

REGULAR CITY COUNCIL MEETING
NOVEMBER 4, 2019

The regular Sikeston City Council meeting of November 4, 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: Mayor Steven Burch and Councilmembers Brian Self, Ryan Merideth, Karen Evans, Gerald Settles, Brandon Sparks and Onethia Williams (arriving at 5:03 p.m.). Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman (arriving at 5:10 p.m.), City Clerk Carroll Couch, City Treasurer Karen Bailey, Deputy City Clerk Rhonda Council, Public Safety Director James McMillen, Public Works Superintendent Brian Dial, Street Supervisor Darren Martin, Parks Director Dustin Care, Public Safety Captain Ryan Smith and Code Enforcement Manager Lorenzo Ware.

APPROVAL OF CITY COUNCIL MINUTES

City Council minutes of September 30, October 7 and October 28, 2019 were presented for approval. Councilman Sparks 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 Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

ACCEPTANCE OF BOARD AND COMMISSION MINUTES

None were presented.

ITEMS OF BUSINESS

2nd Reading, Bill #6159, Establishing a Business License Review Board

Councilman Self moved for the second reading of Bill Number 6159. The motion was seconded by Councilwoman Evans and the following vote recorded:

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

City Counselor Thurman presented the bill for reading.

BILL Number 6159

ORDINANCE Number 6159

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6159 AND SHALL AMEND CHAPTER 600 BUSINESS LICENSING OF THE CITY 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 Chapter 600 of the Sikeston Municipal Code.

SECTION II: Section 605.260 is hereby established and shall read as follows:

Section 605.260. Business License Review Board. A three-member business license review board is hereby established consisting of the chief review officer appointed by the

city manager, another city employee appointed by the city manager and a member appointed by the city council to serve a three-year term. The city manager's appointees shall be current city employees and shall serve at the pleasure of the city manager.

SECTION III: Section 605.270 is hereby established and shall read as follows:

Section 605.270. Administration of Law – License Suspension/Revocation.

A. Suspension or Revocation of License – When - Manner

(1) *Suspension or revocation.* The city manager may suspend or revoke the license of any licensee under this chapter who has failed to meet the standards of conducting business set forth in this chapter or who has made any false, misleading, fraudulent statement in the license application, or made significant changes in the nature of the business.

(2) *Notice of suspension or revocation.* The city manager shall suspend or revoke a license issued under this chapter by sending notice of the suspension or revocation to the licensee by first class mail or by personal service on the licensee or the person in charge at the licensed premises. Mailed notice shall be presumed received three (3) days after it is mailed. The notice shall contain:

- (a) A statement of the grounds for the suspension or revocation.
- (b) The effective date of the suspension or revocation, which shall be at least ten (10) days after the notice is received.
- (c) In the case of a suspension, the length of the suspension.
- (d) Instructions on how to appeal the suspension or revocation.

(3) *Appeal to business license review board.* The licensee may appeal the suspension or revocation by requesting a hearing before the business license review board. The appeal must be in writing, addressed to the chief review officer and received by the chief review officer within ten (10) days after the notice of suspension or revocation was received. Receipt of an appeal by the chief review officer shall automatically stay enforcement of the suspension or revocation until after the hearing.

B. Grounds for Suspension or Revocation.

(1) Violating any of the provisions of either this Chapter, Missouri Revised Statutes or any ordinance of the City.

(2) Making a false affidavit in an application for a license, procuring permit by fraud or false representation of facts, or application contains false/misleading statements, evasions or suppression of material facts.

(3) Failing to keep an orderly place or house; providing an environment conducive to allowing criminal activity.

(4) When reasonably necessary in the interests of protection of the public health, safety, peace or welfare.

- (5) Selling, giving, offering for sale, possessing, knowingly permitting the consumption of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under a proper license
 - (6) Maintaining a public nuisance under RSMO 579.105.
 - (7) Illegal issuance of the permit or license, including issuance under an unauthorized ordinance, issuance by mistake, or issuance in violation of an ordinance.
 - (8) Illegally selling, giving, offering for sale, possessing, or knowingly permitting the consumption of any kind of controlled substances.
 - (9) Substantial violations of the terms and conditions on which a license or permit is issued.
 - (10) Violation of ordinances or laws authorizing or regulating the license or permit, or regulating the business activity or purpose for which the license or permit is issued.
 - (11) Wrongful behavior of a substantial character and of a public concern in relation to the licensed activity.
- C. Effect of Suspension. No person whose license is under suspension by order of the City Manager shall be permitted to operate or engage in any trades, vocations, callings, occupations or businesses, until the suspension is lifted.
 - D. A license under consideration for revocation or suspension may not be transferred, nor maintained by any consanguinity, under the control of original license holder.

SECTION IV: Section 605.280 is hereby established and shall read as follows:

Section 605.280. Hearings Upon Suspension or Revocation of Licenses.

- A. *Testimony—Evidence.* Hearings before the business license review board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.
- B. *Witnesses—How Summoned.* Subpoenas may be issued by the business license review board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The business license review board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- C. *Witnesses to Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.

- D. *Decision—Suspension or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 605.270 of this Chapter, the business license review board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the business license review board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the business license review board's decision. The business license review board may delay the implementation of its order pending appeal.

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

SECTION VII: Record of Passage:

- A. Bill Number 6159 was introduced and read the first time this 28th day of October 2019.
- B. Bill Number 6159 was read the second time and discussed on this 4th day of November 2019. Following discussion, Councilman Self moved to approve Bill Number 6159. The motion was seconded by Councilman Sparks, discussed and the following roll call vote was recorded:
- Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.
- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6159 and shall be in full force and effect from and after December 4, 2019.

2nd Reading, Bill #6167, Amendment to Amusement & Entertainment Licensing

Councilman Sparks moved for the second reading of Bill Number 6167. The motion was seconded by Councilwoman Evans and the following vote recorded:

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

City Counselor Thurman presented the bill for reading.

BILL NUMBER 6167

ORDINANCE NUMBER 6167

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6167 AND SHALL AMEND TITLE VI OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI, REGARDING BUSINESS LICENSING.

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

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

SECTION II: Section 605.020.A.7. is hereby amended and shall read as follows:

Section 605.020. Fixed License Fee.

A. It is unlawful for any person to carry on or engage in any of the following trades, vocations, callings, occupations or businesses or to do or operate any of the things mentioned in this Section without first having obtained a license therefor as provided in this Section and the charges therefor and for the issuance thereof shall be made, which have been fully settled and paid before the license becomes effective:

7. Amusements. Upon amusements, the sum of one hundred dollars (\$100.00) per year. Amusements include, but are not limited to, businesses or persons that host or organize indoor or outdoor events including carnivals, circuses, pony rides, concerts, parties, or other public or private events for which an admission, cover, or entrance fee is charged, but shall not include movie theatres or live theatres otherwise licensed by the city. Amusements shall be subject to the provisions of Chapter 610 of the Sikeston Municipal Code.

SECTION III: Chapter 610 is hereby amended and shall read as follows:

Chapter 610. Amusement or Entertainment Licenses and Permits

Section 610.010. Definitions.

As used in this Chapter and unless otherwise defined or distinctly expressed, the following words and phrases shall have the meanings set out herein:

ADMISSION CHARGE

Any charge for the right or privilege to any amusement or entertainment or admission to or entry to any area or facility where amusement or entertainment is conducted.

AMUSEMENT OR ENTERTAINMENT

Includes, but is not limited to, indoor or outdoor events including carnivals, circuses, pony rides, concerts, parties, or other public or private events for which an admission, cover, or entrance fee is charged, but shall not include movie theatres or live theatres otherwise licensed by the city.

PERSON

Includes any individual, firm, corporation, company, partnership or association.

Section 610.020 License or Permit Required.

An amusements license must be obtained in order to conduct or host any amusements or entertainments at a fixed or recurring business location. An amusement or entertainment permit must be obtained in order to conduct any

amusement or entertainment on a singular or infrequent basis, or on a property not otherwise licensed for such activities.

Section 610.030 License and Permit Procedure – Generally.

Every person proposing to conduct or engage in any amusement or entertainment or a duly elected officer of any corporation or organization proposing to conduct such amusement or entertainment shall apply in writing to the City Clerk for a license and/or permit pursuant to Section 610.020 on behalf of such person and shall complete an application form as may be established by the City Manager and shall obtain an occupation license as otherwise provided by law.

Section 610.040 License and Permit Procedure — Location Determination.

No license or permit shall be issued to conduct an amusement or entertainment until the City Manager has determined that the proposed location for the conduct of such amusement or entertainment complies with the zoning ordinances.

Section 610.050 License and Permit Procedure — Liability Insurance.

All applicants shall state on their application that they will indemnify the City for any claim resulting from the operation of the amusement or entertainment and each application shall be accompanied by a certificate of insurance, showing the City as a named insured, covering any damage or liability to the City which may be caused by the operation of the amusement or entertainment with a one million dollar (\$1,000,000.00) combined single limit.

Section 610.060 License and Permit Procedure — Compliance With Chapter.

The City Manager may refuse to issue a license or permit to any amusement or entertainment, the operation of which does not comply with this Chapter.

Section 610.070 License and Permit Procedure — Issuance.

Upon determination that the proposed amusement or entertainment shall comply with this Chapter, the City Manager shall issue the appropriate license and/or permit and shall notify the applicant.

Section 610.080 License and Permit — Revocation.

Any license or permit issued pursuant to this Chapter may be revoked by the City Manager upon his/her determination that the amusement or entertainment is being operated or conducted in violation of this Chapter or in violation of rules and regulations established and promulgated pursuant thereto or is so conducted or operated as to endanger substantially the public peace, health, safety and welfare of the citizens of Sikeston.

Section 610.090 Rules.

A. Any amusement or entertainment conducted pursuant to this Chapter shall comply with the following rules:

1. Hours of operation shall be limited from 9:00 A.M. to 11 P.M. Sundays through Thursdays, and from 9:00 A.M. to 1:30 A.M. on Fridays, Saturdays, and holidays. No re-entry shall be allowed after 1:00 A.M.
2. Adequate restroom facilities shall be provided on the premises of such amusement or entertainment.
3. All electrical wiring and lighting must be approved by the City Engineer, Building Inspector or their representative.
4. Adequate facilities for the disposal of trash and debris shall be provided on the premises.
5. The premises shall be inspected prior to operation by the Director of Public Safety or his/her representative to determine that the requirements of this Chapter and any other ordinance of the City applicable to public rooms and buildings have been complied with.
6. The area of premises where such amusement or entertainment is conducted shall be cleaned and policed after the cessation of such amusement or entertainment and all trash, litter and debris shall be removed.
7. Adequate licensed security must be provided at the cost of the event/business owner for any event that extends past 11:00 P.M.

Section 610.100 Exemptions.

Persons operating amusements or entertainments while possessing a valid liquor license shall be exempt from the provisions of Chapter 610 but must comply with all laws and regulations pertaining and applicable to said liquor license.

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

SECTION VI: Record of Passage:

- A. Bill Number 6167 was introduced and read the first time this 28th day of October 2019.
- B. Bill Number 6167 was read the second time and discussed on this 4th day of November 2019. Following discussion, Councilman Sparks moved to approve Bill Number 6167. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:

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

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6167 and shall be in full force and effect from and after December 4, 2019.

2nd Reading, Bill #6168, Drug Houses as Public Nuisances

Councilman Merideth moved for the second reading of Bill Number 6168. The motion was seconded by Councilman Sparks and the following vote recorded:

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

City Counselor Thurman presented the bill for reading.

Bill Number 6168

Ordinance Number 6168

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6168 AND SHALL AMEND CHAPTER 210 ARTICLE XI OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI, REGARDING MAINTAINING A PUBLIC NUISANCE.

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

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

SECTION II: Section 210.1880 is hereby amended and shall read as follows:

Section 210.1880 Maintaining a Public Nuisance – Violation – Penalty

- A. It shall be illegal for any person to keep or maintain a public nuisance. A person commits the offense of keeping or maintaining a public nuisance if he or she knowingly keeps or maintains:
 1. Any room, building, structure or inhabitable structure, as defined in Missouri Revised Statutes RSMO section 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid; or
 2. Any room, building, structure or inhabitable structure, as defined in Missouri Revised Statutes RSMO section 556.061, where on three or more separate occasions within the period of a year, two or more persons, who were not residents of the room, building, structure, or inhabitable structure, gathered for the principal purpose of unlawfully ingesting, injecting, inhaling or using any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid.
- B. In addition to any other criminal prosecutions, including prosecution by the City of Sikeston Prosecuting Attorney, the Scott County Prosecuting Attorney or the New Madrid County Prosecuting Attorney, the prosecuting attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant of the room, building, structure, or inhabitable structure with the offense of keeping or maintaining a public nuisance.
- C. The offense of keeping or maintaining a public nuisance is a Class A Misdemeanor.

- D. Upon the conviction of the owner pursuant to this section, the room, building, structure, or inhabitable structure is subject to the provisions of Missouri Revised Statutes RSMO Sections 513.600 to 513.645.

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 6168 was introduced and read the first time this 28th day of October 2019.
- B. Bill Number 6168 was read the second time and discussed on this 4th day of November 2019. Following discussion, Councilman Sparks moved to approve Bill Number 6168. The motion was seconded by Councilman Self, discussed and the following roll call vote was recorded:

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

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6168 and shall be in full force and effect from and after December 4, 2019.

Briefing/Authorization - Stallcup Building Repairs & Options

Staff received two bids for rebuilding the back wall on the Stallcup Building, Boulder Construction for \$158,000 and Black Hickman Construction in the amount of \$108,000. Boulder Construction gave a start date of 1-2 months from contract, pending weather, with a completion date of 3-4 months, weather pending. Blake Hickman Construction could start immediately, with a completion date of 4-6 weeks, weather permitting.

Councilman Settles motioned to award the bid to Blake Hickman Construction in the amount of \$108,000. The motion was seconded by Councilwoman Williams, discussed and the following roll call vote was recorded:

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

Other Items

The Local Use Tax will be on the November 5th ballot. If passed, a Council meeting will need to be scheduled immediately to pass an ordinance to specify the effective date of the tax.

Dennis Ziegenhorn & Jim Beard, both citizens of Sikeston, approached Council about issues with obtaining building permits and the process involved for certain documents that are needed for businesses in Sikeston.

ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the City Council, Councilman Self moved to adjourn into executive session for discussion of litigation and personnel. The motion was seconded by Councilwoman Williams and the following roll call vote was recorded:

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

Mayor Burch called the executive session to order. Present were: Councilmembers Brian Self, Karen Evans, Onethia Williams, Gerald Settles, Ryan Merideth and Brandon Sparks. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Carroll Couch, City Treasurer Karen Bailey, Deputy City Clerk Rhonda Council, Public Works Director Jay Lancaster and Code Enforcement Manager Lorenzo Ware.

No action was taken in executive session for litigation.

The Mayor excused City Clerk Carroll Couch, Deputy City Clerk Rhonda Council, Public Works Director Jay Lancaster and Code Enforcement Manager Lorenzo Ware for discussion of personnel.

No action was taken in executive session for personnel.

ADJOURNMENT OUT OF EXECUTIVE SESSION

Councilman Sparks moved to adjourn from executive session. The motion was seconded by Councilwoman Evans and the following roll call vote recorded:

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

ADJOURNMENT

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

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

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL: