

REGULAR CITY COUNCIL MEETING
MAY 4, 2015

The regular Sikeston City Council meeting of May 4, 2015 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 Bob Depro and City Councilmen Karen Evans, Jon Gilmore, Maude Harris, Ryan Merideth, and Gerald Settles. Mayor Burch 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 Safety Director Drew Juden, Public Works Director Jay Lancaster, Economic Development Director Ed Dust, Park Director Jiggs Moore, Street Superintendent Brian Dial, Street Supervisor Darren Martin, Network Administrator Dave Warren, and Senior Building Official Collin Cecil.

APPROVAL OF CITY COUNCIL MINUTES

City Council minutes of April 6, April 15, and April 27, 2015 were presented for approval. Councilman Gilmore moved to approve the minutes as presented. Councilman Settles seconded the motion and the following roll call vote was recorded:

Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Depro Aye, thereby being passed.

ACCEPTANCE OF BOARD AND COMMISSION MINUTES

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

Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Depro Aye, thereby being passed.

ITEMS OF BUSINESS

Delta Area Economic Opportunity Corporation (DAEOC) CDBG Grant Proposal

DAEOC is a private not-for-profit Community Action Agency serving Dunklin, Mississippi, New Madrid, Pemiscot, Scott, and Stoddard Counties. It administers programs designed to combat poverty and provide economic opportunities in the Bootheel.

DAEOC is applying for Community Development Block Grant (CDBG) funds to expand services in Sikeston. Because DAEOC is a private not-for-profit organization, the grant application requires that the CDBG eligible host city sponsor the application. The grant will be used to co-locate central office facilities with a learning center, in Sikeston. The expanded facility will house 24 new Early Head Start positions, relocation of approximately 50 existing positions, and will create at least 4 new support positions and three new senior level management positions. The plan will revitalize a building located in a recovering west-end neighborhood and positions their service providers within a high concentration of income-eligible potential clients.

The initial cost estimates for the project are between 1.75 and 2 million dollars. Approximately one million dollars has been committed to the project for purchase and renovation of the portion of the project related to the Early Head Start learning center by the Office of Head Start.

DAEOC is actively pursuing funding and financing opportunities for the balance. One of those options is the utilization of CDBG Funds through the Missouri Department of Economic Development. Mr. Joel Evans requested the City of Sikeston serve as an eligible applicant and sponsor DAEOC for the application. \$250,000 of CDBG funds will be requested.

Councilman Gilmore moved to authorize the mayor and/or staff to execute the necessary documents to sponsor DAEOC's CDBG grant application for \$250,000. The motion was seconded by Councilman Evans and the following roll call vote recorded:

Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Depro Aye, thereby being passed.

Bill Number 5985, Re-adoption of the Fair Housing Policy

Councilman Harris moved for the second reading of Bill Number 5985. The motion was seconded by Councilman Settles and the following vote recorded:

Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Depro Aye, thereby being passed.

Counselor Leible presented the bill for reading.

BILL Number 5985

ORDINANCE Number 5985

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 5985, 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 5985 was introduced and read the first time this 27th day of April 2015.
- B. Bill Number 5985 was read the second time and discussed this 4th day of May 2015. Councilman Gilmore moved to approve Bill Number 5985. The motion was seconded by Councilman Merideth and voted as follows:

Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Depro Aye, thereby being passed, and
becoming ordinance 5985.

- C. Ordinance 5985 shall be in full force and effect from and after June 3, 2015.

Award of Bid #15-23, FY-15 Street Improvement Program - Waters Engineering, Inc.

Bids for the reconstruction of Wakefield intersections with Allen Boulevard and Davis Boulevard plus the reconstruction of the intersection of Scott Street and Kathleen Street were reviewed. The projects are part of the FY-15 Street Improvement Program and will be completed before the start of next school year, with funding appropriated from the Transportation Sales Tax Fund.

Councilman Harris moved to award Bid #15-23 to Kluesner Construction of Kelso, Missouri, in the amount of \$161,414.35. The motion was seconded by Councilman Gilmore, discussed and the following roll call vote recorded:

Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Depro Aye, thereby being passed.

Authorization to Renew Liability/Property Insurance Coverage

Renewal premiums for the City's comprehensive insurance coverage were reviewed. The premium of \$353,461 is \$22,733 more than in 2014, largely due to the increase in property values. Staff increased coverage on several buildings to be in line with replacement costs.

Councilman Gilmore moved to authorize the insurance renewal from Newton & Company, LLC, as presented. The motion was seconded by Councilman Harris and the following vote recorded:

Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Depro Aye, thereby being passed.

Library Board of Trustees Appointments

State Statute sets the commencement date of Library Board of Trustee terms to July 1 of each year. All three individuals with expiring terms are eligible for reappointment.

Councilman Gilmore nominated Lew Polivick, Carolyn Tetley and Larry Bohannon for reappointment to the Library Board of Trustees. The nomination was seconded by Councilman Settles. There being no further nominations, the following roll call vote was recorded:

Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Depro Aye, thereby being passed.

Interim Appointment to TIF Commission for a term ending in September 2017

With the election of Karen Evans to Council, her position on the Tax Increment Finance Commission requires an interim appointment. Councilman Gilmore nominated John Leible to fill the unexpired term of Karen Evans. The motion was seconded by Councilman Merideth and the following roll call vote recorded:

Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Depro Aye, thereby being passed.

ADJOURNMENT

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

Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Depro Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL: