



**THE CITY OF
HARRISONVILLE**
WHERE TRADITION MEETS INNOVATION

**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
JANUARY 17, 2023
6:00 PM**

- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
 - A. Shen Yun Performing Arts Proclamation**
- 3. Public Participation**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Regular Meeting - Jan 3, 2023 6:00 PM**
 - B. Board of Aldermen - Work Session - Jan 3, 2023 6:30 PM**
 - C. Executive Session Minutes - January 3, 2023**
- 5. Agenda Items**
 - A. Council Bill 06: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A LEGISLATIVE AGENDA FOR THE YEAR 2023.**
 - B. Council Bill 07: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AUTHORIZING THE MAYOR TO APPROVE AN AGREEMENT FOR THE EMERGENCY SUPPLY INTERCONNECTION AGREEMENT BETWEEN THE CITY OF HARRISONVILLE AND PUBLIC WATER SUPPLY (PWSD) No. 9.**
 - C. Council Bill 08: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING THE OPERATING BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1, 2023 THROUGH DECEMBER 31, 2023, AND ESTABLISHING AN EFFECTIVE DATE.**

- D. Council Bill 09: AN ORDINANCE IMPOSING A SALES TAX AT A RATE OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF HARRISONVILLE, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 4, 2023; DESIGNATING THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION.**
6. Aldermen and Committee Reports
7. Report from the City Administrator
8. Questions from the Media
9. Adjourn from Regular Session

Posted on City Hall Bulletin Board this 13th day of January, 2023.

Daniel Barnett, City Clerk

Public participation during regular meetings of the Board of Aldermen shall be limited to those who have submitted a completed agenda request form. 2 Each person wishing to address the Board during regular meetings of the Board of Aldermen on a topic not on the agenda shall submit a completed agenda request form five (5) business days prior to the meeting the person wishes to address the Board. If the agenda request concerns a complex issue requiring staff research time, the opportunity to address the Board may be moved to a future meeting instead of the meeting immediately following the submission of the agenda request form. 3. Those that have submitted a completed agenda request form shall be limited to three (3) minutes to address the Board, this time cannot be yielded to another person and this time may be extended in three (3) minutes increments only upon a majority vote of the members of the Board of Aldermen, with each additional three (3) minute increment requiring an additional majority vote of the members of the Board of Aldermen.



Shen Yun Performing Arts Days January 27-29, 2023

Whereas, the **Falun Dafa Association of Kansas City** is dedicated to the revitalization of 5,000 years of genuine Chinese culture; and

Whereas, the **Falun Dafa Association of Kansas City** is devoted to promoting a higher standard of ethical and moral behavior; and

Whereas, the **Falun Dafa Association of Kansas City** is determined to preserve the very best of art, in all of its forms; and

Whereas, in its endeavors to do all these, the **Falun Dafa Association of Kansas City** has brought **Shen Yun Performing Arts** to the Kansas City area nearly every year since 2008; and

Whereas, **Shen Yun Performing Arts** presents the True cultural heritage of traditional China; and

Whereas, **Shen Yun Performing Arts** not only entertains, but also more deeply educates, enriches, and inspires, offering audiences of all ages a rare experience of consummate beauty and goodness; and

Whereas, evoking themes of virtue, compassion, and courage, **Shen Yun Performing Arts** leaves millions of viewers from all cultural backgrounds filled with joy, energy, hope and peace in the most prestigious venues of the world.

NOW, THEREFORE, BE IT RESOLVED THAT I, Judy Bowman, Mayor of the City of Harrisonville, do hereby recognize the **Falun Dafa Association of Kansas City** by proclaiming the days of January 27-29, 2023 as **Shen Yun Performing Arts Days** in the City of Harrisonville and join my fellow citizens in extending our best wishes for their continued success in the future.

Judy Bowman, Mayor



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
JANUARY 3, 2023
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by Mayor Judy Bowman.

A. Pledge of Allegiance

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Excused	
Mike Zaring	Harrisonville	Board Member	Present	
Sandy Franklin	Harrisonville	Board Member	Present	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Remote	6:04 PM
Judy Reece	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Judy Bowman	Harrisonville	Mayor	Present	

Others present: City Administrator Brad Ratliff, City Attorney Steve Mauer, Public Works Director/City Engineer Carl Brooks, Fire Chief Rusty Sullivan, Parks and Recreation Grant Purkey, Community Development Director Christina Stanton, Economic Development Director Jim Clarke, Police Chief John Hofer, Executive Secretary to the City Administrator Theresa West and City Clerk Daniel Barnett - recording.

2. Ceremonial Matters

None.

3. Public Participation

None.

4. Approval of Minutes

A. Board of Aldermen - Regular Meeting - Dec 5, 2022 6:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dave Doerhoff, Board Member
SECONDER: Judy Reece, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED: Bill Mills

B. Board of Aldermen - Work Session - Dec 5, 2022 6:30 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Mike Zaring, Board Member
SECONDER: Gary Davidson, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED: Bill Mills

5. Agenda Items

A. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING THE APPOINTMENT OF MILTON SIEGENTHALER TO THE PLANNING AND ZONING COMMISSION.

Mayor Bowman spoke to the Board of Aldermen about her desire to appoint Milton Siegenthaler to the Planning and Zoning Commission.

Bowman said she is excited by the experience and leadership Siegenthaler will bring to the Planning and Zoning Commission.

Upon passage, Mayor Bowman designated the resolution to be Resolution number 2023-01.

RESULT: **APPROVED [6 TO 0]**
MOVER: Mike Zaring, Board Member
SECONDER: Matt Turner, Board Member
AYES: Zaring, Franklin, Doerhoff, Reece, Davidson, Turner
EXCUSED: Bill Mills
AWAY: Marcia Milner

B. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A LEGISLATIVE AGENDA FOR THE YEAR 2023.

Mayor Bowman informed the Board that Council Bill 02 was being removed from the agenda, as it is in need of a few updates before it would be officially approved and then sent on to those in Jefferson City.

RESULT: **POSTPONED**

Next: 1/17/2023 6:00 PM

C. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF HARRISONVILLE AND THE MISSOURI PUBLIC UTILITY ALLIANCE RESOURCE SERVICE CORPORATION FOR ELECTRIC LINE SERVICES, AND ESTABLISHING AN EFFECTIVE DATE.

Staff report presented by City Administrator Ratliff.

Ratliff said the agreement was originally initiated by the Missouri Public Utility Alliance.

Ratliff informed the Board that Electric Superintendent Pollard recommends approval of the resolution.

Upon passage, Mayor Bowman designated the resolution to be Resolution number 2023-02.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Matt Turner, Board Member
SECONDER:	Sandy Franklin, Board Member
AYES:	Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED:	Bill Mills

D. AN ORDINANCE OF THE HARRISONVILLE BOARD OF ALDERMEN AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AMENDED MUNICIPAL AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND ESTABLISHING AN EFFECTIVE DATE.

Staff report presented by Public Works Director/City Engineer Brooks.

Brooks said the proposed signage would be very similar to the signage located on the outside of the overpass at Interstate 49 and Missouri Highway 291.

Upon passage, Mayor Bowman designated the ordinance to be Ordinance number 3620.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dave Doerhoff, Board Member
SECONDER:	Mike Zaring, Board Member
AYES:	Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED:	Bill Mills

E. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING A MODOT COMMISSION AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE

Staff report presented by Public Works Director/City Engineer Brooks.

Brooks said the amended agreement will grant the City of Harrisonville an additional \$94,000 for the engineering environmental assessment for the Reconstruction of Runway 17-35 project at Lawrence Smith Memorial Airport.

Brooks said, per the amended agreement, the City will not be required to provide matching funds.

Brooks said staff recommends approval.

Upon passage, Mayor Bowman designated the ordinance to be Ordinance number 3621.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Gary Davidson, Board Member
SECONDER: Dave Doerhoff, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED: Bill Mills

F. Swift Transportation Rezoning from C-2 to M-2 - PUBLIC HEARING

Staff report presented by Community Development Director Stanton.

Stanton said the applicants request to rezone the property to General Industrial District (M-2), does not align with the City's 2040 Comprehensive Plan.

Stanton said appropriate uses for the current property zoning include, gas stations, general and drive-thru retail, regionally-serving medium and big-box retail, hotels and motels and vehicle rentals.

Stanton said City staff are concerned about the impacts that the proposed development could have on an already busy Missouri Highway 291.

Stanton said the Planning and Zoning Commission has recommended denial of the project.

Mayor Bowman opened the public hearing at 6:14 p.m.

With no comments being offered, Mayor Bowman closed the public hearing at 6:15 p.m.

RESULT: **PRESENTED**

G. AN ORDINANCE OF BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE DENYING A REZONING OF APPROXIMATELY 2.8 ACRES OF LAND FROM SERVICE BUSINESS DISTRICT (C-2) TO GENERAL INDUSTRIAL DISTRICT (M-2) ON LAND LOCATED AT 2704 N. HIGHWAY 291 IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

Alderman Turner asked what Swift Transportation has expressed that they would like to use the property for.

Stanton said Swift Transportation has requested to use the property for some truck maintenance and repair, but also for long-term truck and trailer storage.

Stanton said Swift Transportation has also discussed plans with City staff for other uses at the location.

Upon passage, Mayor Bowman designated the ordinance to be Ordinance number 3622.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Gary Davidson, Board Member
SECONDER: Sandy Franklin, Board Member
AYES: Zaring, Franklin, Doerhoff, Milner, Reece, Davidson, Turner
EXCUSED: Bill Mills

6. Aldermen and Committee Reports

Alderman Davidson asked for an update from Police Chief Hofer regarding the 2022 Shop With a Cop event.

Minutes Acceptance: Minutes of Jan 3, 2023 6:00 PM (Approval of Minutes)

Chief Hofer said the department was able to bless 130 children through the program. Hofer said he was hopeful that they could have helped more children and that the funding was available to assist additional children, but there were fewer children who's names were submitted this year.

Alderwoman Milner wished Electric Superintendent a quick recovery after a recent hunting accident.

Alderman Zaring thanked members of the Public Works Department who worked to repair a water main break on a cold Christmas Eve night.

Alderwoman Franklin provided an update from the December Park Board meeting. Franklin said the recent membership drive saw an increase from the drive that was held the year before. Franklin also thanked the Public Works staff for their dedication to the community and their willingness to work in hard conditions. Franklin also wished Electric Superintendent Pollard a speedy recovery.

Alderwoman Reece asked if cards may be sent to Electric Superintendent Pollard as he recovers.

Alderman Doerhoff thanked the Public Works staff for their hard work to repair water main breaks on a cold night. Doerhoff also wished Electric Superintendent Pollard a speedy recovery.

7. Report from the City Administrator

City Administrator Ratliff spoke to the Board about a series of upcoming City meetings and events.

Ratliff informed the Board that the South Service Area Sanitary Sewer Improvement project has advertised for bids for pipe, pumps and generators, along with the project installation. Ratliff said material bids will be due on January 12. Ratliff said the project engineer is 94-percent complete on the final design.

Ratliff also said City staff are working on a Missouri Department of Natural Resources grant for the South Service Area Sanitary Sewer Improvement project. Ratliff said the grant application is due March 1, 2023.

Ratliff thanked the Police Department for their efforts during the recent protests held by Westboro Baptist Church in Harrisonville.

Ratliff informed the Board that the Fire Department recently held ice rescue training, since the weather was appropriate to do so.

A. November 2022 Municipal Court Report

8. Questions from the Media

None.

9. Adjourn from Regular Session

Mayor Bowman asked that all in attendance keep the member of the Buffalo Bills who suffered a horrific injury during Monday's game in their prayers.

A motion was made by Alderman Doerhoff to adjourn, with a second by Alderman Zaring. Motion carried with all ayes. Meeting adjourned at 6:31 p.m.

Judy Bowman, Mayor & Ex-Officio
Chairman of the Board of Aldermen

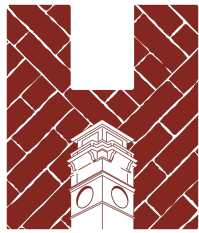
Minutes Acceptance: Minutes of Jan 3, 2023 6:00 PM (Approval of Minutes)

Regular Meeting**Tuesday, January 3, 2023****6:00 PM**

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of Jan 3, 2023 6:00 PM (Approval of Minutes)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
JANUARY 3, 2023
6:30 PM

1. Call to Order

The meeting was called to order at 6:35 PM by Mayor Judy Bowman.

2. Present

Attendee Name	Organization	Title	Status	Arrived	Departed
Bill Mills	Harrisonville	Board Member	Excused		
Mike Zaring	Harrisonville	Board Member	Present		
Sandy Franklin	Harrisonville	Board Member	Present		
Dave Doerhoff	Harrisonville	Board Member	Present		
Marcia Milner	Harrisonville	Board Member	Present		7:26 PM
Judy Reece	Harrisonville	Board Member	Present		
Gary Davidson	Harrisonville	Board Member	Present		
Matt Turner	Harrisonville	Board Member	Present		
Judy Bowman	Harrisonville	Mayor	Present		

Others present: City Administrator Brad Ratliff, City Attorney Steve Mauer, Director of Administrative Services Jeremy Smith, Public Works Director/City Engineer Carl Brooks, Police Chief John Hofer, Fire Chief Rusty Sullivan, Parks Director Grant Purkey, Community Development Director Christina Stanton, Economic Development Director Jim Clarke, Executive Secretary to the City Administrator Theresa West, Police Officer Matthew McCulloch and City Clerk Daniel Barnett - recording.

3. Discussion Items

A. Zoning Code Changes Pertaining to Amendment 3

Community Development Director Stanton spoke to staff's research and efforts to amend the City's current zoning for where recreational marijuana can be grown and sold.

Stanton asked the Board if they would support removing the more specific verbiage from the definition of 'marijuana' and simply state, "as defined by Missouri Statute".

Stanton explained that the Missouri Statute does have the more specific language in its definition, but explained that what is being presented tonight are changes to align with Amendment 3.

City Attorney Mauer provided the benefits and drawbacks to strictly aligning with State Statutes.

Mauer also spoke to proposed draft ordinances regarding the licensing requirements for both medical and recreational marijuana.

Alderman Davidson asked if the City is allowed to be more restrictive in their regulation of medical marijuana.

Mauer said there are limits to how strict the City can be that are contained within the passed legislation.

City Administrator Ratliff said the ordinance determining whether or not to put the three-percent marijuana tax on the April 2023 ballot will be brought before the Board at the January 17, 2023 meeting.

Discussion was held regarding the decision to place an additional three-percent sales tax for recreational marijuana on the April 4, 2023 ballot.

Ratliff asked if the City could place both a move to not allow recreational marijuana in Harrisonville and a move to a three-percent sales tax increase for recreational marijuana on the same ballot.

Mauer said yes.

A consensus of the Board of Aldermen was reached to move forward with placing both the three-percent sales tax increase for recreational marijuana and a denial of allowing recreational marijuana in Harrisonville to the April 4, 2023 ballot.

RESULT: PRESENTED

B. Police k9 Discussion

Police Chief Hofer spoke about the impact that the new recreational marijuana legislation could have on the Police Department's K9 program.

Hofer asked the Board for direction regarding the use of K9 Uxo moving forward.

Hofer said the department plans to retire K9 Uxo.

Hofer spoke to the price of purchasing an additional K9, once K9 Uxo has retired.

Alderman Zaring said he would be in favor of the department purchasing a multipurpose K9.

Officer McCulloch said K9 Uxo's certification for marijuana ends in July of 2023 and spoke to the reasoning for not recertifying Uxo for the next year.

Alderwoman Reece also spoke to the value of purchasing a new K9, once K9 Uxo retires.

Alderman Davidson spoke in support of purchasing a multipurpose K9.

RESULT: PRESENTED

C. Update on Cass County Jail

City Administrator Ratliff provided an update to the Board regarding multi-agency communication surrounding the recent inmate escape at the Cass County Jail.

At 7:51 p.m., the Board of Aldermen voted to go into executive session pursuant to City Code to discuss the Hiring, Firing, Discipline or Promotion of an Employee and Litigation. A motion was made by Alderman Zaring and seconded by Alderman Davidson. In attendance and voting to go into executive session were Aldermen Reece, Turner, Franklin, Davidson, Doerhoff, Zaring and Mayor Judy Bowman. Alderman Mills and Alderwoman Milner were excused. Mayor Bowman then convened the meeting in closed session.

Upon returning to the Work Session, a motion was made by Alderman Zaring to adjourn from the Work Session. The motion was seconded by Alderwoman Franklin. The motion carried with a unanimous vote. Meeting adjourned at 9:09 p.m.

Judy Bowman, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of Jan 3, 2023 6:30 PM (Approval of Minutes)



TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: December 29, 2022
SUBJECT: 2023 Legislative Agenda

Type of Item: *Approval*

A. Action Item (ID # 4412)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE
APPROVING A LEGISLATIVE AGENDA FOR THE YEAR 2023.

History:

01/03/23 Board of Aldermen POSTPONED Next: 01/17/23

Mayor Bowman informed the Board that Council Bill 02 was being removed from the agenda, as it is in need of a few updates before it would be officially approved and then sent on to those in Jefferson City.

Attachments:

2023 Legislative Agenda (PDF)

Legislative Agenda for 2023 (DOCX)

HARRISONVILLE

MAYOR & BOARD OF ALDERMEN 2023 LEGISLATIVE AGENDA

Approved by
Resolution on
January 17, 2023



THE CITY OF
HARRISONVILLE
WHERE TRADITION MEETS INNOVATION

City of Harrisonville Legislative Agenda 2023

The City of Harrisonville supports the Mission Statement of the Missouri Municipal League "To strengthen cities through a unified voice, cooperation, effective services and a proactive agenda."

FOCUS AREAS FOR THE CITY OF HARRISONVILLE

Legislation – Transient Guest Taxes

A Transient Guest Tax, commonly known as the "bed tax," is a unique tool afforded to cities on transient guests of hotels, motels, and tourist courts. The purpose of the tax is to provide revenue to promote tourism and conventions.

As Harrisonville continues to take active strides as an exciting and innovative community, a strong desire exists to promote lasting and impactful tourism opportunities for the thousands of travelers who utilize the many federal and state highways in west-central Missouri.

Through this innovative tool the City of Harrisonville will enhance our cultural economy or travel/tourism economy, create additional transient guest tax and sales tax; and enhance Harrisonville's character and reputation for tourist activities for regional visitors.

The key to the transient guest tax is its self-regeneration. It is earned only when people stay in hotels or motels. When the tax is used to promote activities and organizations that inspire overnight stays in a community, then more tax is generated, and not just transient guest tax. Harrisonville is in support of legislation presented to allow other similar-sized communities in Missouri to access this unique tool. This includes House Bill 604 (Reedy 057).

Local tourism is essential to the survival of Missouri's historic communities and HB 604 is a proactive step to ensuring these treasured communities continue to flourish.

The City of Harrisonville boldly supports this legislation and will be coordinating communication to Governor Parson and our area Missouri General Assembly delegation regarding our support!

The City of Harrisonville supports House Bill 604, as it promotes activities to attract visitors into communities through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and travel; and support of those activities and organizations which encourage increased lodging facility occupancy throughout Missouri.

City of Harrisonville Legislative Agenda 2023

FOCUS AREAS FOR THE CITY OF HARRISONVILLE

SUPPORTING LEGISLATION AIMED AT CONTINUING FUNDING FOR PROGRAMS CRITICAL TO ECONOMIC GROWTH AND WORKFORCE DEVELOPMENT

The City of Harrisonville supports continued funding of programs such as Missouri One Start, Missouri Partnership, Missouri Technology Corporation, Missouri Fast Track and Missouri Works, all critical to economic growth and workforce development.

The City of Harrisonville believes that the best decisions for utilizing economic tools in cities are made locally. Many critical projects and the jobs they create may not happen but for these tools that facilitate infrastructure improvements and the revitalization of our communities. Now more than ever, as Missouri recovers from the pandemic, the utilization tools is of critical importance.

The City of Harrisonville supports legislation that strengthens the economic tools available to municipal governments and communities throughout Missouri.

ADDITIONAL ECONOMIC DEVELOPMENT POINTS OF INTEREST

- Support deliberate and coordinated efforts in business retention.
- Marketing & positioning of Missouri products and/or services within state, national and world markets.
- Promote Missouri and its communities for new investment.
- Funding for improvement and expansion of infrastructure.
- Funding support for applied research at Missouri's universities that can stimulate job markets.
- Support of the Missouri Community Betterment Program.

OTHER AREAS OF INTEREST TO THE CITY OF HARRISONVILLE

WORKFORCE DEVELOPMENT AND HIGHER EDUCATION

- The City of Harrisonville supports legislation maintaining state funding for higher education, recognizing the need for educated workers to meet business and industry needs in Missouri, allowing high school students to gain college credit for courses at any public and nonprofit institutions in the metro area and developing state policies that support stackable credentials, such as short-term certificate programs at community colleges and universities to establish an adaptive workforce.

MUNICIPAL ELECTIONS

- The City of Harrisonville strongly opposes any legislation, including **HB 1611**, that attempts to move municipal, school board, fire district and local tax elections away from April. We further oppose any legislation that requires municipal candidates to declare political party affiliation. We believe the best government is the one closest to the people and any attempt to merge municipal elections with national elections would overshadow and reduce local election exposure. This combined with introducing partisanship would only serve to undermine the importance and integrity of local elections.

BROADBAND EXPANSION

- The City of Harrisonville believes that our statewide internet infrastructure is in desperate need of expansion, not just rural Missouri but in many urban areas. It is especially urgent in our “new normal” where our workforce, students and healthcare depend on this essential access to be fully productive. Broadband has become another necessary utility and should be available to all Missourians. The City of Harrisonville endorses legislation that supports expansion of broadband access that meets the requirements of remote working and learning throughout the state, regardless of whether it is accomplished through matching funds, overlay districts or if the provider is a public, private or a joint public/private partnership.

PERSONAL PROPERTY TAX REDUCTION/ELIMINATION

- The City of Harrisonville opposes legislation that attempts to eliminate or severely reduce the collection of personal property taxes, including proposed **Senate Bills 649 and 911**. Property tax remains a mainstay of local-government finance in Harrisonville and throughout Missouri, providing a major source of revenue for vital City services. Eliminating or reducing personal property tax also has potential for new taxes to be levied upon citizens throughout Missouri.

MUNICIPAL FINE REDIRECTION

- The City of Harrisonville opposes any proposed legislation, including **HB 1494**, attempting to redirect funds generated from municipal court fines. Municipal Courts play a vital role in the judicial process and a redirection of the funds generated by their fines would put an increased burden on cities operating a municipal court.

COURT REFORM

The City of Harrisonville has seen a 300% increase in Failure to Appear since the adoption of SB5 and SB572

While some of the reforms implemented by Senate Bills 5 and 572 may have been necessary and appropriate, there were also unintended and negative consequences for many municipal courts, especially in cities where the policies and practices at issue were not in place. The result is the inability of many municipal courts to operate efficiently, fairly, and in a manner that is fiscally responsible to the taxpayers who rely on the operation of these courts to ensure their health, safety, and general welfare. Based on that, the City of Harrisonville recommends the reversal of some of those provisions, including the following:

- Returning the definition of "annual general operating revenue" to its pre-Senate Bill 572 definition and restoring the allowable percentage of annual general operating revenue generated by municipal courts for traffic violations to the pre-Senate Bill 5 level of 30%.
- Returning the maximum fine and court costs for minor traffic violations to its previous level and creating a compromised fine schedule for repeated municipal ordinance violations.
- Excluding charges amended to minor traffic violations from the definition of "minor traffic violations."
- Returning municipal courts' ability to assess costs associated with community service alternatives to defendants to avoid an unconstitutional mandate imposed by Senate Bill 572.
- Returning municipal courts' options for holding offenders fully accountable when they fail to appear in court.
- Eliminating the possibility of an automatic vote to disincorporate for failing to comply with certain reporting requirements

HB 2007 and Show Cause Orders

The City of Harrisonville adamantly supports Representative Mike Haffner (055)'s HB 2007.

The City of Harrisonville also supports any legislation to ensure that defendants can be compelled, through appropriate due process, to pay the fines that have been imposed on them for violations of the law.

FALURE TO APPEAR: Reinstate the ability for cities to make failing to appear in court when properly summoned a separate violation. Failing to appear, as it existed prior to the amendments, is a charge that requires willful conduct; that is the city must prove that the defendant had the ability to appear but did not.

Brad Ratliff
City Administrator
City of Harrisonville

bratliff@harrisonville.com
(816) 380-8919



THE CITY OF
HARRISONVILLE
WHERE TRADITION MEETS INNOVATION

Council Bill 2023-

Resolution 2023-

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE APPROVING A LEGISLATIVE AGENDA FOR THE YEAR 2023.**

WHEREAS, the City of Harrisonville desires to approve a Legislative Agenda for each year; and

WHEREAS, a Legislative Agenda provides the City Administrator with clear direction to advocate in the City's best interests and in a manner consistent with the goals and priorities adopted by the Board of Aldermen; and

WHEREAS, City of Harrisonville staff recommend approval of the proposed Legislative Agenda for the year 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARRISONVILLE
BOARD OF ALDERMEN THAT:**

Section 1. The proposed Legislative Agenda for the City of Harrisonville, Missouri, for the year 2023 is approved.

Section 2. That this resolution shall become effective immediately upon its passage and approval.

PASSED AND RESOLVED BY THE BOARD OF ALDERMEN AND APPROVED BY
THE MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI ON THIS 17TH DAY
OF JANUARY 2023.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

EXCUSED:

Judy Bowman, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 17th day of January 2023.



TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: January 12, 2023
SUBJECT: Emergency Supply Interconnection Agreement PWSD 9

Type of Item: *Approval*

B. Action Item (ID # 4420)

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AUTHORIZING THE MAYOR TO APPROVE AN AGREEMENT FOR THE EMERGENCY SUPPLY INTERCONNECTION AGREEMENT BETWEEN THE CITY OF HARRISONVILLE AND PUBLIC WATER SUPPLY (PWSD) No. 9.

Attachments:

Staff Report BETWEEN Harrisonville and PWSD No 9 (DOC)

EMERGENCY SUPPLY INTERCONNECTION AGREEMENT 01 05 2023 (DOCX)

Agreement between Harrisonville and PWSD No 9 (DOC)



PUBLIC WORKS DEPARTMENT, 201 W. Chestnut St., Harrisonville, MO, 64701, Phone (816) 380 – 8964

To: Mayor & Board of Aldermen

From: Carl Brooks, Director of Public Works (cbrooks@harrisonville.com)

Date: January 17, 2023

Re: **resolution** No. 2023-xx, Mayor & Board of Alderman (BOA) Acceptance of the Agreement with Public Water Supply District (PWSD) No. 9

GENERAL INFORMATION

Applicant: City Staff

Requested Actions: Approval of Resolution

Purpose: Acceptance of the Emergency Supply Interconnection Agreement between the City of Harrisonville and PWSD No. 9.

Property Location: Located at the southwest corner of Highway 2 and Twin Oaks Drive.

PROPOSAL

The attached Agreement is for Emergency Supply Interconnection Agreement between the City of Harrisonville and PWSD No. 9. We request to and obtain BOA approval of the Emergency Supply Interconnection Agreement between the City of Harrisonville and PWSD No. 9. The city's cost for this agreement is the use of two (2)-inch Zenner water meters already in our inventory (on the shelf).

PREVIOUS ACTIONS

The City has had a previous agreement with PWSD No. 9, and the agreement has expired.

KEY ISSUES

An agreement between the City and PWSD No. 9 to provide water service on an emergency basis, to the other.

An emergency is defined as a short-or long-term service interruption or curtailment in the ability to provide water to its customers.

The parties further agree that either may purchase water from the other party during an emergency or planned outage of its existing supply source of water.

STAFF COMMENTS AND SUGGESTIONS

City staff agree that that the Emergency Supply Interconnection Agreement between the City of Harrisonville and PWSD No. 9 is a win/win situation for both.

The City attorney has reviewed this agreement.

STAFF RECOMMENDATION

City staff recommends passage of the resolution, and the signing of the agreement.

ATTACHMENTS

Emergency Supply Interconnection Agreement between the City of Harrisonville and PWSD No. 9

Resolution 2023-xx

EMERGENCY SUPPLY INTERCONNECTION AGREEMENT

THIS EMERGENCY SUPPLY INTERCONNECTION AGREEMENT (Agreement) made on this _____ day of _____, 2023, between Public Water Supply District No. 9 of Cass County, Missouri (PWSD#9), 25902 S. Southwood Rd., Harrisonville, MO 64701, and the City of Harrisonville (City), Box 367, Harrisonville, MO 64701.

PWSD#9 and City for mutual consideration, agree as follows:

Section I. Scope of Services

The City and PWSD #9 agree to provide water service on an emergency basis, to the other, in accordance with the terms set forth herein. An emergency is defined as a short-or long-term service interruption or curtailment in the ability to provide water to its customers. The parties further agree that either may purchase water from the other party during an emergency or planned outage of its existing supply source of water.

The parties agree that said water service shall be available to the other on the basis of emergency need, on the condition that the requesting party provides to the supplying party twelve (12) hours prior notification that water service is requested. In situations where a twelve (12) hour notification is not possible, the party supplying water shall have additional authority to set limitations on the time and volume of water being supplied from its system.

Each party shall obtain meter readings both before and after emergency water usage by the other and shall bill the requesting party as provided in Section 2. Each party agrees to emergency access on an on-call basis to include seven days per week, 24 hours/day, however, nothing in this agreement shall serve to create liability to the other for failure to supply water service as requested. Further, each party's obligation under this agreement shall be subordinate to the provider's primary obligation to provide water service to the consumers within their respective water district or city and maintain pressures at or above the minimum required by the Missouri Department of Natural Resources (MDNR).

The supplying party will endeavor to supply water that meets all applicable MDNR standards at the point of delivery; however, water quality past that point shall be the sole responsibility of the receiving party. Any interruption of the emergency supply shall be reported to the receiving party as soon as possible.

If the supplying party implements water use restrictions on its customers, then the receiving party shall implement the same restrictions within its system.

The emergency connection will be located at the southwest corner of Highway 2 and Twin Oaks Drive. The metering facility shall allow water to flow and be metered in both

directions. The cost of installing new facilities needed for water to flow from PWSD #9 to the City, shall be the responsibility of the City. The cost of installing new facilities needed for water to flow from the City to PWSD #9 shall be the responsibility of PWSD #9. PWSD #9 and the City will agree on the modifications needed to the existing meter vault. The City agrees to install two (2), 2-inch turbo meters in said meter vault. The facilities of each party relied upon to sustain the emergency connection shall be maintained in good operating condition by the appropriate party.

Other sites may be agreed upon by mutual consent of both parties.

Section 2. Compensation

In consideration of the water provided by the other, both parties agree to pay for water service rendered by the supplying party at a price equal to the current rate for retail water customers. Such price of water will fluctuate and the purchaser will pay the rate in effect “at time of take”. The water service rates at the signing of the agreement are:

- City \$10.00/1,000 gallons for 10 years
- PWSD #9 \$10.00/1,000 gallons for 10 years

Section 3. Contract Term

Subject to annual review by the parties for modifications as it may be agreed upon, this Agreement shall expire ten (10) years from the date of the agreement unless terminated sooner by either party providing one year prior written notice of intent to terminate at the address written above for each party.

Section 4. Law Governing

This Agreement shall be governed, construed, and enforced in accordance with the laws of the State of Missouri.

Section 5. No Assignment of Agreement

Neither City nor PWSD #9 shall assign, transfer or otherwise convey any of its rights under this Agreement without the prior and express written consent of the other party. Each party may, in its sole discretion, refuse to consent to any proposed sale, assignment, transfer, or other conveyance. Any attempted sale, assignment, transfer, or conveyance in violation of this paragraph shall be void and shall relieve the non-consenting party of any further liability under the Agreement but shall not relieve the violating party of any liability. If a party consents in writing to a sale, assignment, transfer, or conveyance, unless specifically stated to the

contrary in the consent, it shall not release or discharge the party receiving consent from any duty or responsibility set forth in the Agreement.

Section 6. Approval

This Agreement is subject to approval by Tri-County Water Authority that PWSD #9 may sell water on an emergency basis to the City.

IN WITNESS WHEREOF, the parties, by its authorized representatives, have caused this Agreement to be executed this _____ day of _____, 2023.

PUBLIC WATER SUPPLY DISTRICT NO.9 OF CASS COUNTY,
MISSOURI

By: _____

Title: _____

ATTEST:

Title: _____

CITY OF HARRISONVILLE, MISSOURI

By: _____

Title: _____

ATTEST:

Title: _____

APPROVED:

TRI-COUNTY WATER AUTHORITY

By: _____

Title: _____

Date of Approval: _____, 2023

RESOLUTION 2023-xx

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AUTHORIZING THE MAYOR TO APPROVE AN AGREEMENT FOR THE EMERGENCY SUPPLY INTERCONNECTION AGREEMENT between the CITY of HARRISONVILLE and PUBLIC WATER SUPPLY (PWSD) No. 9.

WHEREAS, the City of HARRISONVILLE intends to enter into this agreement with PWSD No. 9 for an emergency connection between both the City and PWSD No.9, and

WHEREAS, An emergency is defined as a short-or long-term service interruption or curtailment in the ability to provide water to its customers, and

WHEREAS, The parties further agree that either may purchase water from the other party during an emergency or planned outage of its existing supply source of water.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI

Section 1. The Mayor is authorized to approve the Emergency Supply Interconnection Agreement between the City of Harrisonville and PWSD No. 9, a copy which is attached to this resolution.

Section 2. The Emergency Supply Interconnection Agreement between the City of Harrisonville and PWSD No. 9, has been concurrently reviewed and approved by PWSD No. 9.

Section 3. *Effective Date.* The effective date of this Resolution shall be the 17th day of January 2023

Upon a roll call, said Resolution was adopted by the following vote:

BE IT REMEMBERED THE PRECEDING RESOLUTION WAS ADOPTED ON THIS 17th DAY OF JANUARY 2023:

Alderman Mills _____
Alderman Reece _____
Alderman Zaring _____
Alderman Doerhoff _____

Alderman Milner _____
Alderman Franklin _____
Alderman Turner _____
Alderman Davidson _____

APPROVED:

ATTEST:

Judy Bowman, Mayor

Daniel Barnett, City Clerk

Attachment

Attachment: Agreement between Harrisonville and PWSD No 9 (Emergency Supply Interconnection Agreement PWSD 9)



STAFF REPORT

TO: Board of Aldermen
FROM: Jeremy Smith, Director of Administrative Services
DATE: January 13, 2023
SUBJECT: 2023 BUDGET AMENDMENT

Type of Item: *Amendment***Full-Time Custodian**

City hall & police department have had contractual and part-time custodians, unfortunately, this has proven to be a difficult position to keep filled. Staff believes hiring a full-time employee would remedy the difficulty of retention because of the benefits the city offers. This full-time position would clean city hall, police department, electric department office and the water/sewer offices on Chestnut. By sharing the custodian amongst these buildings, the cost of salary & benefits will also be shared at 25% each. This would cost each of these departments approximately \$17,600 for 2023.

Rolling over Projects

Projects from 2022 have been rolled over to 2023. With these projects there are unspent funds that need to be allocated transfers as well to be reflected in the 2023 budget. The unspent funds and transfers are currently in department reserve amounts. Below is a table reflecting projects and unspent funds and transfers that need to be allocated appropriately.

Some things to note: the Southland Interceptor project budget will be reduced by \$300,000 which will be reallocated to the South Sewer Project and from the ARPA funds there is \$300,000 that will be allocated to the Fire/EMS department for phase 1 of the remodel.

CWSS 2023 COP'S PROJECT FUNDS AMENDMENT

Account #	Description	Roll Forward of unspent 2022	Encumbered Expenses	Reallocation Unspent 2022 Funds	Budget Reductions	2023 Original Budget (New Funding)	2023 Amended Budget
08-0933-3011	S. Sewer Improvements	3,167,768.88	16,969.40	0	0	2,103,190.98	5,287,929.26
08-0932-3068	City Lk, Lk Luna	111,556.48	1,283.66	0	0	0	112,840.14
08-0932-3069	Muddy Creek	165,778.70	5,138.26	0	0	0	170,916.96
08-0933-3072	Lake HV	521,050.00	39,635.38	481,062.41	0	0	1,041,747.79

CWSS 2023 BOND PROCEEDS AMENDMENT

Roll Forward of unspent 2022 Encumbered Expenses Reallocation Unspent 2022 Funds Budget Reductions 2023 Original Budget (New Funding) 2023 Amended Budget							
08-5935 (revenue)	Bond Proceeds	-4,447,216.47	0	0	0	0	-4,447,216.47

CWSS 2023 CASH FUNDED PROJECTS AMENDMENT

Account #	Description	Roll Forward of unspent 2022	Encumbered Expenses	Reallocation Unspent 2022 Funds	Budget Reductions	2023 Original Budget (New Funding)	2023 Amended Budget
08-0932-3021-00	Southland Interceptor	0	1,126.69	0	-469,880.00	539,880.00	71,126.00
08-0932-3060-00	Sanitary Sewer Repairs-Blueberry, Crestwood, & Mechanic	361,903.71	43,983.44	0	-281,903.71	0	123,983.44
08-0931-3070-00	Raw Water Transmission	43,825.00	751.57	0	0	0	44,576.57
08-0728-0502-00	Metal Building at WWTP	57,590.00	0	0	0	0	57,590.00

TRANSFER FROM RESERVE TO BALANCE CASH FUNDED ROLL FORWARD FUNDS

		Roll Forward of unspent 2022	Encumbered Expenses	Reallocation Unspent 2022 Funds	Budget Reductions	2023 Original Budget (New Funding)	2023 Amended Budget
08-5934 (revenue)	Transfer from Reserve	-11,535.0	0	0		-2,099,809.00	-2,111,344.0.

GENERAL FUND 2023 CASH FUNDED PROJECT AMENDMENT

		Roll Forward of unspent 2022	Encumbered Expenses	Reallocation Unspent 2022 Funds	Budget Reductions	2023 Original Budget (New Funding)	2023 Amended Budget
01-0917-1072-00	Reconstruct Runway 17 35 Mill & Overlay	70,400.00	91,714.57	0	0	0	162,114.57

01-5934 (revenue)	Transfer from Reserve	-70,400.00	0	0	0	-3379,380.00	-3,449,780.00
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2023 ARPA FUNDS

		Roll Forward of unspent 2022	Encumbered Expenses	Reallocation Unspent 2022 Funds	Budget Reductions	2023 Original Budget (New Funding)	2023 Amended Budget
08-5902 (revenue)	Transfer from Gen Fund	0	0	0	300,000.00	-2,053,190.98	-1,753,190.98
16-0990-2014-00	Building Improvements	0	0	0	0	300,000.00	300,000.00
16-5931 (revenue)	Transfer from other funds	-300,000.00	0	0	0	0	300,000

Toshiba Contract-Printers

The city was able to take advantage of a cooperative purchase agreement through Omnia to work with Toshiba directly to build the solution to fit our needs.

The City has entered a contract with Toshiba to provide copier/printer lease & maintenance services for existing printers. The agreement consists of 4 new copiers, 6 new printers spread through a variety of departments. The remaining smaller printers throughout the organization will be on a maintenance and supplies through Toshiba.

Copiers still under contract with other companies will remain on those contracts until their end of at which time if this contract is going well, the devices will be converted.

By simplifying our maintenance and supplies for all our machines and replacing outdated hardware, we anticipate less down time and better use of our printing resources with new tools provided as part of the solution.

By centralizing the expense and bill, we expect to have greater oversight of the types and cost of printing occurring throughout the organization.

The lease cost for the 4 copiers and 6 printers is \$1,858.56 per month and maintenance cost for all existing copiers is based on a monthly page allowance and is calculated at \$813.92 per month.

The budget adjustment will be \$32,069.76 to be paid from 01-0240-0216. IT Other Contractual Services. There will be some savings in other accounts to help offset the additional expense of the lease agreement.

The Community Beautification Grants Program

The Beautification Program is new in 2023 and is designed to promote beautification and property maintenance and provides a tool to address code violations within neighborhoods. The program is meant to incentivize community betterment improvements by offering grants to reimburse 25% of total project costs up to a grant maximum of \$2,500 for eligible exterior

improvements for qualified residential applicants. Staff is requesting a transfer from reserves of \$70,000 to the program line item 01-0608-0227-00. The \$70,000 represents the excess of revenues (accounts Building Permits 01-5231 & Environmental Services 01-5316) in 2022.

Recommendation

Staff recommends approval.

Council Bill No.

Ordinance No.

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE AMENDING THE OPERATING BUDGET FOR THE CITY
OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1,
2023 THROUGH DECEMBER 31, 2023, AND ESTABLISHING AN EFFECTIVE
DATE.**

Council Bill No. 2023

Ordinance No.

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING THE OPERATING BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1, 2023 THROUGH DECEMBER 31, 2023, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisonville (“City”) staff has reviewed the Fiscal Year January 1, 2023 to December 31, 2023 (“Fiscal Year”) revenues and expenditures; and

WHEREAS, proposed amendments to the Fiscal Year 2023 Budget as operations or unforeseen expenses have occurred throughout the year in the Community Development Department, Combined Water and Sanitary Sewer Department, Administration Department, Police Department, Fire Department and IT Office and need to be adopted before the end of 2023; and

WHEREAS, this is a standard accounting practice to do budget amendments throughout the year; and

WHEREAS, The Board of Aldermen feel it is in the best interest of the City to approve the budget amendment presented for Fiscal Year 2023;

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

Section 1: That the annual operating budget for the City of Harrisonville, Missouri, for the fiscal year beginning January 1, 2023, and ending on December 31, 2023, is hereby amended. Maximum amounts to be expended by fund are as follows:

FUND	BUDGETED REVENUE	BUGTED EXPENDITURES
GENERAL	\$18,105,553.84	\$18,105,553.61
PARK	\$570,545.00	\$570,544.29
COMMUNITY CENTER	\$2,469,670.00	\$2,381,533.31
EMERGENCY SERVICES	\$5,000,308.00	\$5,000,307.26
DEBT SERVICE	\$872,562.54	\$839,138.43
REFUSE	\$759,695.00	\$751,395.00
ELECTRIC	\$13,412,033.00	\$13,412,032.58
CWSS	\$15,099,639.85	\$15,099,639.69
AQUATIC CENTER	\$282,558.00	\$282,557.61
FLEET	\$218,527.68	\$190,024.08
	\$56,791,092.91	\$56,632,725.86

Section 2: That the City Administrator is hereby authorized to amend the line items of the budget as needed, but in no event shall more funds be expended for any particular fund than that authorized by this budget without prior approval of the Board of

Aldermen. In addition, any monies set aside for capital outlays shall not be used for any other purposes without prior approval of the Board of Aldermen.

Section 3: That this ordinance shall become effective immediately upon its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 17TH DAY OF JANUARY 2023 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 17TH DAY OF JANUARY 2023 AND PASSED BY THE BOARD OF ALDERMEN THIS 17TH DAY OF JANUARY 2023.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

EXCUSED:

Judy Bowman, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 17th day of January 2023.

Attachment: Budget amendment January 2023 (2023 BUDGET AMENDMENT)



STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: January 9, 2023
SUBJECT: Recreational Marijuana Sales Tax Increase

Type of Item: *Approval*

D. Action Item (ID # 4419)

AN ORDINANCE IMPOSING A SALES TAX AT A RATE OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF HARRISONVILLE, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 4, 2023; DESIGNATING THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION.

Attachments:

Memorandum Regarding Recreational Marijuana (DOC)

Recreational Marijuana Tax Ordinance Final(DOCX)

Memorandum

To: Board of Aldermen of the City of Harrisonville, Missouri
From: Mauer Law Firm
Date: 1/13/2023
Re: Recreational Marijuana

We were asked to draft this memorandum to advise the Board of Aldermen of various aspects of adult use “recreational” marijuana within the City of Harrisonville.

Taxation

We have previously provided City staff with a draft ordinance that would place a 3.00% tax on recreational marijuana sales within the City. The Board **must** pass this ordinance at the January 17, 2022 Board meeting in order for the tax to be placed on the April 2023 ballot.

Prohibition

The Board discussed prohibiting recreational marijuana sales within the City. First, any ballot measure regarding prohibiting recreational marijuana sales must be on a November ballot in a presidential election year (2024, 2028, 2032, etc.). Therefore, the City cannot place both the taxation question (above) and the prohibition question on the April 2023 ballot. The earliest ballot available for prohibition is November 2024.

Before the City can place a prohibition on recreational marijuana sales on the November 2024 ballot, the City must receive a petition signed by 5% of the City’s qualified voters, determined by the total number of votes cast for governor at the last gubernatorial election.

For the prohibition to pass, at least 60% of the voters must vote in favor of prohibition. If prohibition passes, it can be repealed using this same process, but only 50% of votes in favor of repealing the prohibition are needed to repeal the ban.

The prohibition would only prohibit the operation of “microbusiness dispensaries” and “comprehensive marijuana dispensaries.” A facility that sells both medical and recreational marijuana is a “comprehensive dispensary”, and a “microbusiness dispensary” is a dispensary owned by an individual with less than \$250,000 in net worth. The prohibition, if passed, would only prohibit these two types of facilities. Any other marijuana facility cannot be prohibited from operating within the City.

The only marijuana facility currently in the City is a medical dispensary. We understand this facility has applied for a license that will allow it to sell recreational and medical marijuana, making it a comprehensive facility as soon as February 2023. If the current dispensary is granted a recreational license, and if the prohibition passes in the future, then the prohibition could force the existing facility to halt recreational sales. The City may be liable to pay this facility for “taking” its ability to sell recreational marijuana. Further research on this topic is needed.

Lastly, prohibiting microbusinesses and comprehensive facilities **will not** prohibit the use of recreational marijuana within the City. Moreover, it is possible that the prohibition would not stop the sale of recreational marijuana within the City. Other facilities may be able to sell recreational marijuana in the future, which would effectively circumvent the prohibition.

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BILL NO.

ORDINANCE NO.

AN ORDINANCE IMPOSING A SALES TAX AT A RATE OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF HARRISONVILLE, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 4, 2023; DESIGNATING THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION.

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

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

WHEREAS, the Board of Aldermen finds that it is in the best interests of the citizens of the City of Harrisonville, Missouri to impose a sales tax of three percent on all tangible personal property retail sales of adult use marijuana sold in the City of Harrisonville, Missouri and to submit the same to the voters of the City for approval by a majority of those voting at the general municipal election to be held on April 4, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF HARRISONVILLE, MISSOURI AS FOLLOWS:

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

SECTION 2 – EFFECTIVE DATE. The sales tax imposed by this Ordinance shall not be effective unless approved by a majority of the votes cast by the qualified voters voting thereon at the General Municipal Election to be held on April 4, 2023, at which election a proposal to authorize the Board of Aldermen of the City of Harrisonville, Missouri, to impose the tax herein provided for shall be submitted to the voters of the City of Harrisonville.

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

Question 1

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

☐ Yes

☐ No

SECTION 4 – NOTICE OF ELECTION. The City Clerk is hereby directed to notify the Cass County, Missouri Clerk/Election Authority of the enactment of this Ordinance no later than 5:00 p.m. on Tuesday, January 24, 2023, in accordance with the Comprehensive Election Act, Chapter 115 of the Revised Statutes of Missouri, as amended.