

REGULAR CITY COUNCIL MEETING
AUGUST 3, 2015

The Sikeston City Council meeting of August 3, 2015 was called to order at 5:00 p.m. in the CD Matthews Room, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Bob Depro, Karen Evans, Ryan Merideth, and Gerald Settles. Councilmen Jon Gilmore and Maude Harris were absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Governmental Services Director Linda Lowes, Public Safety Director Drew Juden, and Public Works Director Jay Lancaster.

ADJOURNMENT INTO EXECUTIVE SESSION

Councilman Depro moved to adjourn into executive session for the discussion of litigation, [RSMO 610.021 (1)]. The motion was seconded by Councilman Settles and the following roll call vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Councilman Depro moved to authorize the City Manager to send a letter to James Brown of Brown Automotive, indicating they will not be required to tear down the vacated building on the railroad property and to demolish said property using monies from the Essex Fund. The motion was seconded by Councilman Settles and the following roll call vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

No further action was taken in executive session.

ADJOURNMENT OUT OF EXECUTIVE SESSION

Councilman Merideth moved to adjourn from executive session. The motion was seconded by Councilman Evans and the following roll call vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

CALL TO ORDER

The City Council reconvened in regular session at 6:00 p.m. in the City Council Chambers. Present at the meeting were: Mayor Steven Burch and Councilmen Bob Depro, Karen Evans, Ryan Merideth, and Gerald Settles. Councilmen Jon Gilmore and Maude Harris were absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Governmental Services Director Linda Lowes, Public Safety Director Drew Juden, Public Works Director Jay Lancaster, Economic Development Director Ed Dust, Parks Director Jiggs Moore, and Street Superintendent Brian Dial.

Mayor Burch called the regular session of August 3, 2015 to order.

APPROVAL OF CITY COUNCIL MINUTES

City Council minutes of July 6 and July 27 were presented for approval. Councilman Depro moved to approve the minutes as presented. Councilman Merideth seconded the motion and the following roll call vote was recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

ACCEPTANCE OF BOARD AND COMMISSION MINUTES

Minutes from various board and commission meetings were presented to the City Council. Councilman Settles moved to approve the minutes as presented. The motion was seconded by Councilman Evans and voted as follows:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

ITEMS OF BUSINESS**Bill Number 5994, Request to Vacate Platted, Undeveloped Street Right-of-Way, West of Malcolm Avenue**

Councilman Depro moved for the second reading of Bill Number 5994. The motion was seconded by Councilman Evans and the following vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for reading.

BILL NUMBER 5994**ORDINANCE NUMBER 5994**

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 5994 PROVIDING FOR THE VACATING OF 115 FEET OF A PLATTED BUT UNDEVELOPED STREET KNOWN AS RUTH STREET, WEST OF THE INTERSECTION OF MALCOLM AVENUE AND CONSISTING OF A 60' RIGHT OF WAY, SIKESTON, SCOTT COUNTY, MISSOURI.

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

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: The Planning & Zoning Commission met on July 14, 2015 and passed a favorable recommendation to approve the request to vacate 115 feet of a platted but undeveloped street known as Ruth Street, West of the intersection of Malcom Avenue but reserving an easement for utilities in favor of the Board of Municipal Utilities.

SECTION III. The street described above and shown on Exhibit "A", which is attached hereto and incorporated by reference, is hereby vacated.

SECTION IV. General Repealer Section: Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION V. Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION V: Record of Passage:

- A. Bill Number 5994 was introduced and read the first time this 27th day of July, 2015.
- B. Bill Number 5994 was read the second time and discussed on this 3rd day of August, 2015. Councilman Depro moved to approve Bill Number 5994. The motion was seconded by Councilman Settles and the following roll call vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye,
thereby being passed, and becoming Ordinance 5994.

- C. Ordinance 5994 shall be in full force and effect from and after Friday, September 4, 2015.

Bill Number 5995, Request from South Main Development, LLC to Subdivide Property located at 912 South Main

Councilman Settles moved for the second reading of Bill Number 5995. The motion was seconded by Councilman Merideth and the following vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for reading.

BILL NUMBER 5995

ORDINANCE NUMBER 5995

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 5995 PROVIDING FOR THE APPROVAL OF SUBDIVIDING A PROPERTY LOCATED AT 912 SOUTH MAIN, SIKESTON, MO 63801 AND LEGALLY DESCRIBED AS FOLLOWS: ALL OF TRACT 1 OF LOT 4 AND ALL OF LOTS 3, 5, 6, 7, 8, 11, 12 AND 13 OF THE SUBDIVISION OF U.S.P.S 1032, TOWNSHIP 26 NORTH, RANGE 14 EAST, NEW MADRID COUNTY, MISSOURI AND WHICH SHALL BE KNOWN AND RECORDED AS SOUTH MAIN ONE SUBDIVISION.

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

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: The Planning and Zoning Commission met on July 14, 2015 and passed a favorable recommendation to approve the subdividing of a tract or parcel of land the plat of which is attached hereto, marked Exhibit "A" and incorporated by reference and legally described as follows and located at 912 South Main and to be known and recorded as South Main One subdivision:

"COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 61 AND THE NORTH LINE OF SAID UNITED STATES PRIVATE SURVEY NO. 1032; THENCE WITH SAID EAST RIGHT OF WAY LINE, SOUTH 24°19'21" WEST, 170.80 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID EAST RIGHT OF WAY

LINE, SOUTH 78°58'07" EAST 224.46 FEET; THENCE NORTH 80°58'37" EAST, 470.06 FEET; THENCE SOUTH 09°07'11" EAST, 370.81 FEET; THENCE SOUTH 76°45'03" EAST, 243.59 FEET; THENCE SOUTH 80°20'39" WEST, 968.48 FEET; THENCE NORTH 29°58'36" WEST, 309.60 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SOUTH MAIN STREET; THENCE WITH SAID EAST RIGHT OF WAY, NORTH 24°19'21" EAST, 313.24 FEET TO THE POINT OF BEGINNING AND CONTAINING 394,870 SQUARE FEET, 9.065 ACRES, MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS OF RECORD."

SECTION III: Said plat and subdivision is accepted and approved subject to full compliance with all applicable building and other codes and the stormwater management plan.

SECTION IV: General Repealer Section: Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION V: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Record of Passage

- A. Bill Number 5995 was introduced and read the first time this 27th day of July, 2015.
- B. Bill Number 5995 was read the second time this 3rd day of August, 2015. Councilman Depro moved to approve Bill Number 5995. The motion was seconded by Councilman Evans and the following roll call vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye,
thereby being passed and becoming Ordinance 5995.

- C. Ordinance 5995 shall be in full force and effect from and after September 4, 2015.

Bill Number 5998, Authorization to Enter into an Agreement for Lease Purchase of Fire Trucks

Councilman Merideth moved for the first reading of Bill Number 5998. The motion was seconded by Councilman Settles and the following vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Counselor Leible presented Bill Number 5998 for reading, an ordinance approving the selection of a bank for financing the acquisition of new fire trucks and related equipment, authorizing the City of Sikeston, Missouri to enter into an agreement in connection therewith, and authorizing certain other documents and actions in connection with the financing.

City Clerk Couch reviewed the bids received for the financing of a standard pumper and a 75' ladder. Staff recommended award of the proposal to Regions Bank, for the low bid of 2.35%. Adoption of Bill 5998 authorizes the execution of the appropriate finance documents.

Councilman Settles moved for the second reading of Bill Number 5998. The motion was seconded by Councilman Depro and the following vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for a second reading.

BILL NO. 5998

ORDINANCE NO. 5998

AN ORDINANCE APPROVING THE SELECTION OF A BANK FOR FINANCING THE ACQUISITION OF NEW FIRE TRUCKS AND RELATED EQUIPMENT, AUTHORIZING THE CITY OF SIKESTON, MISSOURI TO ENTER INTO AN EQUIPMENT LEASE PURCHASE AGREEMENT IN CONNECTION THEREWITH, AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE FINANCING

WHEREAS, the City Council of the City of Sikeston, Missouri (the "City") has previously solicited proposals from qualified banks and financial institutions in connection with the proposed financing of the acquisition of a new 75' ladder fire truck and a standard pumper truck (the "Equipment"), and in response Regions Financial Corporation (the "Lessor") has submitted its proposal for the financing of the acquisition of the Equipment (the "Proposal"), a copy of which is incorporated by reference in this Ordinance and attached hereto as **Exhibit A**; and

WHEREAS, to facilitate the acquisition of the Equipment and to pay the cost thereof, it is necessary and desirable for the City to enter into an Equipment Lease Purchase Agreement (the "Lease") with the Lessor, pursuant to which the City will lease the Equipment from the Lessor with an option to purchase;

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

Section 1. Acceptance of Proposal. The Proposal is hereby accepted and Regions Financial Corporation is hereby selected to finance the acquisition of the Equipment in accordance with and subject to the terms of the Proposal.

Section 2. Approval of the Lease. The City is hereby authorized to enter into the Lease with the Lessor, which Lease shall be in substantially the form presented to the City Council at this meeting, a copy of which is attached hereto as **Exhibit B**, with such changes therein as shall be approved by the officials of the City executing such document, such officials' signatures thereon being conclusive evidence of their approval thereof.

Section 3. Approval of the Escrow Agreement. The City is hereby authorized to enter into the Escrow Agreement (the "Escrow Agreement") among the City, the Lessor and the escrow agent named therein, which Escrow Agreement shall be in substantially the form presented to the City Council at this meeting, a copy of which is attached hereto as **Exhibit C**, with such changes therein as shall be approved by the officials of the City executing such document, such officials' signatures thereon being conclusive evidence of their approval thereof.

Section 4. Execution of Documents. The Mayor, the City Clerk, the City Manager and other appropriate officers of the City are hereby authorized and directed to execute, attest, acknowledge, deliver and record, as appropriate, for and on behalf of and as the act and deed of the City, the Lease, the Escrow Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 5. Further Authority. The officers, agents and employees of the City, including the Mayor, the City Manager and the City Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable to carry out and perform the purposes of this Ordinance, and to carry out, comply with and perform the duties of the City with respect to the Lease.

Section 6. Reimbursement of Expenditures. The City Council hereby finds it necessary and declares its intent to finance the costs of the Equipment through delivery of the Lease. The City has made, or expects to make, expenditures in connection with the Equipment, and the City may reimburse itself for such expenditures with the proceeds of the tax exempt financing by, or on behalf of, the City. The maximum principal amount of the tax-exempt financing expected to be issued for the Equipment is \$1,040,345.

Section 7. Appropriation of Basic Rent. The City Council hereby irrevocably budgets and appropriates moneys in the amount of \$90,158.01 for Fiscal Year ending June 30, 2016, to be used to make the Rental Payments (as defined in the Lease) due under the Lease during the Original Term of the Lease coextensive with Fiscal Year ending June 30, 2016.

Section 8. Emergency Ordinance. The City is scheduled to take delivery of the Equipment the week of August 24th. The City will be required to pay for the Equipment upon delivery. In order to have sufficient funds on hand prior to the delivery of the Equipment, this Ordinance and the actions authorized and approved herein must be taken immediately. The City Council hereby finds and declares that this Ordinance shall be an emergency ordinance as described in the City's Charter.

Section 9. Record of Passage:

- A. Bill Number 5998 was introduced to Council and read the first time on this 3rd day of August, 2015.
- B. Bill Number 5998 was read for the second and final time and discussed this 3rd day of August, 2015, and final passage thereon was voted as follows:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye,
thereby being approved and becoming
Ordinance Number 5998.
- C. Upon passage by a two-thirds majority of the Council, this Bill shall become Ordinance Number 5998 and shall be in full force and effect upon its passage.

Authorization to Purchase Hydraulic Breaker Attachment for DPW Bobcat

The Department of Public Works requested authorization to purchase a hydraulic jackhammer attachment for the new Bobcat skid steer equipment. It can be purchased through State bid for \$6,114.50 from Bobcat. This item was included in the FY16 Budget, in the Transportation Sales Tax Fund.

Councilman Settles moved to authorize the purchase of a hydraulic breaker attachment through State bid from Bobcat, in the amount of \$6,114.50. The motion was seconded by Councilman Merideth and the following roll call vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Award Purchase of Pickup Trucks for Parks and Street Division

The Department of Public Works is procuring two new trucks: one for the Park Division and the other for Street Division. Both are being purchased through the State bid contract from Don Brown Chevrolet. The Park Division vehicle will be a 2016 Silverado ½ ton, 4 wheel-drive, with extended double cab. The cost of the pickup is \$24,372 and will be purchased from Capital Improvement Funds. The Street Division vehicle will be a 2015 Silverado ¾ ton, 4 wheel drive, crew cab pickup with an add on package to accommodate a snow plow. It will be purchased with Transportation Sales Tax Funds for a cost of \$28,291.

Councilman Depro moved to authorize the purchase of the pickup trucks from Don Brown Chevrolet, for a total price of \$52,663. The motion was seconded by Councilman Evans and the following roll call vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Authorization to Execute a Change Order for Additional Asphalt Overlay Work

The City Council previously awarded the 2015 Street Program bids. The total bids were \$81,970.32 less than estimated. Director Lancaster requested he be allowed to utilize these savings to order additional asphalt overlay work on the existing Chester Bross contract to finish improvement along Wakefield Avenue by providing necessary cold milling and asphalt overlay of Wakefield in two segments: between Allen and Davis and between Allen and Kingshighway.

The proposed change order totals \$93,124. The remaining \$11,153.68 will be paid from the streets and alley line item.

Councilman Depro moved to authorize a change order in the amount of \$93,124 to the Chester Bross Contract for additional repairs. The motion was seconded by Councilman Settles and the following roll call vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Authorization to Advertise for Bids, Construction of TIF Infrastructure

Staff is seeking council approval to advertise for bids related to the phase 1 infrastructure work for the TIF development related to the new Malco Theater. The work will include concrete pavement, water lines, sanitary sewer lines, and storm sewer lines. The engineer's estimate for this work is \$702,260. Essex Funds will be used to pay for the construction, but will be reimbursed with TIF proceeds.

Staff anticipates seeking award in September, with a 90 day construction period. The theater is expected to open in late May/early June 2016.

Councilman Depro moved to authorize the advertisement of bids for construction of the TIF infrastructure. The motion was seconded by Councilman Merideth and the following roll call vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Emergency Bill 5999, Authorization to Execute Missouri Highway and Transportation Commission Agreement for Airport Terminal Construction Funding

Councilman Settles moved for the first reading of Bill Number 5999. The motion was seconded by Councilman Evans and the following vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for a first reading. This bill as approved shall become Emergency Ordinance Number 5999 authorizing the Mayor to execute a contract between the City of Sikeston, Missouri and the Missouri Highways and Transportation Commission providing for the funding and construction of a new terminal building at the Sikeston Municipal Airport.

Director Lancaster explained the use of Federal Aviation Administration Funds being administered through MODOT Aviation, for the purpose of constructing a new airport terminal building, require that an agreement be executed between MODOT and the City to define roles and responsibilities.

Councilman Settles moved for the second reading of Bill Number 5999. The motion was seconded by Councilman Merideth and the following vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for a second reading.

Bill No. 5999

Ordinance No. 5999

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 5999 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF SIKESTON, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR THE FUNDING AND CONSTRUCTION OF A NEW TERMINAL BUILDING AT THE SIKESTON MUNICIPAL AIRPORT.

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

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: That the Agreements described on Exhibit "A" shall be conveyed to the Missouri Highways and Transportation Commission.

SECTION III: That the Mayor and the other officials as may be necessary are hereby authorized, empowered and directed to execute any documents necessary and proper to effectuate the same.

SECTION IV: General Repealer Section. Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION V: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Emergency Clause. This Ordinance is adopted as an emergency measure to comply with Missouri Highways and Transportation Commission requirements.

SECTION VII: Record of Passage:

- A. Bill Number 5999 was introduced to Council and read the first time this 3rd day of August 2015.
- B. Bill Number 5999 was read the second time this 3rd day of August 2015 and discussed. Councilman Depro moved to approve Bill Number 5999. The motion was seconded by Councilman Merideth and the following roll call vote recorded:
- Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye,
thereby being passed, becoming Ordinance 5999.
- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 5999 and shall be in full force and effect.

Bill 5996, Calling for November Special Election

Councilman Evans moved for the first reading of Bill Number 5996. The motion was seconded by Councilman Merideth and the following vote recorded:

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for reading. This bill, as approved, shall become Ordinance Number 5996, providing for an election to present the question of a City sales tax for capital improvements within the City, with moratorium.

ADJOURNMENT

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

Depro Aye, Evans Aye, Merideth Aye, Settles Aye, and Burch Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK
SEAL: