

REGULAR CITY COUNCIL MEETING
APRIL 1, 2019

The regular Sikeston City Council meeting of April 1, 2019 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: Councilmen Brian Self, Karen Evans, Mary White-Ross, Gerald Settles, Ryan Merideth and Jon Gilmore. Mayor Steven Burch arrived at 5:10 p.m. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Public Safety Director Mike Williams, Assistant Public Safety Director James McMillen, Street Superintendent Brian Dial, Street Supervisor Darren Martin, Park Supervisor Dustin Care, Code Office Bruce Copeland, Board of Municipal Utilities General Manager Rick Landers, Brandon Sparks and Onethia Williams.

APPROVAL OF CITY COUNCIL MINUTES

City Council minutes of February 25 and March 4, 2019 were presented for approval. Councilman Gilmore moved to approve the minutes as presented. Councilwoman White-Ross seconded the motion 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.

ACCEPTANCE OF BOARD AND COMMISSION MINUTES

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

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

ADVISORY BOARD COUNCIL LIAISON REPORTS

No reports were presented.

ITEMS OF BUSINESS

2nd Reading & Consideration, Bill #6136, Fair Housing

Councilman Merideth moved for the second reading of Bill Number 6136. The motion was seconded by Councilwoman 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.

Counselor Leible presented the bill for reading.

BILL Number 6136

ORDINANCE Number 6136

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6136, 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 6136 was introduced and read the first time this 25th day of March 2019.
- B. Bill Number 6136 was read the second time and discussed this 1st day of April 2019. Following discussion, Councilman Merideth moved to approve Bill Number 6136. The motion was seconded by Councilwoman Evans, discussed and the following roll call vote was recorded:

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

- C. Ordinance 6131 shall be in full force and effect from and after May 1, 2019.

2nd Reading & Consideration, Bill #6140, Amend Title V, Chapter 505, Article III – Obstructing Public Way

Councilwoman White-Ross moved for the second reading of Bill Number 6140. 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 6140

ORDINANCE Number 6140

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6140 AND SHALL AMEND TITLE V, CHAPTER 505. ARTICLE III – OBSTRUCTING PUBLIC WAYS IN THE MUNICIPAL CODE OF 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: Section 505.320 Corner Lot – Planting Restrictions (A); shall be amended as follows:

It shall hereafter be unlawful for any person to plant, keep or maintain any bush, plant, tree, flower or other vision-obstructing object or fence which exceeds three (3) feet in height measured from the ground level within twenty-five (25) feet of any lot corner which is adjacent to any intersection of public streets in the City.

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 6140 was introduced and read the first time this 25th day of March, 2019.
- B. Bill Number 6140 was read the second time and discussed this 1st day of April, 2019. Following discussion, Councilman Gilmore moved to approve Bill Number 6140. 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 Absent, thereby being passed.

- C. Ordinance 6140 shall be in full force and effect from and after May 6, 2019.

Councilman Merideth recused himself from the meeting.

Mayor Burch arrived at 5:10 p.m.

2nd Reading & Consideration, Emergency Bill #6141, Option to Purchase from David Lape Farms, Inc. for Future BMU Water Plant

Councilman Settles moved for the second reading of Bill Number 6141. The motion was seconded by Councilman Gilmore and the following vote recorded:

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

Counselor Leible presented the bill for reading.

BILL NUMBER 6141

ORDINANCE NUMBER 6141

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY OF SIKESTON, MISSOURI TO ENTER INTO A CERTAIN REAL ESTATE CONTRACT WITH DAVID K. LAPE FARMS, INC.

WHEREAS, the City Council finds and determines that it is necessary and desirable to purchase from David K. Lape Farms, Inc. certain property for future water plant needs.

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

SECTION I: Authorization of Documents. The City is hereby authorized to enter into the following documents (the "City Documents"), in substantially the form presented to the City Council and attached to this Ordinance, with such changes therein as are approved by the officials of the City executing the documents, such officials' signatures thereon being conclusive evidence of their approval thereof:

(a) Contract for Sale of Real Estate.

SECTION II: Execution of Documents. Upon the compliance by all parties, which includes the payment of the purchase price and any closing costs by the Sikeston Board of Municipal Utilities, with the terms of the contract and any associated closing documents the Mayor is hereby authorized to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the closing of the contract and the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized to attest to and affix the seal of the City to the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION III. Further Authority. The City shall, and the officials, agents and employees of the City are hereby authorized to, take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the City Documents.

SECTION IV. Any other ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION V. 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 continue in full force and effect.

SECTION VI: This Bill is being presented as an emergency bill so that it becomes effective upon its passage to comply with the Seller's timetable for closing.

SECTION VII: Record of Passage:

A. Bill Number 6141 was introduced and read the first time this 25th day of March, 2019.

B. Bill Number 6141 was read the second time and discussed on this 1st day of April, 2019. Following discussion, Councilman Settles moved to approve Bill Number 6141. The motion was seconded by Councilman Gilmore, discussed and the following roll call vote was recorded:

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

C. Ordinance 6141 shall be in full force and effect from and after its passage.

Councilman Merideth returned to the meeting.

1st Reading, Bill #6142, Authorization to Replat Lots #1, #2 and #3 and Part of Lot #4 in Block #6 and the Abandonment of Mulberry, all in Gleen & Clara Matthews East Acres, 5th Addition

Councilwoman Evans moved for the first reading of Bill Number 6142. The motion was seconded by Councilwoman White 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 6142, providing for approval of the re-plat of all of Lots 1, 2 and 3 and part of Lot 4 in Block 6 and the abandonment of Mulberry Drive, all in Glenn & Clara Matthews, East Acres, 5th Addition to the City of Sikeston, Scott County, Missouri.

Other Items

Authorization to Award Roof Repairs for Essex Building

With new renters (Buchheit Logistics) in the Essex Building, plans to repair the leaks in the roof need to be made as soon as possible. Due to the urgency of this project, staff is requesting to waive purchasing policy and contract with Pyramid Roofing to address these issues. The total amount of this project, including labor, equipment and material, is \$12,200.00. These repairs are included in this year's budget.

Councilman Settles moved to authorize Pyramid Roofing to repair the roof leaks at the Essex Building in the amount of \$12,200.00. 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.

Council's Reorganizational Meeting is scheduled for April 12th at 7:30 a.m.

ADJOURNMENT

There being no further business before the City Council, Councilman Gilmore moved to adjourn. 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.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL: