



City of Sikeston

TENTATIVE AGENDA

SPECIAL CITY COUNCIL MEETING  
SIKESTON CITY HALL

Monday, January 25, 2016  
10:45 A.M.

I. CALL TO ORDER

II. EXECUTIVE SESSION

Litigation (RSMo 6.10.021 (1))

Personnel (RSMo 6.10.021(3))

III. ADJOURNMENT

Dated this 20<sup>th</sup> day of January 2016

Carroll Couch, City Clerk

The City of Sikeston complies with ADA guidelines. Notify Linda Lowes at 471-2512 (TDD Available) to notify the City of any reasonable accommodation needed to participate in the City Council's Meeting.





City of Sikeston

TENTATIVE AGENDA

SPECIAL CITY COUNCIL MEETING  
SIKESTON CITY HALL

Monday, January 25, 2016  
11:30 A.M.

- I. CALL TO ORDER
- II. RECORD OF ATTENDANCE
- III. OPENING PRAYER
- IV. ITEMS OF BUSINESS
  - A. Status Briefing: Challenger Baseball Project
  - B. 1<sup>st</sup> Reading, Bill #6009, Authorizing the BMU to Adjust Electrical Rates Effective March 3, 2016
  - C. Approval of Resolution #16-01-01, Authorizing Engagement of PGAV and Preparation and Distribution of RFP
  - D. Discussion: Temporary Signage on City Right-of-Ways
  - E. Presentation of FY-2015 Financial Audit
  - F. Discussion: Renewal of Use Tax
  - G. Other Items As May Be Determined During the Course of the Meeting
- V. ADJOURNMENT

Dated this 20<sup>th</sup> day of January 2016.

  
Carroll Couch, City Clerk

The City of Sikeston complies with ADA guidelines. Notify Linda Lowes at 471-2512 (TDD Available) to notify the City of any reasonable accommodation needed to participate in the City Council's Meeting.



# **Council Letter**

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Date of Meeting: 16-01-25

Originating Department: Public Works Park Division

To the Mayor and City Council:

Subject: Briefing, Challenger Baseball project

Attachment(s):  
None

Action Options:  
None - Briefing

Background:

Derrick Pullen of Challenger Baseball will present an update on the construction of a Challenger baseball field in the Recreation Complex.

# **Council Letter**

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Date of Meeting: January 25, 2016

Originating Department: City Manager

To the Mayor and City Council:

Subject: BMU Rate Request

Attachment(s):

1. Bill No. 6009
2. BMU Request

Action Options:

1. Conduct first reading of Bill No. 6009, adjusting BMU electric rates effective March 3, 2016.
2. Other action Council may deem necessary

Background:

The Sikeston Board of Municipal Utilities (BMU) has submitted the attached request for a 15% increase in electric rates, effective March 3, 2016. BMU General Manager Rick Landers will be present at the January 25 City Council Meeting to present the request and answer any questions.

A BILL, WHICH UPON ADOPTION AND PASSAGE SHALL BECOME ORDINANCE NUMBER 6009 AUTHORIZING AND ESTABLISHING ELECTRICAL CHARGES AND RATES FOR THE CITY OF SIKESTON.

WHEREAS, the Board of Municipal Utilities has determined that electrical rate increases are necessary and proper to maintain the economic viability of the municipal utility system, and

WHEREAS, the City Council believes an increase in rates is in the overall best interest of the residents of Sikeston.

NOW THEREFORE 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 electric rates to be charged by the Board of Municipal Utilities from and after March 1, 2106 shall be as set forth on Exhibit "A" which is attached hereto and incorporated by reference.

SECTION III: The Mayor and/or City Clerk are authorized to execute any and all documents necessary to implement said rate changes.

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 6009 was introduced and read the first time this 25<sup>th</sup> day of January, 2016.

B. Bill Number 6009 was read the second time and discussed on this 1<sup>st</sup> day of February 2016, and was voted as follows:

Burch \_\_\_\_\_, Harris \_\_\_\_\_, Gilmore \_\_\_\_\_, Evans \_\_\_\_\_,

Settles \_\_\_\_\_, Meredith \_\_\_\_\_, Depro \_\_\_\_\_,

thereby being \_\_\_\_\_, and becoming Ordinance 6009.

C. Ordinance 6009 shall be in full force and effect from and after March 3, 2016.

\_\_\_\_\_  
STEVEN BURCH, Mayor

Approved as to Form:

\_\_\_\_\_  
CHARLES LEIBLE, City Counselor

SEAL/ATTEST:

\_\_\_\_\_  
CARROLL COUCH, City Clerk

Board of Municipal Utilities



"Your Hometown Municipal Utility Since 1931"

107 East Malone Avenue  
P.O. Box 370  
Sikeston, Missouri 63804

Phone: (573) 471-3328  
Fax: (573) 471-7288  
Webpage: [www.sikestonbmu.org](http://www.sikestonbmu.org)

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*Rick Landers, General Manager*

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1/6/16

Steve Burch  
Mayor  
City of Sikeston  
105 E Center  
Sikeston, Mo 63801

RE: BMU request for electric rate increase

Dear Steve,

As we've previously informed the Council, through a combination of factors including increased fuel costs and decreased revenues from the power plant, we find that the current retail system electric rates are inadequate to provide the revenues needed to meet the bond requirements. The proposed increase has been discussed in recent months with the BMU board and was presented for their approval in our December board meeting. The BMU board approved this 15% rate increase in their December 8<sup>th</sup> meeting. Attached are the individual rate sheets detailing the increase. We ask that the council approve these rates and we are available to answer any questions.

Sincerely,

A handwritten signature in cursive script that reads "Rick Landers".

Rick Landers  
General Manager

**SIKESTON BOARD OF MUNICIPAL UTILITIES**  
**107 E. Malone Ave. / PO Box 370**  
**Sikeston, Missouri 63801**

**Date of Last**  
**Rate Revision**  
**March 1, 2015**

**ELECTRIC**

**RESIDENTIAL 1-71**

**PAGE 1 of 1**

Section 1 – Availability

This rate is available to all residential customers at points on the Board of Municipal Utilities' (hereinafter called BMU) existing secondary distribution lines within the area served by BMU.

Section 2 – Character of Service

Alternating current, 60 cycles, 120/240 volts, single-phase or where available and at the option of BMU 120/240 volt three-phases, four wire delta of 120/208 volt three-phase, four wire wye.

Section 3 – Application

To single-phase or three-phase service (if available) for all domestic users in private residences, in individual family apartments, supplied through one meter, where the BMU is the sole source of supply. Not applicable for services to recognized rooming or boarding houses or establishments of a commercial nature. Service is for the exclusive use of the customer and shall not be resold or shared with others.

Section 4 – Rate

Customer Charge	\$5.18 per month
Energy Charge	
First 1,000 kWh	0.072 per kWh
Over 1,000 kWh	0.052 per kWh

Minimum bill – the minimum bill for any billing period shall be the customer charge.

Section 5 – Payment

Bills are rendered monthly and are due and payable within 10 days from the date of billing. Any monthly bills not paid by the 20<sup>th</sup> of the month shall be assessed a 5% add-on penalty charge and be subject to disconnection. The customer, in order to be reconnected, must pay all bills for electric service together with any applicable reconnection charges.

Section 6 – Tax Clause

Bills computed under this rate are NOT subject to any increase because of municipal taxes. Donations in free street lighting, electricity and other services are made by the BMU to the City of Sikeston in lieu of taxes.

Date Approved \_\_\_\_\_

Date Effective March 03, 2016

\_\_\_\_\_  
Mayor  
City of Sikeston

  
\_\_\_\_\_  
Chairman  
Board of Municipal Utilities

**SIKESTON BOARD OF MUNICIPAL UTILITIES**  
**107 E. Malone Ave. / PO Box 370**  
**Sikeston, Missouri 63801**

**Date of Last**  
**Rate Revision**  
**March 1, 2015**

**ELECTRIC**

**SMALL GENERAL SERVICE 3-73**

**PAGE 1 of 1**

Section 1 – Availability

This rate is available to any commercial customers at points on the Board of Municipal Utilities' (hereinafter called BMU) existing secondary distribution lines within the area served by BMU.

Section 2 – Character of Service

Alternating current, 60 cycles, 120/240 volts, single-phase or where available and at the option of BMU 120/240 volt three-phases, four wire delta of 120/208 volt three-phase, four wire wye.

Section 3 – Application

To single-phase or three-phase service (if available) for all commercial establishments, including churches, schools and hospitals where the BMU is the sole source of supply. Service is for the exclusive use of the customer and shall not be resold or shared with others.

Section 4 – Rate

Customer Charge \$8.05 per month

Energy Charge	
First 1,000 kWh	0.084 per kWh
Over 1,000 kWh	0.0748 per kWh

Minimum bill – the minimum bill for any billing period shall be the customer charge.

Section 5 – Payment

Bills are rendered monthly and are due and payable within 10 days from the date of billing. Any monthly bills not paid by the 20<sup>th</sup> of the month shall be assessed a 5% add-on penalty charge and be subject to disconnection. The customer, in order to be reconnected, must pay all bills for electric service together with any applicable reconnection charges.

Section 6 – Tax Clause

Bills computed under this rate are NOT subject to any increase because of municipal taxes. Donations in free street lighting, electricity and other services are made by the BMU to the City of Sikeston in lieu of taxes.

Date Approved \_\_\_\_\_

Date Effective March 03, 2016

\_\_\_\_\_  
Mayor  
City of Sikeston

  
\_\_\_\_\_  
Chairman  
Board of Municipal Utilities

**ELECTRIC**

**LARGE GENERAL SERVICE 6-78**

Page 1 of 2

Section 1 - Availability

This rate is available to any large commercial customer using standard service for power or combined power, lighting, heating and/or special equipment at points on the Board of Municipal Utilities (hereinafter called BMU) existing distribution lines within the area served by BMU. No billing demand shall be made for a maximum demand of less than one hundred kilowatts (100 KW). Any customer billed under this schedule must be willing to assume in each billing period a minimum demand of 100 KW.

Section 2 - Character of Service

BMU will specify and provide a standard single and/or three phase alternating current secondary service voltage.

Section 3 - Application

To single-phase or three-phase service for all large commercial uses where the BMU is the sole source of supply. Service is for the exclusive use of the customer and shall not be resold or shared with others.

Section 4 - Rate

Demand Charge

per KW of billing demand	\$7.45
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Energy Charge

First 180 kWh per KW Demand	.057 per kWh
Next 180 kWh per KW Demand	.051 per kWh
Over 360 kWh per KW Demand	.045 per kWh

Minimum Charge:

The monthly minimum charge shall be the billing demand charge, but not less than \$745.00. This schedule contemplates year around service with at least a minimum bill paid each month in the year.

Billing Demand:

The billing demand shall be the maximum indicated kilowatt demand but not less than fifty percent (50%) of the maximum indicated kilowatt demand recorded in the twelve month period ending with the current month, except that no billing demand shall be less than one hundred kilowatts (100 kW).

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor  
City of Sikeston

Date Effective March 3, 2016

  
\_\_\_\_\_  
Chairman  
Board of Municipal Utilities

Section 5 – Payment

Bills are rendered monthly and are due and payable within 10 days from the date of billing. Any monthly bills not paid by the 20<sup>th</sup> of the month shall be assessed a 5% add-on penalty charge and be subject to disconnection. The customer, in order to be reconnected, must pay all bills for electric service together with any applicable reconnection charges.

Section 6 – Tax Clause

Bills computed under this rate are NOT subject to any increase because of municipal taxes. Donations in free street lighting, electricity and other services are made by the BMU to the City of Sikeston in lieu of taxes.

Section 7 – General

Customers receiving service under this rate schedule shall sign a contract effective for at least one year.

As far as practical, all energy should pass through one point of delivery and the BMU, at its option, may meter at primary voltage.

Power Factor Clause

BMU will install a suitable demand meter(s) for determining the monthly maximum indicated demand. The Customer will at all times maintain a power factor of not less than eighty-five percent (85%), lagging. If the power factor is less than 85% and the customer does not expeditiously take corrective action, the BMU shall adjust the customer's billed demand in accordance with the following formula:

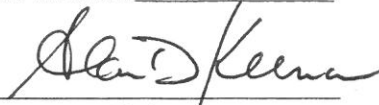
$$\text{Bill Demand (KW)} = \frac{\text{Actual Demand (KW)} \times .85}{\text{Actual Power Factor}}$$

Continued failure to maintain an 85% power factor may result in discontinuance of service to the customer until such time the customer installs suitable devices to bring the power factor up to 85%, or higher, or BMU may install necessary corrective equipment on its lines to improve the customer's power factor to at least 85% and will charge the customer for the total installed cost for same (including material, labor and overhead costs).

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor  
City of Sikeston

Date Effective March 3, 2016

  
\_\_\_\_\_  
Chairman  
Board of Municipal Utilities

ELECTRIC

LARGE POWER SERVICE- LPS

Page 1 of 2

Section 1 - Availability

This rate is available to any customer using standard service for power or combined power, lighting, heating and/or special equipment at points on the Board of Municipal Utilities (hereinafter called BMU) existing distribution lines within the area served by BMU. No billing demand shall be made for a maximum demand of less than five hundred kilowatts (500 KW). Any customer billed under this schedule must be willing to assume in each billing period a minimum demand of 500 KW.

Section 2 - Character of Service

BMU will specify and provide a standard single and/or three phase alternating current secondary service voltage.

Section 3 - Application

To single-phase or three-phase service for all large commercial uses where the BMU is the sole source of supply. Service is for the exclusive use of the customer and shall not be resold or shared with others.

Section 4 - Rate

Demand Charge

per KW of billing demand	\$6.90
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Energy Charge

First 180 kWh per KW Demand	.052 per kWh
Next 180 kWh per KW Demand	.046 per kWh
Over 360 kWh per KW Demand	.037 per kWh

Minimum Charge:

The monthly minimum charge shall be the billing demand charge, but not less than \$3,450.00. This schedule contemplates year around service with at least a minimum bill paid each month in the year.

Billing Demand:

The billing demand shall be the maximum indicated kilowatt demand but not less than fifty percent (50%) of the maximum indicated kilowatt demand recorded in the twelve month period ending with the current month, except that no billing demand shall be less than five hundred kilowatts (500 kW).

Section 5 - Payment

Bills are rendered monthly and are due and payable within 10 days from the date of billing. Any monthly bills not paid by the 20<sup>th</sup> of the month shall be assessed a 5% add-on penalty charge and be subject to disconnection. The customer, in order to be reconnected, must pay all bills for electric service together with any applicable reconnection charges.

Section 6 – General

Customers receiving service under this rate schedule may be required to sign a contract effective for at least one year.

As far as practical, all energy should pass through one point of delivery and the BMU, at its option, may meter at primary voltage.

Power Factor Clause

BMU will install a suitable demand meter(s) for determining the monthly maximum indicated demand. The Customer will at all times maintain a power factor of not less than eighty-five percent (85%), lagging. If the power factor is less than 85% and the customer does not expeditiously take corrective action, the BMU shall adjust the customer's billed demand in accordance with the following formula:


$$\text{Bill Demand (KW)} = \frac{\text{Actual Demand (KW)} \times .85}{\text{Actual Power Factor}}$$

Continued failure to maintain an 85% power factor may result in discontinuance of service to the customer until such time the customer installs suitable devices to bring the power factor up to 85%, or higher, or BMU may install necessary corrective equipment on its lines to improve the customer's power factor to at least 85% and will charge the customer for the total installed cost for same (including material, labor and overhead costs).

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor  
City of Sikeston

Date Effective March 03, 2016

  
\_\_\_\_\_  
Chairman  
Board of Municipal Utilities

SIKESTON BOARD OF MUNICIPAL UTILITIES  
107 E. Malone Ave / PO Box 370  
Sikeston, Missouri 63801

Date of Last  
Rate Revision  
March 1, 2015

**ELECTRIC LARGE INDUSTRIAL POWER SERVICE 8-79**

Page 1 of 2

Section 1 - Availability

This rate is available to any large industrial customer using standard electric service for power or combined power, lighting, heating and/or special equipment at points on the Board of Municipal Utilities (hereinafter called BMU) existing distribution lines within the area served by BMU. No billing shall be made for a maximum demand of less than one hundred kilowatts (100 KW). Any customer billed under this schedule must be willing to assume in each billing period a minimum demand of 100 KW.

Section 2 - Character of Service

Alternating current, 60 cycle, 240 volt, 480 volt, or 2,400 volt, three-phase, for power loads, and 120/240 volts, single-phase for lighting and incidental loads.

Section 3 - Application

To single-phase or three-phase service for all industrial power uses in manufacturing and processing establishments where BMU is the sole source of supply. Service is for the exclusive use of the customer and shall not be resold or shared with others.

Section 4 - Rate

**Demand Charge**

per kilowatt of billing demand	\$6.30
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**Energy Charge**

First 180 kWh per KW Demand	.0398 per kWh
Next 180 kWh per KW Demand	.0339 per kWh
Over 360 kWh per KW Demand	.0292 per kWh

**Minimum Charge:**

The monthly minimum charge shall be the billing demand charge, but not less than \$630.00. This schedule contemplates year around service with at least a minimum bill paid each month in the year.

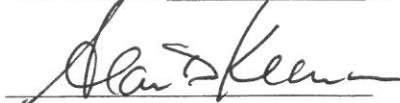
**Billing Demand:**

The billing demand shall be the maximum indicated kilowatt demand but not less than fifty percent (50%) of the maximum indicated kilowatt demand recorded in the twelve month period ending with the current month, except that no billing demand shall be less than one hundred kilowatts (100 kW).

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor  
City of Sikeston

Date Effective March 3, 2016

  
\_\_\_\_\_  
Chairman  
Board of Municipal Utilities

Section 5 – Payment

Bills are rendered monthly and are due and payable within 10 days from the date of billing. Any monthly bills not paid by the 20<sup>th</sup> of the month shall be assessed a 5% add-on penalty charge and be subject to disconnection. The customer, in order to be reconnected, must pay all bills for electric service together with any applicable reconnection charges.

Section 6 – Tax Clause

Bills computed under this rate are NOT subject to any increase because of municipal taxes. Donations in free street lighting, electricity and other services are made by the BMU to the City of Sikeston in lieu of taxes.

Section 6 – General

Customers receiving service under this rate schedule may be required to sign a contract effective for at least one year or more.

As far as practical, all energy should pass through one point of delivery and the BMU, at its option, may meter at primary voltage.

Power Factor Clause

BMU will install a suitable demand meter(s) for determining the monthly maximum indicated demand. The Customer will at all times maintain a power factor of not less than eighty-five percent (85%), lagging. If the power factor is less than 85% and the customer does not expeditiously take corrective action, the BMU shall adjust the customer's billed demand in accordance with the following formula:

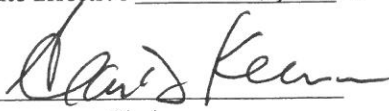
$$\text{Billed Demand (KW)} = \frac{\text{Actual Demand (KW)} \times .85}{\text{Actual Power Factor}}$$

Continued failure to maintain an 85% power factor may result in discontinuance of service to the customer until such time the customer installs suitable devices to bring the power factor up to 85%, or higher, or BMU may install necessary corrective equipment on its lines to improve the customer's power factor to at least 85% and will charge the customer for the total installed cost for same (including material, labor and overhead costs).

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor  
City of Sikeston

Date Effective March 3, 2016

  
\_\_\_\_\_  
Chairman  
Board of Municipal Utilities

SIKESTON BOARD OF MUNICIPAL UTILITIES  
107 E. Malone Ave / PO Box 370  
Sikeston, Missouri 63801

Date of Last  
Rate Revision  
March 3, 2016

**ELECTRIC LARGE INDUSTRIAL POWER SERVICE 8-79**

Page 1 of 2

Section 1 - Availability

This rate is available to any large industrial customer using standard electric service for power or combined power, lighting, heating and/or special equipment at points on the Board of Municipal Utilities (hereinafter called BMU) existing distribution lines within the area served by BMU. No billing shall be made for a maximum demand of less than one hundred kilowatts (100 KW). Any customer billed under this schedule must be willing to assume in each billing period a minimum demand of 100 KW.

Section 2 - Character of Service

Alternating current, 60 cycle, 240 volt, 480 volt, or 2,400 volt, three-phase, for power loads, and 120/240 volts, single-phase for lighting and incidental loads.

Section 3 - Application

To single-phase or three-phase service for all industrial power uses in manufacturing and processing establishments where BMU is the sole source of supply. Service is for the exclusive use of the customer and shall not be resold or shared with others.

Section 4 - Rate

**Demand Charge**

per kilowatt of billing demand \$6.75

**Energy Charge**

First 180 kWh per KW Demand .0425 per kWh

Next 180 kWh per KW Demand .0363 per kWh

Over 360 kWh per KW Demand .0312 per kWh

**Minimum Charge:**

The monthly minimum charge shall be the billing demand charge, but not less than \$675.00. This schedule contemplates year around service with at least a minimum bill paid each month in the year.


**Billing Demand:**

The billing demand shall be the maximum indicated kilowatt demand but not less than fifty percent (50%) of the maximum indicated kilowatt demand recorded in the twelve month period ending with the current month, except that no billing demand shall be less than one hundred kilowatts (100 kW).

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor  
City of Sikeston

Date Effective January 1, 2017

  
\_\_\_\_\_  
Chairman  
Board of Municipal Utilities

Section 5 – Payment

Bills are rendered monthly and are due and payable within 10 days from the date of billing. Any monthly bills not paid by the 20<sup>th</sup> of the month shall be assessed a 5% add-on penalty charge and be subject to disconnection. The customer, in order to be reconnected, must pay all bills for electric service together with any applicable reconnection charges.

Section 6 – Tax Clause

Bills computed under this rate are **NOT** subject to any increase because of municipal taxes. Donations in free street lighting, electricity and other services are made by the BMU to the City of Sikeston in lieu of taxes.

Section 6 – General

Customers receiving service under this rate schedule may be required to sign a contract effective for at least one year or more.

As far as practical, all energy should pass through one point of delivery and the BMU, at its option, may meter at primary voltage.

Power Factor Clause

BMU will install a suitable demand meter(s) for determining the monthly maximum indicated demand. The Customer will at all times maintain a power factor of not less than eighty-five percent (85%), lagging. If the power factor is less than 85% and the customer does not expeditiously take corrective action, the BMU shall adjust the customer's billed demand in accordance with the following formula:

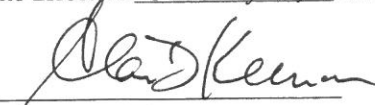
$$\text{Billed Demand (KW)} = \frac{\text{Actual Demand (KW)}}{\text{Actual Power Factor}} \times .85$$

Continued failure to maintain an 85% power factor may result in discontinuance of service to the customer until such time the customer installs suitable devices to bring the power factor up to 85%, or higher, or BMU may install necessary corrective equipment on its lines to improve the customer's power factor to at least 85% and will charge the customer for the total installed cost for same (including material, labor and overhead costs).

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor  
City of Sikeston

Date Effective January 1, 2017

  
\_\_\_\_\_  
Chairman  
Board of Municipal Utilities

# **Council Letter**

---

Date of Meeting: January 25, 2016

Originating Department: Administrative Services

To the Mayor and City Council:

Subject: Approval of Resolution 16-01-01, Authorizing Engagement of PGAV and  
Preparation and Distribution of RFP

Attachments:

1. Resolution 16-01-01

Action Options:

1. Approve Resolution 16-01-01
2. Other Action Council may deem appropriate

Background:

Resolution 16-01-01 authorizes engagement of PGAV as planning consultant, the distribution of requests for proposal, and calls to reconvene the TIF Commission. This begins the process of potentially approving the addition of a Hampton Inn in the 60 West TIF District per the request of Sikeston Development Co., LLC.

RESOLUTION #16-01-01

**A RESOLUTION AUTHORIZING THE CITY OF SIKESTON, MISSOURI TO ENGAGE PECKHAM GUYTON ALBERS & VIETS, INC., AS PLANNING CONSULTANT, IN CONNECTION WITH A PROPOSED TAX INCREMENT FINANCING PROJECT; DISTRIBUTE A REQUEST FOR PROPOSALS RELATING TO SUCH PROJECT; AND RECONVENE THE TAX INCREMENT FINANCING COMISSION OF THE CITY OF SIKESTON, MISSOURI TO REVIEW SUCH PROJECT.**

**WHEREAS**, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “TIF Act”), authorizes municipalities to undertake redevelopment projects in blighted, conservation or economic development areas, as defined in the TIF Act; and

**WHEREAS**, the City desires to engage Peckham Guyton Albers & Viets, Inc. (“PGAV Planners”) as planning consultant in connection with a proposed amendment to the Sikeston 60 West Tax Increment Financing Redevelopment Plan (the “Redevelopment Plan Amendment”) and a redevelopment project resulting therefrom (the “Redevelopment Project”); and

**WHEREAS**, the City wishes to distribute a request for proposals to assist in identifying a developer to undertake the Redevelopment Project; and

**WHEREAS**, the City wishes to reconvene the Tax Increment Financing Commission of the City of Sikeston, Missouri (the “TIF Commission”) in connection with the review and consideration of the Redevelopment Plan Amendment and the Redevelopment Project;

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

**Section 1.** The City hereby engages PGAV Planners to serve as the City’s planning consultant in accordance with the terms of the Agreement for Technical Services attached hereto as **Exhibit B**, which the Mayor is authorized to sign on behalf of the City and the City Clerk is authorized to attest thereto.

**Section 2.** The City Clerk is hereby directed to distribute and publish a request for proposals for the area described as “RPA 2” in the Sikeston 60 West Tax Increment Financing Redevelopment Plan.

**Section 3.** The TIF Commission is hereby reconvened for the purpose of holding a public hearing and making a recommendation with respect to the Redevelopment Plan Amendment and the Redevelopment Project.

**Section 4. Record of Passage:**

Read this 25<sup>th</sup> day of January 2016, discussed and voted as follows:

Gilmore\_\_\_\_\_, Harris\_\_\_\_\_, Depro\_\_\_\_\_,  
Evans\_\_\_\_\_, Settles\_\_\_\_\_, Merideth\_\_\_\_\_, and Burch\_\_\_\_\_,  
Thereby being \_\_\_\_\_.

\_\_\_\_\_  
Steven Burch, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles Leible, City Counselor

Attest:

Seal:

\_\_\_\_\_  
Carroll L. Couch, City Clerk

**EXHIBIT A**

**PGAV PLANNERS AGREEMENT FOR TECHNICAL SERVICES**

# **Council Letter**

---

Date of Meeting: January 25, 2016

Originating Department: City Manager

To the Mayor and City Council:

Subject: Temporary Sign Regulations

Attachment(s):

1. None

Action Options:

1. Briefing Only
2. Other Action Council May Deem Necessary

Background:

The Public Works Department is currently undertaking a comprehensive review of the city's sign code. In light of the city's acquisition of the railroad corridor along Malone Ave, and the proliferation of temporary signs on this property and other rights-of-way throughout the city, I would like the Council at this time to discuss a small subset of the sign code regarding temporary and portable signs. No ordinance is being proposed to the Council at this time, I simply want to gauge the Council's interest in pursuing more stringent regulation of signs in the right-of-way.

The city code (405.1420) currently defines a **portable sign** as: "Any sign which does not meet the structural requirements of transferring a twenty-five pound per square foot wind load safely to the ground."

The city code (405.1420) currently defines a **temporary sign** as: "A sign intended for a limited period of display and which meets the design loads defined in Section 405.1440 [All signs will be required to transfer a twenty-five pounds per square foot wind load safely to the ground]."

Different forms of what one may think of as a "temporary" sign may meet either one of those definitions. Several examples of portable or temporary signs photographed in Sikeston on January 11 follow:



Corrugated plastic wire stake sign used for commercial purposes, placed on public right-of-way.



Feather banner used for commercial purposes, placed on city property (former RR corridor).



Banner sign for a non-profit organization and wire stake signs for commercial purposes.



Miscellaneous signs in the right-of-way.



Feather banners and several wire stake signs located on the right-of-way.

Concerns/challenges raised by signs in the right-of-way include the following:

- **Safety:** Temporary and portable signs in the right-of-way are typically very close to the roadway, and thus pose threats as sightline obstructions and potential obstacles to be struck by vehicles. Individuals placing or removing the signs are also at risk due to their proximity to passing traffic.
- **Protection of infrastructure:** Water, sewer, gas, cable, internet, and telephone lines are often buried in the public right-of-way. Pounding stakes, poles, or other sign structures into the ground threatens these buried infrastructure components.
- **Litter:** Due to their relatively low cost, many temporary or portable signs are more or less disposable, and they get treated that way. They are often placed in the right-of-way and stay there until they are blown down, knocked over, or otherwise damaged. They then become yet another piece of litter on the right-of-way.
- **General Aesthetics:** Rights-of-way cluttered by signs can damage property values and aesthetics of the community.
- **Free Speech Issues:** Many different types of messages are conveyed by signs in the right of way, including advertising for commercial businesses, advertising for non-profit donations, advertising for churches, advertising for sports leagues, advertising for community events, etc. Any sign regulations that make a distinction based on the content of the sign will face strict scrutiny in the courts. A recent Supreme Court decision (Reed vs Town of Gilbert) stated that "Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests." The particular law

struck down by the Court in *Reed* placed greater limits on temporary directional signs than on other signs, and was therefore judged to be content-based and unconstitutional.

Current city code bans “portable” signs on the right-of-way (and everywhere else), and most of the signs pictured above probably meet the definition of portable signs because they would not bear the required wind loads. However, other signs that occasionally pop up in the right-of-way may not be “portable” and it is less clear whether they would be permitted. If the Council is supportive, I would suggest prohibiting all temporary and portable signs from the right-of-way, and giving city staff authority to immediately remove the signs without notice. The current code requires 7 day written notice before removing the signs, which seems excessive for most of these signs. I would suggest that city staff remove the signs and then store them for some reasonable amount of time awaiting claim by the owner (perhaps 30 days) then disposal.

### ***Signs on the railroad right-of-way***

Last year the city acquired trail rights to the railroad corridor along Malone Ave. At certain times of year, tremendous numbers of signs appear on this land that is now controlled by the city. Particularly at the intersection of Main and Malone, signs advertising community events, sports leagues, and commercial enterprises proliferate. City staff seeks Council direction regarding regulation of these signs. The biggest challenging of regulating these signs will be content neutrality – the city can’t say that signs for one kind of event are okay and others are not.

### ***Similar legislation***

Many cities prohibit signs in the public right-of-way. One nearby example is Cape Girardeau:

#### **From the City of Cape Girardeau Sign Ordinance Brochure**

“How does Right-of-Way (ROW) affect sign placement? No signs, except City or other government signs, may be placed in the City’s right-of-way along any public street. Right-of-way may vary per street. Check with Development Services or Cape Girardeau County Mapping for location of the right-of-way on your street.”

<http://www.cityofcapegirardeau.org/uploads/Main/CityHall/Development/Inspection/Sign-Brochure.pdf>

## Council Letter

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Date of Meeting: January 25, 2016

Originating Department: City Manager

To the Mayor and City Council:

Subject: FY2015 Audit

Attachment(s):

1. Hard copies of the FY2015 Audit will be available to the Council at the meeting
2. Electronic copies of the audit are available at [www.sikeston.org](http://www.sikeston.org)

Action Options:

1. Receive FY2015 Financial Audit
2. Other Action Council May Deem Necessary

Background:

Every year, the city undergoes an independent audit of its financial statements by a certified public accountant. The audit of the Fiscal Year 2015 financials has been completed by Bucher, Essner and Miles, L.L.C. and is available for review by the City Council and the public. Hard copies of the audit will be available to the Council at the January 25 meeting, and it is also posted at [http://www.sikeston.org/financial\\_and\\_annual\\_reports/index.php](http://www.sikeston.org/financial_and_annual_reports/index.php) for free 24/7 access by the public.

Some highlights of audit findings (see p.117 of the audit for a summary) include:

- The auditor's report expresses an unqualified opinion on the financial statements of the City of Sikeston (in other words, the auditor found no significant deficiencies or material weaknesses).
- No significant deficiencies were found in the financial statements' compliance with generally accepted accounting principles and the requirements of the Government Accounting Standards Board (GASB).
- No material weaknesses in internal controls were found.
- No material weaknesses in compliance with federal award programs were found.

City staff is happy to answer any questions the Council may have regarding the audit, and if needed, we can schedule a time for the auditor to appear before the Council to answer questions.

**ACTION REQUESTED:** Staff requests that the City Council vote to receive the FY2015 audit.

# **Council Letter**

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Date of Meeting: 16-01-25

Originating Department: Administrative Services

To the Mayor and City Council:

Subject: Continuation of Sales Tax-Out of State Motorized Vehicles (Use Tax)

Attachments:

1. MML Review of Street v. Director of Revenue

Action Options:

1. Direction to proceed with election
2. Other Action Council may deem appropriate

Background:

In 2012, the Missouri Supreme Court determined local sales taxes could not be collected on out of State purchases of motor vehicles, trailers, boats, and outboard motors. In response, the Missouri legislature passed HB 184 which allows a vote of the people to determine if the sales tax collection should be continued. If the taxing jurisdiction does not hold a vote before November 2016, the taxing jurisdiction must cease collecting the sales tax. The City of Sikeston would lose approximately \$ 165,000. Staff is requesting Council direction in addressing a forthcoming election.

**Model Ordinance after the Street v. Director of Revenue Decision and SS for HB 184**  
**Local Use Tax and Options on Out of State Vehicle Purchases**

The Missouri Municipal League has previously published a model ordinance for adopting a local use tax. The legal underpinning of that tax has changed due to the Missouri Supreme Court's decision in *Street v. Director of Revenue* 361 S.W.3d 355 (Mo. banc 2012) and the subsequent enactment of Senate Substitute for House Bill 184 (HB184). The Street case arose when Craig Street sought judicial relief after he was required to pay local sales taxes to license a boat, outboard motor, and trailer he purchased from a dealer in Maryland. In January of 2012 The Supreme Court of Missouri delivered an opinion in which it determined that the purchase was not subject to local sales tax because such taxes may only be imposed to the same extent as the state sales tax, which only applies to in-state purchases. Further, although a local use tax could potentially be imposed on the purchase, the county in which Street resided had not adopted a local use tax. The decision also implicated the state imposition of taxes on out of state sales of motor vehicles, trailers, boats, and outboard motors. The Missouri Legislature in 2013 reacted to the decision by passing HB184 effective August 29, 2013.

HB184 prohibited state and local use taxes on the sale of motor vehicles, trailers, boats, or outboard motors. The taxing of these items was placed on the sale of these items at the time of titling in Missouri, regardless of whether the item was purchased in this state. The residence of the purchaser was continued for the purpose of determining what local tax rate should apply. The rate of tax for motor vehicles, trailers, boats, or outboard motors sold at retail must be the sum of the state sales tax and the local sales tax. Additionally HB184 required all local taxing jurisdictions that have not previously approved a local use tax must put to a vote of the people whether to discontinue collecting sales tax on the sale of motor vehicles, trailers, boats, or outboard motors purchased out-of-state when titling in Missouri. If a taxing jurisdiction does not hold the vote before November 2016, the taxing jurisdiction must cease collecting the sales tax. A final requirement within HB184 creates a referendum action to repeal the tax at any time. Language repealing the tax must be put to a vote of the people any time 15% of the registered voters in a taxing jurisdiction sign a petition requesting it.