

SPECIAL CITY COUNCIL MEETING
JULY 27, 2015

CALL TO ORDER/RECORD OF ATTENDANCE

The special Sikeston City Council meeting of July 27, 2015 was called to order at 11:30 a.m., in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Bob Depro, Karen Evans, Jon Gilmore, Maude Harris, Ryan Merideth and Gerald Settles. 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, Director of Public Safety Drew Juden, Parks Director Jiggs Moore, Street Superintendent Brian Dial, and Senior Building Official Collin Cecil.

ITEMS OF BUSINESS

Flood Plain Open House

An open house meeting to educate the public on the current state of the flood map reviews and revisions was held on July 8th. In addition to city staff, Chris Lambert of Lambert Engineering and Dr. Charles Patterson of Allgeier Martin were present to answer questions. DPW Director Lancaster reported approximately 65 people were in attendance. The purpose of the meeting was to display the proposed map revision that was prepared by AMEC.

Reviews were given in person, as well as emails, letters, and comment forms. Overwhelmingly, citizens were opposed to submitting the revision.

Councilman Depro moved to authorize city staff to request Allgeier Martin to prepare a proposal to initiate a new study of the flood plain area in question. The motion was seconded by Councilman Gilmore and the following roll call vote recorded:

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

Director Lancaster requested a joint meeting of the City Council, Planning and Zoning Commission and the Board of Adjustments to discuss the subject of the one foot freeboard issue for construction and development in the flood plain areas. It was agreed to hold a joint meeting and discuss the topic at the August 20th study session.

Brown Automotive Group Lease Discussions

The Brown Automotive lot is located at the corner of Main and Malone Avenue along the railroad trail. Their lease rent is \$2,933.80 per year. The lease is up for renewal September 1, 2015.

James Brown of 2812 Wedgewood, Jackson, Missouri and Brandon Brown of 831 Bowman, Bernie, Missouri commented on the DED Board's recommendation to the City Council, not to renew the Brown Automotive lease.

Councilman Gilmore moved to accept the recommendation of the DED Board, not to renew the Brown Automotive Lease. The motion was seconded by Councilman Settles and the following roll call vote recorded:

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

Authorization to Renew Contract for Services with the Sikeston Humane Society

The city contracts with the Sikeston Humane Society to provide services in the management of the city's animal shelter. After working through some early issues, the society has greatly improved their methods and services provided. Staff requested renewal of the proposed contract.

Councilman Depro moved to authorize the approval of the contract for services with the Sikeston Humane Society for a period of one year, in the amount of \$63,000. The motion was seconded by Councilman Merideth and the following roll call vote recorded:

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

Briefing on the Use of CDBG Funds for Demolition

The City of Sikeston received a community development block grant (CDBG) to remove the old cotton compress. That project was completed and \$219,906 remains to be used for demolitions of properties deemed to be a health and safety concern. A list of 50 structures was provided to the LCRA to determine ownership and potential title issues. Fifteen (15) of the residential structures were owned by the LCRA and are ready for demolition.

Councilman Gilmore moved to proceed with the demolition of the fifteen structures as well as 206 East Malone. The motion was seconded by Councilman Evans and the following roll call vote recorded:

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

Bill Number 5992, Amending City Code for Compliance with Senate Bill 5

Councilman Depro moved for the second reading of Bill Number 5992. The motion was seconded by Councilman Settles and the following vote recorded:

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

Counselor Leible presented the bill for reading.

Bill Number 5992

Ordinance Number 5992

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 5992, AMENDING CITY CODE CHAPTER 100, SECTION 100.230, GENERAL PENALTY, AND TITLE III: TRAFFIC

CODE, SECTION 300.010 DEFINITIONS, TO ESTABLISH THE CLASSIFICATION OF "MINOR TRAFFIC OFFENSES" AND PENALTIES FOR THE VIOLATION, THEREOF.

NOW THEREFORE: 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 100, Section 100.230 General Penalty is amended to read as follows:

Section 100.230 General Penalty.

A. Assessment of Fines/Imprisonment, Generally:

1) Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00); or

2) The Court may sentence imprisonment in the County Jail not exceeding ninety (90) days or by both such fine and imprisonment; provided that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense.

B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

D. Exception, Minor Traffic Violations:

1) Upon the conviction of a Minor Traffic Violation the court shall not assess a fine, if combined with the amount of court costs, totaling in excess of three hundred (\$300.00) dollars;

2) The court shall not sentence a person to confinement, except the court may sentence a person to confinement for violations involving alcohol or controlled substances, violations endangering the health or welfare of others, and eluding or giving false information to a law enforcement officer;

3) A person shall not be placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation;

- 4) Court costs that apply shall be assessed against the defendant unless the court finds that the defendant is indigent based on standards set forth in determining such by the presiding judge of the 33rd Judicial Circuit;
- 5) No court costs shall be assessed if the case is dismissed; and
- 6) No additional charge shall be issued or fine assessed for the failure to appear for a minor traffic violation.

SECTION III: Title III: Traffic, Section 300.010 Definitions, shall be amended to add the following:

“MINOR TRAFFIC VIOLATION:

A municipal ordinance violation prosecuted that does not involve an accident or injury, that does not involve the operation of a commercial motor vehicle, and for which the Missouri Department of Revenue is authorized to assess no more than four (4) points to a person’s driving record of conviction. Minor traffic violations shall exclude a violation for exceeding the speed limit by more than nineteen (19) miles per hour or a violation occurring within a construction zone or school zone.”

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 VI: Record of Passage

- A. Bill Number 5992 was introduced and read the first time this 6th day of July 2015.
- B. Bill Number 5992 was read the second time the 27th day of July 2015. Councilman Depro moved to approve Bill Number 5992. The motion was seconded by Councilman Gilmore, discussed and the following roll call vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Harris Aye, Merideth Aye,
Settles Aye, and Burch Aye, thereby being passed,
becoming Ordinance 5992.

- C. Ordinance 5992 shall be in full force and effect from and after August 27th, 2015

Bill Number 5993, Request to Vacate 50' of Platted Street Right-of-Way Along Kimes Drive

Kimes Drive is a platted cul-de-sac street, platted in the 1950s but never built. A property owner requested the City vacate the street and return it to the property owners. Following a discussion among property owners at the Planning and Zoning Commission, all of the property owners agreed to keep the street platted. The Planning and Zoning Commission unanimously voted against the request.

No action was taken by the City Council.

Councilman Harris left the City Council meeting.

Bill Number 5994, Request to Vacate a Platted, Undeveloped Street Right-of-Way Known as Ruth Street West of the Intersection of Malcolm Avenue

Councilman Depro moved for the first reading of Bill Number 5994. The motion was seconded by Councilman Settles and the following vote recorded:

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

Counselor Leible presented Bill Number 5984 for a first reading. This bill as approved shall become Ordinance Number 5994 providing for the vacating of 115 feet of a platted but undeveloped street known as Ruth Street, west of the intersection of Malcolm Avenue and consisting of a 60' right-of-way, Sikeston, Scott County, Missouri.

The Planning and Zoning Commission met July 14, 2015 and passed a favorable recommendation to approve the request to vacate the unplatted street.

Bill Number 5995, Subdivision Request

Councilman Harris returned to the meeting.

Councilman Depro moved for the first reading of Bill Number 5995. The motion was seconded by Councilman Gilmore and the following vote recorded:

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

Counselor Leible presented the bill for reading. This bill as approved shall become Ordinance Number 5995 providing for the approval of subdividing a property located at 912 South Main, Sikeston, Missouri 63801 and legally described as follows: all of tract 1 of lot 4 and all of lots 3, 5, 6, 7, 8, 11, 12, and 13 of the subdivision of USPS 1032, Township 26 North, Range 14 East, New Madrid County Missouri and which shall be known and recorded as South Main One Subdivision.

This subdivision involves the old Fabick property. The development which includes MRV bank and Vast Communications will be to the front of the property. The back part of the lot will be will be a separate parcel and sold.

Award of Bid 16-02, City Hall Exterior Tuckpointing and Painting

Bids to tuckpoint and paint the upper portions of the north and west wall were reviewed. The low bidder was Tom's Tuckpointing in the amount of \$18,750. Since the bid opening, staff identified substantial mortar problems on the south wall of city hall. Staff requested a change order to allow Tom's Tuckpointing to tuckpoint and seal this brick at the same time the other repair work is being done. The vendor submitted a quote of \$7,280 to repair and seal the south wall. Staff requested award of 16-02 to include the change order.

Councilman Depro moved to award Bid Number 16-02, including the change order for the south wall, to Tom's Tuckpointing in the amount of \$22,080. The motion was seconded by Councilman Harris and the following vote recorded:

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

Other Items

The City Council accepted an offer from Tom Austin of 7 Woodhaven Drive, to work with the Sons of the American Legion Post 114 to care for the garrison flag located in the recreation complex.

ADJOURNMENT INTO EXECUTIVE SESSION

Councilman Depro moved to adjourn into executive session for the discussion of litigation [RSMO 610.021 (1)]. The motion was seconded by Councilman Merideth and the following roll call vote recorded:

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

Mayor Burch called the executive session to order. Present at the meeting were: Mayor Steven Burch and Councilmen Bob Depro, Karen Evans, Jon Gilmore, Maude Harris, Ryan Merideth and Gerald Settles. 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, and Director of Public Safety Drew Juden.

Councilman Depro moved to appoint Mayor Burch and Councilman Harris to serve on the City Council Committee for Public Employee Bargaining. The motion was seconded by Councilman Merideth and the following roll call vote recorded:

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

No further action was taken in executive session.

ADJOURNMENT OUT OF EXECUTIVE SESSION

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

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

ADJOURNMENT

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

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

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL: