

REGULAR CITY COUNCIL MEETING
OCTOBER 5, 2020

The regular Sikeston City Council meeting of October 5, 2020 was called to order at 5:00 p.m. at the Clinton Building located at 501 Campanella Drive, Sikeston. Present at the meeting were: Mayor Pro Tem Brandon Sparks and Councilmembers Karen Evans, Onethia Williams, Gerald Settles and Ryan Merideth. Councilmembers absent were Mayor Steven Burch and Brian Self. Staff in attendance were: City Manager Jonathan Douglass, City Clerk Rhonda Council, City Treasurer Karen Bailey, HR Director Amanda Groves, Street Superintendent Brian Dial, Parks Director Dustin Care, Public Safety Director James McMillen, City Collector Vicky Lewis, and Code Enforcement Officer Bruce Copeland. City Counselor Tabatha Thurman was absent.

APPROVAL OF CITY COUNCIL MINUTES

City Council minutes of April 31 and September 8, 2020 were presented for approval. Councilwoman Williams moved to approve the minutes as presented. Councilwoman Evans seconded the motion and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye,
Williams Aye, and Burch Absent, thereby being passed.

OATHS OF OFFICE CEREMONY – BOARDS AND COMMISSION

City Clerk Rhonda Council conducted the oath of office ceremony to swear in citizens appointed to various City Boards and Commission.

ITEMS OF BUSINESS

Approve Ground Lease & Execution of Estoppel Certificate for Orgill Property

In 2008, the City of Sikeston and OG Sikeston MO Landlord, LLC entered into a Lease Agreement as part of a property tax abatement program for the Orgill distribution center located at 2727 N. Main Street, Sikeston. Last October, the existing tenant sold its right, title and interest to ORG Sikeston Missouri Landlord, LLC.

SunTrust Equity Funding, LLC, is selling its membership interests in ORG Sikeston Missouri Landlord, LLC, the current tenant under the City Lease, to 2727 Sikeston LLC. The City Lease will remain in place and the identity of the tenant thereunder will remain the same; only the equity interests in that tenant are being transferred. In connection with such sale, they are requesting the City execute an estoppel certificate pursuant to the terms of Section 10.4(g)(10) of the City Lease.

Councilman Settles moved to authorize Mayor Pro Tem Sparks to execute the requested Estoppel Certificate. The motion was seconded by Councilwoman Williams and the following vote recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye,
Williams Aye, and Burch Absent, thereby being passed.

2nd Reading, Bill #6208, Board of Municipal Utilities Ground Lease

Councilman Merideth moved for the second reading of Bill Number 6208. The motion was seconded by Councilwoman Evans and the following vote recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye, Williams Aye, and Burch Absent, thereby being passed.

City Clerk Rhonda Council presented the bill for reading.

BILL NO. 6208

ORDINANCE NO. 6208

AN ORDINANCE AUTHORIZING THE CITY OF SIKESTON, MISSOURI TO ENTER INTO A GROUND LEASE WITH THE BOARD OF MUNICIPAL UTILITIES OF THE CITY OF SIKESTON, MISSOURI; AND APPROVING CERTAIN ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Board of Municipal Utilities of the City of Sikeston, Missouri (the "Board") is a separate operating unit of the City of Sikeston, Missouri (the "City") with full lawful power and authority to exercise all the powers and duties possessed by the City to construct, acquire, expand and operate utility systems in the City and to do any and all acts or things that are necessary, convenient or desirable in order to operate, maintain, enlarge, extend, preserve and promote an orderly, economic and business-like administration of said systems; and

WHEREAS, the Board desires to finance and/or refinance the purchase of land, the construction of wells for water supply, the construction of a new water treatment plant, the painting of an existing water tower, the demolition of an existing water tower, the installation and implementation of advance metering infrastructure (AMI) for the water system, and other related and necessary capital improvements to the water system, including the costs of all associated design, engineering and feasibility studies related thereto (collectively, the "Project"); and

WHEREAS, the City owns fee simple title to certain real estate upon which the new water treatment plant to be constructed as part of the Project will be located (together with any improvements located or to be located thereon, the "Leased Property"); and

WHEREAS, in order to obtain funds to pay the costs of the Project, the Board intends to enter into a lease purchase transaction resulting in the delivery of Certificates of Participation (Board of Municipal Utilities of the City of Sikeston, Missouri, Lessee), Series 2020 (the "Series 2020 Certificates"), pursuant a Declaration of Trust dated as of November 1, 2020, executed by U.S. Bank, National Association, as trustee, setting forth the terms of the Series 2020 Certificates, the security therefor and other terms with respect to the Series 2020 Certificates, all subject to approval by the Board; and

WHEREAS, in order to facilitate the foregoing and provide security for the Series 2020 Certificates, it is necessary and desirable for the City to lease the Leased Property to the Board pursuant to a Ground Lease, in substantially the form attached hereto as **Exhibit A** (the "Ground Lease"), upon the terms and conditions set forth therein.

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

Section I. The City is hereby authorized to enter into the Ground Lease, in substantially the form presented to and approved by the City Council and attached to this Ordinance, with such changes therein as shall be approved by the officials of the City executing such document, such officials' signatures thereon being conclusive evidence of their approval thereof. The Mayor is hereby authorized to execute the Ground Lease 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 Ground Lease.

Section II. All actions heretofore taken by the officers, agents and employees of the City in connection with the transaction contemplated by this Ordinance are hereby ratified and confirmed. The Mayor, the City Manager, the City Clerk and other officers and representatives of the City, are hereby authorized and directed to take such actions, expend such funds 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 Ground Lease the other documents authorized or approved hereby.

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

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

Section V. Record of Passage

- A. Bill Number 6208 was introduced and read the first time this 28th day of September, 2020.
- B. Bill Number 6208 was read the second time and discussed on this 5rd day of August, 2020. Following discussion, Councilman Merideth moved to approve Bill Number 6208. The motion was seconded by Councilwoman Evans, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye,
Williams Aye, and Burch Absent, thereby being passed.

- C. Ordinance 6208 shall be in full force and effect from and after November 4, 2020.

2nd Reading, Bill #6198, Rename Felker Avenue to Lincoln Avenue

Councilman Settles moved for the second reading of Bill Number 6198. The motion was seconded by Councilwoman Williams and the following vote recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye,
Williams Aye, and Burch Absent, thereby being passed.

City Clerk Rhonda Council presented the bill for reading.

BILL NO. 6208

ORDINANCE NO. 6208

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6198 CHANGING THE NAME OF FELKER AVENUE TO LINCOLN AVENUE.

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 name of Felker Avenue is hereby changed to Lincoln Avenue.

SECTION III. General Repealer Section: Any other 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, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION V: Record of Passage:

- A. Bill Number 6198 was introduced and read the first time this 28th day of September, 2020.
- B. Bill Number 6198 was read the second time and discussed on this 5th day of October, 2020. Following discussion, Councilwoman Evans moved to approve Bill Number 6198. The motion was seconded by Councilman Settles, discussed and the following roll call vote was recorded:

Sparks Nay, Merideth Aye, Self Absent, Settles Aye, Evans Aye,
Williams Aye, and Burch Absent, thereby being passed.

- C. Ordinance 6208 shall be in full force and effect from and after November 4, 2020.

2nd Reading, Bill #6204, Authorization to Annex Property Along the West Side of S. Illinois Avenue and South of Ables Road

Councilwoman Evans moved for the second reading of Bill Number 6204. The motion was seconded by Councilwoman Williams and the following vote recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye,
Williams Aye, and Burch Absent, thereby being passed.

City Clerk Rhonda Council presented the bill for reading.

BILL NUMBER 6204

ORDINANCE NUMBER 6204

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6204 PROVIDING FOR APPROVAL TO ANNEX A TRACT OF LAND WHICH GENERALLY LIES ALONG THE WEST SIDE OF S. ILLINOIS AND SOUTH OF ABLES RD AN 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 City Hall Council Chambers in the City of Sikeston, Missouri, at 4:00 p.m. on September 22; and

WHEREAS, notice of this public hearing was published on 9/4/2020; 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: Record of Passage:

A. Bill Number 6204 was introduced and read the first time this 28th day of September, 2020.

- B. Bill Number 6204 was read the second time and discussed on this 5th day of October, 2020. Following discussion, Councilman Settles moved to approve Bill Number 6204. The motion was seconded by Councilwoman Williams, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye, Williams Aye, and Burch Absent, thereby being passed.

- C. Ordinance 6204 shall be in full force and effect from and after November 4, 2020.

2nd Reading, Bill #6205, Request to Rezone Property Along the West Side of S. Illinois Avenue and South of Ables Road

Councilman Merideth moved for the second reading of Bill Number 6205. The motion was seconded by Councilwoman Evans and the following vote recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye, Williams Aye, and Burch Absent, thereby being passed.

City Clerk Rhonda Council presented the bill for reading.

BILL NUMBER 6205

ORDINANCE NUMBER 6205

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6205 PROVIDING FOR THE REZONING FROM "AG" AGRICULTURAL TO "R-1" SINGLE FAMILY RESIDENTIAL THE FOLLOWING DESCRIBED REAL ESTATE TO-WIT: 8.227 ACRES WHICH LIES ALONG THE WEST SIDE OF S ILLINOIS AVE AND SOUTH OF ABLES ROAD, SCOTT 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 September 22, 2020 and voted to approve the rezoning from "AG" Agricultural to "R-1" Single Family Residential the following described real estate to-wit: "A part of the Northwest Quarter of Section 28, Township 26 North, Range 14 East, Scott County, Missouri and being more fully described by metes and bounds as follows: Commencing at the Northwest corner of said Section 28, being monumented with an iron rod; thence N 89°14'44" E along the North line thereof and the centerline of Ables Road a distance of 798.62 feet to the Northwest corner of Glenn & Clara Matthews, East Acres, 5th Addition to the City of Sikeston as recorded in the office of the Recorder of Deeds, Scott County, Missouri in Book 13 on Page 42; thence S 1°17'11" E along the West line thereof to the centerline of Illinois Avenue a distance of 486.71 feet to the point of beginning; thence continuing S 1°17'11" E along the West line of said 5th Addition and the centerline of Illinois Avenue a distance of 560.00 feet; thence S 89°14'44" W parallel with the North line of said Section 28 a distance of 640.00 feet, monumented with a 5/8" iron rod and a cap stamped, "Darrall R. Hirtz, PLS 2140", thence N 1°17'11" W parallel with the East line thereof a distance of 560.00 feet, monumented the same; thence N 89°14'44" E parallel with the North line of said Section 28 and the South line of the Emmanuel Baptist Church as recorded in Book 322 on Page 476 a distance of 640.00 feet to the point of beginning and containing 8.227 acres, more or less. Subject to any and all easements, if any, affecting the same."

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 "AG" Agricultural to "R-1" Single Family Residential.

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: Record of Passage

A. Bill Number 6205 was introduced and read the first time this 28th day of September, 2020.

B. Bill Number 6205 was read the second time and discussed on this 5th day of October, 2020. Following discussion, Councilwoman Williams moved to approve Bill Number 6205. The motion was seconded by Councilwoman Evans, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye,
Williams Aye, and Burch Absent, thereby being passed.

C. Ordinance 6205 shall be in full force and effect from and after November 4, 2020.

2nd Reading, Bill #6206, Request for Approval of Proposed Subdivision – Saddleridge South – First Addition

Councilman Settles moved for the second reading of Bill Number 6206. The motion was seconded by Councilwoman Williams and the following vote recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye,
Williams Aye, and Burch Absent, thereby being passed.

City Clerk Rhonda Council presented the bill for reading.

BILL NUMBER 6206

ORDINANCE NUMBER 6206

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6206 PROVIDING FOR THE APPROVAL OF SUBDIVIDING A 8.227 ACRE TRACT OR PARCEL OF LAND BEING KNOWN AS SADDLERIDGE SOUTH 1ST ADDITION, WHICH GENERALLY LIES ALONG THE WEST SIDE OF S. ILLINOIS AVE AND SOUTH OF ABLES RD, SCOTT COUNTY, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SKESTON, 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 September 22, 2020 and voted 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 Saddleridge South, 1st Addition:

"A part of the Northwest Quarter of Section 28, Township 26 North, Range 14 East, Scott County, Missouri and being more fully described by metes and bounds as follows: Commencing at the Northwest corner of said Section 28, being monumented with an iron rod; thence N 89°14'44" E along the North line thereof and the centerline of Ables Road a distance of 798.62 feet to the Northwest corner of Glenn & Clara Matthews, East Acres, 5th Addition to the City of Sikeston as recorded in the office of the Recorder of Deeds, Scott County, Missouri in Book 13 on Page 42; thence S 1°17'11" E along the West line thereof to the centerline of Illinois Avenue a distance of 486.71 feet to the point of beginning; thence continuing S 1°17'11" E along the West line of said 5th Addition and the centerline of Illinois Avenue a distance of 560.00 feet; thence S 89°14'44" W parallel with the North line of said Section 28 a distance of 640.00 feet, monumented with a 5/8" iron rod and a cap stamped, "Darrall R. Hirtz, PLS 2140", thence N 1°17'11" W parallel with the East line thereof a distance of 560.00 feet, monumented the same; thence N 89°14'44" E parallel with the North line of said Section 28 and the South line of the Emmanuel Baptist Church as recorded in Book 322 on Page 476 a distance of 640.00 feet to the point of beginning and containing 8.227 acres, more or less. Subject to any and 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 VII: Record of Passage

- A. Bill Number 6206 was introduced and read the first time this 28th day of September, 2020.
- B. Bill Number 6206 was read the second time and discussed on this 5th day of October, 2020. Following discussion, Councilman Settles moved to approve Bill Number 6206. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye,
Williams Aye, and Burch Absent, thereby being passed.

- C. Ordinance 6206 shall be in full force and effect from and after November 4, 2020.

Permission for Construction of Structure at Former Unilever South Plant

Sweet Grass Farms is currently leasing with the option to purchase, property at 1010 County Line Road formally referred to as the South Unilever Plant. Sweet Grass Farms would like to construct a metal building over a water treatment basin pit located on the grounds at the former South Unilever Plant. The building would be approximately 150' x 120' and will be built by R & K Construction, who will obtain the necessary building permits. Sweet Grass Farms' financial institution requires City's approval of this construction.

Councilman Merideth moved to authorize permission for Sweet Grass Farms to install a metal building over the water treatment basin pit at the former South Unilever Plant. The motion was seconded by Councilwoman Evans and the following vote recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye, Williams Aye, and Burch Absent, thereby being passed.

Resolution 20-10-01, Lease Purchase Agreement with Motorola for 911 System

A RESOLUTION OF THE CITY OF SIKESTON, MISSOURI, STATING ITS INTENT TO SEEK FUNDING FOR CALLWORKS 911 SYSTEM FROM MOTOROLA SOLUTIONS, INC.

WHEREAS, The Governing Body of the City of Sikeston (Lessee) has determined that a true and very real need exists for the acquisition of the Equipment or other personal property described in the Lease between City of Sikeston (Lessee) and Motorola Solutions, Inc. (Lessor); and

WHEREAS, The Governing Body of Lessee has determined that the Lease, substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment or other personal property, and the Governing Body hereby approves the entering into of the Lease by the Lessee and hereby designates and authorizes the following person(s) referenced in the Lease to execute and deliver the Lease on Lessee's behalf with such changes thereto as such person deems appropriate, and any related documents, including any escrow agreement, necessary to the consummation of the transactions contemplated by the Lease; and

WHEREAS, The signatures in the Lease from the designated individuals for the Governing Body of the Lessee evidence the adoption by the Governing Body of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sikeston, Missouri, that it desires to participate with Motorola Solutions, Inc. in the purchase of Equipment and personal property for emergency communications.

This resolution was part of the request from Motorola in their lease purchase agreement that Council authorized August 31, 2020.

Councilman Settles moved to adopt Resolution 20-10-01 which authorized the purchase of the Motorola NextGen 911 system (CallWorks). The motion was seconded by Councilwoman Evans and the following vote recorded:

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye, Williams Aye, and Burch Absent, thereby being passed.

ADJOURNMENT

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

Sparks Aye, Merideth Aye, Self Absent, Settles Aye, Evans Aye, Williams Aye, and Burch Absent, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

RHONDA COUNCIL, CITY CLERK

SEAL: