

REGULAR CITY COUNCIL MEETING
JANUARY 5, 2015

The regular Sikeston City Council meeting of January 5, 2015 was called to order at 5:00 p.m. in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Jerry Pullen and Councilmen Steven Burch, Bob Depro, John Graham, Maude Harris, and Kathy Teachout. Councilman Jon Gilmore was 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 Works Director Jay Lancaster, Economic Development Director Ed Dust, Public Safety Director Drew Juden, Park Director Jiggs Moore, Street Superintendent Brian Dial, and Public Safety Captain Mike Williams, Network Administrator Dave Warren, and Senior Building Official Collin Cecil.

ADJOURNMENT INTO EXECUTIVE SESSION

Councilman Burch moved to adjourn into a brief executive session in the CD Matthews Room for the discussion of litigation [RSMO 610.021 (1)]. The motion was seconded by Councilman Depro and the following roll call vote recorded:

Burch Aye, Depro Aye, Graham Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

Mayor Pullen called the executive session to order. Present were: Mayor Jerry Pullen and Councilmen Bob Depro, Jon Gilmore, John Graham, Maude Harris, and Kathy Teachout. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, and City Treasurer Karen Bailey.

No action was taken in executive session.

ADJOURNMENT OUT OF EXECUTIVE SESSION

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

Burch Aye, Depro Aye, Graham Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

REGULAR MEETING RECONVENED

Mayor Pullen called the regular meeting to order.

APPROVAL OF CITY COUNCIL MINUTES

City Council minutes of November 20 and 24, 2014 and December 1 and 18, 2014 were presented for approval. Councilman Depro moved to approve the minutes as presented. Councilman Graham seconded the motion and the following roll call vote was recorded:

Burch Aye, Depro Aye, Graham Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

ACCEPTANCE OF BOARD AND COMMISSION MINUTES

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

Burch Aye, Depro Aye, Graham Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

PRESENTATIONS

Darren Lowe of the Department of Public Works and John Nelson of the Department of Public Safety were recognized as Employees of the Quarter for their respective departments.

ITEMS OF BUSINESS**Bill Number 5973, Consideration and Adoption of the 60 West TIF Plan and Project**

Councilman Depro moved for the second reading of Bill Number 5973. The motion was seconded by Councilman Burch and the following vote recorded:

Burch Aye, Depro Aye, Graham Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

Counselor Leible presented the bill for reading.

BILL NO. 5973

ORDINANCE NO. 5973

AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF SIKESTON, MISSOURI, AS A REDEVELOPMENT AREA; APPROVING THE SIKESTON 60 WEST TAX INCREMENT FINANCING REDEVELOPMENT PLAN AND THE RPA-1 REDEVELOPMENT PROJECT DESCRIBED THEREIN; MAKING FINDINGS RELATED THERETO; ADOPTING TAX INCREMENT FINANCING WITH RESPECT THERETO; AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS.

WHEREAS, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), authorizes municipalities to undertake redevelopment projects in blighted, conservation or economic development areas, as defined in the Act; and

WHEREAS, the City of Sikeston, Missouri (the "City") duly created the Tax Increment Financing Commission of the City of Sikeston, Missouri (the "TIF Commission") pursuant to the Act; and

WHEREAS, the Act authorizes the TIF Commission to hold hearings with respect to proposed redevelopment areas, plans and projects and to make recommendations thereon to the City Council; and

WHEREAS, the TIF Commission has reviewed a plan for redevelopment known as "The Sikeston 60 West Tax Increment Financing Redevelopment Plan" (the "Redevelopment Plan"),

which calls for the redevelopment of an approximately 175-acre area generally located north of Highway 60 and west of the existing Wal-Mart Supercenter in the City, as more particularly described in Attachment B of the Redevelopment Plan (the "Redevelopment Area"); and

WHEREAS, the Redevelopment Plan divides the Redevelopment Area into three redevelopment project areas, referred to as "RPA-1," "RPA-2" and "RPA-3"; and

WHEREAS, the Redevelopment Plan proposes that RPA-1 be redeveloped for commercial purposes, including the development of a movie theatre (the "RPA-1 Redevelopment Project"); and

WHEREAS, in response to a solicitation of proposals by the City, Sikeston Development Company, LLC (the "Developer") submitted a proposal that includes the RPA-1 Redevelopment Project (the "Proposal"); and

WHEREAS, after all proper notice was given, a public hearing was held on November 19, 2014 and continued on December 3, 2014, at which the TIF Commission received comments from all interested persons and taxing districts relative to (1) the Redevelopment Plan, (2) the designation of the Redevelopment Area as a "redevelopment area," as defined by the Act, and (3) the approval of the RPA-1 Redevelopment Project; and

WHEREAS, on December 3, 2014, after due deliberation, the TIF Commission passed a resolution (attached as **Exhibit A** hereto) recommending that the City Council (1) approve the Redevelopment Plan, (2) designate the Redevelopment Area as a "redevelopment area," as defined by the Act, and (3) approve the RPA-1 Redevelopment Project;

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

Section 1. The City Council hereby makes the following findings:

A. The Redevelopment Area on the whole is a "blighted area," as defined in Section 99.805(1) of the Act, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. This finding includes, and the Redevelopment Plan sets forth and the City Council hereby finds and adopts by reference: (i) a detailed description of the factors that qualify the Redevelopment Area as a "blighted area" and qualify the RPA-1 Redevelopment Project as a "redevelopment project" and (ii) an affidavit, signed on behalf of the Developer and submitted with the Redevelopment Plan, attesting that the provisions of subdivision (1) of Section 99.810.1 have been met.

B. The Redevelopment Plan conforms to the comprehensive plan for the development of the City as a whole.

C. The estimated dates of completion of the RPA-1 Redevelopment Project and the retirement of obligations incurred to finance redevelopment project costs have been stated in the Redevelopment Plan and these dates are no more than 23 years from the adoption of this Ordinance, which approves the RPA-1 Redevelopment Project. Redevelopment projects for RPA-2 and RPA-3, if any, will be approved within 10 years from the adoption of this Ordinance. No property for a redevelopment project shall be

acquired by eminent domain later than five years from the adoption the ordinance approving such redevelopment project.

D. The City has developed a plan for relocation assistance for businesses and residences in conformity with the requirements of Sections 523.200 through 523.215 of the Revised Statutes of Missouri, as amended.

E. A cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area is attached as Exhibit B hereto (the "Cost-Benefit Analysis") and is incorporated herein as if fully set forth herein, which Cost-Benefit Analysis shows the impact on the economy if the RPA-1 Redevelopment Project is not built and is built pursuant to the Redevelopment Plan. The Cost-Benefit Analysis also includes a fiscal impact study on every affected political subdivision, and sufficient information from the Developer and the City for the TIF Commission to evaluate whether the RPA-1 Redevelopment Project as proposed is financially feasible.

F. The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.

Section 2. The Redevelopment Area is hereby designated as a "redevelopment area" as defined in Section 99.805(12) of the Act.

Section 3. The Redevelopment Plan, a copy of which is attached hereto as Exhibit C and incorporated herein by reference, is hereby adopted and approved.

Section 4. The RPA-1 Redevelopment Project is hereby adopted and approved. The City Council finds that the area selected for the RPA-1 Redevelopment Project includes only those parcels of real property and improvements thereon directly and substantially benefited by the proposed RPA-1 Redevelopment Project.

Section 5. Tax increment allocation financing is hereby adopted within RPA-1 (as legally described in the Redevelopment Plan).

Section 6. After the total equalized assessed valuation of the taxable real property in RPA-1 exceeds the certified total initial equalized assessed value of all taxable real property in RPA-1, as determined in accordance with the Act, the ad valorem taxes and payments in lieu of taxes, if any, arising from the levies upon taxable real property in RPA-1 by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the Act each year after the effective date of this Ordinance until the payment in full of all redevelopment project costs shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in RPA-1 shall be allocated to and, when collected, shall be paid by the County Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing; and

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in

RPA-1 and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in RPA-1 shall be allocated to and, when collected, shall be paid to the City's Treasurer, who shall deposit such payments in lieu of taxes into a special fund called the "Sikeston 60 West Special Allocation Fund – RPA-1 Account" of the City for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of RPA-1 from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

Section 7. In addition, fifty percent (50%) of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing districts, and which are generated by economic activities within RPA-1, over the amount of such taxes, penalties and interest in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, taxes levied pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, for the purpose of public transportation and any other tax or fee excluded by law, shall be allocated to and paid by the collecting officer to the City's Treasurer, who shall deposit such funds into a separate segregated account within the Sikeston 60 West Special Allocation Fund – RPA-1 Account.

Section 8. The Sikeston 60 West Special Allocation Fund is hereby established. The Sikeston 60 West Special Allocation Fund shall have an "RPA-1 Account," an "RPA-2 Account," and an "RPA-3 Account" and such other accounts and subaccounts as may be necessary or desirable for the administration of the Redevelopment Plan. All moneys deposited in the Sikeston 60 West Special Allocation Fund shall be applied in such manner consistent with the Redevelopment Plan as determined by the City Council.

Section 9. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the County Assessor, who is directed to determine the total equalized assessed value of all taxable real property within RPA-1 as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within RPA-1, and shall certify such amount as the total initial equalized assessed value of the taxable real property within RPA-1. The City Clerk is further directed to submit a certified copy of this Ordinance to the County Collector, and the City Treasurer is directed to certify to the County Collector the amount of taxes derived from economic activities within RPA-1 in the calendar year prior to the adoption of this Ordinance, as prescribed in Section 7 hereof.

Section 10. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (i) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (ii) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 11. Record of Passage:

A. Bill Number 5973 was introduced to the City Council and read the first time on this 29th day of December, 2014.

B. Bill Number 5973 was read for the second and final time and discussed on this 5th day of January, 2015. The following citizens expressed comments regarding the Sikeston 60 West TIF District:

Lee Bates of Bates Radiator, 808 Roth Street
John McMillen, 810 Glenn
Scott Welton of the Standard Democrat, 205 S New Madrid
Anna Voelker, 530 William
Cary Gilmo of Nova Brick, 830 Roth
Perry Waltrip, 309 W Salcedo Road
Robert Curtis, 812 Roth
Jim Hux, 303 S Kingshighway
Mike Bohannon, 670 N Ranney
Steve Sullivan, 400 Ashley Drive
Chad Holt, 628 Euclid

Councilman Burch moved to approve Bill Number 5973. The motion was seconded by Councilman Depro, and final passage thereon was recorded as follows:

Burch Aye, Depro Aye, Graham Nay, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

C. Upon passage by the City Council, this bill shall become Ordinance 5973 and shall be in full force and effect from 30 days after its passage.

Award of RFP15-11 for 911, Records Management System and Computer Aided Dispatch Software and Hardware Purchase

Director Juden reviewed the bids received for 911, RMS and CAD software and hardware. Councilman Depro moved to award the lowest and best bid to CAPERS in the amount of \$475,576. The motion was seconded by Councilman Teachout and the following roll call vote recorded:

Burch Aye, Depro Aye, Graham Nay, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

ADJOURNMENT INTO EXECUTIVE SESSION

Councilman Depro moved to adjourn into executive session for the discussion of personnel [RSMO 610.021 (3)]. The motion was seconded by Councilman Burch and the following roll call vote recorded:

Burch Aye, Depro Aye, Graham Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

Mayor Pullen called the executive session to order. Present were: Mayor Jerry Pullen and Councilmen Bob Depro, Jon Gilmore, John Graham, Maude Harris, and Kathy Teachout. Staff in attendance were: City Manager Jonathan Douglass and City Counselor Chuck Leible,

No action was taken in executive session.

ADJOURNMENT OUT OF EXECUTIVE SESSION

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

Burch Aye, Depro Aye, Graham Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

ADJOURNMENT

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

Burch Aye, Depro Aye, Graham Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

APPROVED:

JERRY PULLEN, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL: