

TENTATIVE AGENDA

(Revised)

REGULAR CITY COUNCIL MEETING
CLINTON BUILDING
501 CAMPANELLA DRIVE, SIKESTON

Monday, March 29, 2021
5:00 P.M.

- I. CALL TO ORDER
- II. RECORD OF ATTENDANCE
- III. OPENING PRAYER
- IV. PLEDGE OF ALLEGIANCE
- V. ITEMS OF BUSINESS
 - A. 1st Reading, Bill #6217, Re-adoption of Fair Housing Policy
 - B. Update on Storm Water Permit Renewal
 - C. Receive FY2020 Financial Audit
 - D. Other Items as May Be Determined During the Course of the Meeting
- VI. ADJOURNMENT INTO EXECUTIVE SESSION
 - Property (RSMo 610.021 (2))
 - Personnel (RSMo 610.021(3))
- VII. ADJOURNMENT

Dated this 26th day of March 2021

Rhonda Council

Rhonda Council, City Clerk

The City of Sikeston complies with ADA guidelines. Notify Rhonda Council at 471-2512 (TDD Available) to notify the City of any reasonable accommodation needed to participate in the City Council's Meeting.

Council Letter

Council Letter: 21-03-29

Originating Department: Governmental Services

Subject: First Reading Bill #6217, Re-adoption of Fair Housing Policy

To the Mayor and City Council:

Attachments:

1. Bill 6217

Action Options:

1. Conduct first reading of Bill 6217
2. Other actions as Council may deem appropriate

Background:

Bill 6217 calling for the re-adoption of the City's Fair Housing Policy is being submitted for first reading. Annual re-adoption of this policy is required to maintain compliance with State CDBG funding requirements. Bill 6217 defines discriminatory practices and establishes a Fair Housing Committee to hear violations of municipal Fair Housing Complaints and eliminate alleged discriminatory practice by conference and conciliation. (The Housing Authority Board of Commissioners serves as the Fair Housing Committee.)

2nd Reading of this bill has been scheduled for April 5, 2021.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6217, 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 6217 was introduced and read the first time this 29th day of March 2021.
- B. Bill Number 6217 was read the second time and discussed this 5th day of April 2021, and voted as follows:

Williams, _____, Self, _____, Evans, _____,
Sparks, _____, Settles _____, Merideth, _____,
Burch, _____, thereby being
_____, and
becoming ordinance 6217.

C. Ordinance 6217 shall be in full force and effect from and after May 5, 2021.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest

Rhonda Council, City Clerk

Council Letter

Date of Meeting: 21-03-29

Originating Department: Public Works Department/ Street Division

To the Mayor and City Council:

Subject: Storm Water Management Plan/ MS4 Permit RO40025 Update

Attachments:

1. Summary of Storm Water Management Plan/ New Permit Requirements

Action Options:

1. No action is required by Council
2. Other action Council may deem appropriate

Background:

In accordance with the Missouri Clean Water Law and the federal Clean Water Act, the City of Sikeston must obtain a permit (Permit MOR04C) to discharge storm water into the waters of the state. This permit covers all areas served by a Municipal Separate Storm Sewer System (MS4). Sikeston currently operates as a MS4. Unlike BMU's sanitary water treatment, a MS4 does not treat storm water before discharged into the waters of the state.

To the extent of state and local laws, a Storm Water Management Plan must be developed , implemented, and enforced to the requirements of the state permit. The city must implement Best Management Practices to achieve compliance with the standard of reducing pollutants to the waters of the state.

Under the provisions of this permit, a representative of the MS4 shall provide an update to the governing board. This shall be conducted at minimum annually with the status of the Storm Water Management Plan, and compliance with the Storm Water Management Plan.

Summary and Highlights for the
Comprehensive General Permit for Phase II MS4's &
Storm Water Management Plan for the City of Sikeston

Summary for the Current Storm Water Management Plan

- The last annual report submitted to the state that received feedback, dated March 2, 2017 stated that the city's Storm Water Management Plan was sufficient.
- The last annual report submitted to the state, for years 2019 through 2020, has not received feedback to date.
- The City's Storm Water Management Plan received an audit from state personnel on December 5th and 6th, 2018. The city's plan received a 'sufficient' rating in its Public Education & Involvement programs, Post Construction Pollutions program, and Municipal Operations Pollution program. However, the City's plan was found to be inadequate in its Construction Pollution Runoff Control and Illicit Discharges Detection programs. The city's Storm Water Management Plan has since been updated to comply with the state's findings.
- The City's current storm water permit will expire on December 31, 2021. City staff are currently reviewing the city's storm water management plan to comply with the state's new permit.

Highlights for the Comprehensive General Permit

- Application for coverage under MOR04C permit due April 3, 2021.
- Sikeston is categorized as a traditional Group B MS4 that serves a population of at least 10,000 but less than 40,000.
- New MOR04C permit to be issued on October 1, 2021.
- Storm Water Management Plan must be updated by January 1, 2022 (not required to be submitted to DNR for approval).
- The following are types of discharges authorized by the permit:
 - Water line flushing
 - Landscape irrigation and lawn watering
 - Diverted stream flows

- Rising ground waters and springs
 - Uncontaminated ground water infiltration
 - Discharges from potable water sources
 - Foundation or footing drains
 - Air conditioning condensation
 - Irrigation water
 - Water from crawl spaces
 - Individual residential car washing
 - Flows from riparian habitat and wetlands
 - Street and sidewalk wash water, water to control dust, that does not include detergents
 - Dechlorinated and uncontaminated residential swimming pool discharges
 - Discharges from emergency firefighting activities. Firefighting activities do not include washing of trucks, run-off water from training exercises, and similar activities.
- The city must address all residents on significant stormwater impacts, plus target a minimum of one (1) additional audience. The following are examples of target audiences:
 - Schools
 - Businesses
 - Formal organizations
 - Developers or construction site operators
 - Neighborhood associations
 - Industrial facilities
 - Local government
 - Contractors
 - Visitors/ tourist
- The city must have a minimum of one (1) target pollutant per additional audience. The following are examples of target pollutants:
 - Grass and leaf litter
 - Fertilizers and pesticides
 - Litter, trash containment, balloon releases
 - Dumping of solid waste
 - Illegal disposal of household hazardous waste
 - Pet waste
 - Failing septic tanks
 - Swimming pool discharge, including saltwater systems
 - De-icing, rock salt usage, storage
 - Oil, grease, fluids from vehicles
 - Sediment runoff from construction/land disturbance
 - Unauthorized discharge of industrial waste
 - Vehicle washing
 - Wash water/ grey water

- The city must utilize appropriate educational resources to be used as best management practices in conjunction with the selected pollutant for the selected target audience a minimum of four (4) times per permit cycle. The following are examples of educational resources:
 - City`s website
 - Social media sources
 - Storm inlet markers
 - Media/ advertising campaign; Billboards, radio television
 - Local newspaper articles
 - Permeant storm water related signage
 - Fact sheets/ brochures/ utility bill insert/ door hangers
 - Targeted educational campaign via mail, email, or in person

- The city must create opportunities for residents to become involved with the Storm Water Management Plan a minimum of two (2) times per permit cycle. The following are examples of public involvement opportunities:
 - Litter clean up opportunities/ Adopt-A-Road
 - Habitat improvement; tree planting
 - Volunteer water quality monitoring
 - Public training events related to storm water topics
 - Storm water related speaker series
 - MS4 area wide storm water surveys

- The city must provide opportunities for the public to be involved in the development and oversight of the city`s storm water management plan.

- A representative of the MS4 must address the City Council a minimum of one (1) time per year to provide an update on the city`s storm water program.

- The city must keep an updated and detailed map of its current storm sewer system, including locations of all outfalls.

- All outfalls must be numbered or named. A minimum of 60 % of all outfalls must be dry weather inspected during the permit cycle. The following are examples of non-storm water discharges to be inspected for:
 - Litter
 - Household hazardous waste
 - Leaves
 - Soaps and detergents
 - Illegal dumping
 - Vehicle fluids
 - Grass clippings
 - Pet waste
 - Sewage

- Possible illicit discharges must be analyzed by a contracted lab for contaminants. The following are examples of possible parameters sampled:
 - pH
 - Oil and grease
 - E. Coli or fecal coliform
 - Surfactants or fluorescent concentration
 - Specific conductivity
 - Ammonia
 - Chlorine
 - Dissolved oxygen
 - Fluoride/ hardness

- The city must identify priority areas for potential pollutant sources.

- The city must continually educate its employees and the general public on how to detect hazards associated with illegal discharges and improper disposal of waste.

- The city must develop and implement a training program for all municipal staff who may come into contact with illicit discharges. Additional training for staff that may handle materials which may become an illicit discharge must be included.

- The city must require construction site runoff control best practice measures for land disturbances of one (1) acre or greater.

- The city must require construction site runoff control best management practices for land disturbances of greater than one (1) acre or less than one (1) acre if the construction activity is part of a larger development plan.

- The city must implement procedures for inspecting construction/ land disturbance sites.

- The city must require construction site operators to conduct a site inspection every 14 days or after any storm event. These inspections must be documented.

- The city must maintain an inventory of active land disturbance sites.

- The city must track their oversight inspection by retaining records and copies of inspections. The city must make these inventories available to the State upon request.

- The city must provide construction site runoff control training for inspectors and plan reviewers at minimum once during the permit cycle.

- The city must enforce a program to address the quality of long term stormwater runoff from new development and redevelopment projects that disturb one (1) acre or more, including projects less than one acre that are part of a larger common plan of development.
- The city must implement an operation and maintenance program that includes training for preventing and or reducing pollutant runoff from municipal operations. Training must be given at minimum annually to all city employees who may handle materials which may become a pollutant.
- The city must maintain a list of all municipal operations/ facilities that are impacted by the operation and maintenance program. A list of potential pollutants and controls for eliminating harmful pollutants for each municipal operation/ facility must be listed.
- The city must annually inspect all municipally owned facilities for storm water issues. Records must be kept for inspections and follow ups.
- All city vehicles and equipment must be washed where there is a connection to sanitary sewer.
- The city must have procedures for proper disposal of waste removed from MS4 structures.
- The city must annually report to the State the status of its storm water management plan.
- The city must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Missouri Clean Water Law and the Federal Clean Water Law.
- The city must allow State personal access to all MS4 related programs, MS4 records, and facilities upon presentation of credentials.

Council Letter

Date of Meeting: March 29, 2021

Originating Department: City Manager

To the Mayor and City Council:

Subject: FY2020 Audit

Attachment(s):

1. Hard copies of the FY2020 Audit will be available to the Council at the meeting
2. Electronic copies of the audit are currently available at www.sikeston.org

Action Options:

1. Receive FY2020 Financial Audit
2. Other Action Council May Deem Necessary

Background:

Every year, the city undergoes an independent audit of its financial statements by a certified public accountant. The audit of the Fiscal Year 2020 financials has been completed by our new auditing firm (Beussink, Hey, Roe & Stroder, LLC) and is available for review by the City Council and the public. Hard copies of the audit will be available to the Council at the March 29 meeting, and it is also posted at http://www.sikeston.org/financial_and_annual_reports/index.php for free 24/7 access by the public.

Some highlights of the financial statements and auditor's report include the following:

- In the auditor's opinion, the City's financial statements "present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the City of Sikeston, Missouri as of June 30, 2020, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America" (see p.2).
- The audit "did not identify any deficiencies in internal controls that we consider to be material weaknesses" (p.4-5), but did identify the following deficiencies (p.57):
 - Inadequate documentation of some credit card transactions. The Finance Department has provided additional instruction to credit card holders and accounts payable staff.
 - Some expenditures exceeded budget. Every year the City Council approves a budget amendment near the end of the fiscal year to account for unbudgeted

expenditures that were approved throughout the year. Several of these expenditures were inadvertently left out of the annual budget amendment.

- Total revenues exceeded budget by approximately \$628,000 (p.13).
- Net position increased by \$970,000 compared to a \$76,000 increase the previous fiscal year (p.11)
- Long term debt was decreased by \$395,578 (p.15).

City staff is happy to answer any questions the Council may have regarding the audit, and if needed, we can schedule a time for the auditor to appear before the Council to answer questions.