

**REGULAR CITY COUNCIL MEETING**  
**OCTOBER 6, 2014**

The regular Sikeston City Council meeting of October 6, 2014 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: Mayor Pro Tem Steven Burch and Councilmen Bob Depro, Jon Gilmore, John Graham, Maude Harris, and Kathy Teachout. Mayor Pullen was absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Governmental Services Director Linda Lowes, Public Works Director Jay Lancaster, Economic Development Director Ed Dust, Street Superintendent Brian Dial, Director of Public Safety Drew Juden, Captain Mike Williams, Captain Ken Dicus, Lieutenant Rick Rapert, Sergeant Ricky Colbert, City Collector Vicky Lewis, and Parks Director Jiggs Moore.

**APPROVAL OF CITY COUNCIL MINUTES**

City Council minutes of August 25, September 8, September 18, and September 29, 2014 were presented for approval. Councilman Depro moved to approve the minutes as presented. Councilman Gilmore seconded the motion and the following roll call vote was recorded:

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed.

**ACCEPTANCE OF BOARD AND COMMISSION MINUTES**

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

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed.

**PRESENTATIONS**

Mayor Pro Tem Burch recognized Matt Holifield of the Public Works Department and Chris Rataj of the Public Safety Department, as Employees of the Fourth Quarter for their respective departments.

**ITEMS OF BUSINESS**

**Briefing: Applegate & John R Blvd Drainage Projects**

Public Works Director Lancaster briefed the City Council on the Applegate and John R Blvd projects. The Applegate Project will use a 6 foot elliptical pipe to provide for better drainage. It will be installed in the area from Lillian Drive to the second entrance of Dudley Park. Once drainage work is completed, a 28 foot wide street will be constructed.

The John R Blvd project will consist of working with area landowners to clear Butler Ditch, adding additional drainage inlets, and piping stormwater from the inlets to Butler Ditch. Staff will seek bids for the completion of the work. Earlier in the year Council appropriated a budget of \$300,000 for 2014 drainage projects.

Councilman Depro moved to authorize the bidding for the Applegate and John R Blvd projects. The motion was seconded by Councilman Gilmore, discussed and the following roll call vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye, and Teachout Aye, thereby being passed.

Resolution 14-10-01, Authorizing Emergency Demolition of Eight Structures Found to be Health and Safety Hazards

City staff provided a list of eight structures determined to be immediate health and safety hazards. All of the structures have been destroyed by fire and the lots contain unsafe debris. Passage of Resolution 14-10-01 will permit city staff to proceed with obtaining quotes for the demolition of these properties.

RESOLUTION 14-10-01

A RESOLUTION OF THE CITY OF SIKESTON, MISSOURI, AUTHORIZING EMERGENCY DEMOLITION OF EIGHT STRUCTURES FOUND TO BE HEALTH AND SAFETY HAZARDS IN THE CITY OF SIKESTON

WHEREAS, the health, safety and welfare of our citizens and their neighborhoods is a priority purpose of our municipality, and

WHEREAS, unsafe and dilapidated structures pose a threat to the health, safety and welfare of our citizens and constitute a public nuisance.

NOW, THEREFORE, BE IT RESOLVED that the following structures constitute a public nuisance:

- |               |                    |
|---------------|--------------------|
| 303 Daniel    | Sikeston, MO 63801 |
| 427 Daniel    | Sikeston, MO 63801 |
| 100 W Gladys  | Sikeston, MO 63801 |
| 414 W Gladys  | Sikeston, MO 63801 |
| 1306 Shelby   | Sikeston, MO 63801 |
| 625 William   | Sikeston, MO 63801 |
| 814 Wayne     | Sikeston, MO 63801 |
| 1326 W Murray | Sikeston, MO 63801 |

BE IT FURTHER RESOLVED that since said structures pose an immediate danger to the health, safety and welfare of our citizens, the City is authorized to take emergency measures to demolish and/or remove said structures and assess the costs of such measures personally against the owners of said real estate and as a lien on the real estate.

Read this 6th day of October, 2014, Councilman Gilmore moved to approve Resolution 14-10-01. The motion was seconded by Councilman Teachout, discussed and the following roll call vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye, and Teachout Aye, thereby being passed.

Award of Broker for Employee Ancillary Benefits

City Treasurer Bailey reviewed the process to solicit proposals for broker services. Bids were submitted by Mitchell Insurance and Self Insurance Agency. Both agencies were interviewed by the Professional Consulting Committee and city staff. It was their consensus to award the broker services to Mitchell Insurance.

Councilman Depro moved to award the broker services for the City of Sikeston employee ancillary benefits to Mitchell Insurance. The motion was seconded by Councilman Gilmore and the following roll call vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed.

DPS Purchase of Fire Apparatus

Director Juden reviewed the bids received for two fire apparatus. Only one official bid was received. Councilman Gilmore moved to purchase both a pumper for \$334,350 and a ladder truck for \$698,995, from Banner Fire Equipment. The motion was seconded by Councilman Depro, discussed, and the following roll call vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed.

Bill Number 5968, Lease-Purchase DPW Dump Trucks

Bids for a lease-purchase agreement of \$465,000 to purchase three (3) dump trucks utilizing the current vendor under contract with the State of Missouri were reviewed. Councilman Depro moved for the second reading of Bill Number 5968. The motion was seconded by Councilman Teachout and the following vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed.

Counselor Leible presented the bill for reading.

BILL NO. 5968

ORDINANCE NO. 5968

AN ORDINANCE APPROVING THE SELECTION OF A BANK FOR FINANCING THE ACQUISITION OF NEW DUMP TRUCKS AND RELATED EQUIPMENT, AUTHORIZING THE CITY OF SIKESTON, MISSOURI TO ENTER INTO AN EQUIPMENT LEASE PURCHASE AGREEMENT IN CONNECTION THEREWITH, AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE FINANCING.

WHEREAS, the City Council of the City of Sikeston, Missouri (the "City") has previously solicited proposals from qualified banks and financial institutions in connection with the proposed financing of the acquisition of three new dump trucks and related equipment (the "Equipment"), and in response U.S. Bancorp Government Leasing and Finance, Inc. (the "Lessor") has submitted its proposal for the financing of the acquisition of the Equipment

(the "Proposal"), a copy of which is incorporated by reference in this Ordinance and attached hereto as Exhibit A; and

WHEREAS, to facilitate the acquisition of the Equipment and to pay the cost thereof, it is necessary and desirable for the City to enter into an Equipment Lease Purchase Agreement (the "Lease") with the Lessor, pursuant to which the City will lease the Equipment from the Lessor with an option to purchase;

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

Section 1. Acceptance of Proposal. The Proposal is hereby accepted and U.S. Bancorp Government Leasing and Finance, Inc. is hereby selected to finance the acquisition of the Equipment in accordance with and subject to the terms of the Proposal.

Section 2. Approval of the Lease. The City is hereby authorized to enter into the Lease with the Lessor, which Lease shall be in substantially the form presented to the City Council at this meeting, a copy of which is attached hereto as Exhibit B, 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.

Section 3. Approval of the Escrow Agreement. The City is hereby authorized to enter into the Escrow Agreement (the "Escrow Agreement") among the City, the Lessor and U.S. Bank National Association, as escrow agent, which Escrow Agreement shall be in substantially the form presented to the City Council at this meeting, a copy of which is attached hereto as **Exhibit C**, 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.

Section 4. Execution of Documents. The Mayor, the City Clerk, the City Manager and other appropriate officers of the City are hereby authorized and directed to execute, attest, acknowledge, deliver and record, as appropriate, for and on behalf of and as the act and deed of the City, the Lease, the Escrow Agreement 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 5. Further Authority. The officers, agents and employees of the City, including the Mayor, the City Manager and the City Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable to carry out and perform the purposes of this Ordinance, and to carry out, comply with and perform the duties of the City with respect to the Lease.

Section 6. Reimbursement of Expenditures. The City Council hereby finds it necessary and declares its intent to finance the costs of the Equipment through delivery of the Lease. The City has made, or expects to make, expenditures in connection with the Equipment, and the City may reimburse itself for such expenditures with the proceeds of the tax exempt financing by, or on behalf of, the City. The maximum principal amount of the tax-exempt financing expected to be issued for the Equipment is \$465,000.

Section 7. Appropriation of Basic Rent. The City Council hereby irrevocably budgets and appropriates moneys in the amount of \$5,900.00 for Fiscal Year ending June 30, 2015, to

be used to make the Rental Payments (as defined in the Lease) due under the Lease during the Original Term of the Lease coextensive with Fiscal Year ending June 30, 2015.

Section 8. Record of Passage:

- A. Bill Number 5968 was introduced to Council and read the first time on the 29<sup>th</sup> day of September, 2014.
- B. Bill Number 5968 was read for the second and final time this 6<sup>th</sup> day of October, 2014. Councilman Teachout moved for the approval of Bill Number 5968. The motion was seconded by Councilman Graham and final passage thereon was voted as follows:

Burch Aye, Depro Abstain, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed and becoming  
Ordinance Number 5968.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance Number 5968 and shall be in full force and effect 30 days after its passage.

Bill Number 5967, Amending City Code Section 135.310 to Increase Sikeston Municipal Court's Domestic Violence Shelter Surcharge Fee

City Council previously directed staff to amend City Code to increase Sikeston Municipal Court's Shelter for Victims of Domestic Violence Surcharge from \$2 to \$4. Councilman Depro moved for the second reading of Bill Number 5967. The motion was seconded by Councilman Gilmore and the following vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed.

Counselor Leible presented the bill for reading.

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed.

BILL Number 5967

ORDINANCE Number 5967

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 5967, AMENDING CHAPTER 135, SECTION 135.310 OF CITY CODE OF THE CITY OF SIKESTON, MISSOURI, TO INCREASE THE MUNICIPAL COURT SURCHARGE TO FUND SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE FROM TWO DOLLARS (\$2) TO FOUR DOLLARS (\$4) PER CONVICTION OF A MUNICIPAL ORDINANCE VIOLATION.

Be It Ordained by the Council of the City of Sikeston as follows:

SECTION I: This Ordinance shall be codified in the Municipal Code of the City of Sikeston, Missouri.

SECTION II: Chapter 135, Sections 135.310 shall be amended to read as follows:

"Section 135.310 Shelter For Victims of Domestic Violence Surcharge, Generally.

In addition to Court costs provided for in Chapter 135, Section 135.270, there shall be assessed a surcharge of four dollars (\$4.00) on any violation of municipal ordinances, provided no such surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the Court or where the costs are to be paid by the State, County or municipality. Such surcharge shall be collected by the Municipal Court Clerks and shall be disbursed to the City at least monthly. The Municipal Court Clerks shall file a verified report of the fees collected, on a monthly basis, with the office of City Treasurer. The City shall use such monies only for the purpose of providing operating expenses for shelters for battered persons as defined in Sections 455.200 to 455.230, RSMo.”

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 5967 was introduced and read the first time this 29th day of September 2014.

B. Bill Number 5967 was read the second time the 6th day of October 2014. Councilman Gilmore moved to approve Bill Number 5967. The motion was seconded by Councilman Graham, discussed and the following roll call vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed,  
becoming Ordinance 5967.

C. Ordinance 5967 shall be in full force and effect from and after November 6, 2014.

#### Discussion with the City of Miner Regarding Fire Protection Services

Councilman Gilmore moved to proceed with negotiations to provide fire service to the City of Miner. The motion was seconded by Councilman Depro and the following roll call vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed.

#### ADJOURNMENT

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

Burch Aye, Depro Aye, Gilmore Aye, Graham Aye, Harris Aye,  
and Teachout Aye, thereby being passed.

APPROVED:

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JERRY PULLEN, MAYOR

ATTEST:

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CARROLL L. COUCH, CITY CLERK

SEAL: