TENTATIVE AGENDA
REGULAR CITY COUNCIL MEETING
CITY HALL
COUNCIL CHAMBERS
105 E. CENTER ST., SIKESTON MO
MONDAY, MARCH 25, 2024
5:00 P.M.

I. CALL TO ORDER

II. RECORD OF ATTENDANCE

III. OPENING PRAYER

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC HEARING – READOPTION OF FLOODPLAIN ORDINANCE

VI. ITEMS OF BUSINESS
A. 1st & 2nd Reading, Emergency Bill #6345, Readoption of Floodplain Regulations Ordinance
B. 1st & 2nd Reading, Emergency Bill #6344, Establishing Protective Covenants for the South Industrial Park
C. Interim Appointment to Board of Municipal Utilities
D. 2nd Reading & Consideration, Bill #6339, Re-adoption of Fair Housing Policy
E. 2nd Reading & Consideration, Bill #6340, Amend Section 205.310 – Keeping Livestock, Domestic Animals & Fowl
F. 1st Reading, Bill #6341, Re-adopt LCRA 10-Year Redevelopment Plan
G. 1st Reading, Bill #6342, Amend Section 720.060 – Installation of Backflow Prevention Devices
H. 1st Reading, Bill #6343, Amend Section 720.080 – Inspection & Testing of Prevention Devices
I. Award Bid #24-56, Mowing of LCRA & City Nuisance Lots
J. Award Bid #24-66, Authorization to Purchase ABI Force Grooming Equipment
K. Award Bid #24-61, Air Conditioning Unit for DPS Headquarters
L. Other Items as May Be Determined During the Course of the Meeting

VII. ADJOURNMENT

Dated this 20th day of March 2024.

Rhonda Council
Rhonda Council, City Clerk

The City of Sikeston complies with ADA guidelines. Notify Rhonda Council at 471-2512 (TDD Available) to notify the City of any reasonable accommodation needed to participate in the City Council’s Meeting.
Date of Meeting: 24-03-25

Originating Department: Community Development Department

To the Mayor and City Council:

Subject: Bill 6345, Readoption of Floodplain Regulations

Attachment(s):

1. Ordinance 6345

Action Options:

1. Conduct 1st and 2nd Reading Ordinance 6345
2. Other action Council may deem appropriate

Background:

This is to update the Floodplain Regulations as required with compliance with SEMA (State Emergency Management Agency). We updated due to several item changes with the state statues and FEMA regulations.

Due to the timeline constraints, this matter is being presented as an emergency measure.
AN EMERGENCY ORDINANCE OF WHICH UPON APPROVAL SHALL BECOME
ORDINANCE NUMBER 6345 AND SHALL AMEND TITLE IV: LAND USE, CHAPTER 410
FLOODPLAIN REGULATIONS IN THE MUNICIPAL 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 the City Municipal Code.

SECTION II: Title IV: LAND USE – Chapter 410 – Floodplain Regulations shall be amended as follows:

Article I Statutory Authorization, Findings of Fact, Purpose and Objectives

Section 410.010 Statutory Authorization.

The legislature of the State of Missouri has in Section 77.260, RSMo., delegated the responsibility to local units to adopt floodplain management regulations designed to protect the public health, safety, and general welfare of its citizens. Therefore, the City Council of Sikeston, Missouri, does ordain as follows.

Section 410.020 Finding of Fact.

A. The special flood hazard areas of Sikeston, Missouri, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by:

1. The cumulative effect of obstructions in development in any delineated floodplains causing increases in flood heights and velocities; and

2. by The occupancy of flood hazard areas by uses vulnerable to floods, or uses hazardous to others, lands which are inadequately elevated, floodproofed or otherwise unprotected from flood damages.

Section 410.030 Statement of Purpose.

A. It is the purpose of this Chapter to promote the public health, safety and general welfare of the public; and to minimize public and private those losses due to flood conditions in specific areas by provisions described in Article I, Section 410.020 (1); to establish or maintain the community’s eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) § 59.22(a) (3); and to meet the requirements of 44 CFR § 60.3(d) by applying the provisions of this ordinance to:

1. To protect human life and health;

2. To minimize expenditures of public money for costly control projects;

3. To minimize the need of rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future
flood blight areas;

7. To insure that potential home buyers are notified that property is in a flood area; and

8. To insure that those who occupy the areas of special hazard assume responsibilities for their actions.

Section 410.040 Methods of Reducing Flood Losses.

A. In order to accomplish its purposes, this Chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion or to flood heights or velocities.

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.

4. Controlling filling, grading, dredging and other development which may increase erosion or flood damage.

5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

Article II Definitions

Section 410.050 Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

ACCESORY STRUCTURE
A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

ACTUARIAL RATES OR RISK PREMIUM RATES
Those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and accepted actuarial principles. "Risk premium rates" include provisions for operating cost and allowances.

AGENCY
Governing body of floodplain regulations: FEMA and/or SEMA.

APPEAL
A request for a review of the City Administrator's interpretation of any provision of this Chapter or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD
The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD
The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
BASE FLOOD ELEVATION
The elevation of the surface of the water during a (1%) annual chance flood event.

BASEMENT
Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING
Principle structure on the parcel of property.

CHANNEL
A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.

COMMUNITY
State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

DEVELOPMENT
Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING
For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELIGIBLE COMMUNITY” OR “PARTICIPATING COMMUNITY
A community for which the Federal Insurance Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION
For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before this date. "Existing construction" may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION
A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION
The preparation of additional sites by the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING
1. General and temporary condition of partial or complete inundation of normally dry land areas from (1) The overflow of inland; and/or (2) The unusual and rapid accumulation or runoff of surface waters from any source.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels
or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1) of this definition.

FLOOD ELEVATION DETERMINATION
A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

FLOOD FRINGE
The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

FLOOD INSURANCE RATE MAP (FIRM)
An official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY OR FLOOD ELEVATION STUDY
An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslides (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD PROTECTION SYSTEM
Those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such system typically includes dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN ADMINISTRATOR OR CERTIFIED FLOODPLAIN MANAGER
Designated city employee who reviews floodplain/building permits for structures within floodplains and inspects developments to determine compliance with the community development standards and NFIP requirements. Explains floodplain development requirements to community leaders, citizens, and the general public when requested. Maintains records and documents that keep the community eligible to participate in the FEMA’s NFIP and Community Rating System (CRS).

FLOODPLAIN OR FLOOD-PRONE AREA
Any land area susceptible to being inundated by water from any source, as designated by FEMA.

FLOODPLAIN MANAGEMENT
The operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS
Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING
Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures
FLOODWAY OR REGULATORY FLOODWAY
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOODWAY FRINGE
That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every one hundred (100) years (i.e., that has a one percent (1%) chance of flood occurrence in any one (1) year).

FLOODWAY ENCROACHMENT LINES
Lines marking the limits of floodways on Federal, State and local floodplain maps.

FREEBOARD
A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE
The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE
Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   a. By an approved State program as determined by the Secretary of the Interior; or
   b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR
The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.
MANUFACTURED HOME
A structure transportable in one (1) or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION
A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION
For the purposes of determining insurance rates, structures for which the "start of construction" commence on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION
A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

(NFIP)
National Flood Insurance Program

ONE PERCENT ANNUAL CHANCE FLOOD
See "base flood."

PARTICIPATING COMMUNITY
Known as an "eligible community," a community in which the Federal Insurance Administrator has authorized the sale of flood insurance.

PERSON
Any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

PERMIT
A signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

PRINCIPAL STRUCTURE
The main structure of building on a lot or parcel in which the primary permitted use by right occurs.

RECREATIONAL VEHICLE
A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REPETITIVE LOSS
Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.
SPECIAL FLOOD HAZARD AREA
See “area of special flood hazard.”

START OF CONSTRUCTION
For other than new construction or substantial improvement under Coastal Barrier Resources Act Pub. L. 97-348, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of permit date. The “actual start” means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of the construction” means the first (1st) alteration of any wall, ceiling, floor or other structural part of building, whether or not that alteration affects the external dimensions of the building.

STATE COORDINATING AGENCY
Agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

STRUCTURE
For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. “Structure”, for insurance purposes, means a walled and roofed building, other than gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT
Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" or the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure’s continued designation as a
"historic structure".

VARIANCE
A grant of relief to a person from the requirements of this Chapter, which permits construction in manner otherwise prohibited by this Chapter, where specific enforcement would result in unnecessary hardship.

VIOLATION
The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

Article III General Provisions

Section 410.060 Lands To Which This Chapter Applies.

This Chapter shall apply to all lands within the jurisdiction of the City of Sikeston identified as numbered and unnumbered A Zones, AE, AO, and AH Zones on the Flood Insurance Rate Map (FIRM) for Scott County, Missouri on map panels 29201C0295D, 29201C0300D, 29201C0305D, 29201C0314D, 29201C0315D, 29201C0316D, 29201C0318D, 29201C0319D, 29201C0402D, 29201C0406D, 29201C0407D, and 29201C0425D dated June 5, 2012, as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the Sikeston City Council or its duly designated representative under such safeguards and restrictions as the Sikeston City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article IV.

Section 410.070 Basis For Establishing The Areas of Special Flood Hazard.

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

A. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator’s FIS and illustrative materials for Scott County dated June 5, 2012 as amended, and any future revisions thereto.

B. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

C. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

D. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

E. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

Section 410.080 Penalties For Non-Compliance.

A. No structure or other development without a floodplain development permit or other evidence of compliance is presumed to be in violation until such documentation is provided. Land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this
Chapter and other applicable regulations. Imposition of such fines or penalties for any violation for non-compliance with this Chapter shall not excuse the violation or noncompliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.

B. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor.

C. Any person, firm, corporation, or other entity that violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars ($500.00) or imprisoned for not more than ninety (90) days, or both, and in addition shall pay all cost and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

D. Nothing herein contained shall prevent the City of Sikeston or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 410.090 Abrogation and Greater Restrictions.

A. This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. Imposes greater restrictions, the provisions of this Chapter shall prevail. All other Chapters inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.

B. Compliance

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

Section 410.100 Interpretation.

A. In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the Governing Body; and

3. Deemed neither to limit nor repeal any other powers granted under State by Missouri Statutes.

Section 410.110 Warning and Disclaimer of Liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not increase liability on the part of the City of Sikeston, Missouri, or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

Article IV Administration

Section 410.120 Establishment of A Floodplain Development Permit.

A. A development permit shall be obtained before construction or development begins within any area of special flood hazard required for all proposed construction or other development, including the placement of manufactured
homes, in areas as established in Article III, Section 410.060. No person, firm or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development. Application for a development permit shall be made on forms furnished by the Planning Coordinator Community Development Department and may include, but not limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures.

2. Elevation, in relation to mean sea level, to which any non-residential structure is to be floodproofed.

3. Certification from a Missouri registered professional engineer or architect that non-residential floodproofed structure will meet the floodproofing criteria in Article V, Section 410.180.

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section 410.130 Designation of The Local Floodplain Administrator.

The Planning Coordinator City Manager or his/her designee is hereby appointed to administer and implement the provisions of this Chapter by granting or denying development permit applications in accordance with its provisions.

Section 410.140 Duties and Responsibilities of The Planning Coordinator Floodplain Administrator.

A. Duties of the Planning Coordinator Floodplain Administrator shall include, but not be limited to:

1. Review all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this Chapter have been satisfied.

2. Review all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required by Federal, State, or local law.

3. When base flood elevation data have not been provided, then the Planning Coordinator Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation or floodway data available from a Federal, State or other source in order to administer the provision of Article V.

4. Verify, record and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

5. Verify, record and maintain a record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.

6. When floodproofing is utilized for a particular non-residential structure, the Planning Coordinator Floodplain Administrator shall obtain certification from the permittee’s Missouri registered professional engineer or architect that floodproofing standards have been met.

7. Notify adjacent communities and the Missouri State Emergency Management Agency (MoSEMA) prior to any alteration or relocation of a watercourse and shall submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Planning Coordinator Floodplain Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in the Article.

10. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;

11. Issue floodplain development permits for all approved applications.

B. Application For Floodplain Development Permit

1. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
   a. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
   b. Identify and describe the work to be covered by the floodplain development permit;
   c. Indicate the use or occupancy for which the proposed work is intended;
   d. Indicate the fair market value of the structure and the fair market value of the improvement;
   e. Specify whether development is located in designated flood fringe or floodway;
   f. Identify the existing base flood elevation and the elevation of the proposed development;
   g. Give such other information as reasonably may be required by the floodplain administrator;
   h. Be accompanied by plans and specifications for proposed construction; and
   i. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

Section 410.150 Variance Procedures.

A. Establishment of Appeal Board

The Board of Adjustment as established by the City of Sikeston, Missouri, shall hear and decide appeals and requests for variances from the requirements of this Chapter.

B. Responsibility of Appeal Board

1. Where an application for a floodplain development permit or request for a variance from the floodplain management
regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the appeal board, as defined in Article IV, Section A.

2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Planning Coordinator Floodplain Administrator in the enforcement or administration of this Chapter.

C. Further Appeals

Any person aggrieved by the decision of the Board of Adjustment, or any taxpayer may appeal such decision to the Scott County or New Madrid County Circuit Court as provided in Chapter 89, RSMo 89.110.

D. Floodplain Management Variance Criteria

In passing upon such applications for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter and:

1. The danger that materials may be swept onto other lands causing injury to persons or property;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, sediment transport of flood waters, if applicable, expected at the site; and
11. The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electric and water systems and streets and bridges.

E. Conditions Of For Approving Floodplain Management Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2—6) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of historic structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity repair or rehabilitation will not preclude the structure's continued historic designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be granted within any designated floodway unless an engineer has submitted an evaluation of the hydraulic impact of the proposed development as well as signed, sealed and dated "no rise" certification.

4. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to avoid relief.

5. Variances shall only be issued upon:
   a. A showing of good and sufficient cause,
   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
   c. A determination that granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, increase nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

7. A community shall maintain a record of all variance actions, including justification for their issuance.

8. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of items 1 through 5 of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Conditions For Approving Variances Of Accessory Structures

1. Any permit granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Permits shall meet the following conditions.

2. In order to minimize flood damages during the one percent annual chance flood event, also referred to as the 100-year flood and the threat to public health and safety, the following conditions shall be required for any permit issued for accessory structures that are constructed at-grade and wet-floodproofed:
   a. Use of the accessory structures must be solely for parking and limited storage purposes in any special flood hazard area as identified on the community's Flood Insurance Rate Map (FIRM).
   b. For any new or substantially damaged accessory structures, the exterior and interior building components
and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.

c. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

d. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.

e. The accessory structures must meet all NFIP opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with Article 4, Section B (1)(c) of this ordinance.

f. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section D (2) of this ordinance. No permits may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

g. Equipment, machinery, or other contents must be protected from any flood damage.

h. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

i. Wet-floodproofing construction techniques must be reviewed and approved by the community. The community may request approval by a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. Cost for any required professional certification to be paid by the developer.

G. Conditions For Approving Variances Of Agricultural Structures

1. Any permit granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances.

2. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any permit issued for agricultural structures that are constructed at-grade and wet-floodproofed:

   a. All proposed agricultural structures shall demonstrate that no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
b. Use of the structures must be limited to agricultural purposes in any special flood hazard area only as identified on the community's Flood Insurance Rate Map (FIRM).

c. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.

d. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

e. Any mechanical, electrical, or other utility equipment must be located one (1) foot above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance. The elevation shall be certified by a licensed land surveyor or professional engineer.

f. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with Article 4, Section B (1)(c) of this ordinance.

g. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section D (2) of this ordinance. No permits may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the one percent annual chance flood event, also referred to as the 100-year flood.

h. Major equipment, machinery, or other contents must be protected from any flood damage.

i. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

j. Wet-floodproofing construction techniques must be reviewed and approved by the community. The community may request approval by a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. Cost for any required professional certification to be paid by the developer.

Article V Provisions For Flood Hazard Reduction

Section 410.160 General Standards.

No permit for floodplain development shall be granted for new construction, substantial-
improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.

A. In all areas of special flood hazards (Zones A, AE, A1-30, AO, AH), the following provisions are required: All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

1. All new construction, including manufactured homes and substantial improvements, shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

4. All new construction and substantial improvements shall be constructed with electrical, heating, ventilating, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. All new and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the system.

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7. The storage or processing of materials that are in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the one percent annual chance (aka 100-year) flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

8. Until a floodway has been designated, no development new construction, including landfill, substantial improvements, including fill, may be permitted within any unnumbered or numbered A zones, A1-30, or AE zones on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses development, will not increase the water surface elevation of the 100-year flood more than (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study.

B. Storage, Material, and Equipment

1. The storage or processing of materials that are in time of flooding, buoyant, flammable, explosive or could be injurious to human,
animal or plant life is prohibited.

2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

C. Accessory Structures

1. Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; the accessory structure meets the following floodplain management requirements; and a floodplain development permit has been issued. Wet-floodproofing is only allowed for small low-cost structures.

D. Agricultural Structures

1. Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; the structure meets the following floodplain management requirements; and a floodplain development permit has been issued.

Section 410.170 Standards For Subdivision Proposals.

A. All subdivision proposals and other proposed new developments, including manufactured home parks or subdivisions, shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

D. Base flood elevation data shall be provided for subdivision proposals and other development (All proposals for development, including proposals for manufactured home park and subdivisions) which is greater than either five (5) fifty (50) lots or five (5) acres, whichever is lesser, include within such proposals base flood elevation data.

Section 410.180 Specific Standards.

A. In all areas identified as numbered and unnumbered A zones, AE, and AH zones, of the special flood hazards where base flood elevation data has been provided as set forth in Article IV, Section 410.140 (Zones A1-30, AE and AH), the following provisions are required:

1. Residential construction. New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated one (1) foot above the base flood elevation. The elevation of the lowest floor shall be certified by a Missouri licensed land surveyor, engineer, or architect.

2. Non-residential construction. New construction or substantial improvement of any commercial, industrial or other non-residential
structure, including manufactured homes, shall either have the lowest floor, including basement, elevated to at least one (1) foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Missouri registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the official as set forth in Article IV, Section 410.140(6).

3. Enclosures below lowest floor. Require for all new construction and substantial improvement that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Missouri registered professional engineer or architect or meet or exceed the following minimum criteria:

   a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

   b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 410.190 Manufactured Homes.

A. All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community’s FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and shall be anchored to resist flotation, collapse or lateral movement. Manufactured homes must be anchored in accordance with State and local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

1. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring only one (1) additional tie per side;

2. Frame ties shall be provided at each corner of the manufactured home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring only four (4) additional ties per side;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

4. Any additions to the manufactured home be similarly anchored.

B. Require that all manufactured homes to be placed within Zones A1-30, AH and AE or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community’s FIRM on site:

   a. Outside of manufactured home park or subdivision;

   b. In a new manufactured home park or subdivision;
c. in an expansion to and existing manufactured home park or subdivision; or

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot above the base flood elevations and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement in accordance with the provisions of this Section. The elevation of the lowest floor shall be certified by a Missouri licensed land surveyor, engineer, or architect.

C. Require that manufactured homes to be placed or substantially improve on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the community’s FIRM, that are not subject to the provisions of Article V, Section 410.190 (B) of this Chapter, be elevated so that either:

1. The lowest floor of the manufactured home is at one (1) foot above the base flood level; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade, and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

D. Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones, AO, AE and AH Zones on the community’s FIRM either:

1. Be on a site for fewer than one hundred eighty (180) consecutive days, or

2. Be fully licensed and ready for highway use,* or

3. Meet the permitting, elevation and anchoring requirements for manufactured homes of this Chapter

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

Section 410.200 Areas of Shallow Flooding (AO and AH Zones).

A. Located within the areas of special flood hazard established in Article III, Section 410.060 are areas designated as shallow flooding AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and intermediate; therefore, the following provisions apply:

1. Within AO Zones.

   a. All new construction and substantial improvements of residential structures, including manufactured homes, shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the one (1) foot above depth number specified in feet on the community’s FIRM (at least two (2) feet plus one (1) foot of freeboard if no depth number is specified).

   b. All new construction and substantial improvements of non-residential structures, including manufactured homes,
shall:

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the one (1) foot above feet above the depth number specified in feet on the community's FIRM (at least two (2) feet plus one (1) foot of freeboard if no number is specified), or

(2) Together with attendant utility and sanitary facilities be completely floodproofed to or above the level so that any space below that level is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

d. The anchoring requirements for manufactured homes established in Article V, Section 410.190 shall be required.

2. **Within** AH Zones.

a. The specific standards for all areas of special flood hazard where base flood elevation data has been provided shall be required as set forth in Article V, Section 410.180.

b. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

3. **Floodway**

Located within areas of special flood hazard established in Article 3, Section 410.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

a. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

b. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

c. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and Floodway revision, fulfills the requirements of such revisions as established under the provisions of 44 CFR § 65.12, and receives the approval of FEMA.

d. If Article V, Section 410.200 (3) (b) is satisfied, all new
construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V.

e. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article V, Section 410.160 (A) (7).

Article VI Non-Conforming Use of Federal Floodplain Regulations

Section 410.210 Non-Conforming Use.

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the original floodplain ordinance, but which is not in conformity with the provisions of this Chapter, may be continued subject to the following conditions:

1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Chapter. The Board of Municipal Utilities (Utility Department) shall notify the Planning Coordinator Floodplain Administrator in writing of any location that has had utility services disconnected for a period of twelve (12) months.

2. Uses of adjuncts thereof, which are or become nuisances, shall not be entitled to continue as non-conforming uses.

B. If any non-conforming use structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred, except that if it is reconstructed in conformity with the provisions of this Chapter.

This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Article VII Amendments

Section 410.220 Amendments.

A. The regulations, restrictions, boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Sikeston.

B. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) Regulations as published in Title 44 of the Code of Federal Regulations.

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: Emergency Clause: This ordinance is adopted as an emergency measure in order to meet time constraints.

SECTION VI: Record of Passage:

A. Bill Number 6345 was introduced and read the first time this 25th day of March, 2024.

B. Bill Number 6345 was read the second time and discussed this 25th day of March, 2024, and voted as follows:

Lindsey, __________, Baker, __________, Leible, __________, Robison, __________
Teachout, __________, Williams, __________, and Turnbow__________
hereby being ______________.
becoming ordinance 6345.

C. Ordinance 6345 shall be in full force and effect from and after Monday, March 25, 2024.

Greg Turnbow, Mayor

Approved as to form
Tabatha Graham, City Counselor Seal / Attest:

Rhonda Council, City Clerk
Date of Meeting: March 25, 2024

Originating Department: City Manager

To the Mayor and City Council:

Subject: Protective Covenants for South Industrial Park

Attachment(s):

1. Emergency Bill No. 6344, Establishing Protective Covenants for the South Industrial Park

Action Options:

1. Conduct First and Second Readings, and Adopt, Emergency Bill No. 6344
2. Other Action Council May Deem Necessary

Background:

Emergency Bill No. 6344 establishes protective covenants for land in the City’s South Industrial Park. The covenants are largely based on the covenants already in place at the North Industrial Park.
AN EMERGENCY BILL, WHICH UPON ADOPTION AND PASSAGE, SHALL BECOME ORDINANCE NUMBER 6344 AND SHALL ESTABLISH CHAPTER 425 OF THE MUNICIPAL CODE OF THE CITY OF SIKESTON, MISSOURI, DECLARATION OF PROTECTIVE COVENANTS FOR THE SOUTH INDUSTRIAL PARK.

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

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

SECTION II: Chapter 425 of the Municipal Code of the City of Sikeston, Missouri is hereby established and shall read as follows:

City of Sikeston, MO
Chapter 425. Declaration of Protective Covenants

Article I. Generally
Section 425.010. Generally.

This Declaration, made this 25th day of March, 2024, by the City of Sikeston, hereinafter referred to as the "City".

WITNESSETH THAT:

WHEREAS, the City of Sikeston, Missouri, is the owner of that certain tract of real property generally situated in New Madrid County, City of Sikeston, Missouri, and being more particularly described on Exhibit "A" which is attached hereto and incorporated herein by reference (the "property"); and

WHEREAS, the property is being developed and platted as the South Industrial Park to be known as South Industrial Park and the City desires to establish and secure the enforcement of uniform protective covenants upon the use and development of lots, parcels and tracts within the South Industrial Park;

NOW, THEREFORE, by this instrument (the "Declaration") there are created, declared and established in South Industrial Park, Sikeston, Missouri, the following protective covenants, easements, reservations and requirements upon the lands within such industrial park, which protective covenants, easements, reservations and requirements shall run with the land and remain in full force and effect.

Article II. General Declaration and Reservation Right
Section 425.020. General Declaration Creating Sikeston South Industrial Park

The city has created the Sikeston South Industrial Park by subdivision of the real estate contained therein into various lots, common areas, public streets and easements. City hereby declares that all of the real property within South Industrial Park is and shall be held, conveyed, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to this Declaration, as amended or modified from time to time. This Declaration is in furtherance of a general plan for the subdivision, improvement and sale of said real property and is established for the purpose of enhancing and perfecting the value, desirability and attractiveness of said real property and every part thereof. All of this Declaration shall run with all of the real property within South Industrial Park for all purposes and shall be binding upon and inure to the benefit of the City, the owners and their successors in interest.

Article III.

A. Right to Repurchase. Upon conveyance of any lot in Sikeston South Industrial Park by the City of Sikeston and upon failure of the owner of the lot to commence construction of improvements within one (1) year or failure to substantially complete construction of improvements within two (2) years from the date of conveyance, the Sikeston South
Industrial Park Administrative Council (hereinafter referred to as the “Sikeston Area Economic Development Corporation”) shall have the right to require owner to reconvey the lot to the City of Sikeston, free and clear from all liens, charges, encumbrances, tenancies and other such title exemptions except those in existence at the time of original conveyance to owner. Upon such reconveyance the City of Sikeston shall refund to owner the purchase price; except that, in the event the owner does not clear the lot of all liens, charges, encumbrances, tenancies and other title exemptions except those in existence at the time of original conveyance to the owner, the City of Sikeston shall be entitled to deduct from the purchase price all costs and expenses, including reasonable attorney fees, incurred in clearing title to the lot and shall refund the remainder of the purchase price to the owner; and the City may thereafter enter into possession of the lot. At any time, the Sikeston Area Economic Development Corporation may extend, in writing, the time within which construction of improvements may be commenced or completed. The right to repurchase shall be an additional material consideration to the City for the conveyance of any lot.

B. First Right of Refusal. At such time as an owner may list or otherwise offer any improved or unimproved lot for sale, the owner shall provide the Chairman of the Sikeston Area Economic Development Corporation with written notice of the owner’s intention to list or offer such lot for sale. The Sikeston Area Economic Development Corporation shall thereupon have the right to enter into negotiations with the owner for purchase of the lot. In the event the owner receives a good faith offer for purchase of the lot from any third (3rd) party, the Sikeston Area Economic Development Corporation shall have the first (1st) right of refusal for purchase of the lot under the terms of the offer extended by such third (3rd) party. The first (1st) right of refusal shall be an additional material consideration to the City of Sikeston for the conveyance of any lot.

C. Right to Review Plans. There is reserved by and unto the Sikeston Area Economic Development Corporation of the South Industrial Park the power to require submission of plans, specifications and a plot plan showing the location of proposed improvements, with a landscaping plan, with respect to proposed development or additional development of any lot, tract or parcel within the South Industrial Park property and no development or additional development may take place until such plans have been approved in writing by the City or its designee. In reviewing and approving plans, the Sikeston Area Economic Development Corporation will apply the design and construction standards set forth in this Declaration.

D. Right to Grant A Variance From The Requirements Of Protective Covenants. The right to grant a variance from any of the requirements of the protective covenants and restrictions contained in this Declaration, by contract or otherwise, is expressly reserved by and unto the Sikeston Area Economic Development Corporation with respect to any parcel, lot or tract of the property which is hereafter conveyed by the City to any owner; provided that grant of a variance with respect to any particular parcel, lot or tract of the property shall not be deemed to constitute waiver of such requirement or restriction with respect to any other parcel, lot or tract of the property.

Article IV. Definitions
Section 425.040. Definitions.

As used in this Declaration of Protective Covenants, the following words and phrases shall have the meanings indicated:

BOARD
The Board of Trustees of the South Industrial Park, which shall be the Sikeston Area Economic Development Corporation Executive Board.

COMMON SPACE AND COMMON AREA
Those areas of land shown on any recorded plat or otherwise designated by recorded document in New Madrid County, Missouri, comprising a portion of the Sikeston South Industrial Park tract, which are identified on the plat or in the document as “Common Area of Sikeston South Industrial Park” or by substantially equivalent language.
DECLARATION

These protective covenants and all other provisions set forth in this entire Document, as the same may from time to time be amended, which relate to all or part of the property in Sikeston South Industrial Park.

DESIGN AND DEVELOPMENT STANDARDS

Those standards for site planning, exterior building design, landscaping and site amenities, exterior lighting and exterior signs and monuments as set forth herein of this Declaration.

INTERIOR STREET

A public street located within the South Industrial Park.

LOT

Any parcel or tract of real property designated as a lot, parcel or tract on any recorded plat of South Industrial Park or any additions thereto, with the exception of the common area and any lot, parcel or tract which is created by a minor subdivision recorded with the New Madrid County Recorder of Deeds.

OWNER

The record owner of a fee or undivided interest in any lot, parcel or tract of the property and shall not include persons or entities who hold an interest in any lot, parcel or tract merely as security for the performance of an obligation. Except as stated otherwise in this Declaration, the term “owner” shall not include a lessee or tenant.

PLAT

A recorded plat covering any or all of the property referred to in this Declaration.

PROPERTY

That real property included within the preliminary plat or plats and final plat or plats of Sikeston South Industrial Park which is described on Exhibit “A” and such real property as may hereafter be acquired by the City for purposes of expansion of Sikeston South Industrial Park.

RULES

Those rules and regulations promulgated by the Board of Trustees under the authority granted by this Declaration.

SOUTH INDUSTRIAL PARK

The property set forth in the Declaration of Protective Covenants dated March 24, 2024.

SIKESTON DEPARTMENT OF ECONOMIC DEVELOPMENT EXECUTIVE BOARD HERESOMETIMES REFERRED TO AS SIKESTON AREA ECONOMIC DEVELOPMENT CORPORATION

The Board established by Sikeston City Ordinance Number 4878, Section 2, as amended.

VARIANCE

Includes use variances and design and construction variances.

VISIBLE FROM NEIGHBORING PROPERTY

With respect to any given object, that such object is or would be visible to a person six (6) feet tall, standing on any part of such neighboring property at an elevation no greater than that of the base of the object being viewed.
Article V. Design and Development Standards
Section 425.050. Development Objectives.

These objectives have been formulated to achieve a very high level of quality in the development of the South Industrial Park, while permitting this development to occur in an economically feasible manner. The objectives recognize that this development exists in an urbanized market and possesses excellent accessibility via a network of interstate roadways, major arterial streets and air transportation. The objectives encourage the use of quality design, materials and workmanship in order to protect public and private investments made in the park.

Section 425.060. Design and Development Standards.

These standards identify a high level of design and development quality in the creation of the Sikeston South Industrial Park. As a statement of development requirements and guidelines, the standards are a ready reference for property owners and the Sikeston Area Economic Development Corporation in guiding their investment decisions in the South Industrial Park. These standards are intended to supplement, not replace, existing City Codes and ordinances. The standards will be utilized by the Sikeston Area Economic Development Corporation as a guide when a plan for a new structure is presented and when expansion or major alteration of existing properties is proposed.

Section 425.070. Sikeston South Industrial Park Review Authority.

Review of all matters pertaining to the design and development standards contained in this document shall be made by the Sikeston Area Economic Development Corporation. Approval of plans, design and materials must be given by the Sikeston Area Economic Development Corporation prior to their use in or for development of the Sikeston South Industrial Park.

Section 425.080. Site Planning Standards — Objectives.

The objectives of the site planning standards are to enhance the aesthetics of site development within the South Industrial Park. The objectives are to be used to integrate site planning consideration, primary buildings, other structures and site features into an attractive setting, one which helps induce and protect investment by private enterprise. The Sikeston Area Economic Development Corporation and individual industries shall, jointly, inspect the improvements covered by these standards on an annual basis to determine their continued adherence to the site planning standards.

Section 425.090. Setbacks.

The setback from any street right-of-way line to any structural component of a building shall be a minimum of forty (40) feet. The minimum setback distance shall also be related to the maximum building height allowed, as described in Section 425.190, Building Height. Side and rear lot setbacks from lot lines to any structural component of a building shall be a minimum of thirty (30) feet. Other setbacks shall be governed by the applicable zoning ordinances of the City of Sikeston.

Section 425.100. Site Drainage.

The flow of stormwater from any lot must be incorporated into the Sikeston Area Economic Development Corporation ‘s approved stormwater drainage plans for the entire South Industrial Park.

Section 425.110. Lot Coverage.

A. The maximum coverage of a lot shall be in accordance with the building use and parking facility, as follows:
   1. Building (only) 60%
   2. Building and vehicular parking/truck loading (combined) 90%
Section 425.120. Open Space.

The amount of open space (landscaped common area along streets, landscaped buffer zones, lawns and planting areas, water features and other similar areas) shall be a minimum of twenty percent (20%). Open space consisting of the mandated buffer zone and common space easements shall be included in meeting this twenty percent (20%) requirement.

Section 425.130. Parking.

A. No on-street parking shall be permitted in the South Industrial Park. Off-street parking shall be provided in accordance with the various building uses and the City of Sikeston zoning ordinance, as amended, and the Americans with Disabilities Act (ADA), as amended in 1992. Off-street parking may be permitted in the front, sides or rear yards of each lot with a minimum six (6) foot landscaped area around the perimeter in accordance with 425.260, Parking Areas.

1. Signs designating parking entrances and/or exits shall be provided on site. The signs may be located within the setback requirements.
2. Parking areas and gutters shall be constructed of concrete or bituminous asphalt. Their construction shall permit drainage of stormwater so that no ponding occurs in the parking areas and the stormwater flow meets the requirements of Section 425.100, Site Drainage. Stripes shall be painted on the surface of the parking area indicating the outline of parking spaces in order to aid in the orderly arrangement of parking stalls.

Section 425.140. Driveways.

Within the South Industrial Park, access from public streets to parking lots shall be provided by driveways. Driveways off any other public roadway in the Sikeston South industrial Park shall be located a minimum of two hundred (200) feet from that roadway’s intersection with any other interior street.

1. Driveways on the same side of any public roadway shall be spaced a minimum of two hundred (200) feet from one another.
2. Curb cuts shall be constructed in accordance with the standards for such improvements as provided by the City of Sikeston’s Department of Public Works.
3. Driveways shall be constructed of concrete or bituminous asphalt.

Section 425.150. Loading Areas.

A. Off-street loading spaces shall be provided in accordance with the City of Sikeston zoning ordinance, as amended. Vehicular access to loading areas shall be carefully planned to limit off-site view from adjacent thoroughfares and interior streets in the Park. Curb cuts for access to loading areas shall be constructed in accordance with City standards. On-site views of loading areas shall be minimized to the extent practical. Where it can be reasonably accomplished, access to loading areas shall be directly from streets or entrance drives. Off-street loading areas shall be designed so that vehicles shall be able to serve these areas without having to back into a public street right-of-way.

1. Signs designating entrances and/or exits of loading areas shall be provided on site. A continuous concrete curb and gutter at least six (6) inches in height shall be provided on the perimeter of loading areas to prevent vehicular encroachment on adjacent property and on landscape treatment. Storm drainage from these areas shall meet the requirements of Section 425.100.

Section 425.160. Outside Storage Areas.

A. Outside storage shall meet the following minimum standards:

1. Outside storage of assembled materials, products or vehicles shall not be located with the setback from any interior street or any portion of the landscaped buffer zone.
2. Outside storage shall be screened from view, at ground level, from streets and abutting lots.
3. Fences and/or screen walls shall make an enclosed perimeter around the materials, products or vehicles so fenced/walled, providing for vehicular or service personnel access where necessary.

4. The exterior or finished surface of screen walls or security fencing, which enclose materials stored outside, shall face outward.

5. Outside storage material shall be dust-free. The open storage of sand, gravel, rock, dirt, salt and other granular materials must be controlled within the outside storage area. The outside storage material must not be unsightly.

Section 425.170. Utilities and Site-Related Mechanical and/or Electrical Equipment.

A. All such utility, mechanical and electrical equipment shall be located to permit space for landscape treatment under Section 425.290, Utility Stations or Boxes and Site-Related Mechanical and/or Electrical Equipment. All piping, conduit and wiring shall be located underground.

B. Above ground utility, mechanical and electrical equipment shall not be located:

1. Where sight visibility is critical to property access and safety (i.e., vehicular entries and intersections);

2. At high traffic areas; or

3. At locations that conflict with traffic signalization, private signage and landscape features.


The objectives of the exterior building design standards are to establish a minimum level of quality regarding the massing of buildings on site and the selection of exterior building materials and colors. These standards have been devised to promote a general consistency of design, while allowing suitable freedom of choice. As with all the standards outlined in this document, minimum exterior building design standards encourage and enhance the overall quality of the Sikeston South Industrial Park, a factor essential to the long-term stability of each property owner’s investment.

Section 425.190. Building Height.

A. Along any lot line facing a public street, the maximum building height, measured from the mean grade elevation at the base of the exterior wall(s) to the top of the parapet line of those walls, shall vary as a function of the horizontal setback distance from the street right-of-way, on a one (1) foot to one (1) foot basis. The maximum predominant height permitted along any side or rear lot line of any lot shall be sixty (60) feet above mean grade elevation of that lot.

B. Recognizing that certain functions or processes within a manufacturing facility may require elements of greater height, exceptions to the maximum predominant height may be granted, subject to review and approval from the Sikeston Area Economic Development Corporation.

Section 425.200. Exterior Walls.

Exterior walls of buildings shall be finished with an enduring surface that is acceptable as determined by the Sikeston Area Economic Development Corporation.


Where roof-mounted mechanical equipment cannot be screened from view by a wall parapet, such equipment shall be screened by opaque materials similar in material and color to those used for the predominant wall system, where practical. Mechanical or electrical equipment located at grade should be screened. Service and loading areas should be screened from view from any street.
Section 425.220. Landscaping and Site Amenities Standards —Objectives.

The objectives of this Section are to create standards for landscaping and other site amenities which will serve to enhance the value and aesthetics of the Sikeston South Industrial Park.

Section 425.230. South Industrial Park Entrances.

The entrances to the South Industrial Park shall be landscaped with trees, shrubs and ground cover to aid in their physical identification and to convey the initial image of developmental quality that will be evident throughout the South Industrial Park. Particular attention shall be given to the signage identifying the South Industrial Park itself.

Section 425.240. Parking Areas and Site Entrances.

Parking areas and sight entrances shall be landscaped with trees or shrubs. The landscape treatment at the street and driveway intersections screening shall conform to the city’s site triangle requirements.

Section 425.250. Service and Loading Areas.

On-site service and loading areas, including trash dumpsters, shall be screened from street view and from abutting lots. If these are unable to be screened, they shall not be in viewing distance of Armor Drive.

Section 425.260. Utility Stations or Boxes and Site-Related Mechanical and/or Electrical Equipment.

A. Above ground installations for electrical, water and sewer utilities will be installed according to the general rules and regulations of the Sikeston Board of Municipal Utilities. 
B. Other mechanical and electrical equipment or boxes shall be screened from view at ground level from streets and abutting lots. Screening shall not limit access for servicing purposes.

Section 425.270. Screen Walls.

These walls shall be used to screen various activities in the park from view. Where called for in the standards, these walls shall be of a suitable height and material or landscaping to effectively screen activities.

Section 425.280. Security Fencing.

Security fencing shall be permitted around any activity, facility or building not previously excluded by these standards. Security fencing may be provided elsewhere on a lot if approved by the Sikeston Area Economic Development Corporation. This covenant is hereby established to regulate and control the installation and maintenance of fencing within the South Industrial Park.

All fencing installed within the Community shall be of a decorative and aesthetically pleasing nature. b. The term “decorative and aesthetically pleasing” refers to fencing that enhances the visual appeal of the property and is in harmony with the overall character of the South Industrial Park.

Section 425.290. Site Furnishing.

Building directories, exhibit boards and other similar site furniture or amenities (not including trash dumpsters) shall be made of materials consistent in type and design with the building they serve.
Section 425.300. Yards and Lawns.

The yards (i.e., front, sides and rear) of each area or site development lot shall be landscaped. There may be a variance given for native grass if said grass is aesthetically pleasing.

Section 425.310. Exterior Lighting Standards — Objectives.

Well-designed exterior site lighting should serve multiple purposes including reducing light pollution, illumination, vehicular and pedestrian safety and security. These standards are concerned with the location and quality of lighting along streets in and around structures, pedestrian walkways and trails, entry drives, activity areas, building entries, service and parking areas and public streets.

All private lighting plans shall be reviewed by the Sikeston Area Economic Development Corporation to minimize lighting conflicts between private properties, streets, driveways and entries in the Sikeston South Industrial Park.

Section 425.320. Exterior Signs and Monument Standards — Objectives.

The objectives of these standards are to provide direction to a coordinated exterior sign system designed to enhance the environment of the South Industrial Park. The sign hierarchy system for the South Industrial Park will be guided by the following design standards.

Section 425.330. Signs.

Signs permitted are those to identify the industrial park, those necessary for directional or informational purposes and those to identify the tenant or owner of the building site. Signs shall be permanently affixed. The design, scale, material and location of all signs shall be in harmony with, and complementary to, the overall development. No sign shall be of intermittent or flashing light. Illumination shall be properly shaded so that the source of light will not be visible.

Article VI. Permitted and Conditional Uses of Sikeston South Industrial Park Property


All properties within the South Industrial Park are zoned Heavy Industrial, as that term is defined by the ordinances of the City of Sikeston, Missouri.


A. No building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for any one (1) or more of the following uses:

1. Prison or other correctional facility;
2. Animal pound;
3. Poultry, pork or beef raising or slaughtering plant;
4. Fertilizer (from organic matter) manufacturing, excepting a self-contained composting facility;
5. Fat, grease, lard or tallow rendering or refining;
6. Petroleum or asphalt refining;
7. Charcoal and reconstituted wood manufacturing;
8. Pulp mill;
9. Scrap and waste materials storage;
10. Primary smelting;
11. Tanning operations;
12. Creosote processing.

All owners of property within the South Industrial Park shall abate within its property boundaries any noise, exclusive of ingress and egress traffic, which exceeds eighty-five (85) decibels on a weighted average for an eight (8) hour period of normal business operations.

Section 425.370. Odor Emissions.

All owners of property within the South Industrial Park shall comply strictly with the provisions of 10 CSR 10-3.090 as promulgated by the Missouri Department of Natural Resources and such as are in effect on the date of the acquisition of the property by such owner. Any developer or owner of property within the South Industrial Park either presently or subsequently exempted from compliance with such standards shall be presumed to a non-conforming use and shall be obliged to obtain a waiver in accordance with the provisions of Section 425.380 hereof prior to the commencement of new construction or occupancy of an existing facility.

Section 425.380. Usage Review.

Any anticipated use of property within the South Industrial Park which is in potential conflict with the provisions of Sections 425.350—425.370, inclusive, shall be submitted to the Sikeston Area Economic Development Corporation prior to the commencement of construction or land usage. The Sikeston Area Economic Development Corporation, upon review of such documentation as it shall determine, shall be empowered to issue a waiver of the provisions of this Section.

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: Emergency Clause: In order to be prepared for and to facilitate potential land purchases in the industrial park, this ordinance will become effective upon its passage.

SECTION VI: Record of Passage:

A. Bill Number 6344 was introduced and read the first time this 25th day of March, 2024.
B. Bill Number 6344 was read the second time and discussed this 25th day of March, 2024, and voted as follows:

Williams, __________, Baker, __________, Lindsey, __________,
Robison, __________, Teachout, __________, Baker, __________,
   Turnbow, __________, thereby being
   ____________________________________.
   becoming ordinance 6344.

C. Ordinance 6344 shall be in full force and effect immediately upon passage.

____________________________
Greg Turnbow, Mayor

Approved as to form
Tabatha Graham, City Counselor

Seal/Attest:
Rhonda Council, City Clerk
To the Mayor and City Council:

Subject: Interim Appointment to Board of Municipal Utilities (BMU) Board

Attachments:
1. None

Action Options:
1. Make one (1) interim appointment to Board of Municipal Utilities (BMU)
2. Other action as Council may deem appropriate.

Background:

City staff received notice that BMU Board member Chad Crow will be moving, leaving his unexpired term to be filed. His term is set to expire October 2024.

We currently have 6 resource bank applications on file: Cal Crader, Jeff Hay, Missy Marshall, Yolanda Redd, Larry Hancock and Frankie Adams.

Staff is requesting Council to make an interim appointment on the BMU Board to replace Chad Crowe.
Council Letter

Council Letter: 24-03-25

Originating Department: Governmental Services

Subject: 2nd Reading & Consideration, Bill #6339, Re-adoption of Fair Housing Policy

To the Mayor and City Council:

Attachments:
1. Bill 6339

Action Options:
1. 2nd Reading and Approval of Bill 6339
2. Other actions as Council may deem appropriate

Background:

Bill 6339 calling for the re-adoption of the City's Fair Housing Policy is being submitted for first reading. Annual re-adoption of this policy is required to maintain compliance with State CDBG funding requirements. Bill 6339 defines discriminatory practices and establishes a Fair Housing Committee to hear violations of municipal Fair Housing Complaints and eliminate alleged discriminatory practice by conference and conciliation. (The Housing Authority Board of Commissioners serves as the Fair Housing Committee.)

Staff seeks Council's approval of this bill.
THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6339, 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 6339 was introduced and read the first time this 4th day of March 2024.

B. Bill Number 6339 was read the second time and discussed this 25th day of March 2024, and voted as follows:

Williams, __________, Lindsey, __________, Teachout, __________.

Baker __________, Leible, __________, Robison, __________.

Turnbow, __________, thereby being __________, and becoming ordinance 6339.

C. Ordinance 6339 shall be in full force and effect from and after April 24, 2024.

Greg Turnbow, Mayor
Approved as to form
Tabatha Graham, City Counselor

Seal / Attest

Rhonda Council, City Clerk
To the Mayor and City Council:

Subject: Bill 6340, Amend Chapter 205, Article VI, Section 205.310 – Keeping Livestock, Domestic Animals and Fowl

Attachment(s):
1. Bill 6340

Action Options:
1. Second reading of Bill 6340
2. Other action Council may deem appropriate

Background:

The actions were asked for review by a citizen at a previous council Meeting. A group of city employees and two council members reviewed the old ordinance and have made the recommendation for the updated ordinance to be placed in the city code. This would allow six (6) chickens and change the boundaries to twenty-five (25) feet. Also added information regarding care or disposal of waste among other issues brought on by chickens.

We are seeking Council’s approval of this bill at this time.
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

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

SECTION II: Title II–Chapter 205 – Animal Regulations - Article VI, Fowl, Wild and Domesticated Animals shall be amended as follows:

Section 205.310. Keeping Livestock, Domestic Animals and Fowl.

No person shall keep or maintain horses or cows within one hundred fifty (150) feet of any residence or other dwelling place other than that of the owner, nor keep or maintain a combined total of three (3) or more rabbits, ducks, turkeys or other domestic fowl within one hundred fifty (150) feet of any residence or other dwelling place other than that of the owner; provided further, that nothing in this Chapter shall prevent the keeping of cows or cattle in any auction barn or veterinary hospital provided same are kept in a clean and non-odorous condition.

Chickens.

1. Living areas to be clean, inspections authorized.

All chicken houses, chicken tractors, and chicken pens wherein chickens are kept or permitted to be, shall be always maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from offensive, disagreeable or noxious smell or odor to the injury, annoyance or inconvenience of any inhabitant of the neighborhood. The health officer, animal control, any other city official may at any time inspect, or cause to be inspected, any structure or premises and issue any such order as may be necessary to carry out the provisions of this section.

2. Number and type of chickens allowed.

a. The maximum number of chickens allowed is six per tract of land regardless of how many dwelling units are on the tract.

b. Only female chickens are allowed. There is no restriction on chicken species.

3. Noncommercial use only; restrictions on slaughter.

It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes. It is also unlawful for anyone to raise chickens for slaughter. Any chicken slaughtering shall only be conducted indoors and shall solely be for the purpose of the owner or keeper consuming them as food.

4. Enclosures.

a. Chickens shall always be kept in an enclosure or fenced area. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.

b. Enclosures shall be kept in a clean, dry, odor-free, neat, and sanitary condition always.

c. Henhouses, chicken tractors and chicken pens shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds, and predators, including dogs and cats.

5. Henhouses, chicken tractors, and chicken pens.
a. Henhouses, chicken tractors, and chicken pens shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.

1. Henhouses, chicken tractors, and chicken pens shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Opening windows and vents shall be covered with predator and bird proof wire of less than one-inch openings.

2. The materials used in making henhouses, chicken tractors, and chicken pens shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses, chicken tractors, and chicken pens shall be well maintained.

b. Henhouses, chicken tractors and chicken pens shall only be in the rear yard and shall be at least ten feet from any property line and at least 25 feet from any principal structure on an adjacent property.

6. Chicken pen.

Any enclosed chicken pen shall consist of sturdy wire or wooden fencing. The pen shall be covered with wire, aviary netting, or solid roofing.

7. Odor and noise impacts.

a. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries.

b. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb person(s) of reasonable sensitivity.


The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an animal control officer.

9. Feed and water.

Chickens shall always be provided with access to feed and clean water. The feed and water shall be inaccessible to rodents, wild birds, and predators.

10. Waste storage and removal.

The chicken owner shall provide for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen and surrounding area shall be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

11. Chickens at-large; dangerous animals.

a. Chickens shall always be kept in a proper chicken house, chicken tractor, or chicken pen. No owner or keeper of any chicken shall permit or suffer such chicken to run at-large outside the chicken house, chicken tractor, or chicken pen, or outside of the premises.
of the owner or keeper, or to annoy, impair or disturb the peace, comfort, health, or safety of the residents of the city.

b. No dog or cat which kills a chicken will, for that reason alone, be considered a dangerous or vicious animal.

12. Unlawful acts.

a. It shall be unlawful for any person to keep chickens in violation of any provision of this section.

b. It shall be unlawful for any owner, renter, or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this section.


Any violation of this section that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions.


Each day that a violation of this section continues is a separate offense.

SECTION III: General Repealed 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 6340 was introduced and read for the first time this 4th day of March 2024.

B. Bill Number 6340 was read the second time and discussed this 25th day of March 2024, and voted as follows:

   Lindsey, _________, Baker, __________, Leible, __________, Robison, __________
   Teachout, __________, Williams, __________, and Turnbow ________.
   hereby being ____________________.
   becoming ordinance 6340.

C. Ordinance 6340 shall be in full force and effect from and after Wednesday, April 24th, 2024.

______________________________
Greg Turnbow, Mayor

Approved as to form
Tabatha Graham, City Counselor
Seal / Attest:

______________________________
Rhonda Council, City Clerk
To the Mayor and City Council:

Subject: Bill 6341, Amend Section 130.1240 Adoption of Redevelopment Plan

Attachment(s):
1. Bill 6341
2. Signed copy of Redevelopment Plan by LCRA Board

Action Options:
1. First reading of Bill 6341
2. Other action Council may deem appropriate

Background:
We have reviewed the Redevelopment Plan for the LCRA as it was adopted by Ordinance 5524. The Board submits a recommendation for the Redevelopment Plan to be adopted for a 10 year period by the current council.

Council's approval of the ordinance will be requested at the April, 1st 2024, meeting.
THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6341 AND SHALL AMEND TITLE I, Article XV, CHAPTER 130, SECTION 130.1240 IN THE MUNICIPAL 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 the City Municipal Code.

SECTION II: Title I – Article XV Land Clearance Redevelopment Authority - Chapter 130 – shall be amended as follows:

Section 130.1240. Adoption of Redevelopment Plan.

A. The Sikeston Land Clearance for Redevelopment Authority, having commissioned a redevelopment plan as authorized by the Sikeston City Council to be completed by Peckham, Guyton, Albers & Viets (hereinafter "PGAV"), hereby recommends approval and adoption of said redevelopment plan.

B. On December 2, 2002, the Sikeston City Council did conduct a public hearing, after having provided notice thereof as provided in Chapter 99, RSMo., at which no public objection was heard.

C. The Council hereby approves and adopts said redevelopment plan and authorizes and empowers the Sikeston Land Clearance for Redevelopment Authority to exercise all of its powers, duties and obligations as provided in Sections 130.1100—130.1230, inclusive, and such other powers as are conferred upon the Sikeston Land Clearance for Redevelopment Authority in Chapter 99, RSMo., for the redevelopment of the areas contained within the redevelopment plan.

D. The Council approved the readoption of the plan for 10-years on August 5th, 2013 with Ordinance 5921. The current Land Clearance Redevelopment Authority Board (LCRA) Members have reviewed the Redevelopment Plan for the City of Sikeston. The LCRA approved on March 18th, 2024, readoption of the Redevelopment Plan for another 10 years by the City Council. The City Council of the City of Sikeston approved the recommendation to readopt the Redevelopment Plan on April 1st, 2024, for a 10-year period.

SECTION III: General Repealed 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 6341 was introduced and read for the first time this 25th day of March 2024.

B. Bill Number 6341 was read the second time and discussed this 1st day of April 2024, and voted as follows:

Lindsey, _________, Baker, __________, Leible, __________, Robison, __________
Teachout, __________, Williams, __________, and Turnbow_________

hereby being ______________.

becoming ordinance 6341.

C. Ordinance 6341 shall be in full force and effect from and after Wednesday, May 1st, 2024.

Greg Turnbow, Mayor
Approved as to form
Tabatha Graham, City Counselor

Seal / Attest:

Rhonda Council, City Clerk
Recommendation By LCRA To City of Sikeston To Extend the 2002 City-LCRA “Redevelopment Plan” For An Additional Ten (10 Years)
March 18, 2024

From: LCRA
To: City of Sikeston-City Council
Re: 10-year extension of City and LCRA Redevelopment Plan

1. The Sikeston City Council, adopted on June 2, 2001, a Resolution authorizing the City of Sikeston to contract with a consulting firm for technical services and assistance related to the “Land Clearance for Redevelopment Authority” of the City of Sikeston activities; and to assist in identifying the boundaries and eligibility of blighted or unsanitary areas for redevelopment.

2. The Sikeston City Council, after legal notice and public hearing, passed on January 6, 2003 an Ordinance Number 5524; approving and adopting a written “Redevelopment Plan” dated November 19, 2002. The Redevelopment Plan was prepared and submitted by an independent consulting firm retained by the City of Sikeston; and the Ordinance Number 5524 authorized the “Land Clearance for Redevelopment Authority” of the City of Sikeston to exercise all of its powers, duties and obligations as provided in the Municipal and State Statutes for the redevelopment of the defined areas.

3. The Land Clearance for Redevelopment Authority (LCRA) of the City of Sikeston, is a public body corporate and politic, authorized by Missouri Statutes, Section 99.300 through 99.660, RSMo, as amended, inclusive.

4. The Land Clearance for Redevelopment Authority (LCRA) as a public body corporate and politic was authorized by the City of Sikeston, Ordinance Number 5388, effective November 4, 2002, creating Chapter 2.200 of Municipal Code of the City of Sikeston, Missouri.
5. The Sikeston City Council, adopted on November 4, 2002 Ordinance Number 5388 based upon a finding that one or more blighted, or unsanitary areas existed in the City of Sikeston, and that the redevelopment of such area or areas was necessary in the interest of the public health, safety, morals and welfare of the residents of the City of Sikeston.

6. The November 19, 2002 "Redevelopment Plan", in part, established the findings, conditions, and designated boundaries of the "blighted" and "unsanitary" areas within the city limits of Sikeston, Missouri. The areas are identified on "Plat 1-Redevelopment Plan and Project Area Boundary Map" attached to the November 19, 2002 "Redevelopment Plan”.

7. Since November, 2002, the Land Clearance for Redevelopment Authority (LCRA), as authorized by the "Redevelopment Plan", has been identifying and acquiring real estate and improvements located within the authorized "Redevelopment Project" areas and the properties purchased have been demolished and/or maintained and/or sold to redevelopment the "blighted" and "unsanitary" areas within the City of Sikeston, Missouri.

8. The Land Clearance for Redevelopment Authority (LCRA) is a public body corporate and politic, with power of eminent domain, Missouri Statute, Section 99.460 RSMo, as amended.

9. The LCRA’s authority to acquire real estate, fixtures and improvements under the "Redevelopment Plan" and other authorities, remain necessary to accomplish the objectives and goals of the 2002 "Redevelopment Plan”.

10. To further implement the duties imposed upon the LCRA to redevelop "blighted" and "unsanitary" areas and to redevelop the community of Sikeston, Missouri,
the “Redevelopment Plan” needs to be extended from November 4, 2012 for an additional ten (10 years).

IT IS THE RECOMMENDATION OF THE LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY, CITY OF SIKESTON, BY ITS BOARD OF DIRECTORS, THAT:

A. The “Redevelopment Plan” of the City of Sikeston and it’s Land Clearance for Redevelopment Authority approved and enacted in November, 2012 with the adoption of Ordinance 5921 be extended for an additional ten (10) years;

B. That the ten (10) year extension shall be subject to further modification and changes as authorized by the “Redevelopment Plan” and as the Land Clearance for Redevelopment Authority and the City of Sikeston find necessary in the future to exercise authority and to meet the goals and objectives of the “Redevelopment Plan “first dated November 19, 2002.

Dated: March 18, 2024

BOARD MEMBERS:

Dan Marshall, Chairman

Michael Harris, Vice Chairman

Clayton Driskill, LCRA Board Member

Carrie Lape, LCRA Board Member

APPROVED:
Community Development Director
City of Sikeston

By: Barry Blevins

Brenda Robinson-Echols, LCRA Board Member
Council Letter

Date of Meeting: 24-03-25

Originating Department: Community Development Department

To the Mayor and City Council:

Subject: Bill 6342, Amend Section 720.060 Installation of Backflow Prevention

Attachment(s):
1. Bill 6342

Action Options:
1. First reading of Bill 6342
2. Other action Council may deem appropriate

Background:

Making updated changes to the type of industries and facilities that are required to have backflow prevention device. Will also make a change to the installation of backflows. This change will be consistent with DNR, 10 CSR 60. All changes will make our codes compliant with regulations.

Council's approval of the ordinance will be requested at the April, 1st 2024, meeting.
BILL Number 6342  
ORDINANCE Number 6342

This Bill as approved shall become Ordinance number 6342 and shall amend Title VII, Chapter 720, Section 720.060 in the Municipal 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 the City Municipal Code.

SECTION II: Title VII– Chapter 720 – Cross-Connection Control - shall be amended as follows:

Section 720.060. Installation of Backflow Prevention Devices.

A. Backflow prevention devices shall be installed at the service connection within any premises where in the judgment of the utility the nature and extent of activities on the premises or the materials used in connection with the activities or materials stored on the premises would present an immediate hazard to health should a cross-connection occur, even though such cross-connection does not exist at the time the backflow prevention device is required to be installed. This shall include, but not be limited to, the following situations:

1. Premises having an auxiliary water supply, unless the quality of the auxiliary water supply is in compliance with local standards and is acceptable to the utility;

2. Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist;

3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist;

4. Premises having a repeated history of cross-connections being established or re-established;

5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;

6. Premises where materials of a toxic or hazardous nature are handled such that if back siphonage should occur, a serious health hazard may result;

7. The following types of facilities will fall into one (1) of the above categories where a backflow prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the utility determines no hazard exists:

a. Hospitals, mortuaries, clinics, medical buildings autopsy facilities, morgues, veterinary facilities, dental clinics, and other medical facilities;

b. Chemical, biological and radiological laboratories including, but not limited to, those in high schools, colleges, universities and research institutions;

c. Sewage, storm water and industrial waste treatment plants and pumping stations;

d. Food or beverage processing plants including, but not limited to, dairies, soft drink bottlers, and breweries;

e. Chemical plants using a water process; Plants manufacturing,
refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;

f. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities industries;

g. Petroleum processing or storage plants Irrigation systems with facilities for injection of pesticides herbicides or other chemicals or with provisions for creating back pressure. The backflow assembly may be installed between the customer service line and the irrigation system;

h. Radioactive material processing plants or nuclear reactors Irrigation systems without facilities for injection of pesticides, herbicides or other chemicals. The backflow assembly may be installed between the customer service line and the irrigation system;

i. Commercial laundries and dye works;

j. Plants manufacturing, paper and paper products processing plants;

k. Auxiliary water systems, including but not limited to alternative water sources;

l. Facilities which have pumped or represurized cooling or heating systems that are served by a public water Cooling systems;

m. Farming operations Aircraft and missile manufacturing plants;

n. Fire protection systems sprinkler systems not using chemical additives. This only applies to new fire sprinkler systems or fire sprinkler systems scheduled for modifications;

o. Fire sprinkler systems filled with anti-freeze solution using any chemical additives;

p. Film processing equipment Automotive plants including, but not limited to, those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;

q. Irrigation systems Canneries, packing houses and reduction plants;

r. Storage tanks, cooling towers and circulating systems Tanks to store water from the public water system for fire fighting only, unless the tanks meet the requirements of the department for construction to maintain bacteriological quality of the water;

s. Steam generating systems and Plants processing, blending or refining animal, vegetable or mineral oils;

t. Car washes;

u. Waterfront facilities including piers, docks, marinas and shipyards;

v. Industrial facilities which recycle water;

w. Restricted or classified facilities or other facilities closed to the supplier of water or the department;

x. Portable tanks for transporting water taken from a public water system;
y. Cross-connections that could permit introduction of contaminants into the public or customer water system and create a nuisance, be aesthetically objectionable or cause minor damage to the public water system or its appurtenances;

z. Facilities which contain any boiler system and are served by a public water system. The backflow assembly may be installed on the water service line to the boiler.

B. The type of protective device required shall be determined by the utility and shall depend on the degree of hazard which exists. Backflow hazards may be classified as Class I (contamination) or Class II (objectionable substances). Protection devices required for each class are further defined as follows:

1. **Class I backflow hazards (contamination).** An air-gap separation or a reduced pressure principle backflow prevention device shall be installed where the water supply may be contaminated with sewage, industrial waste of a toxic nature or other contaminant which would cause an immediate or potential health or system hazard.

2. **Class II backflow hazards (objectionable substances).** In a case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation or a reduced pressure principle backflow prevention device shall be installed.

C. Backflow prevention devices assemblies shall be installed on the customer water system as close as possible to the point of service connection and prior to any other connection or branch line. If it is not possible to install the backflow prevention assembly as described, then installation shall be at the approval of the utility provider. Immediately inside the wall where the customer service line enters the premise or at a location designated by the utility.

1. A backflow preventer typically extends above ground, although it is common to see many installed inside the building or in underground vaults. For superior safety and ability to service and maintain, the preferred method of installation is outside of the building and above ground.

2. For backflow preventers in underground vaults there should be enough space for safety and the ability to service and maintain backflow preventer.

3. Vaults should be debris and dirt free around the backflow preventer and maintained by the customer.

D. Reduced pressure principal backflow prevention devices shall be installed with no plug or additional piping affixed to the pressure differential relief valve port (except for specifically designed funnel apparatus available from the manufacturer) and with the pressure differential relief port a minimum of twelve (12) inches above floor or ground level. Additionally, the assembly shall be installed at a location where any leakage from the pressure differential relief valve port will be noticed, that allows easy access to the assembly for maintenance and testing and that will not subject the assembly to flooding, excessive heat or freezing.

E. Double check valve backflow prevention devices shall be installed at a location that allows easy access to the assembly for maintenance and testing and that will not subject the assembly to excessive heat or freezing.

F. No by-pass piping shall be allowed around a backflow prevention assembly unless the by-pass is equipped with an identical backflow prevention assembly.

G. Backflow prevention devices shall be installed at the customer's expense.

**SECTION III: General Repealed 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 6342 was introduced and read for the first time this 25th day of March 2024.

B. Bill Number 6342 was read the second time and discussed this 1st day of April 2024, and voted as follows:

   Lindsey, __________, Baker, __________, Leible, __________, Robison, __________
   Teachout, __________, Williams, __________, and Turnbow __________,
   hereby being ____________.
   becoming ordinance 6342.

C. Ordinance 6342 shall be in full force and effect from and after Wednesday, May 1st, 2024.

   ________________________________
   Greg Turnbow, Mayor

   Approved as to form
   Tabatha Graham, City Counselor

   Seal / Attest:

   ________________________________
   Rhonda Council, City Clerk
Council Letter

Date of Meeting: 24-03-25

Originating Department: Community Development Department

To the Mayor and City Council:

Subject: Bill 6343, Amend Section 720.080 Inspection and Testing of Prevention Devices

Attachment(s):
1. Bill 6343

Action Options:
1. First reading of Bill 6343
2. Other action Council may deem appropriate

Background:

We are adding for all inspection companies or persons that conduct inspections in the City of Sikeston have a plumber’s performance bond, and City issued license to do any inspections to backflow preventions devices in the limits of the City of Sikeston.

Council’s approval of the ordinance will be requested at the April, 1st 2024, meeting.
THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6343 AND SHALL AMEND TITLE VII, CHAPTER 720, SECTION 720.080 IN THE MUNICIPAL 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 the City Municipal Code.

SECTION II:  Title VII– Chapter 720 – Cross-Connection Control shall be amended as follows:

Section 720.080. Inspection and Testing of Prevention Devices.

Backflow prevention devices shall be inspected and tested annually or more often where successive inspections indicate repeated failure. The devices shall be inspected and tested at the customer’s expense and repaired or replaced and retested at the customer’s expense whenever they are found to be defective. The devices shall also be overhauled by the customer at intervals recommended by the device manufacturer. All such inspections, tests, repairs and overhauls shall be conducted by a certified backflow prevention assembly tester. The backflow testing company or person shall procure a plumber’s license issued by the City of Sikeston, with a current plumber’s performance bond. The original copy of certified test results shall be forwarded to the utility within thirty (30) days after making the inspection or test or repairs or overhaul and retesting.

SECTION III:  General Repealed 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 6343 was introduced and read for the first time this 25th day of March 2024.

B.  Bill Number 6343 was read the second time and discussed this 1st day of April 2024, and voted as follows:

Lindsey, __________, Baker, __________, Leible, __________, Robison, __________

Teachout, __________, Williams, __________, and Turnbow __________

hereby being ________________.

becoming ordinance 6343.

C.  Ordinance 6343 shall be in full force and effect from and after Wednesday, May 1st, 2024.

______________________________
Greg Turnbow, Mayor

Approved as to form
Tabatha Graham, City Counselor

Seal / Attest:

______________________________
Rhonda Council, City Clerk
Council Letter

Date of Meeting: 24-03-25

Originating Department: Department of Community Development

To the Mayor and City Council:

Subject: Award Bid 24-56 for Mowing of LCRA and City Nuisance Lots

Attachment(s):

1. Bid Tabulation Sheet- Bid 24-56 with staff recommendations highlighted

Action Options:

1. Approve award of mowing contract
2. Other action the Council may deem appropriate.

Background:

The Community Development Department has opened bids for contractual mowing services for the LCRA and City Nuisance lots. Bids were opened on March 20, 2024 for the contract period of April 1, 2024 through March 31, 2025. A bid tabulation sheet with the results is attached for review.

Bids were reviewed by City Staff and LCRA board members on March 20, 2024. Staff recommends the bid be awarded Grow-N-Mow for $3,500. The typical mowing season is from April through October. The payment for mowing services will be billed by the City of Sikeston and paid by the LCRA.
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**CHAIRMAN:** Barry Blevins  
**RECORDER:** Amy Gosnell  
**VERIFIER:** Rhonda Council, Amanda Groves, Martin Evans  

**GUESTS:**  
Dan Marshall – LCRA Chairman
Council Letter

Date of Meeting  24-03-25

Originating Department:  Public Works

To the Mayor and City Council:

Subject:  Authorization to Purchase ABI Force Grooming Equipment Bid #24-66

Attachments:
   1.  Certified Representative Letter
   2.  Turfwerks Quote

Action Options:
   1.  Authorization to Purchase ABI Force Grooming Equipment
   2.  Other action the City Council deems appropriate.

Background:

Staff has budgeted for the purchase of an ABI Force Groomer.  This is a piece of equipment used for grooming ballfields.  We currently have one older model, and budgeted for a second unit.  These are the same type units used by the Cape Parks Department.  The ABI Force is a sole source item with Turfwerks of Hazelwood, MO being the certified representative for our area (see attached letter).  Per the attached quote, we are seeking to purchase an ABI Force plus attachments for a price of  $36,446.00.  This is a budgeted item.
2/2/2024

To Whom It May Concern,

This letter is to confirm that the ABI Force, zero turn vehicle, models z23sl or z23slt, referenced in the included quotation, is a sole-source product offered exclusively by ABI Attachments, Inc and it’s assigned exclusive dealer Turfwerks in your region. No other company offers a similar or competing product. This product must be purchased from ABI Attachments, Incorporated’s assigned exclusive dealer in your region.

Competition is precluded by the existence of proprietary product capability and trade secret manufacturing processes and techniques which enable the ABI Force, stand-on zero turn vehicle’s purpose and function (models z23sl or z23slt). Exclusive functions include: Zero-Turn Laser Grading, Hydraulic Control Of Interchangeable Front, Mid, and Rear Mount Attachments, Stand-on Access & Visibility, Exclusive VibraFlex & Profile Blade Field Conditioning Technologies With Positive Depth Control, Exclusive Responsive Variable Force (RVF) Technology. These and other proprietary facets of the ABI Force are additionally protected under U.S. patent law by the following U.S. patents: US9,332,687, US9,883,621, US10,149,440, US10,287,744, & US10,287,745.

There is no other like item or product available for purchase that would serve the same purpose or function, and there is only one retail price for the ABI Force, zero turn vehicle, models z23sl or z23slt. If you desire additional information, please don’t hesitate to contact me at (574) 850-8708 at any time or visit our website at www.ABIattachments.com. Thank you for your interest in our products.

Sincerely,

Jim Catalano
CEO
ABI Attachments, Inc.
# Equipment Quote

**Customer Name**: The City of Sikeston  
**Date**: 3/5/24

**Account Number**:  
**Ship Address**:  
**Contact Person**: Matt Patterson  
**City, State**: Sikeston, Missouri

**Phone Number**: 573.620.1728  
**Zip Code**: 63801

**Email Address**: mpatterson@skelson.org  
**Authorized Signer & Title**:  
**Quote Expires**:  
**Pricing Subject to Change**:  
**Turfwerks Contact**: Ron Exler  
**Deliver Date**:  
**Units Currently in Stock**:  
**Special Terms**: None

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**Subtotal**: $36,446.00  
**Sales Tax**:  
**TOTAL**: $36,446.00

**Notes**:  

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**Logos**:

- Jacobsen
- Turfco
- Smithco
- Progressive Turf Equipment, Inc.
- Yanmar
Date of Meeting: 03-25-2024

Originating Department: Public Safety

To the Mayor and City Council:

Subject: Award Bid #24-61, Air Conditioning Roof Top Unit for Public Safety Headquarters

Attachments:
   None

Action Options:
   1. Award Bid #24-61
   2. Other action the Council may deem appropriate.

Background:

The City of Sikeston solicited bids for the installation of one York commercial electric roof top AC Unit. Bid packets were sent to the only York distributors in the area: Quality Air Solutions of Poplar Bluff, Rick Leonard Heating and Cooling of Sikeston and Marty Presley’s Heating and Cooling, also of Sikeston. Staff also posted the bid on the city’s website. Staff received two bids:

   Marty Presley’s Heating and Cooling for $13,976.00
   Rick Leonard Heating and Cooling for $16,815.00

Both companies quoted:

   Roof Top Unit 2 - York with 4 -ton 460-volt package heat pump unit with hail guard and a 7 KW electric heat package, crane rental, labor, material and all necessary electrical equipment.

   One year labor and parts warranty

   Marty Presley Heating and Cooling had the lowest bid.

   Total – $13,976.00

   GRAND TOTAL: $13,976.00

Because the price of materials is constantly changing, vendors advise they can’t guarantee the prices won’t change in the next 30 days. Based on this information, staff seeks Council’s approval to award the bid to Presley’s heating and Cooling in the amount of $13,967.00. There is an estimated 10 week build time on these units from the manufacturer.