

**SPECIAL CITY COUNCIL MEETING**  
**MARCH 28, 2016**

**CALL TO ORDER/RECORD OF ATTENDANCE**

The special Sikeston City Council meeting of March 28, 2016 was called to order at 11:30 a.m., in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Bob Depro, Karen Evans, Maude Harris, Ryan Merideth and Gerald Settles. 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, Director of Public Safety Drew Juden, Parks Director Dustin Care, Street Superintendent Brian Dial, Street Superintendent Darren Martin, and Senior Building Official Collin Cecil.

**ITEMS OF BUSINESS**

**Briefing Citizen's Group "Smoke Free Sikeston"**

Members of the citizen's group, "Smoke Free Sikeston" addressed the City Council on the benefits of a smoke free Sikeston, they were:

Brenda Freed, Scott Co. Health Department, 95 Co. Hwy. 431, Oran, MO  
Marcy Austin, 821 Clearwater, Sikeston MO  
Jeff Partridge, YMCA, 815 Moore Street, Sikeston, MO  
Terry Baker, American Cancer Society, Jackson, MO

Tammy Cummins of 170 Presnell, Sikeston, spoke on behalf of American Legion bingo, and was opposed to the "Smoke Free Sikeston" campaign.

**First and Second Reading of Bill Number 6017, Authorization to Rezone**

Councilman Depro moved for the first reading of Bill Number 6017. The motion was seconded by Councilman Merideth and the following vote recorded:

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

Counselor Leible presented Bill Number 6017 for reading. This bill as approved shall become Emergency Ordinance Number 6017 providing for the rezoning from Light Industrial "IL" to Highway Commercial "C-3" the following described real estate to-wit: A tract of land which consists of approximately 14.05 acres and is located generally west of Lawrence Street and South of Hennings Drive as extended, in the City of Sikeston, New Madrid County.

This change would allow a planned commercial subdivision to be developed. The Planning & Zoning Commission did meet and approve this request on March 15, 2016.

Councilman Gilmore moved for the second reading of Bill Number 6017. The motion was seconded by Councilman Merideth and the following vote recorded:

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

Counselor Leible presented the bill for reading.

BILL NUMBER 6017

ORDINANCE NUMBER 6017

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6017 PROVIDING FOR THE REZONING FROM LIGHT INDUSTRIAL "IL" TO HIGHWAY COMMERCIAL "C-3" THE FOLLOWING DESCRIBED REAL ESTATE TO-WIT: A TRACT OF LAND, WHICH CONSISTS OF APPROXIMATELY 14.05 ACRES AND IS LOCATED GENERALLY WEST OF LAWRENCE STREET AND SOUTH OF HENNING'S DRIVE AS EXTENDED, IN THE CITY OF SIKESTON, NEW MADRID 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 and Zoning Commission met on March 15, 2016 and voted to approve the rezoning from Light Industrial "IL" to Highway Commercial "C-3" the following described real estate to-wit: A tract of land, which consists of approximately 14.05 acres and is located generally west of Lawrence Street and south of Hennings Drive as extended, in the City of Sikeston, New Madrid County, Missouri.

SECTION III: A plat of said real estate is marked as Exhibit "A" attached hereto and incorporated by reference.

SECTION IV: The above tract of land is hereby rezoned from "IL" Light Industrial to "C-3" Highway Commercial.

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

SECTION VI: 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 VII: Emergency Clause. Due to the time requirements of a potential purchaser for a certain tract of the rezoned property, this matter is being presented as an emergency measure.

SECTION VIII: Record of Passage

- A. Bill Number 6017 was introduced and read the first time this 28<sup>th</sup> day of March, 2016.
- B. Councilman Gilmore moved for the second reading of Bill Number 6017. The motion was seconded by Councilman Merideth and there being no discussion, the following vote recorded:

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

Councilman Depro moved to approve Bill Number 6017. The motion was seconded by Councilman Gilmore and there being no further discussion, the following roll call vote was recorded:

Depro Aye, Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,  
Settles Aye, and Burch Aye, thereby being passed,  
and becoming Ordinance 6017.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6017 and shall be in full force and effect.

Bill Number 6018, Approval of Subdivision

Councilman Merideth moved for the first reading of Bill Number 6018. The motion was seconded by Councilman Evans and the following vote recorded:

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

Counselor Leible presented the bill for reading.

BILL NUMBER 6018

ORDINANCE NUMBER 6018

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6018 PROVIDING FOR APPROVAL OF SUBDIVIDING A 14.05 ACRE TRACT OR PARCEL OF LAND BEING KNOWN AS COTTON RIDGE DEVELOPMENT, 2<sup>nd</sup> ADDITION, CITY OF SIKESTON, NEW MADRID COUNTY, MISSOURI, AND WHICH GENERALLY LIES WEST OF LAWRENCE STREET, AND SOUTH OF HENNING'S DRIVE AS EXTENDED, IN THE CITY OF SIKESTON, NEW MADRID 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 and Zoning Commission met on March 15, 2016 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 known as Cotton Ridge Development, 2<sup>nd</sup> Addition:

"A TRACT OR PARCEL OF LAND LYING IN AND BEING A PART OF LOT 4 OF STALLCUP SUBDIVISION IN U.S.P.S. NO. 689, ALL IN TOWNSHIP 26 NORTH, RANGE 14 EAST, IN THE CITY OF SIKESTON, NEW MADRID COUNTY, MISSOURI AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 IN BLOCK 4 OF COTTON RIDGE DEVELOPMENT, 1ST ADDITION TO THE CITY OF SIKESTON, NEW MADRID COUNTY, MISSOURI; THENCE S.09°51'24"E. ON AND ALONG THE EAST LINE OF LOT 4 OF STALLCUP SUBDIVISION A DISTANCE OF 870.86 FEET TO THE NORTH R/W LINE OF U.S. HIGHWAY 60; THENCE S.61°17'04"W. ON AND ALONG THE NORTH R/W LINE OF U.S. HIGHWAY 60 A DISTANCE OF 548.82 FEET; THENCE S.79°32'21"W. A DISTANCE OF 186.61 FEET TO THE SOUTHEAST CORNER OF A DETENTION BASIN CONVEYED TO THE CITY OF SIKESTON, MISSOURI RECORDED IN

DEED BOOK 704 AT PAGE 906 IN THE OFFICE OF THE RECORDER OF DEEDS FOR NEW MADRID COUNTY, MISSOURI; THENCE N.09°43'53"W. ON AND ALONG THE EAST LINE OF A SAID DETENTION BASIN CONVEYED TO THE CITY OF SIKESTON, MISSOURI AS RECORDED IN DEED BOOK 704 AT PAGE 906 A DISTANCE OF 230.00 FEET TO THE NORTHEAST CORNER OF SAID DETENTION BASIN CONVEYED TO THE CITY OF SIKESTON, MISSOURI AS RECORDED IN DEED BOOK 704 AT PAGE 906; THENCE N.05°31'27"W. A DISTANCE OF 348.54 FEET; THENCE N.85°38'21"E. A DISTANCE OF 68.18 FEET; THENCE N.09°50'23"W. A DISTANCE OF 386.00 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN BLOCK 3 OF COTTON RIDGE DEVELOPMENT, 1ST ADDITION TO THE CITY OF SIKESTON, NEW MADRID COUNTY, MISSOURI; THENCE N.81°05'41"E. ON AND ALONG THE SOUTH LINE OF SAID LOT 1 IN BLOCK 3 A DISTANCE OF 266.16 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 IN BLOCK 3; THENCE N.80°08'53"E. A DISTANCE OF 70.00 FEET; THENCE N.09°51'24"W. A DISTANCE OF 97.65 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN BLOCK 4 OF COTTON RIDGE DEVELOPMENT, 1ST ADDITION TO THE CITY OF SIKESTON, NEW MADRID COUNTY, MISSOURI; THENCE N.80°08'53"E. ON AND ALONG THE SOUTH LINE OF SAID LOT 1 IN BLOCK 4 A DISTANCE OF 275.02 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 14.05 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, IF ANY, AFFECTING THE SAME".

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: Emergency Clause. Due to the time requirements of a potential purchaser for a certain tract of the subdivided property, this matter is being presented as an emergency measure.

SECTION VII: Record of Passage

A. Bill Number 6018 was introduced and read the first time this 28<sup>th</sup> day of March, 2016.

B. Councilman Depro moved for the second reading of Bill Number 6018. The motion was seconded by Councilman Merideth, discussed this 28<sup>th</sup> day of March, 2016 and voted as follows:

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

Councilman Gilmore moved to approve Bill Number 6018. The motion was seconded by Councilman Merideth and there being no further discussion, the following roll call vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,  
Settles Aye, and Burch Aye, thereby being passed,  
and becoming ordinance 6018.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6018 and shall be in full force and effect.

Bill Number 6013, Re-adoption of Fair Housing Policy

Councilman Evans moved for the second reading of Bill Number 6013. The motion was seconded by Councilman Harris and the following vote recorded:

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

Counselor Leible presented the bill for reading.

BILL Number 6013

ORDINANCE Number 6013

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6013, PROVIDING "FAIR HOUSING" FOR THE CITY OF SIKESTON, MISSOURI, DEFINING DISCRIMINATORY HOUSING PRACTICES, AND CREATING A FAIR HOUSING COMMITTEE.

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: Declaration of Policy: The City Council of the City of Sikeston hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain real property without regard to race, sex, color, national origin, ancestry, religion, religious affiliation, handicap and without regard to whether a family has children. This ordinance shall be deemed an exercise of the police powers of the City of Sikeston, Missouri, for the protection of the public welfare, prosperity, health and peace of the people of Sikeston.

SECTION III. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein unless the context otherwise indicates.

- A. Person shall include any individual, firm, partnership or corporation.
- B. Aggrieved Person shall include any person who is attempting to provide housing for himself and/or his family in the City of Sikeston, Missouri.
- C. Discriminate shall mean distinctions in treatment because of race, sex, color, religion, handicap, familial status or national origin of any person.

SECTION IV. Discriminatory Practices. It shall be a discriminatory practice and a violation of this ordinance for any person to:

- A. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, religious affiliation, handicap, familial status, or national origin of any person.

- B. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, religious affiliation, handicap, familial status, or national origin.
- C. Make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, religious affiliation, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- D. Represent to any person because of race, sex, color, religion, religious affiliation, handicap, familial status, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, religious affiliation, handicap, familial status, or national origin.
- F. Bars discrimination in the sale or rental of housing on the basis of a handicap, and requires the design and construction of new multi-family dwelling with four (4) or more units to meet certain adaptability and accessibility requirements.
- G. Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons, e.g. Section 202 housing.

SECTION V: Discrimination in the Financing of a House. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or discriminate against any person in the fixing of the amount or conditions of such loan, because of the race, sex, color, religion, religious affiliation, handicap, familial status, or national origin of such person or of any person associated with him in connection with such financing.

SECTION VI. Exemptions. The provisions of this ordinance and particularly Section IV hereof, shall not apply to the following:

- A. The sale or rental of a dwelling unit in a building, which contains housing accommodations with no more than four (4) families living independently of each other, if the owner resides in one of the units.
- B. Housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.
- C. Religious organizations and private clubs may limit the sale, rental or occupancy of housing owned or operated for other than a commercial purpose, to their members.

- D. Any single family house sold or rented by an owner provided that such house is sold or rented:
1. without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or persons in the business of selling or renting dwelling, and
  2. without the publication, posting or mailing of any advertisement in violation of Section 3c of this ordinance.

provided however, that:

1. nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, and
  2. that any such private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the process, from the sale or rental of more than three such single family houses at any one time.
- E. For the purposes of subsection e, a person shall be in the business of selling or renting dwelling if:
1. he has, within the preceding twelve months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
  2. he has, within the preceding twelve months, participated as an agent, other than in the sale of his own personal residents in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
  3. he is the owner of any dwelling designed or intended for occupancy, by or occupied by five or more families.

SECTION VII. Administration:

- A. There is hereby created a Fair Housing Committee whose membership shall consist of five members, who shall be appointed by the Mayor of the City with the approval of the City Council.
- B. Every complaint of a violation of this ordinance shall be referred to the Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- C. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in the event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left

to the City Attorney.

SECTION VIII. Enforcement.

- A. Any person convicted of a violation of this ordinance shall be punished by a fine of not more than two hundred (\$200.00) or confinement in the County jail for not more than thirty (30) days, or both such fine and imprisonment.
- B. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

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

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

SECTION XI: Savings Clause. This ordinance shall not affect violations of any other ordinance, code or regulation of the City of Sikeston existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION XII: Record of Passage:

- A. Bill Number 6013 was introduced and read the first time this 7th day of March 2016.
- B. Bill Number 6013 was read the second time and discussed this 28<sup>th</sup> day of March 2016. Councilman Merideth moved to approve Bill Number 6013. The motion was seconded by Councilman Evans and there being no further discussion, the following roll call vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,  
Settles Aye, and Burch Aye, thereby being passed,  
and becoming ordinance 6013.

- C. Ordinance 6013 shall be in full force and effect from and after April 29, 2016.

Bill Number 6011, Calling for Use Tax Election

Councilman Settles called for the first reading of Bill Number 6011. The motion was seconded by Councilman Harris and the following vote recorded:

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

Counselor Leible presented Bill Number 6011 for reading, an ordinance calling an election in the City of Sikeston, Missouri on the question of whether to continue application and collection of the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were



purchased from a source other than a licensed Missouri dealer; designating the time of holding the election; authorizing and directing the City Clerk to give notice of the election.

Bill 6011 calls for an election to be held on Tuesday, August 2, 2016, for the purpose of determining if use tax collections on out of State purchases of motorized vehicles should be continued. If the collections are discontinued, the City will lose an estimated \$168,000.

Bill 6015, Formally Accepting Ownership of Lincoln Park from LCRA

Councilman Gilmore moved for the first reading of Bill Number 6015. The motion was seconded by Councilman Harris and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Harris 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 6015 authorizing the Mayor and City Clerk of the City of Sikeston, Missouri to accept a conveyance of land from Land Clearance for Redevelopment Authority, City of Sikeston to establish Lincoln Park.

Approval of this land will allow the City of Sikeston to accept ownership of land known as Lincoln Park.

Interim Appointments to Board of Adjustments, LCRA Commission, and Sikeston Park Board

Councilman Depro nominated Board of Adjustments alternate member Jodi Glidewell to fill the unexpired term of Phil Black on the Board of Adjustments. The nomination was seconded by Councilman Merideth and there being no further nominations, the following roll call vote recorded:

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

Councilman Harris left the meeting.

Councilman Gilmore nominated John Leible to fill the unexpired term of Larry Williams on the LCRA Commission. The nomination was seconded by Councilman Depro and there being no further nominations, the following roll call vote recorded:

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

Councilman Harris returned to the meeting.

Councilman Depro nominated Wade Hamra to fill the unexpired term of Larry Williams on the Park Board. The nomination was seconded by Councilman Merideth and there being no further nominations, the following roll call vote was recorded:

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

Tentative Budget Process Calendar

City staff is beginning to prepare of Fiscal Year Budget for City Council consideration. A calendar outlining the process was presented for Council review.

Other Items

City Clerk Carroll Couch asked if the Council wished for the City to participate in the back to school tax free weekend in August. It was the consensus of the City Council to participate again this year.

**ADJOURNMENT INTO EXECUTIVE SESSION**

Councilman Harris moved to adjourn into executive session for the discussion of property [RSMO 610.021 (2)]. The motion was seconded by Councilman Evans and the following roll call vote recorded:

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

No 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 Harris and the following roll call vote recorded:

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

**ADJOURNMENT**

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

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

APPROVED:

\_\_\_\_\_  
STEVEN BURCH, MAYOR

ATTEST:

\_\_\_\_\_  
CARROLL L. COUCH, CITY CLERK

SEAL:

