

SPECIAL CITY COUNCIL MEETING
MARCH 26, 2018

The special Sikeston City Council meeting of March 26, 2018 was called to order at 5:30 p.m. at the Clinton Building, located at 501 Campanella Drive, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Karen Evans, Jon Gilmore, Ryan Merideth, Mary White-Ross, Gerald Settles and Brian Self. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Deputy City Clerk Rhonda Council, Public Safety Director Mike Williams, Assistant Public Safety Director James McMillen, Public Works Director Jay Lancaster, Street Superintendent Brian Dial, Street Supervisor Darren Martin, Parks Director Dustin Care, and Senior Building Official Collin Cecil. Also present was DPS Sgt. Jon Broom.

PUBLIC HEARING

Proposed Annexation of South Industrial Park and Colon Kelley Property

Councilwoman Evans moved to open the Public Hearing for discussions regarding the proposed annexation of South Industrial Park and property belonging to Colon Kelley. The motion was seconded by Councilman Settles and the following vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

No comments from the public were heard. Councilman Gilmore moved to close the Public Hearing. The motion was seconded by Councilman Evans and the following vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

ITEMS OF BUSINESS

Briefing: Scott County Floodplain

Public Works Director Jay Lancaster gave a brief overview of the Scott County Floodplain project. He indicated that during the open house conducted prior to the Council meeting, positive feedback was received from the people he has spoken with about the floodplain. Once all questionnaires have been received, comments summarized and FEMA paperwork completed, Dr. Charles Patterson from Allgeier & Martin estimates that it will take 6-9 months before the floodplain map is finalized and effective.

1st Reading, Bill #6091, Net Metering Service Amended

Councilman Merideth moved for the first reading of Bill Number 6091. The motion was seconded by Councilman Self and the following vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for reading. This bill as approved shall become Ordinance Number 6091 amending the Net Metering Service Policy and Procedures applicable to electrical

utility customers that own and operate renewable power sources intended primarily to offset part or all of the customers own electrical power requirements. This ordinance shall be codified in Title VII Utilities, Chapter 710, Net Metering Service of the Sikeston Municipal Code.

This bill will amend our current ordinance to match the Net Metering and Easy Connection Act requirements for the establishment of net metering service for eligible electrical utility customers that own and operate a solar, wind, or bio mass generating facility or hydrogen fuel cell. It also includes language to cover a change in property ownership and Customer-Generators larger than 100 kw.

1st Reading, Bill #6089, Re-Adoption of Fair Housing Policy

Councilman Gilmore moved for the first reading of Bill Number 6097. The motion was seconded by Councilman Merideth and the following vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed

Counselor Leible presented Bill Number 6089 for reading. This bill as approved shall become Ordinance Number 6097 providing "fair housing" for the City of Sikeston, Missouri, defining discriminatory housing practices, and creating a fair housing committee.

This bill is created to eliminate discrimination to any person obtaining housing in the City of Sikeston and also establishes a Fair Housing Committee to hear violations of fair housing complaints.

Second Reading & Consideration, Bill #6086, Taxicab Services Amended

Councilman Self moved for the second reading of Bill Number 6063. The motion was seconded by Councilman Gilmore and the following vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for reading.

BILL Number 6086

ORDINANCE Number 6086

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6086 AND SHALL AMEND CHAPTER 640 OF TAXICABS CODE ESTABLISHING ADDITIONAL GUIDELINES WITHIN THE CITY OF SIKESTON, MISSOURI.

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

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: Chapter 640 – Section 640.020 – Defined, Section 640.040 – License – Issuance, Section 640.060 – Vehicle Identification, Section 640.080 – Driver – Operator, Application; Generality, & Section 640.090 – Driver - Duties; shall be amended to read as follows:

Section 640.020 – Defined

Whenever used in this Chapter, the term “taxicab” means every motor vehicle used to transport persons for a charge or fee within the corporate limits of the City, except Transportation Network Companies or Ride Hailing Services regulated separately by the State of Missouri.

Section 640.040 License - Issuance.

Upon proper application for license, payment of such fee as may be prescribed by the City Council, the filing with the City Clerk of an acceptable liability insurance policy or bond, the City Clerk shall issue to the applicant a license to engage in the taxicab business. A license to operate a taxicab business shall not be transferred or assigned.

Section 640.060 – Vehicle Identification

Every motor vehicle being used as a taxicab shall have printed on both sides and the rear of the vehicle written designation that it is a “Taxi”, the name of the cab company or the owner thereof and the identification number of such taxicab, in legible letters professionally stenciled or applied vinyl of not less than four (4) inches. Hand written letters shall not be considered legible.

Section 640.080 Driver - Operator, Application; generality.

Any person desiring to secure a license to operate a taxicab within the city shall file with the city clerk a written application, verified under oath, giving the following information:

- A. The full name, residential and business addresses of the applicant for the past five (5) years.
- B. Whether or not the applicant, has been convicted of the violation of any federal or state felony law, or any federal or state misdemeanor involving the use or threat of force or violence or the sale of drugs or sexual abuse; or has been convicted of violating any provision of the Sikeston City Code, or has ever had a business license or other license or permit issued by the city revoked or suspended. Applicant shall supply a criminal record check, including a report by the Federal Bureau of investigation, and by the Missouri State Highway Patrol or similar agency, to verify the information provided in this section. These criminal record checks are authorized pursuant to RSMo 43.535, and shall be processed as follows:
 - 1) Upon receipt of such application, the original shall be referred to the Sikeston City Clerk who shall cause such investigation of the applicant’s business and moral character to be made as he/she deems necessary for the protection of the public good.

- 2) The Sikeston City Clerk shall render a fitness determination based upon the results of the criminal background check, pursuant to the terms of this article.
 - 3) In rendering a fitness determination, the Sikeston City Clerk's office will decide whether the record subject has been convicted of or has pled guilty to:
 - a. A crime which bears upon the applicant's eligibility or fitness for a license issued pursuant to the terms of this article;
 - b. Any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense as described in the article; or
 - c. Violated any other requirement of this article.
 - 4) A record subject may request and receive a copy of their criminal history record information from the Sikeston City Clerk's Office. Should the applicant seek to amend or correct their record, they must contact the Missouri State Highway Patrol - Criminal Records and Identification Division for a Missouri state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.
- C. Whether or not the applicant or any person listed in subsection (A) above, or present or former drivers of the taxicab business has unpaid claims or unsatisfied judgments against them for damages resulting from the negligent operation of a vehicle.
- D. The past experience, if any, that the applicant has had in rendering a taxicab, or similar service, including the dates such service was rendered and the city wherein the service was rendered.
- E. Whether the applicant has had any previous license to operate a taxicab or vehicle for hire service suspended or revoked in this or any other city or state, and if so, the circumstances of the revocation or suspension.
- F. A Statement that the applicant has a thorough knowledge of the geography of the city, the traffic regulations of the city, and the provisions of this article.
- G. A certificate of insurance coverage required by this article prior to commencing business.
- H. A statement that the applicant will maintain the vehicles; condition and appearance as required by Section 640.090 Driver-Duties, (A) of this article.

- I. Such further information as the city clerk or the city manager may reasonably require.

Section 640.090 Driver — Duties. (note section was formerly 640.080, all other parts of this section to remain unchanged)

[R.O. 2009 §10.16.080; Prior Code §7-306]

- A. It shall be the duty of every taxicab driver to:
 1. Obey and fully comply with the traffic regulations of the City applicable to the drivers of motor vehicles;
 2. Maintain the taxicab in a clean orderly condition;
 3. Operate only such vehicles as are known to its driver to be in good working order and to abstain from driving any taxicab suspected or known to be in an unsafe condition;
 4. Be clean and neat in person and dress while operating a taxicab;
 5. Operate the taxicab in such manner as will not obstruct or hinder the usual flow of traffic, not obstruct the entrance or exists of any premises open to the public;
 6. Convey any orderly person upon request by signal or telephone call, unless the taxicab is previously engaged;
 7. Abstain from smoking and the use of profane language while operating a taxicab; and
 8. Search the taxicab interior, immediately after the termination of any hiring or employment, for any property lost or left therein; and any such property, unless sooner claimed or delivered to the owner, shall be taken to the Police Station and deposited with the officer in charge, taking written receipt therefor, within twenty-four (24) hours of its discovery.

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

SECTION IV: 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 V: Record of Passage:

- A. Bill Number 6086 was introduced and read the first time this 5th day of March, 2018.
- B. Bill Number 6086 was read the second time and discussed this 26th day of March, 2018. Councilman Gilmore moved to approve Bill Number 6086, with the additional amendment changing “a statement of insurance coverage required by this article prior to

commencing business” to “certificate of insurance coverage required by this article prior to commencing business”. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed
and becoming ordinance 6086.

- C. Ordinance 6086 shall be in full force and effect from and after Wednesday, April 25, 2018.

Briefing: Parks Capital Improvement Plan Projects

Public Works Director Jay Lancaster and Parks & Recreation Director Dustin Care gave a review of projects that have been completed in the parks and recreation department along with projects they are currently working on as well as future projects. The Parks & Recreation Department were commended for the work they have performed to date for improvements in our parks.

Briefing: Route Y Swap

MoDOT has proposed taking over the maintenance and ownership of the section of Salcedo Road between Main and Kingshighway and re-designating Route Y in exchange for the City of Sikeston taking over ownership and maintenance of the North Outer Road of US 60 between Ashley and Route AA. No action was taken.

Award of Airport Fuel RFP

Request for Proposals were sent out for supplying fuel and a fuel truck to the Sikeston Memorial Airport. Four proposals were received:

Easter Aviation Fuels, Inc. (Shell)
World Fuel Services (Phillips 66)
Av Fuel
Satterfield (Phillips 66)

Staff recommends using Eastern Aviation Fuels, Inc. because of their competitive prices and customer service and in addition, they are the supplier for Cape Girardeau and Poplar Bluff airports and this would allow us to share fuel loads and save costs.

Councilman Gilmore moved to award the three year airport fuel RFP to Eastern Aviation Fuels, Inc. The motion was seconded by Councilman Self and the following roll call vote was recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Authorization to Approve Proposal from Allgeir Martin for Stormwater Study in Anderson/Applegate Area

The Anderson/Applegate area continues to be one of the most prone areas to flood within the city limits. Staff recommends using Dr. Charles Patterson with Allgeier Martin to continue his study in this area to make recommendations for improvements to reduce the flooding impacts. The cost of the study is \$15,000. Dr. Patterson gave a timeframe of 90 days for completion of this study.

Councilman Settles moved to award the stormwater study to Dr. Charles Patterson in the amount of \$15,000. The motion was seconded by Councilwoman White-Ross and the following roll call vote was recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Award Bid #18-10, CY-18 Street Improvement Program (Waters Engineering)

The City received two bids for the milling and overlaying of Kingshighway Street from Greer Street to South Main Street. This project also includes replacing the curb ramps at the street intersections along Kingshighway to be compliant with ADA requirements. Apex Paving of Cape Girardeau, MO submitted the low bid price of \$322,155.55.

Councilman Self moved to award bid #18-10, Street Improvement Program, to Apex Paving in the amount of \$322,155.55. The motion was seconded by Councilman Merideth and the following roll call vote was recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

1st & 2nd Reading, Emergency Bill #6092, South Industrial Park Annexation

Councilman Gilmore moved for the first reading of Bill Number 6092. The motion was seconded by Councilman Merideth and the following vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Counselor Leible presented Bill 6092 for reading, an emergency ordinance annexing a certain adjacent unincorporated area into the City of Sikeston, Missouri. Since this ordinance is necessary for the timely development of an industrial park along with certain certifications, this Bill is being considered as an emergency measure.

Councilman Settles moved for the second reading of Bill Number 6092. The motion was seconded by Councilman Self and the following vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for a second reading.

BILL NUMBER 6092ORDINANCE NUMBER 6092

AN EMERGENCY ORDINANCE ANNEXING A CERTAIN ADJACENT, UNINCORPORATED AREA INTO THE CITY OF SIKESTON, MISSOURI.

WHEREAS, a verified Petition, signed by all owners of the real estate described below and requesting annexation of the area into the City of Sikeston, Missouri, was filed with the City Clerk; and

WHEREAS, the real estate is adjacent and contiguous to the present corporate limits of the City of Sikeston, Missouri; and

WHEREAS, a public hearing concerning this matter was held at the Clinton Building in the City of Sikeston, Missouri, at 5:30 p.m. on March 26, 2018; and

WHEREAS, notice of this public hearing was published on March 7, 2018; in the Standard Democrat, a daily newspaper of general circulation in the County of New Madrid, Missouri; and

WHEREAS, at the public hearing, all interested persons, corporations, and political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and
WHEREAS, no written objection to the proposed annexation was filed with the City Council of the City of Sikeston, Missouri, within fourteen (14) days after the public hearing; and

WHEREAS, the City Council of the City of Sikeston, Missouri, does find and determine that the annexation is reasonable and necessary to the proper development of the City; and

WHEREAS, the City of Sikeston, Missouri, is able to furnish normal municipal services to the area within a reasonable time after annexation; and

WHEREAS, the City Council of the City of Sikeston, Missouri, finds that it is in the best interest of the City and its citizens to annex the property described in the verified Petition.

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

SECTION I: Pursuant to § 71.012, RSMo 2013, the following described real estate is hereby annexed into the City of Sikeston, Missouri, to-wit:

See Exhibit "A" which is attached hereto and incorporated by reference.

SECTION II: The boundaries of the City of Sikeston, Missouri, are hereby altered so as to encompass the above-described tract of land lying adjacent and contiguous to the present corporate limits.

SECTION III. The City Clerk of the City of Sikeston, Missouri, is hereby ordered to cause three (3) certified copies of this Ordinance to be filed with the New Madrid County Clerk.

SECTION IV. The City Engineer, the City Planner, and other pertinent City personnel are hereby authorized and directed to conform all maps, directories, drawings, plats and other appropriate documents to the altered corporate limits of the City of Sikeston, Missouri, as herein provided.

SECTION V. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed insofar as they do conflict.

SECTION VI. Since this Ordinance is necessary for the timely development of an industrial park along with certain certifications, this Bill is being considered as an emergency measure.

SECTION VII: Record of Passage:

A. Bill Number 6092 was introduced and read the first time this 26th day of March, 2018.

B. Bill Number 6092 was read the second time and discussed on this 26th day of March, 2018. Councilman Gilmore moved to approve Bill Number 6092. The motion was seconded by Councilman Merideth, discussed and the following roll call vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed, and
becoming ordinance 6092.

1st & 2nd Reading, Emergency Bill #6093, Annexation of Colon Kelley Property

Councilman Self moved for the first reading of Bill Number 6093. The motion was seconded by Councilman Settles and the following vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Counselor Leible presented Bill 6093 for reading, an emergency ordinance annexing a certain adjacent unincorporated area into the City of Sikeston, Missouri. Since this ordinance is necessary for the timely development of the annexed area, this Bill is being considered as an emergency measure.

Councilman Gilmore moved for the second reading of Bill Number 6093. The motion was seconded by Councilman Self and the following vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for a second reading.

BILL NUMBER 6093

ORDINANCE NUMBER 6093

AN EMERGENCY ORDINANCE ANNEXING A CERTAIN ADJACENT, UNINCORPORATED AREA INTO THE CITY OF SIKESTON, MISSOURI.

WHEREAS, a verified Petition, signed by all owners of the real estate described below and requesting annexation of the area into the City of Sikeston, Missouri, was filed with the City Clerk; and

WHEREAS, the real estate is adjacent and contiguous to the present corporate limits of the City of Sikeston, Missouri; and

WHEREAS, a public hearing concerning this matter was held at the Clinton Building in the City of Sikeston, Missouri, at 5:30 p.m. on March 26, 2018; and

WHEREAS, notice of this public hearing was published on March 7, 2018; in the Standard Democrat, a daily newspaper of general circulation in the County of Scott, Missouri; and

WHEREAS, at the public hearing, all interested persons, corporations, and political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no written objection to the proposed annexation was filed with the City Council of the City of Sikeston, Missouri, within fourteen (14) days after the public hearing; and

WHEREAS, the City Council of the City of Sikeston, Missouri, does find and determine that the annexation is reasonable and necessary to the proper development of the City; and

WHEREAS, the City of Sikeston, Missouri, is able to furnish normal municipal services to the area within a reasonable time after annexation; and

WHEREAS, the City Council of the City of Sikeston, Missouri, finds that it is in the best interest of the City and its citizens to annex the property described in the verified Petition.

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

SECTION I: Pursuant to § 71.012, RSMo 2013, the following described real estate is hereby annexed into the City of Sikeston, Missouri, to-wit:

See Exhibit "A" which is attached hereto and incorporated by reference.

SECTION II: The boundaries of the City of Sikeston, Missouri, are hereby altered so as to encompass the above-described tract of land lying adjacent and contiguous to the present corporate limits.

SECTION III. The City Clerk of the City of Sikeston, Missouri, is hereby ordered to cause three (3) certified copies of this Ordinance to be filed with the Scott County Clerk.

SECTION IV. The City Engineer, the City Planner, and other pertinent City personnel are hereby authorized and directed to conform all maps, directories, drawings, plats and other appropriate documents to the altered corporate limits of the City of Sikeston, Missouri, as herein provided.

SECTION V. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed insofar as they do conflict.

SECTION VI. Since this Ordinance is necessary for the timely development of the annexed area, this Bill is being considered as an emergency measure.

SECTION VII: Record of Passage:

A. Bill Number 6093 was introduced and read the first time this 26th day of March, 2018.

B. Bill Number 6093 was read the second time and discussed on this 26th day of March, 2018. Councilman Gilmore moved to approve Bill Number 6093. The motion was seconded by Councilman Merideth, discussed and the following roll call vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed, and
becoming ordinance 6093.

Approve MoDOT Entrance Across Railroad Right-of-Way

MoDOT has asked the City for approval to build a driveway entrance from East Malone Avenue across the railroad right-of-way into their maintenance facility. This request has been tabled for further discussion.

Other Items

Council's Reorganizational Meeting has been scheduled for Monday, April 16th at 8:00 a.m. at City Hall.

ADJOURNMENT INTO EXECUTIVE SESSION

Councilman Merideth moved to adjourn into executive session for discussion of Security and Property. The motion was seconded by Councilwoman Rogers and the following roll call vote was recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Mayor Burch called the executive session to order. Present were: Councilmen Karen Evans, Jon Gilmore, Brian Self, Mary White-Ross, Ryan Merideth and Gerald Settles. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Deputy City Clerk Rhonda Council, Public Safety Director Mike Williams, Public Works Director Jay Lancaster and Sgt. John Broom.

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 Councilwoman Gilmore and the following roll call vote recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

ADJOURNMENT

There being no further business before the City Council, Councilman Gilmore moved to adjourn. The motion was seconded by Councilwoman White-Ross and the following roll call vote was recorded:

Gilmore Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

RHONDA COUNCIL, DEPUTY CITY CLERK

SEAL: