~~ marijuana dispensary or ~~medical~~ marijuana facility, except when the facilities share common ownership.
4. No ~~medical~~ marijuana dispensary shall be located within seven hundred and fifty (750) feet of any then-existing elementary or secondary school, daycare, or church.
5. An applicant for a ~~medical~~ marijuana dispensary conditional use permit shall provide the following plans and documentation for city review and approval:
 - a. A site plan for a ~~medical~~ marijuana dispensary that shall include a floor plan showing where the various activities will be conducted. No ~~medical~~ marijuana products shall be visible from the exterior of the building.
 - b. All city-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction.
 - c. A plan which reasonably shows that the ~~medical~~ marijuana dispensary is capable, when functioning properly, or preventing odors of marijuana from

being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the ~~medical~~-marijuana dispensary is located.

- d. A security plan for review and ~~input from approval~~ by the Grain Valley Police Department, which reasonably shows that the ~~medical~~-marijuana dispensary can be kept secure from access by unauthorized persons both during and after normal operating hours and provides adequate overnight security for product trucks parked outside the ~~medical~~ marijuana dispensary at any hour.
 - e. A waste disposal plan for any unused product, ~~medical~~-marijuana byproduct, or hazardous materials used as part of normal operations by a ~~medical~~ marijuana dispensary in accordance with Missouri Department of Health and Senior Services guidelines.
 - f. All signage shall conform to the standards of Section 400.300 and Section 655.030(A)(4) of the Code of the City of Grain Valley as well as the Missouri Department of Health and Senior Services guidelines. Signage shall be reviewed and approved under a separate permit process.
6. If an application for a ~~medical~~-marijuana dispensary conditional use permit is approved, such conditional use permit shall be personal to the applicant at the approved site and shall not run with the land. In addition, the conditional use permit shall be subject to the applicant's continued compliance with all applicable City ordinances and State law regarding the operation of a ~~medical~~ marijuana dispensary facility. A ~~medical~~ marijuana dispensary conditional use permit shall be personal to the applicant and shall not be transferable. In the event the applicant's State-issued license expires, terminates, or is revoked for any reason, their conditional use permit shall terminate immediately without any additional notice or action.
 7. If any change occurs from the permitted use of a structure as a ~~medical~~ marijuana dispensary, a new conditional use permit shall be required in all cases.
 8. The State licensed operator of any ~~medical~~-marijuana dispensary shall provide a copy of their State license, issued by the Missouri Department of Health and Senior Services, to the Community Development Department annually to confirm their continuing licensed status with the State of Missouri. In the case of a ~~medical~~ marijuana dispensary that was granted a conditional use permit by the City, the state licensed operator and the applicant to whom the conditional use permit was issued shall be the same. The City may request such documentation at any time.

Sec. 425.050. – ~~Medical~~-Marijuana Cultivation Facility Siting Requirements.

- (a) A ~~medical~~ marijuana cultivation facility and microbusiness wholesale facility may be located as a conditional use in any Agricultural District (A), Light Industrial District (M-1),

Heavy Industrial District (M-2), and Industrial Park District (I-P) upon satisfactory compliance with the provisions of this Section:

1. ~~Medical~~ Marijuana cultivation facility and microbusiness wholesale facility conditional use permit applicants shall comply with all provisions of Section 400.240 of the Code of the City of Grain Valley regarding conditional use permit applications, including, but not limited to, the requirements of this Section.
2. A ~~medical~~ marijuana cultivation facility and microbusiness wholesale facility shall have the appropriate State license pursuant to ~~19 CSR 30-95~~. An applicant may apply for a conditional use permit upon showing that they have applied for ~~this~~ State license **as required by law**, but the conditional use permit shall not be issued until such license has been obtained from the Missouri Department of Health and Senior Services.
3. A ~~medical~~ marijuana cultivation facility and microbusiness wholesale facility shall not be located closer than five hundred (500) feet to any other ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility or ~~medical~~ marijuana facility, except when the facilities share common ownership.
4. No ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility shall be located within seven hundred and fifty (750) feet of any then-existing elementary or secondary school, day care, or church.
5. An applicant for a ~~medical~~ marijuana cultivation facility and microbusiness wholesale facility conditional use permit shall provide the following plans and documentation for City review and approval:
 - (1) A site plan for a ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility that shall include a floor plan showing where the various activities will be conducted.
 - (2) All City-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction.
 - (3) A plan which reasonably shows that the ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility is capable, when functioning properly, of preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility is located.
 - (4) A security plan for review and ~~approval by~~ **input from** the Grain Valley Police Department, which reasonably shows that the ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility can be kept secure from access by

unauthorized persons both during and after normal operating hours and provides adequate overnight security for product trucks parked outside the ~~medical~~-marijuana cultivation facility or microbusiness wholesale facility at any hour.

- (5) A waste disposal plan for any unused product, ~~medical~~ marijuana byproduct, or hazardous materials used as part of normal operations by a ~~medical~~ marijuana cultivation facility in accordance with Missouri Department of Health and Senior Services guidelines.
- (6) All signage shall conform to the standards of Section 400.300 and Section 655.030(A)(4) of the Code of the City of Grain Valley as well as the Missouri Department of Health and Senior Services guidelines. Signage shall be reviewed and approved under a separate permit process.
6. If an application for a ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility conditional use permit is approved, such conditional use permit shall be personal to the applicant at the approved site and shall not run with the land. In addition, the conditional use permit shall be subject to the applicant's continued compliance with all applicable City ordinances and State law regarding the operation of a ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility. A ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility conditional use permit shall be personal to the applicant and shall not be transferable. In the event the applicant's State-issued license expires, terminates, or is revoked for any reason, their conditional use permit shall terminate immediately without any additional notice or action.
7. If any change occurs from the permitted use of a structure as a ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility, a new conditional use permit shall be required in all cases.
8. The State-licensed operator of any ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility shall provide a copy of their State license, issued by the Missouri Department of Health and Senior Services, to the Planning and Zoning Commission annually to confirm their continuing licensed status with the State of Missouri. In the case of a ~~medical~~-marijuana cultivation facility or microbusiness wholesale facility that was granted a conditional use permit by the City, the State-licensed operator, and the applicant to whom the conditional use permit was issued shall be the same. The City may request such documentation at any time.

Sec. 425.060. ~~Medical~~ Marijuana-Infused Products Manufacturing Facility Siting Requirements.

- (a) A ~~medical~~ marijuana cultivation facility may be located as a conditional use in any Agricultural District (A), Light Industrial District (M-1), Heavy Industrial District (M-2), and Industrial Park District (I-P) upon satisfactory compliance with the provisions of this Section:

1. ~~Medical~~ marijuana-infused products manufacturing facility conditional use permit applicants shall comply with all provisions of Section 400.240 of the Code of the City of Grain Valley regarding conditional use permit applications, including, but not limited to, the requirements of this Section.
2. A ~~medical~~ marijuana-infused products manufacturing facility shall have the appropriate State license pursuant to ~~19 CSR 30-95~~. An applicant may apply for a conditional use permit upon showing that they have applied for this State license, **as provided by law**, but the conditional use permit shall not be issued until such license has been obtained from the Missouri Department of Health and Senior Services.
3. A ~~medical~~ marijuana-infused products manufacturing facility shall not be located closer than five hundred (500) feet to any other ~~medical~~ marijuana-infused products manufacturing facility or ~~medical~~ marijuana facility, except when the facilities share common ownership.
4. No ~~medical~~ marijuana-infused products manufacturing facility shall be located within seven hundred and fifty (750) feet of any then-existing elementary or secondary school, day care, or church.
5. An applicant for a ~~medical~~ marijuana-infused products manufacturing facility conditional use permit shall provide the following plans and documentation for City review and approval:
 - i. A site plan for a ~~medical~~ marijuana-infused products manufacturing facility that shall include a floor plan showing where the various activities will be conducted.
 - ii. All City-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction.
 - iii. A plan which reasonably shows that the ~~medical~~ marijuana-infused products manufacturing facility is capable, when functioning properly, of preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the ~~medical~~ marijuana-infused products manufacturing facility is located.
 - iv. A security plan for review and ~~approval by~~ **input from** the Grain Valley Police Department, which reasonably shows that the ~~medical~~-marijuana-infused products manufacturing facility can be kept secure from access by unauthorized persons both during and after normal operating hours and provides adequate overnight security for product trucks parked outside the ~~medical~~-marijuana-infused products manufacturing facility at any hour.

- v. A waste disposal plan for any unused product, ~~medical~~ marijuana byproduct, or hazardous materials used as part of normal operations by a ~~medical~~ marijuana-infused products manufacturing facility in accordance with the Missouri Department of Health and Senior Services guidelines.
 - vi. All signage shall conform to the standards of Section 400.300 and Section 655.030(A)(4) of the Code of the City of Grain Valley as well as the Missouri Department of Health and Senior Services guidelines. Signage shall be reviewed and approved under a separate permit process.
6. If an application for a ~~medical~~-marijuana-infused products manufacturing facility conditional use permit is approved, such conditional use permit shall be personal to the applicant at the approved site and shall not run with the land. In addition, the conditional use permit shall be subject to the applicant's continued compliance with all applicable City ordinances and State law regarding the operation of a ~~medical~~ marijuana-infused products manufacturing facility. A ~~medical~~-marijuana-infused products manufacturing facility conditional use permit shall be personal to the applicant and shall not be transferable. In the event the applicant's State-issued license expires, terminates, or is revoked for any reason, their conditional use permit shall terminate immediately without any additional notice or action.
 7. If any change occurs from the permitted use of a structure as a ~~medical~~ marijuana-infused products manufacturing facility, a new conditional use permit shall be required in all cases.
 8. The State-licensed operator of any ~~medical~~ marijuana-infused products manufacturing facility shall provide a copy of their State license, issued by the Missouri Department of Health and Senior Services, to the Planning and Zoning Commission annually to confirm their continuing licensed status with the State of Missouri. In the case of a ~~medical~~ marijuana-infused products manufacturing facility that was granted a conditional use permit by the City, the State-licensed operator, and the applicant to whom the conditional use permit was issued shall be the same. The City may request such documentation at any time.

Sec. 425.070 Medical Marijuana Testing Facility and Medical Marijuana Transportation Facility Siting Requirements.

- (a) A medical marijuana cultivation facility may be located as a conditional use in any Research Park District (R-P), Light Industrial District (M-1), Heavy Industrial District (M-2), and Industrial Park District (I-P) upon satisfactory compliance with the provisions of this Section:
 1. Medical marijuana testing facility or medical marijuana transportation facility conditional use permit applicants shall comply with all provisions of Section 400.240 of the Code of the City of Grain Valley regarding conditional use permit applications, including, but not limited to, the requirements of this Section.

2. A medical marijuana testing facility or a medical marijuana transportation facility shall have the appropriate State license pursuant to ~~19 CSR 30-95~~. An applicant may apply for a conditional use permit upon showing that they have applied for a State license **as provided by law** for each medical marijuana **transportation or testing** facility type applied for, but the conditional use permit shall not be issued until such license has been obtained from the Missouri Department of Health and Senior Services.
3. A medical marijuana testing facility or a medical marijuana transportation facility shall not be located closer than five hundred (500) feet to any other ~~medical~~ marijuana facility, except when the facilities share common ownership.
4. No medical marijuana testing facility or medical marijuana transportation facility may be located within seven hundred and fifty (750) feet of any then-existing elementary or secondary school, day care, or church.
5. The applicant for a medical marijuana testing facility or a medical marijuana transportation facility conditional use permit shall provide the following plans and documentation for City review and approval:
 - i. A site plan for the operation that shall include a floor plan showing where the various activities will be conducted.
 - ii. All City-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction related to a medical marijuana facility.
 - iii. A plan which reasonably shows that the medical marijuana facility is capable, when functioning properly, of preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the medical marijuana facility is located.
 - iv. A security plan for review and ~~approval by~~ **input from** the Grain Valley Police Department, which reasonably shows that the medical marijuana facility can be kept secure from access by unauthorized persons both during and after normal operating hours.
 - v. A waste disposal plan for any unused product, medical marijuana byproduct, or hazardous materials used as part of normal operations by a medical marijuana facility in accordance with Missouri Department of Health and Senior Services guidelines.
 - vi. All signage shall conform to the standards of Section 400.300 and Section 655.030(A)(4) of the Code of City of Grain Valley as well as the

Missouri Department of Health and Senior Services guidelines. Signage shall be reviewed and approved under a separate permit process.

6. If an application for a medical marijuana testing facility or medical marijuana transportation facility conditional use permit is approved, such conditional use permit shall be personal to the applicant at the approved site and shall not run with the land. In addition, the conditional use permit shall be subject to the applicant's continued compliance with all applicable City ordinances and State law regarding the operation of a medical marijuana testing facility or medical marijuana transportation facility. A medical marijuana testing facility or medical marijuana transportation facility conditional use permit shall be personal to the applicant and shall not be transferable. In the event the applicant's State-issued license expires, terminates, or is revoked for any reason, their conditional use permit shall terminate immediately without any additional notice or action.
7. The State-licensed operator of any medical marijuana testing facility or medical marijuana transportation facility shall provide a copy of their State license, issued by the Missouri Department of Health and Senior Services, to the Planning and Zoning Commission annually to confirm their continuing licensed status with the State of Missouri. In the case of a medical marijuana testing facility or medical marijuana transportation facility that was granted a conditional use permit by the City, the State-licensed operator, and the applicant to whom the conditional use permit was issued shall be the same. The City may request such documentation at any time.

~~Sec. 425.080 Residential Medical Marijuana Cultivation.~~

- ~~(a) Should a qualifying patient or primary caregiver decide to cultivate medical marijuana at their residence, the qualifying patient or primary caregiver shall do so in accordance with the provisions of 19 CSR 30-95, the provisions of this Section, and all other relevant Sections of the Code of the City of Grain Valley.~~
- ~~(b) All residential medical marijuana cultivation by a qualifying patient or primary caregiver shall take place within an enclosed, locked facility in accordance with 19 CSR 30-95.030.~~
- ~~(c) All residential medical marijuana cultivation by a qualifying patient or primary caregiver shall be done in such a way as to prevent odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot upon which the medical marijuana plants are located. If a qualifying patient or primary caregiver is cultivating in a multiple-tenant building, the qualifying patient or primary caregiver shall not permit odor of marijuana which is capable of being detected by a person of ordinary senses outside of the tenant space the qualifying patient or primary caregiver occupies.~~

SECTION 2. That this Ordinance shall be in full force and effect immediately upon its execution by the Board of Aldermen of the City of Grain Valley, Missouri.

Read two times and PASSED by the Board of Aldermen this ____ day of _____, 2023, the aye and nay votes being recorded as follows:

ALDERMAN ARNOLD	_____	ALDERMAN BRAY	_____
ALDERMAN CLEAVER	_____	ALDERMAN KNOX	_____
ALDERMAN MILLS	_____	ALDERMAN SKINNER	_____

Mayor _____ (in the event of a tie only)

Approved as to form:

Lauber Municipal Law
City Attorney

Mike Todd
Mayor

ATTEST:

Jamie Logan
City Clerk

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RESOLUTION NO.: 2023-01

A RESOLUTION OF THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, RECOMMENDING TO THE BOARD OF ALDERMEN THAT TITLE IV, CHAPTER 425 OF THE CODE OF ORDINANCES BE AMENDED BY REMOVING MEDICAL MARIJUANA FACILITES AND REPLACING IT WITH COMPREHENSIVE MARIJUANA FACILITES.

WHEREAS, Effective December 6th, 2018, the Missouri Constitution was amended by adding Article XIV, Section 1, pertaining to medical marijuana; and

WHEREAS, effective December 8th, 2022, the Missouri Constitution was further amended by adding Article XIV, Section 2, through Amendment 3 regarding recreational marijuana; and

WHEREAS, to implement the Department’s rules and Amendment 3, the Grain Valley Planning Commission initiated the process to amend the text of Chapter Four Hundred and Twenty-Five of the Grain Valley City Code (the “Grain Valley Zoning Ordinance”) to address marijuana facilities; and

WHEREAS, the language of this Resolution has been submitted to the Planning and Zoning Commission, which, after conducting a public hearing on August 9, 2023, which was properly noticed, is recommending that the Board of Alderman amend the Zoning Code of the City of Grain Valley as provided herein; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, AS FOLLOWS, TO WIT:

SECTION 1. Chapter Four Hundred and Twenty-Five of the Grain Valley City Code is hereby amended as follows, with boldened language representing new language and struck through language, representing language to be removed.

Chapter 425 – ~~MEDICAL~~-MARIJUANA FACILITIES

Sec. 425.010. – Definitions.

For the purpose of this Chapter, the following words shall have the meanings set forth below:

ADMINISTER

means the direct application of marijuana to a Qualifying Patient by way of the following methods:

- a. Ingestion of capsules, teas, oils, and other marijuana-infused products;**

- b. Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
- c. Application of ointments or balms;
- d. Transdermal patches or suppositories; or
- e. Consuming marijuana-infused food products.

CHURCH

A permanent building primarily and regularly used as a place of religious worship.

COMPREHENSIVE FACILITY

A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY

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 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 shall include the creation of prerolls. but shall not include the manufacture of marijuana-infused products.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY

A facility licensed by the Department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and 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 of Article XIV, 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 limitations of this Article and as 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 and provided

for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

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 marijuana testing facility, or another marijuana-infused products manufacturing 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.

CONSTITUTION

The Constitution of the State of Missouri.

CONSUMER

A person who is at least twenty-one years of age.

DAY CARE

A child-care facility, as defined by Section 210.201, RSMo., that is licensed by the State of Missouri.

DEPARTMENT

The Department of Health and Senior Services, or its successor agency.

DIRECTLY

The shortest possible practicable route from the Medical Marijuana Facility to the permitted destination or destinations, without any voluntary detours or additional stops.

ELEMENTARY OR SECONDARY SCHOOL

Any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than 12th grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

ENCLOSED, LOCKED FACILITY

1. An indoor stationary closet, room, garage, greenhouse, or other comparable fully enclosed space equipped with locks or other functioning security devices that permit access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana; or

2. An outdoor stationary structure:

a. That is enclosed on all sides, except at the base, by chain-link fencing, wooden slats, or a similar material that is anchored, attached, or affixed to the ground and that cannot be accessed from the top; and

b. In which the plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure at any level; and

c. That is equipped with locks or other security devices that restrict access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana.

IDENTIFICATION CARD

A document, whether in paper or electronic format, issued by the department that authorizes a qualifying patient, primary caregiver, or employee or contractor of the licensed facility to access medical marijuana as provided by law.

MARIJUANA or MARIHUANA

Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3 of 1%) on a dry-weight basis, or commodities or products manufactured from industrial hemp.

MARIJUANA BUSINESS

any facility licensed by the Department of Health and Senior Services under the authority granted by Article XIV of the Constitution.

MARIJUANA DISPENSARY

Either a Medical Marijuana Dispensary, a Comprehensive Marijuana Dispensary, or a Micro-Business Dispensary as those terms are defined in Art. XIV of the Constitution.

MARIJUANA FACILITY

A Micro-Business, Medical Marijuana Facility or a Comprehensive Facility as those terms are defined by Art. XIV Section 2 of the Constitution.

MARIJUANA-INFUSED PRODUCTS

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.

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the department to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility. **and shall also mean a Comprehensive Marijuana Cultivation Facility, as that term is defined in Article XIV of the Constitution.**

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the department to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this Section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the department to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the department to acquire, test, certify, and transport marijuana.

MEDICAL MARIJUANA TRANSPORTATION FACILITY

A facility certified by the department to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.

MICROBUSINESS DISPENSARY FACILITY

A facility licensed by the Department to acquire, process, package, store on site or offsite, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a consumer, qualifying patient, as the term is defined in Section I of Article XIV of the Missouri Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of such Article XIV and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

MICROBUSINESS WHOLESALE FACILITY

A facility licensed by the Department to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other

microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and marijuana infused products.

PRIMARY CAREGIVER

An individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under this Section or in other written notification to the department.

QUALIFYING PATIENT

A Missouri resident diagnosed with at least one (1) qualifying medical condition.

THEN EXISTING

Shall mean any school, child day-care center, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time a business regulated in this Chapter first applies for either zoning or building permit, whichever comes first.

Sec. 425.020. – Rules of Interpretation.

- (a) The distance limitations in this Chapter, when referring to distances between ~~medical~~-marijuana facilities and churches, day cares and elementary or secondary schools, shall be measured in accordance with **Article XIV of the Constitution**. ~~19 CSR 30-95.040(4)~~.
1. In the case of a freestanding **marijuana** facility, the distance between the facility and the school, day care or church shall be measured from the external wall of the facility structure closest in proximity to the school, day care, or church to the closest point of the property line of the school, day care, or church. If the school, day care, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care, or church closest in proximity to the facility.
 2. In the case of a **marijuana** facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or exit closest in proximity to the school, day care, or church. If the school, day care, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care, or church closest in proximity to the facility.

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

(b) The distance limitations in this Chapter, when referring to distances between a ~~medical~~-marijuana facility and a separate ~~medical~~ marijuana facility shall be measured in a straight line between the primary entrances of each ~~medical~~ marijuana facility.

Sec. 425.030. – No Additional Licenses.

(a) ~~Medical~~ Marijuana facilities shall be required to be properly licensed and/or certified by the **Department** ~~Missouri Department of Health and Senior Services as required by 19 CSR 30-95~~. Each ~~medical~~ marijuana facility in operation shall obtain a separate license, but multiple licenses may be utilized in a single location. All licenses shall be displayed at all times within twenty (20) feet of the main entrance to the ~~medical~~ marijuana facility.

(b) Furthermore, ~~medical~~ marijuana facilities shall be required to have a city business license as require by Title VI of the Code of the City of Grain Valley and a Conditional Use Permit as required by Section 400.240 of the Grain Valley Code of Ordinances and any other license required by ~~the City that complies with 19 CSR 30-95~~ **the Department**. Certain activities performed in relation to such facilities may require permits from other agencies not related to the City.

Sec. 425.040. – ~~Medical~~ Marijuana Dispensary Siting Requirements.

(a) A ~~medical~~-marijuana dispensary may be located as a conditional use in any Controlled Business District (C-B), Central Business District (C-1), General Business District (C-2), Highway Commercial District (C-3), and the Downtown Overlay District upon satisfactory compliance with the provisions of this section:

1. ~~Medical~~ Marijuana dispensary conditional use permit applicants shall comply with all provisions of Section 400.240 of the Code of the City of Grain Valley regarding conditional use permit applications, including, but not limited to the requirements of this Section.

2. A ~~medical~~ marijuana dispensary shall have the appropriate State license ~~pursuant to 19 CSR 30-95~~. An applicant may apply for a conditional use permit upon showing that they have applied for ~~this~~ State license **as required by law**, but the conditional use permit shall not be issued until such license has been obtained from the Missouri Department of Health and Senior Services.

3. A ~~medical~~ marijuana dispensary facility shall not be located closer than five hundred (500) feet from any other ~~medical~~ marijuana dispensary or ~~medical~~ marijuana facility, except when the facilities share common ownership.
4. No ~~medical~~ marijuana dispensary shall be located within seven hundred and fifty (750) feet of any then-existing elementary or secondary school, daycare, or church.
5. An applicant for a ~~medical~~-marijuana dispensary conditional use permit shall provide the following plans and documentation for city review and approval:
 - a. A site plan for a ~~medical~~-marijuana dispensary that shall include a floor plan showing where the various activities will be conducted. No ~~medical~~ marijuana products shall be visible from the exterior of the building.
 - b. All city-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction.
 - c. A plan which reasonably shows that the ~~medical~~-marijuana dispensary is capable, when functioning properly, or preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the ~~medical~~-marijuana dispensary is located.
 - d. A security plan for review and **input from approval** by the Grain Valley Police Department, which reasonably shows that the ~~medical~~-marijuana dispensary can be kept secure from access by unauthorized persons both during and after normal operating hours and provides adequate overnight security for product trucks parked outside the ~~medical~~ marijuana dispensary at any hour.
 - e. A waste disposal plan for any unused product, ~~medical~~-marijuana byproduct, or hazardous materials used as part of normal operations by a ~~medical~~-marijuana dispensary in accordance with Missouri Department of Health and Senior Services guidelines.
 - f. All signage shall conform to the standards of Section 400.300 and Section 655.030(A)(4) of the Code of the City of Grain Valley as well as the Missouri Department of Health and Senior Services guidelines. Signage shall be reviewed and approved under a separate permit process.
6. If an application for a ~~medical~~-marijuana dispensary conditional use permit is approved, such conditional use permit shall be personal to the applicant at the approved site and shall not run with the land. In addition, the conditional use permit shall be subject to the applicant's continued compliance with all applicable City

ordinances and State law regarding the operation of a ~~medical~~ marijuana dispensary facility. A ~~medical~~ marijuana dispensary conditional use permit shall be personal to the applicant and shall not be transferable. In the event the applicant's State-issued license expires, terminates, or is revoked for any reason, their conditional use permit shall terminate immediately without any additional notice or action.

7. If any change occurs from the permitted use of a structure as a ~~medical~~ marijuana dispensary, a new conditional use permit shall be required in all cases.
8. The State licensed operator of any ~~medical~~-marijuana dispensary shall provide a copy of their State license, issued by the Missouri Department of Health and Senior Services, to the Community Development Department annually to confirm their continuing licensed status with the State of Missouri. In the case of a ~~medical~~ marijuana dispensary that was granted a conditional use permit by the City, the state licensed operator and the applicant to whom the conditional use permit was issued shall be the same. The City may request such documentation at any time.

Sec. 425.050. – ~~Medical~~-Marijuana Cultivation Facility Siting Requirements.

- (a) A ~~medical~~ marijuana cultivation facility and microbusiness wholesale facility may be located as a conditional use in any Agricultural District (A), Light Industrial District (M-1), Heavy Industrial District (M-2), and Industrial Park District (I-P) upon satisfactory compliance with the provisions of this Section:
 1. ~~Medical~~ Marijuana cultivation facility and microbusiness wholesale facility conditional use permit applicants shall comply with all provisions of Section 400.240 of the Code of the City of Grain Valley regarding conditional use permit applications, including, but not limited to, the requirements of this Section.
 2. A ~~medical~~ marijuana cultivation facility and microbusiness wholesale facility shall have the appropriate State license pursuant to ~~19 CSR 30-95~~. An applicant may apply for a conditional use permit upon showing that they have applied for ~~this~~ State license **as required by law**, but the conditional use permit shall not be issued until such license has been obtained from the Missouri Department of Health and Senior Services.
 3. A ~~medical~~ marijuana cultivation facility and microbusiness wholesale facility shall not be located closer than five hundred (500) feet to any other ~~medical~~-marijuana cultivation facility or microbusiness wholesale facility or ~~medical~~ marijuana facility, except when the facilities share common ownership.

4. No ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility shall be located within seven hundred and fifty (750) feet of any then-existing elementary or secondary school, day care, or church.
5. An applicant for a ~~medical~~ marijuana cultivation facility and microbusiness wholesale facility conditional use permit shall provide the following plans and documentation for City review and approval:
 - (1) A site plan for a ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility that shall include a floor plan showing where the various activities will be conducted.
 - (2) All City-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction.
 - (3) A plan which reasonably shows that the ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility is capable, when functioning properly, of preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility is located.
 - (4) A security plan for review and ~~approval by~~ **input from** the Grain Valley Police Department, which reasonably shows that the ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility can be kept secure from access by unauthorized persons both during and after normal operating hours and provides adequate overnight security for product trucks parked outside the ~~medical~~-marijuana cultivation facility or microbusiness wholesale facility at any hour.
 - (5) A waste disposal plan for any unused product, ~~medical~~ marijuana byproduct, or hazardous materials used as part of normal operations by a ~~medical~~ marijuana cultivation facility in accordance with Missouri Department of Health and Senior Services guidelines.
 - (6) All signage shall conform to the standards of Section 400.300 and Section 655.030(A)(4) of the Code of the City of Grain Valley as well as the Missouri Department of Health and Senior Services guidelines. Signage shall be reviewed and approved under a separate permit process.
6. If an application for a ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility conditional use permit is approved, such conditional use permit

shall be personal to the applicant at the approved site and shall not run with the land. In addition, the conditional use permit shall be subject to the applicant's continued compliance with all applicable City ordinances and State law regarding the operation of a ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility. A ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility conditional use permit shall be personal to the applicant and shall not be transferable. In the event the applicant's State-issued license expires, terminates, or is revoked for any reason, their conditional use permit shall terminate immediately without any additional notice or action.

7. If any change occurs from the permitted use of a structure as a ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility, a new conditional use permit shall be required in all cases.
8. The State-licensed operator of any ~~medical~~ marijuana cultivation facility or microbusiness wholesale facility shall provide a copy of their State license, issued by the Missouri Department of Health and Senior Services, to the Planning and Zoning Commission annually to confirm their continuing licensed status with the State of Missouri. In the case of a ~~medical~~-marijuana cultivation facility or microbusiness wholesale facility that was granted a conditional use permit by the City, the State-licensed operator and the applicant to whom the conditional use permit was issued shall be the same. The City may request such documentation at any time.

Sec. 425.060. ~~Medical~~ Marijuana-Infused Products Manufacturing Facility Siting Requirements.

(a) A ~~medical~~ marijuana cultivation facility may be located as a conditional use in any Agricultural District (A), Light Industrial District (M-1), Heavy Industrial District (M-2), and Industrial Park District (I-P) upon satisfactory compliance with the provisions of this Section:

1. ~~Medical~~-marijuana-infused products manufacturing facility conditional use permit applicants shall comply with all provisions of Section 400.240 of the Code of the City of Grain Valley regarding conditional use permit applications, including, but not limited to, the requirements of this Section.
2. A ~~medical~~ marijuana-infused products manufacturing facility shall have the appropriate State license pursuant to ~~19 CSR 30-95~~. An applicant may apply for a conditional use permit upon showing that they have applied for ~~this~~ State license, **as provided by law**, but the conditional use permit shall not be issued until such license has been obtained from the Missouri Department of Health and Senior Services.

3. A ~~medical~~ marijuana-infused products manufacturing facility shall not be located closer than five hundred (500) feet to any other ~~medical~~ marijuana-infused products manufacturing facility or ~~medical~~ marijuana facility, except when the facilities share common ownership.
4. No ~~medical~~ marijuana-infused products manufacturing facility shall be located within seven hundred and fifty (750) feet of any then-existing elementary or secondary school, day care, or church.
5. An applicant for a ~~medical~~ marijuana-infused products manufacturing facility conditional use permit shall provide the following plans and documentation for City review and approval:
 - i. A site plan for a ~~medical~~ marijuana-infused products manufacturing facility that shall include a floor plan showing where the various activities will be conducted.
 - ii. All City-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction.
 - iii. A plan which reasonably shows that the ~~medical~~ marijuana-infused products manufacturing facility is capable, when functioning properly, of preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the ~~medical~~ marijuana-infused products manufacturing facility is located.
 - iv. A security plan for review and ~~approval by~~ **input from** the Grain Valley Police Department, which reasonably shows that the ~~medical~~-marijuana-infused products manufacturing facility can be kept secure from access by unauthorized persons both during and after normal operating hours and provides adequate overnight security for product trucks parked outside the ~~medical~~-marijuana-infused products manufacturing facility at any hour.
 - v. A waste disposal plan for any unused product, ~~medical~~ marijuana byproduct, or hazardous materials used as part of normal operations by a ~~medical~~ marijuana-infused products manufacturing facility in accordance with the Missouri Department of Health and Senior Services guidelines.
 - vi. All signage shall conform to the standards of Section 400.300 and Section 655.030(A)(4) of the Code of the City of Grain Valley as well as

the Missouri Department of Health and Senior Services guidelines. Signage shall be reviewed and approved under a separate permit process.

6. If an application for a ~~medical~~-marijuana-infused products manufacturing facility conditional use permit is approved, such conditional use permit shall be personal to the applicant at the approved site and shall not run with the land. In addition, the conditional use permit shall be subject to the applicant's continued compliance with all applicable City ordinances and State law regarding the operation of a ~~medical~~ marijuana-infused products manufacturing facility. A ~~medical~~-marijuana-infused products manufacturing facility conditional use permit shall be personal to the applicant and shall not be transferable. In the event the applicant's State-issued license expires, terminates, or is revoked for any reason, their conditional use permit shall terminate immediately without any additional notice or action.
7. If any change occurs from the permitted use of a structure as a ~~medical~~ marijuana-infused products manufacturing facility, a new conditional use permit shall be required in all cases.
8. The State-licensed operator of any ~~medical~~ marijuana-infused products manufacturing facility shall provide a copy of their State license, issued by the Missouri Department of Health and Senior Services, to the Planning and Zoning Commission annually to confirm their continuing licensed status with the State of Missouri. In the case of a ~~medical~~ marijuana-infused products manufacturing facility that was granted a conditional use permit by the City, the State-licensed operator, and the applicant to whom the conditional use permit was issued shall be the same. The City may request such documentation at any time.

Sec. 425.070 Medical Marijuana Testing Facility and Medical Marijuana Transportation Facility Siting Requirements.

(a) A medical marijuana cultivation facility may be located as a conditional use in any Research Park District (R-P), Light Industrial District (M-1), Heavy Industrial District (M-2), and Industrial Park District (I-P) upon satisfactory compliance with the provisions of this Section:

1. Medical marijuana testing facility or medical marijuana transportation facility conditional use permit applicants shall comply with all provisions of Section 400.240 of the Code of the City of Grain Valley regarding conditional use permit applications, including, but not limited to, the requirements of this Section.
2. A medical marijuana testing facility or a medical marijuana transportation facility shall have the appropriate State license ~~pursuant to 19 CSR 30-95~~. An applicant

may apply for a conditional use permit upon showing that they have applied for a State license **as provided by law** for each medical marijuana **transportation or testing** facility type applied for, but the conditional use permit shall not be issued until such license has been obtained from the Missouri Department of Health and Senior Services.

3. A medical marijuana testing facility or a medical marijuana transportation facility shall not be located closer than five hundred (500) feet to any other ~~medical~~ marijuana facility, except when the facilities share common ownership.
4. No medical marijuana testing facility or medical marijuana transportation facility may be located within seven hundred and fifty (750) feet of any then-existing elementary or secondary school, day care, or church.
5. The applicant for a medical marijuana testing facility or a medical marijuana transportation facility conditional use permit shall provide the following plans and documentation for City review and approval:
 - i. A site plan for the operation that shall include a floor plan showing where the various activities will be conducted.
 - ii. All City-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction related to a medical marijuana facility.
 - iii. A plan which reasonably shows that the medical marijuana facility is capable, when functioning properly, of preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the medical marijuana facility is located.
 - iv. A security plan for review and ~~approval by~~ **input from** the Grain Valley Police Department, which reasonably shows that the medical marijuana facility can be kept secure from access by unauthorized persons both during and after normal operating hours.
 - v. A waste disposal plan for any unused product, medical marijuana byproduct, or hazardous materials used as part of normal operations by a medical marijuana facility in accordance with Missouri Department of Health and Senior Services guidelines.
 - vi. All signage shall conform to the standards of Section 400.300 and Section 655.030(A)(4) of the Code of City of Grain Valley as well as the

Missouri Department of Health and Senior Services guidelines. Signage shall be reviewed and approved under a separate permit process.

6. If an application for a medical marijuana testing facility or medical marijuana transportation facility conditional use permit is approved, such conditional use permit shall be personal to the applicant at the approved site and shall not run with the land. In addition, the conditional use permit shall be subject to the applicant's continued compliance with all applicable City ordinances and State law regarding the operation of a medical marijuana testing facility or medical marijuana transportation facility. A medical marijuana testing facility or medical marijuana transportation facility conditional use permit shall be personal to the applicant and shall not be transferable. In the event the applicant's State-issued license expires, terminates, or is revoked for any reason, their conditional use permit shall terminate immediately without any additional notice or action.

7. The State-licensed operator of any medical marijuana testing facility or medical marijuana transportation facility shall provide a copy of their State license, issued by the Missouri Department of Health and Senior Services, to the Planning and Zoning Commission annually to confirm their continuing licensed status with the State of Missouri. In the case of a medical marijuana testing facility or medical marijuana transportation facility that was granted a conditional use permit by the City, the State-licensed operator, and the applicant to whom the conditional use permit was issued shall be the same. The City may request such documentation at any time.

~~Sec. 425.080 Residential Medical Marijuana Cultivation:~~

- ~~(a) Should a qualifying patient or primary caregiver decide to cultivate medical marijuana at their residence, the qualifying patient or primary caregiver shall do so in accordance with the provisions of 19 CSR 30-95, the provisions of this Section, and all other relevant Sections of the Code of the City of Grain Valley.~~

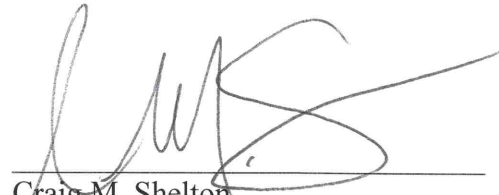
- ~~(b) All residential medical marijuana cultivation by a qualifying patient or primary caregiver shall take place within an enclosed, locked facility in accordance with 19 CSR 30-95.030.~~

- ~~(c) All residential medical marijuana cultivation by a qualifying patient or primary caregiver shall be done in such a way as to prevent odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot upon which the medical marijuana plants are located. If a qualifying patient or primary caregiver is cultivating in a multiple tenant building, the qualifying patient or primary caregiver shall not permit odor~~

of marijuana which is capable of being detected by a person of ordinary senses outside of the tenant space the qualifying patient or primary caregiver occupies.

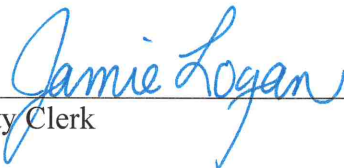
SECTION 2. That this Resolution shall be in full force and effect immediately upon its execution by the Planning & Zoning Commission of the City of Grain Valley, Missouri.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, THIS 9th DAY OF AUGUST 2023.



Craig M. Shelton
Chairperson

ATTEST:



City Clerk





BOA STAFF REPORT

**Zoning Regulation Amendment – Chapter 425
September 11, 2023**

ACTION:

Requesting Planning and Zoning Commission approve Resolution 2023-01 that will amend Chapter 425 by removing Medical Marijuana Facilities and replacing it with Comprehensive Marijuana Facilities.

ANAYLSIS:

In the November 2022 election, Missouri voters approved an amendment to the Missouri Constitution, Article XIV, Section 2, through Amendment 3, legalizing recreational marijuana.

In Order to implement the Missouri Department of Health and Senior Services' rules and Amendment 3, the City needs to amend Chapter 425 and remove the reference to Medical and replace it with Comprehensive.

PUBLIC INFORMATION AND PROCESS:

Public notice was given in the Examiner on Saturday, August 26, 2023

PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission held a public hearing on August 9, 2023, and recommends approval of the proposed Chapter 425 amendment to the BOA.

RECOMMENDATION:

Staff recommends approval.

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