



105 E. Center Street
Sikeston, MO 63801
573-471-2512
www.Sikeston.org

TENTATIVE AGENDA

CITY COUNCIL REGULAR MEETING
CITY HALL VIA ZOOM VIDEOCONFERENCING
105 E. Center St.

Wednesday, June 30, 2021
8:00 A.M.

“Meeting shall be convened with Council members participating via videoconference.
Public may view meeting via Facebook Live on the City’s Facebook page,
<https://www.facebook.com/SikestonMO>.”

I. CALL TO ORDER

II. RECORD OF ATTENDANCE

III. APPROVAL OF MINUTES

- | | |
|----------------------------|---------------|
| A. Regular Council Minutes | June 1, 2021 |
| B. Regular Council Minutes | June 7, 2021 |
| B. Regular Council Minutes | June 24, 2021 |

IV. ITEMS OF BUSINESS

- A. 1st & 2nd Reading, Emergency Bill #6232, Chapter 100 Bond
- B. 1st & 2nd Reading, Emergency Bill #6233, Special Obligation Refunding & Improvement Bond
- C. 1st & 2nd Reading, Emergency Bill #6234, Amending FY21 Budget Amendment
- D. Other Items As May Be Determined During the Course of the Meeting

IV. ADJOURNMENT

Dated this 28th day of June 2021.

Rhonda Council

Rhonda Council, City Clerk

CITY COUNCIL STUDY SESSION
JUNE 1, 2021

The Sikeston City Council Study Session of June 1, 2021 was called to order at noon in the Council Chambers at the City Hall, located at 105 E. Center Street in Sikeston, MO. Present at the meeting were: Mayor Greg Turnbow, David Teachout, Ryan Merideth, Brandon Sparks, Onethia Williams and Brian Self. Councilman Vest Baker was absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, Finance Director Karen Bailey, Public Safety Director James McMillen, Parks Director Dustin Care, Street Supervisor Darren Martin and Building Maintenance Supervisor Billy Smith. City Clerk Rhonda Council was absent.

ITEMS OF BUSINESS

Dansler Field Improvements & Splash Pad at Lincoln Park

Following discussions at the May 24th Council meeting, staff was directed to schedule a study session to discuss two budget items – improvements to Dansler Field and the addition of a fountain or splash pad at Lincoln Park. An estimate to update the lighting and other improvements at Dansler Field would be as follows:

\$10,000	Dirt work (50 tons in addition to 20 tons we have on hand)
\$38,700	Backstop & Fencing
\$1,000	Fertilizer & Chemicals
\$1,000	Dugout Roofs
\$0	Parking Lot Chat (already on hand)
<u>\$250,000</u>	Lights (could reduce to \$200,000 if field is shrunk to youth size)
\$300,700	TOTAL

The cost for a fountain similar to the one currently located in downtown Legion Park, assuming no lights but installation by a contractor rather than city staff, is about \$125,000.

Councilman Self motioned to add to the FY22 budget improvements to Dansler Field at an estimated cost of \$300,700 and splash pad at Lincoln Park for \$125,000 to the FY22 budget. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Absent, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

ADJOURNMENT INTO EXECUTIVE SESSION

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

Sparks Aye, Merideth Aye, Self Aye, Baker Absent, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

No action was taken.

ADJOURNMENT OUT OF EXECUTIVE SESSION

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

Sparks Aye, Merideth Aye, Self Aye, Baker Absent, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

ADJOURNMENT

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

Sparks Aye, Merideth Aye, Self Aye, Baker Absent, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

APPROVED:

GREG TURNBOW, MAYOR

ATTEST:

RHONDA COUNCIL, CITY CLERK

SEAL:

REGULAR CITY COUNCIL MEETING
JUNE 7, 2021

The regular Sikeston City Council meeting of June 7, 2021 was called to order at 5:00 p.m. at City Hall located at 105 E. Center St., Sikeston. Present at the meeting were: Mayor Pro Tem Brandon Sparks, Brian Self, Ryan Merideth, David Teachout, Onethia Williams and Vest Baker. Mayor Greg Turnbow was absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Rhonda Council, Finance Director Karen Bailey, HR Director Amanda Groves, City Collector Vicky Lewis, Public Works Director Jay Lancaster, Street Superintendent Brian Dial, Public Safety Director James McMillen, Community Development Director Lorenzo Ware, and Captain Derrick Wheatley. Also present were members of Leadership Sikeston.

ITEMS OF BUSINESS

2nd Reading & Consideration, Bill #6225, Budget Amendment

Councilman Baker moved for the second reading of Bill Number 6225. The motion was seconded by Councilman Teachout and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Williams Aye, Baker Aye,
Teachout Aye, and Turnbow Absent, thereby being passed.

City Counselor Thurman presented the bill for reading.

BILL Number 6225

ORDINANCE Number 6225

THIS BILL AS ADOPTED SHALL BECOME AN EMERGENCY ORDINANCE NUMBER 6225, AND SHALL AMEND ORDINANCE NUMBER 6143, THE FY-21 BUDGET.

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

SECTION I: General

A. Codification:

1. This ordinance shall not be codified as part of the SIKESTON MUNICIPAL CODE.
2. Ordinance Number 6197 is hereby amended to read as follows:

SECTION II: Appropriations

- A. General Fund 0010: The sum of \$11,540,793.58 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment of operating and capital expenses, for designated governmental services.
- B. Drug Seizure Fund 0016: The sum of \$15,995 is hereby appropriated out of drug seizure proceeds accruing to the City and available fund balance, to provide financial support for law enforcement activities as authorized by the Department of Justice.
- C. Sales Tax 0025: The sum of \$3,172,840 is hereby appropriated out of Sales Tax Revenue accruing to the CITY and available Fund balance, for payment of operating and capital expenditures for designated governmental functions, in accordance with the provisions of the Sales Tax Ordinance Number 3798.
- D. Essex Fund 0031: The sum of \$22,000 is hereby appropriated out of revenues accruing

to the City, available fund balances, and transfers from other funds for the purpose of maintaining the Essex building, and other economic development functions.

- E. Park Fund 0040: The sum of \$899,337.23 is hereby appropriated out of revenues accruing to the Park Fund, transfers from other funds, and available Fund balance, for the payment of operating and capital expenses designated for public park functions.
- F. Tourism Tax Fund 0065: The sum of \$135,500 is hereby appropriated out of revenues accruing to the Tourism Tax Fund, transfers from other funds, and available Fund balance, for the payment of operating and capital expenses designated for tourism promotion and marketing functions.
- G. E911 Fund (0070): The sum of \$869,638 is hereby appropriated out of revenues accruing to the City, transfers from other Funds and Fund balance, for the payment or expenses related to E-911 operations.
- H. Capital Improvement Sales Tax Fund 075: The sum of \$2,785,128 is hereby appropriated out of revenues accruing to the City, transfers from other funds, and available Fund balance, for the payment of expenses resulting from designated capital items.
- I. 60/61 TIF District Fund 0090: The sum of \$117,000.00 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment of TIF Notes.
- J. 60 West TIF District Fund 0091: The sum of \$224,000.00 is hereby appropriated out of revenues accruing to the City, transfers from other funds and Fund balance, for the payment of Public Improvements.

SECTION III: Repealer. Any other ordinances or part(s) 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, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION V: Record of Passage:

- A. Bill Number 6225 was introduced and read the first time this 24th day of May, 2021.
- B. Bill Number 6225 was read the second time and discussed on this 7th day of June, 2021. Following discussion, Councilman Self moved to approve Bill Number 6225. The motion was seconded by Councilman Baker, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Absent, thereby being passed.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6225 and shall be in full force and effect.

2nd Reading & Consideration, Bill #6223, FY22 Budget Ordinance

Councilman Merideth moved for the second reading of Bill Number 6223. The motion was seconded by Councilman Teachout and the following vote recorded:

Sparks Aye, Merideth Absent, Self Aye, Williams Aye, Baker Aye, Teachout Aye, and Turnbow Absent, thereby being passed.

City Counselor Thurman presented the bill for reading.

BILL Number 6223

ORDINANCE Number 6223

THIS BILL AS ADOPTED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6223 AND SHALL BE REFERRED TO AS "THE FY-2022 BUDGET" (JULY 1, 2021 THROUGH JUNE 30, 2022), IT SHALL REPEAL ORDINANCE 6191, BEING THE "FY-2021 BUDGET" AND ALL AMENDMENTS THERETO, IT SHALL PROVIDE FOR THE APPROPRIATION OF MONIES AND ADMINISTRATION OF EXPENDITURES OF MONIES RECEIVED BY THE CITY OF SIKESTON IN ACCORDANCE WITH THE ORDINANCE.

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

SECTION I: General

I. Ordinances Repealed:

1. Ordinance Number 6191 and all amendments to the FY-2021 Budget are hereby repealed.

J. Codification:

1. This ordinance as may be amended and the attached detailed financial plan shall not be codified as part of the SIKESTON MUNICIPAL CODE.

C. Purpose and Responsibility:

1. This financial plan or budget, as submitted by the City Manager of the City of Sikeston, hereinafter referred to as "MANAGER" and "CITY" respectively and approved by the City Council, hereinafter referred to as "COUNCIL", shall represent the entire financial plan of anticipated revenues, fund balances and expected expenses of the CITY for the period aforesaid, and shall be referred to collectively as the "FY-2022 BUDGET".

SECTION II: Appropriations

- A. General Fund 0010: The sum of \$12,732,631 is hereby appropriated out of revenues accruing to the CITY, transfers from other Funds and Fund balance, for the payment of operating and capital expenses, for designated governmental services as itemized, to wit;
- B. Sales Tax Fund 0020: The sum of \$3,317,000 is hereby appropriated out of Sales Tax Revenue accruing to the CITY and available Fund balance, for payment of operating and capital expenditures for designated governmental functions, in accordance with the provisions of the Sales Tax Ordinance Number 3798.
- C. Transportation Sales Tax 0025: The sum of \$2,968,019 is hereby appropriated out of Sales Tax Revenue accruing to the City and available Fund balance, for payment of capital item purchases and capital improvements for designated governmental projects and related equipment only, in accordance with the provisions of the Transportation Sales Tax Ordinance Number 4775.
- D. Economic Development 0030: The sum of \$251,393 is hereby appropriated out of revenues accruing to the City, transfers from other funds, and available fund balances for the payment of operating expenses designated for economic development functions.

- E. Essex Fund 0031: The sum of \$50,000 is hereby appropriated out of revenues accruing to the City, available fund balances, and transfers from other funds for the purpose of maintaining the Essex building, and other economic development functions.
- F. Park Fund 0040: The sum of \$957,864 is hereby appropriated out of revenues accruing to the Park Fund, transfers from other funds, and available Fund balance, for the payment of operating and capital expenses designated for public park functions.
- G. Building Reserves Fund 0041: The sum of \$15,000 is hereby appropriated out of revenues accruing to the City, available fund balances, and transfers from other funds for the purpose of establishing a building fund for a new fire station.
- H. Municipal Court Fund 0050: The sum of \$136,080 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment or expenses resulting from designated capital items and capital improvements.
- I. Tourism Fund 0065: The sum of \$120,442 is hereby appropriated out of revenues accruing to the Tourism Tax Fund, transfers from other funds, and available Fund balance, for the payment of operating and capital expenses designated for tourism promotion and marketing functions.
- J. Airport Fund 0066: The sum of \$1,232,065 is hereby appropriated out of revenues accruing to the City, transfers from other funds, and available Fund balance, for the payment of Airport Improvements.
- K. 911 Fund 0070: The sum of \$757,890 is hereby appropriated out of revenues accruing to the City, transfers from other Funds and Fund balance, for the payment or expenses related to E-911 operations.
- L. Capital Improvement Fund 0075: The sum of \$ 2,796,155 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment or expenses resulting from designated capital items.
- M. 60/61 TIF District Fund 0090: The sum of \$117,000 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment of TIF Notes.
- N. 60 West TIF District Fund 0091: The sum of \$224,600 is hereby appropriated out of revenues accruing to the City, transfers from other funds and Fund balance, for the payment of Public Improvements.
- O. Main & Malone TIF District Fund 0095: The sum of \$167,000 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment of TIF Bond issuances.
- P. SEDC 0096: The sum of \$420,493 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment of loan from U.S.D.A. for the DPS Headquarters Building.

SECTION III: Administration

- A. The MANAGER shall be responsible for:
 - 1. Ensuring compliance with the provisions of this ordinance; the general and specific administration of the FY-2022 Budget plan and may adopt any supportive policy or

- procedure he deems appropriate to and in support of such administration.
2. Monitoring revenues, fund balances and expenditures to ensure compliance with this ordinance and appropriate use of City funds.
 3. Disapproving any expenditure and/or disallowing any claim, which in his sole opinion is not justified or not in compliance with this ordinance or City Code or established policy or procedure.
 4. Authorizing minor transfers, re-appropriation and/or expenditure in excess of specific accounts or Divisional appropriations, provided Fund appropriations based on revenue receipts plus fund balance are not exceeded.
 5. Drafting or causing to be drafted for Council consideration any amendment to this Ordinance when 1) significant change may be required; 2) to address Council action; revenue(s) and/or expenditure(s) which differ from estimates by greater than ten percent (10%) of the estimates or plan.
- B. The CITY TREASURER shall be responsible for:
1. Confirming and certifying that total expenditures plus encumbrances shall not at any time exceed the total of actual revenue received plus fund balances.
 2. Providing monthly financial statements to the:
 - a. Council and Manager, summarizing all financial activity of all Funds, in a format to be approved by the Manager.
 - b. Manager containing detailed budget summaries of all Fund, Department and Division financial activity, including direct expenditures and encumbrances, in a format to be approved by the Manager.
 - c. Department heads containing detailed budget summaries of all Personnel, Maintenance and Operation accounts, and Capital Items/Improvements, by line item, for which they are responsible, including expenditures and encumbrances, in a format to be approved by the Manager.
 3. Ensuring no expenditure is authorized from the Capital Improvement Fund, except as approved by Council and/or Manager action as appropriate and in compliance with the Municipal Code Title 3 et.seq.
 4. Developing, implementing, monitoring, revising and/or upgrading the City's accounting system and purchasing policy and procedures, at the direction and with the approval of the Manager.
- C. All Department Heads are responsible for:
1. Exercising prudent management control over each account assigned to their respective department.
 2. Ensuring compliance with this ordinance and policy and procedure currently or as may be established.
 3. Continually striving for the most cost-effective method(s) of operation of their department, in all areas including personnel, maintenance, operations and capital expenditures.
- D. No expenditure shall be made for any fund which is not in compliance with this ordinance and/or with the formal detailed financial plan or Budget, City Code and policy or procedure as approved by the Manager.

SECTION IV: Compensation and staffing levels. Administration of Compensation and Staffing Levels shall be in accordance with Ordinance Number 6222.

SECTION V: Repealer. Any other ordinances or part(s) thereof inconsistent herewith are hereby repealed.

SECTION VI: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VII: Emergency Clause. This Ordinance is adopted as an emergency measure so that the effective date corresponds with the fiscal year.

SECTION VIII: Record of Passage:

- A. Bill Number 6223 was introduced and read the first time this 24th day of May, 2021.
- B. Bill Number 6223 was read the second time and discussed on this 7th day of June, 2021. Following discussion, Councilman Self moved to approve Bill Number 6223. The motion was seconded by Councilman Williams, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Absent, thereby being passed.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6223 and shall be in full force and effect from and after July 1, 2021.

2nd Reading, Bill #6222, FY22 Staffing and Compensation Ordinance

Councilman Merideth moved for the second reading of Bill Number 6222. The motion was seconded by Councilman Teachout and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Absent, thereby being passed.

City Counselor Thurman presented the bill for reading.

BILL Number 6222

ORDINANCE Number 6222

THIS BILL AS ADOPTED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6222 AND SHALL REPEAL ORDINANCE NUMBER 6190 BEING THE FY-22 COMPENSATION PLAN AND EMPLOYEE STAFFING LEVEL AUTHORIZATION, AND ALL AMENDMENTS THERETO; AND SHALL ESTABLISH THE EMPLOYEE COMPENSATION PLAN AND STAFFING LEVELS, AND THE ADMINISTRATION THEREOF FOR FISCAL YEAR 2022 (JULY 1, 2021 THROUGH JUNE 30, 2022).

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

SECTION I: General

- A. This ordinance shall not be codified as part of the Sikeston Municipal Code.
- B. This ordinance and all attachments hereto as may be amended shall be incorporated with and become part of the FY-22 BUDGET CODE.

SECTION II: Administration.

- A. The City Manager hereinafter referred to as "MANAGER" shall be responsible for the general and specific provisions of this Ordinance, including but not necessarily limited to:
 - 1. Development, implementation, monitoring and revision of supporting policy and

procedure he deems necessary for proper administration and good business practices.

2. Certifying employee compensation records for compliance to the provisions set forth herein and with supporting policy and procedure of II.A.I. Above.

B. The MANAGER may:

1. Approve higher initial compensation for any staff position authorized, when in his sole opinion such action is appropriate based on:
 - a. Degree of difficulty in attracting the most wholly qualified applicant at the published beginning rate; or
 - b. Specific or special qualifications are required for the position; or
 - c. Preferred/best candidate(s) background, experience and/or special qualifications result in extreme difficulty in recruiting at the regular entrance rate; or
 - d. The current local compensation trend for the skills required is substantially greater than the published beginning rate.
2. Approve the hiring at a lesser initial compensation when, in his sole opinion, such action is appropriate based on:
 - a. An otherwise eligible candidate will require a period of specialized training; or
 - b. The current local compensation trend for the skills required is substantially less than the published beginning rate.
3. Increase any employee's paid compensation when sustained performance indicates such action is appropriate:
 - a. Within the guidelines of the merit pay plan; or
 - b. When a given position responsibility and/or scope is significantly broadened; or
 - c. When a specific employee displays consistent and noteworthy performance, behavior and supportive attitude, which in the MANAGER'S sole opinion, collectively warrant such action.
4. Decrease any employee's paid compensation:
 - a. When sustained or severe single case performance or behavior is below expected standards or represents severe disregard or violation of policy or procedure; or
 - b. Upon employee demotion or transfer as appropriate.

C. Changes to and Offers of Compensation:

1. No change to any part of any employee's compensation in total or in part, either increase or decrease, may be made without the approval of the MANAGER.
2. No offer shall be made to any prospective or current employee of paid compensation or benefits, either greater or lesser than those allowed by this ordinance, except as may be approved by the MANAGER.
3. Entry range compensation and benefits as specified herein may be discussed with potential employees, including whatever action a respective Department Head may intend to make, provided no actual offer is made without the approval of the MANAGER.

D. DEPARTMENT HEAD shall be responsible for:

1. Becoming and remaining knowledgeable with the provisions of this Ordinance including any amendment thereto and supporting policy or procedure as in effect currently or as may be established or revised in future.
2. Ensuring compliance with the provisions of this Ordinance and supporting policy or procedure, as currently in effect or as may be amended.

3. Training their Division Heads and Supervisors on the provisions of this Ordinance and supporting policy and procedure.
 4. Recommending any change to the compensation of each employee assigned to their Department, in support of the provisions of this Ordinance and supporting Personnel Policy.
 5. Ensuring timeliness and accuracy of any change, either increase or decrease, upon:
 - a. Each Anniversary Date
 - b. Upon Hiring, Promotion, Transfer, Discipline or Termination
 6. May suspend any employee within their Department, pending an appeals hearing in accordance with the provisions of the Discipline Policy, without pay.
- E. HUMAN RESOURCES DIRECTOR shall be responsible for:
1. Ensuring compliance with the provisions of this Ordinance and supporting policy, reporting any violation of either, immediately to the MANAGER.
 2. Generating and maintaining employee compensation records as needed including any change thereto, in a timely fashion.
 3. Generating and maintaining personnel rosters, in a format to be approved by the MANAGER, and shall contain as a minimum:
 - a. A complete POSITION listing, including current status of each, as authorized by this Ordinance or the MANAGER under the provisions of this Ordinance.
 - b. Current EMPLOYEE information including, department/division assignment, pay classification code, FLSA Classification code, hiring date, anniversary date, date of eligibility for next increase, and any other as required by the MANAGER.
 - c. Said roster to be updated at least monthly and a working copy updated daily, as may be required, and maintained by the City Treasurer.
 4. Generating and forwarding to responsible Department Head, any employee compensation record as needed to support the provisions of this Ordinance and ensuring the completeness and accuracy of any such compensation record.
 5. Ensuring timely entry and/or change, as approved by the MANAGER, to any employee's compensation as specified in the compensation record.

SECTION III: Paid Compensation.

- A. Pay Plan (See Tables IIA or IIB as applicable.)
 1. Shall be a merit (performance) plan.
 2. Shall be constructed of twenty-three (23) levels called GRADES for all employees, and sixteen (16) ranges called STEPS for all employees except Commissioned Public Safety Officers, which have five (5) GRADES and sixteen (16) STEPS. STEPS are based upon years in service and the ability to maintain compliance with ongoing job requirements associated with the merit pay plan. (Please note: Commissioned Public Safety employees are subject to an alternate compensation plan. See Table IIB).
 3. Employees must be eligible in all respects on the appropriate anniversary date to receive the indicated increase in paid compensation.
 4. Employees ineligible for any reason on the appropriate anniversary date shall be awarded as follows:
 - a. The appropriate STEP assignment without any resulting increase in salary or wages.
 - b. Any benefit in terms of sick leave, vacation or other such, as would otherwise be awarded had the ineligibility not occurred.
 - c. Once an employee's eligibility is restored, they will receive a merit raise.

- B. Allowances are hereby authorized as follows:
1. Clothing allowance for employees of the Department of Public Safety serving in the positions of Command Staff, Communications Officers, Communications Supervisor, all Public Safety Officers, Investigators, Sergeants, and Lieutenants, will be earned at a rate of \$850.00 annually. This will be paid by installment on the first pay date in March and the second one-half (1/2) of the allowance to be paid on the first pay date in September, excluding new hires which will receive the first portion of their uniform allowance on their first pay check and the second portion either on the first pay date in March or the first pay date in September.
 2. Clothing and boot allowance for Entry Level Maintenance Workers, Skilled Workers, Mechanic, Airport Linemen, Shelter Director, DPW Supervisors, Code Enforcement Officers and Code Enforcement Supervisor/City Planner at a rate of \$450 annually.
 3. Clothing allowance for administrative assistants, account clerks, city collector, human resources director, secretary/receptionist, IT technician, network administrator, court clerk and deputy court clerk at a rate of \$250 annually.
 4. Mileage in the amount currently established by the United States Internal Revenue Service (IRS) Regulations per documented mile, when a privately owned vehicle is required to be used for CITY business, upon the responsible Department Heads certification of the claim for reimbursement. Said certification to be both for requirement of use and accuracy of the respective claim.
 5. Direct reimbursement of "out-of-pocket" expenses of any employee incurred in the performance of their duties subject to Per Diem rates and completion/submission of appropriate claim and required supporting documentation within three (3) working days of return to work.

SECTION IV: Benefits:

- A. Vacation banking shall be limited to two (2) times the annual accrual rate.
1. Vacation in excess of this amount shall be lost, without compensation, on the employee's anniversary date of employment.
 2. An employee may submit a request to cash-in vacation time, to the MANAGER. The MANAGER may authorize the payment (cashing in) of vacation, if it is warranted. An employee may request the cashing in of no more than two weeks of vacation within a fiscal year.
 3. Vacation in excess of the limits as herein established, shall be forfeited on the appropriate anniversary date, without recourse or grievance to or by the employee so affected.
 4. Vacation shall be earned and accrued monthly after the first anniversary date as follows:
 - a. Employees will begin accruing vacation time upon employment but will be unable to use it until their six-month anniversary. At six months they will receive five and ½ days (5 ½) or 2 and ¼ (2.25) shifts into their vacation bank. Employees leaving the service of the City prior to their one-year anniversary, as established in Section VII of this Ordinance, shall forfeit any and all claim to any vacation time.
 - b. Beginning six months to end of year four (4), eleven (11) days or four and ½ (4.5) shifts.
 - c. Beginning year five (5) to end of year eight (8), thirteen (13) days or five and ½ (5.5) shifts.
 - d. Beginning year nine (9) to end of year twelve (12), fifteen (15) days or six and ½ (6.5) shifts.
 - e. Beginning of year thirteen (13) to end of year sixteen (16), seventeen (17) days or seven and ½ (7.5) shifts.

- f. Beginning of year seventeen (17) to end of year twenty (20), nineteen (19) days or eight and ½ (8.5) shifts.
 - g. Beginning of year twenty-one (21) to end of year twenty-five (25), twenty-one (21) days or nine and ½ (9.5) shifts.
 - h. Beginning year twenty-six (26) to end of employment, twenty-six (26) days or twelve and ½ (12.5) shifts.
5. Accrued banked vacation shall be bought back at the employee’s regular rate of pay when the employee leaves the service of the City.
 6. After the first anniversary of employment, vacation earned at the rates as set out herein above, shall accrue to the employee as follows:
 - a. Initial year’s (six (6) days) shall be accrued (provided employee is recommended for continual employment) as a lump sum (in hours), the first pay period immediately following the anniversary date as set forth in Section VII of this Ordinance.
 - b. An amount in hours, equal to the rates established herein above, shall be accrued on a one-twelfth (1/12) per year pro-ration, to each eligible employee’s vacation bank and stated on the employee’s check stub on the first pay date immediately following the month the vacation time was earned. Vacation time used, as indicated on the employee time cards, shall be deducted from this balance on the pay date immediately following use.
 7. For the purpose of this Ordinance, a work month shall be defined as thirty (30) consecutive days.
 8. Accrual of vacation time shall continue up to the end of the first work month of authorized sick leave usage. Accrual of vacation time shall cease upon the completion of the first work month of sick leave usage, medical leave or leave of absence. Accrual of vacation time shall resume, as herein above set forth, upon the employee’s return to work, upon doctor’s release. Accrual rates may be prorated, to reflect actual work hours, if less than full-time.

Vacation Earned Per Year, Accrued Monthly

Assigned Hours Per Shift	Leave Based on Years of Completed Service						
	0-4	5-8	9-12	13-16	17-20	21-25	26+
	11 Days/ 4.5 Shifts	13 Days/ 5.5 Shifts	15 Days/ 6.5 Shifts	17 Days/ 7.5 Shifts	19 Days/ 8.5 Shifts	21 Days/ 9.5 Shifts	26 Days/ 12.5 Shifts
8	88	104	120	136	152	168	208
8.3	91.3	107.9	124.5	141.1	157.7	174.3	215.8
8.5	93.5	110.5	127.5	144.5	161.5	178.5	221
24	108	132	156	180	204	228	300

- B. Sick leave shall be considered an insurance type benefit, the use of which represents a claim against the City and the banking of which shall be limited to 1,040 hours for general and supervisory personnel, 1079 hours for patrol and communication hourly employees, 1,105 hours for patrol sergeants, and 1404 hours for fire division personnel assigned to 24 hour shifts.
 1. Abuse of sick leave shall be considered a false claim against the City and sufficient reason for immediate discharge of any employee when, in the sole opinion of the MANAGER, any such abuse may exist.
 2. Sick leave in excess of banked limits shall be lost, without compensation, on the employee’s anniversary date of employment. Employees, which have exceeded the bank limit, shall only be reduced to the bank limit. Employees, who have received their sick leave bank limit and forfeited the excess, shall begin to accrue sick leave in the routine manner until their next anniversary.

3. The MANAGER may authorize carry over, not to exceed one (1) additional year of sick leave accrual when, in his sole opinion, such action is warranted, upon receipt of an appropriate request at least thirty (30) days prior to the anniversary date the employee would otherwise forfeit sick leave time accrued.
4. Trading, transferring or giving of sick leave time is only authorized through the Shared Leave Program.
5. Sick leave shall be accrued monthly beginning after the first six (6) months of employment, upon department head recommendation and MANAGER approval as follows:

Sick Leave Earned Per Month				
Leave Based on Years of Completed Service				
Assigned Hours per Shift	<6 months	6 months – 2 years & 11 months	3-4 Years & 11 months	5 years +
8	0	4	6	8
8.3 & communications	0	4.15	6.225	8.3
8.5	0	4.25	6.38	8.5
24	0	6	8	10

6. Unused sick leave banked at the time the employee leaves the service of the City shall be forfeited and no paid compensation is authorized for any such time, unless the employee has at least 10 continuous years of service and leaves in good standing, then the employee will be paid for 25% of his accrued sick leave bank at his regular hourly rate.
7. Accrual of sick leave shall continue up to the end of the first work month of authorized sick leave usage. Accrual of sick leave shall cease upon the completion of the first work month of sick leave usage, medical leave or leave of absence. Accrual of sick leave shall resume, as hereinabove set forth, upon the employee's return to work; upon doctor's release. Accrual rates may be prorated, to reflect actual work hours, if less than full-time.

C. Holiday time shall be provided at a rate of thirteen (13) days per year, which shall be:

- New Year's Day (January 1)
 - Martin Luther King, Jr. Day (3rd Monday in January)
 - President's Day (3rd Monday in February)
 - Memorial Day (Last Monday in May)
 - Independence Day (July 4)
 - Labor Day (First Monday in September)
 - Columbus Day (2nd Monday in October)
 - Veteran's Day (November 11)
 - Thanksgiving Day (4th Thursday in November)
 - Friday following Thanksgiving (4th Friday in November)
 - Christmas Eve (December 24)
 - Christmas Day (December 25)
 - Floating Holiday (City offices remain open) Good Friday
1. When any authorized holiday shall fall on a Saturday, that holiday shall be observed on the preceding Friday. When any authorized holiday shall fall on a Sunday, that holiday shall be observed on the following Monday.
 2. Whenever an eligible employee is required to work or whenever a scheduled City Holiday shall fall on an eligible employee's regularly scheduled day off then an employee may be choose to be paid the holiday or that holiday (in hours) shall be

credited to the employee's Personal Hours as follows:

Holiday/Personal Hours Banked Per Shift			
Salaried/40E	171E (8.3 hour shifts)	171E (8.5 hour shifts)	212 E (24 hours shifts)
8	8.3	8.5	12

3. Banked holiday/personal hours shall be reflected in the appropriate box on the next paycheck stub.
 4. Banked holiday time shall accrue until the employee requests to be paid or until the employee's anniversary date, at which time all banked time shall be bought back from the employee at the employee's regular hourly rate.
 5. The MANAGER may authorize a carryover of greater than that referenced in C(4) above, when in his sole opinion such action is warranted and upon written request at least thirty (30) days prior to the employee's anniversary date, and with Department Head recommendations.
 6. Banked holiday time shall be bought back at the employee's regular rate of pay, when any employee leaves the service of the City.
 7. Employees absent for more than 30 consecutive days will not accrue holiday/personal hours.
- D. The City shall participate in the Local Government Employee Retirement System (LAGERS) LT8-65 (65)-retirement plan. This retirement plan increases employee benefits to 1.50% for a life allowance; plus, an additional 50% allowance to age 65. Effective FY-92 the City changed from a "Contributory" to "Non-Contributory" Plan and is subject to the administrative requirements of State Statute and LAGERS regulations.
- E. The City shall provide an employee health insurance plan and pay eighty percent (80%) of the established premium contribution amount to be effective the first of the month following ninety (90) days of continued employment.
1. Employees shall contribute twenty percent (20%) of the established premium amount.
 2. Employees have the opportunity to enroll, when hired, for the health insurance coverage for themselves and any dependents. If coverage is declined at initial employment, employees can only enroll under special circumstances as a special enrollee or late enrollee. Please see the City of Sikeston Employee Health Benefits booklet for descriptions of special enrollee and late enrollee.
- F. The City shall offer a public employees' cafeteria plan, as allowed under Internal Revenue Code Section 125. All full-time employees of the City are eligible for participation in the cafeteria plan. Benefit categories to be offered are as follows:
1. City sponsored medical insurance
 2. Flexible medical benefits
 3. Dependent care assistance
 4. Additional features or benefits the City may desire to add.

SECTION V: Classification.

- A. Each employee shall be assigned a compensation code; it shall be a three (3)-part code to track, in order: grade, step and longevity. The Compensation Code shall be upgraded at least annually, with an effective date the same as the employee's anniversary date, or upon any compensation change with the new anniversary date as herein set out, as follows, the:
 1. First two (2) digits designate Pay Grade.

2. Letter Designation indicates Pay Step.
 3. Last two (2) digits designate completed years of service.
- B. In general, higher pay grades reflect:
1. Greater responsibility
 2. Hierarchy within the Organization
 3. Higher pay and/or allowances

SECTION VI: Eligibility.

- A. Eligibility shall encompass any and all criteria established by this Ordinance, and/or City policy and procedure. The absence or loss of any such or part of such eligibility shall limit or disallow pay increase as herein or otherwise authorized. Employees ineligible for, at the time they might normally expect to receive a pay increase, shall be assigned the next higher step designator. Any increase in compensation will be delayed until eligibility is restored.
- B. Ineligibility may occur, but may not be limited to the following:
1. Qualifying Periods
 - a. *Initial employment qualifying period for MERIT adjustment only.*
 - b. An employee under investigation which may result in disciplinary action or who is under assignment to a disciplinary qualifying period shall:
 1. Have the outcome of the investigation applied retroactive to the date of eligibility.
 2. Not be eligible for any compensation increase but shall be assigned the next STEP as appropriate or as determined by due process, until eligibility is restored.
 2. When the average evaluation grade for the most recent merit period averages five point five (5.5) or less.
 3. When repeated or severe violations of policy or procedure occur.
 4. Upon department head or MANAGER recommendation.
- C. Merit Eligibility:
1. Generally:
 - a. All positions except MANAGER and DEPARTMENT HEADS shall be eligible for merit increase upon completed service (see Tables II-A and II-B), and compliance with all criteria established by ordinance and/or City policy and procedure.
 - b. Merit increases shall be based on the mathematical average of all evaluations received since the employee's last merit increase, as determined in the Pay Plan Tables II-A and II-B.
 - c. Merit increases for the MANAGER and DEPARTMENT HEADS shall be individually determined
 2. General Service Employees, for purposes of this ordinance, shall be defined as all employees of the City of Sikeston other than Commissioned Employees. Merit increases shall be awarded to General Service Employees, when eligible in all respects, as set forth in Pay Plan Table II-A.
 3. Commissioned Employees, for the purposes of this ordinance, shall be defined as all rookie and commissioned public safety officers employed within the Sikeston Department of Public Safety. Merit increases shall be awarded to Commissioned Employees, when eligible in all respects, as set forth in Pay Plan Table II-B.
- D. Reclassifications and Other Compensation Increases:
1. General Service Employees:

- a. Public Works Skilled Workers, when classified as a leadsman by their Department Head shall receive an additional \$.75 per hour.
 - b. Rookie Communications Officers shall be assigned to Grade 6. Upon successful completion of their training, and upon Department Head recommendation and City Manager approval, the employee will be reclassified to Communications Officer, Grade 8, and receive appropriate compensation for that grade.
 - c. Communications Field Training Officer (FTO) - Communications Officers filling this position shall receive an additional one dollar and twenty-five cents (\$1.25) per hour. This additional compensation will only be paid when training a rookie communications officer.
 - d. Firefighter - A sub-classification of "Firefighter" will exist within the general classification of PSO. This class is used for non-commissioned officers assigned to Fire Division. Compensation for these employees shall be set by the City Manager, as determined by their training, education and performance.
2. Commissioned Employees:
- a. Public Safety FTO – Additional compensation of One Dollar and twenty-five cents (\$1.25) per hour is available for any commissioned Public Safety Officer trained, and designated as a Field Training Officer. This additional compensation will only be paid when training a rookie public safety officer.
 - b. Canine Officer – Any commissioned Public Safety Officer trained and designated as the City's Canine Officer shall receive additional, annualized, compensation of three thousand six hundred dollars (\$3,600).

SECTION VII: Anniversary Date.

- A. Shall be rounded to the first day of the month when the employee begins employment on or before the sixteenth (16th) day of the employment month, or to the first of the month following the employment month when the employee begins work after the sixteenth (16th) day of the employment month.
- B. This anniversary date shall be used when computing all eligibility times throughout the employee's employment.
- C. Merit changes, (pay or benefits) shall be based on employment anniversary dates of consecutive years of service.
- D. Employees leaving the service of the City prior to their 1st anniversary shall forfeit any and all claim to any vacation time.

SECTION VIII: Less Than Full Time Employees.

- A. The MANAGER shall determine hourly rates for employees working part time or temporary (seasonal) in accordance with sound business practices, the minimum wage laws and provisions of FLSA.
- B. The MANAGER may authorize up to one-half (1/2) the holiday time benefits to such employee when in his opinion such is warranted by the nature of the position and the specific employee's performance both warrant such action and provided said employee(s) is/are regularly scheduled for twenty-five (25) or more hours per week.

SECTION IX: Staffing Generally

- A. The City Manager shall be authorized for the following, including but not limited to:
 1. Development, monitoring and revision of supporting policy and procedure.

2. Ensuring best-qualified candidate is selected for any given position.
 3. Appropriate discipline including removal from the City employ any person he deems necessary, in his sole opinion.
 4. Elimination of any position he deems appropriate due to lack of work, changing work process, or reorganization.
- B. The MANAGER shall not be required to fill any position simply because a vacancy exists.
- C. The MANAGER may amend staffing levels or authorized positions within any specific department, provided
1. Such amendment does not exceed the total number of City employees established herein.
 2. Such amendment does not cause the anticipated appropriation budgeted for Personnel Services within said department to be exceeded.
- D. The MANAGER may employ additional temporary personnel when regular employees are not available (illness, injury, medical or military leave) or a specific increase in a work process requires such action to maintain levels of service.

SECTION X: Authorized Staffing Levels & Compensation Classifications.

FY-2022 Authorized Staffing Level Totals,

1. 128 Full Time Employees
2. 16 Part Time Employees
3. 32 Seasonal/Temporary Employees

SECTION XI: Repealer. Any other ordinances or part(s) thereof inconsistent herewith are hereby repealed.

SECTION XII: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION XIII: Emergency Clause. This ordinance is adopted as an emergency measure so that the effective date corresponds with the fiscal year.

SECTION XIV: Record of Passage:

- A. Bill Number 6222 was introduced and read the first time this 24th day of May, 2021.
- B. Bill Number 6222 was read the second time and discussed on this 7th day of June, 2021. Following discussion, Councilman Self moved to approve Bill Number 6222. The motion was seconded by Councilman Williams, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Absent, thereby being passed.

- C. Upon passage by a majority of the Council, this Bill shall be in full force and effect from and after July 1, 2021.

1st Reading, Emergency Bill #6226, Chapter 100 Bond

Councilman Teachout moved for the first reading of Bill Number 6226. The motion was seconded by Councilwoman Williams and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Absent, thereby being passed.

Counselor Thurman presented the bill for reading. An emergency ordinance authorizing the City of Sikeston, Missouri, to issue its taxable Industrial Revenue Bonds (Carlisle Construction Materials, LLC Project), Series 2021, in a principal amount of not to exceed \$85,000,000 for the purpose of providing funds to pay for the costs of acquiring, constructing and equipping a facility for an industrial development project in the City; approving a plan for the project; and authorizing the City to enter into certain agreements and take certain other actions in connection with the issuance of the bonds.

1st Reading, Emergency Bill #6229, Special Obligation Refunding & Improvement Bond

Councilman Teachout moved for the first reading of Bill Number 6226. The motion was seconded by Councilwoman Williams, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Absent, thereby being passed.

Counselor Thurman presented the bill for reading. An emergency ordinance authorizing and directing the issuance, sale and delivery of special obligation refunding and improvement bonds, Series 2021, of the City of Sikeston, Missouri; and approving certain documents and authorizing certain other actions in connection therewith.

Approve Contract Renewal for City Prosecutor

Mr. Kye Lawrence has been the city's prosecutor since February 2015. The proposed contract does not include an increase. The fee will be \$32,000 per year. A contract amendment will be required when the prosecutor begins inputting into the Missouri Court system.

Councilman Self moved to approve the contract with the city's prosecuting attorney, Kye Lawrence. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Absent, thereby being passed.

Approve Contract Renewal for Municipal Court Judge

Mr. Frank Marshall has been the municipal judge since 1993. The proposed contract does not include an increase but does allow for a 60-day cancellation notice should the City Council vote to transfer the municipal court to the circuit courts. The fee will be \$30,000 per year.

Councilman Teachout moved to approve the contract with the city's municipal judge, Frank Marshall. The motion was seconded by Councilman Teachout, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Absent, thereby being passed.

Authorization to Execute Engineering Services Contract – Outer Road, Project Armor

Authorization is needed to execute an agreement with Waters Engineering for the design and inspection of improvements related to the outer road between Main Street (U.S. 61) and the new South Ingram overpass. This is part of the “Red” third pass of the Project Armor improvements. At this time, this phase does not have grant funding applied to it.

Councilman Baker moved to authorize the execution of the engineering services contract with Waters Engineering for the design and inspection of improvements related to the outer road between Main Street (U.S. 61) and the new South Ingram overpass. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Absent, thereby being passed.

Award Bid 21-43, Drainage Pipe Replacement

Bids for the replacement of drainage pipes for 7 locations into Lateral C of St. John’s Bayou were opened on Tuesday, May 18, 2021. No bids were received at the time.

City staff consulted with Lambert Engineering concerning the project, who then in turn solicited a quote from G&C Contracting of Perryville, MO on the City’s behalf in the amount of \$59,802.50. Due to the condition of the drainage pipes, they are causing sinkholes in resident’s yards. Locations of the pipe are Andrea, Brenda, Cottonwood and Charlotte Drives.

Councilman Self moved to award bid 21-43, replacement of 7 drainage pipes into Lateral C of St. John’s Bayou, to G&C Contracting of Perryville, MO in the amount of \$59,802.50. The motion was seconded by Councilwoman Williams, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Absent, thereby being passed.

Authorize Purchase of 2021 Combination Sewer Cleaner Truck (Demo)

(this was a walk-on item)

Due to the demand and backlog of equipment, there’s between 6 months and a year timeframe before this truck could be delivered. EJ Equipment of Manteno, IL contacted staff and informed them of a 2021 demo truck they had for sale with less than 100 hours on it. The purchase price was \$395,456.00. EJ Equipment will purchase our surplus 1998 sewer cleaner for \$40,00.00, bringing the asking price to \$355,456.00. \$375,000 was budgeted for this purchase.

Councilman Self moved to authorize the purchase of a demo 2021 combination sewer cleaner truck from EJ Equipment of Manteno, IL in the amount of \$355,456.00. The motion was seconded by Councilman Teachout, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Absent, thereby being passed.

Other Items:

Citizen inquired about the use of fireworks in City limits during the 4th of July holiday. Currently, fireworks are sold but not allowed to be used. Council suggested putting this issue on the ballot and let the citizens vote on it. Staff will check into this option.

ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the City Council, Councilman Merideth moved to adjourn into executive session for Property. The motion was seconded by Councilman Teachout and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Absent, thereby being passed.

Mayor Pro Tem called the executive session to order. Present were Mayor Pro Tem Brandon Sparks and Councilmen Ryan Merideth, Onethia Williams, Brian Self, Ryan Merideth and Vest Baker. Staff present were City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Rhonda Council, Finance Director Karen Bailey, Public Works Director Jay Lancaster, Public Safety Director James McMillen and DPS Captain Derick Wheatley.

David Ziegenhorn owns property at 919 E. Malone (next to Burger King) and it is currently up for sale. The City has been looking for a location to build a new fire station and this would be a great location for this facility. Mr. Ziegenhorn presented an offer of \$375,00 to purchase this property.

Councilman Self moved to authorize to make an offer to David Ziegenhorn in the amount of \$350,000 with the maximum amount being the asking price of \$375,000.00. The motion was seconded by Councilman Teachout, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Absent, thereby being passed.

ADJOURNMENT

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

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Absent, thereby being passed.

APPROVED:

BRANDON SPARKS, MAYOR PRO TEM

ATTEST:

RHONDA COUNCIL, CITY CLERK

SEAL:

REGULAR CITY COUNCIL MEETING
JUNE 24, 2021

The regular Sikeston City Council meeting of June 24, 2021 was called to order at 12:00 p.m. at City Hall located at 105 E. Center St., Sikeston. Present at the meeting were: Mayor Greg Turnbow, Brian Self, Onethia Williams, Ryan Merideth, David Teachout and Vest Baker. Councilman Brandon Sparks was absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman (arriving at 12:15 p.m.), City Clerk Rhonda Council, Finance Director Karen Bailey, HR Director Amanda Groves, Public Works Director Jay Lancaster, Street Superintendent Brian Dial, Street Supervisor Darren Martin, Parks Director Dustin Care, Public Safety Director James McMillen, Community Development Director Lorenzo Ware and Code Enforcement Officer Bruce Copeland.

ITEMS OF BUSINESS

1st & 2nd Reading, Emergency Bill #6230, Platting of Armor Subdivision

Councilman Self moved for the first reading of Bill Number 6230. The motion was seconded by Councilman Teachout and the following roll call vote was recorded:

Sparks Absent, Merideth Aye, Self Aye, Williams Aye, Baker Aye,
Teachout Aye, and Turnbow Aye, thereby being passed.

City Clerk Rhonda Council presented the bill for reading. An emergency ordinance of which upon approval shall become Ordinance Number 6230 providing for the approval of a proposed subdivision (Armor Addition) which generally lies west of U.S. Highway 61, north of Co Road 824 and south of Larcel Drive, New Madrid County, Missouri.

Due to the contractual requirements, this matter is being presented as an emergency measure to accommodate timelines.

Councilman Self moved for the second reading of Bill Number 6230. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Absent, Merideth Aye, Self Aye, Williams Aye, Baker Aye,
Teachout Aye, and Turnbow Aye, thereby being passed.

City Clerk Rhonda Council presented the bill for a second reading.

Bill No.6230

Ordinance No. 6230

AN EMERGENCY ORDINANCE OF WHICH UPON APPROVAL SHALL BECOME ORDINANCE NUMBER 6230 PROVIDING FOR THE APPROVAL OF A PROPOSED SUBDIVISION (ARMOR ADDITION) WHICH GENERALLY LIES WEST OF U.S. HWY 61, NORTH OF CO RD 824 AND SOUTH OF LARCEL DRIVE, NEW MADRID COUNTY, MISSOURI.

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

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: The Planning and Zoning Commission met on June 8, 2021 and passed a favorable recommendation to approve the proposed Armor Addition in the City of Sikeston, New

Madrid County, Missouri. The tract or parcel of land, which is attached hereto, marked Exhibit "A" and incorporated by reference and legally described as follows and known as Armor Addition:

"A parcel or tract of land being that part of U.S.P.S No.s 45, 254 and 255, Township 25 North, Range 14 East and Township 26 North, Range 14 East, New Madrid County, Missouri lying West of U.S. Highway 61, North of County Road 824 and East of the Burlington Northern - Santa Fe Railroad and being further described by metes and bounds as follows:

Commencing at the intersection of the North line of U.S.P.S. No. 255 and the West right-of-way line of U.S. Highway 61 for the point of beginning, said point being monumented with a iron rebar and cap stamped, "John Chittenden, PLS 2108"; thence S 80°23'18" W along the North line thereof a distance of 3,538.63 feet to the East right-of-way line of the Burlington Northern - Sante Fe Railroad, monumented with an iron rebar; thence S 5°20'06" E along said right-of-way line a distance of 3,166.60 feet to the North right-of-way line of County Road 824, monumented with a #5 rebar and cap stamped, "Darrall R. Hirtz, PLS 2140"; thence N 80°41'26" E along the North right-of-way of said County Road 824 a distance of 3,755.67 feet to the West right-of-way line of U.S. Highway 61 and monumented the same; thence N 9°04'37" W along said right-of-way line a distance of 1,288.21 feet to Highway Station 125+00, 50'RT and monumented the same; thence S 80°55'23" W a distance of 5.00 feet, being Sta 125+00, 55'RT, monumented the same; thence N 9°04'37" W along said right-of-way line a distance of 937.20 feet to PT Sta 115+62.8, 55'RT, monumented the same; thence along a curve to the left with a radius of 22,863.3' and a chord bearing N9°27'07"W-299.27' a distance of 299.28 feet to PC Sta 112+62.8, 55'RT, monumented the same; thence N 9°49'37" W along said right-of-way line a distance of 562.80 feet to Sta 107+00, 55'RT, monumented the same; thence N 80°10'23" E along said right-of-way line a distance of 5.00 feet to Sta 107+00, 50'RT, monumented the same; thence N 9°49'37" W along said right-of-way line a distance of 90.14 feet to the point of beginning and containing, 265.32 acres, more or less. Subject to any and all easements, if any, affecting the same."

SECTION III: Said plat and subdivision is accepted and approved subject to full compliance with all applicable building and other codes and the stormwater management plan.

SECTION IV: General Repealer Section. Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION V: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Emergency Clause. This ordinance is adopted as an emergency measure in order to enable timely action for "project Armor".

SECTION VII: Record of Passage

- A. Bill Number 6230 was introduced and read the first time this 24th day of June 2021.
- B. Bill Number 6230 was read the second time and discussed on this 24th day of June 2021. Following discussion, Councilman Self moved to approve Bill Number 6230. The motion was seconded by Councilman Baker, discussed and the following roll call vote was recorded:

Sparks Absent, Merideth Aye, Self Aye, Williams Aye, Baker Aye,

Teachout Aye, and Turnbow Aye, thereby being passed.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6230 and shall be in full force and effect from and after its passage.

Consultant Selection for U.S. 61 Widening Project

Staff is seeking approval of a consultant selection for the U.S. 61 widening project. Advertisement for a consultant was done on May 24, 2021 and received qualifications from five (5) consultants. The professional services committee recommends that the city contract with Bacon Farmer Workman Engineering to provide design and inspection services for the widening and signalization of U.S. 61 for the project armor industrial park development. This project is 100% funded by Missouri Department of Transportation (MoDOT), with the City being reimbursed for payments made towards this project.

Councilman Merideth approved the recommendation for the City to negotiate a contract with Bacon Farmer Workman Engineering as the consultant for the widening and signalization project of U.S. 61 for the project armor industrial park development. . The motion was seconded by Councilman Teachout and the following roll call vote was recorded:

Sparks Absent, Merideth Aye, Self Aye, Williams Aye, Baker Aye,
Teachout Aye, and Turnbow Aye, thereby being passed.

Municipal Court Discussions

Discussions continued regarding the possible transfer of Municipal Court functions to Scott and New Madrid County circuit courts. This is in wake of Senate Bill 5, which sought to end alleged abusive practices by some municipal courts and lighten the burden on defendants. It also imposed new restrictions on how much municipal courts could charge violators in fines and penalties and prohibited those courts from sentencing violators to confinement for failure to pay a fine or to suspend the driver's license for defendants who fail to appear in court.

Council instructed Staff to put the ordinance pertaining to the transfer of Municipal Court back on the agenda for June 28th for the second reading and consideration.

Other Items:

- A. The regular July 5th Council meeting has been cancelled due to the July 4th holiday.
- B. Council study session is scheduled for Thursday, July 22 at either noon or 5:00 p.m. to discuss the use of the American Rescue Plan (AR) funding due to the City.

ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the City Council, Councilman Self moved to adjourn to executive session (property), which was added to the agenda during the meeting by City Manager Douglass. The motion was seconded by Councilman Baker and the following roll call vote was recorded:

Sparks Absent, Merideth Aye, Self Aye, Williams Aye, Baker Aye,
Teachout Aye, and Turnbow Aye, thereby being passed.

Mayor Turnbow called the executive session to order. Present were Mayor Greg Turnbow and Councilmen Ryan Merideth, Onethia Williams, Brian Self, Ryan Merideth and Vest Baker. Staff present were City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Rhonda Council, Finance Director Karen Bailey, Public Works Director Jay Lancaster, and Public Safety Director James McMillen.

City Manager Douglass informed Council that David Ziegenhorn would like to enter into an agreement with the City to sell the property located at 919 E. Malone (next to Burger King) for \$375,000. This property would be utilized for the future location of a new fire station.

Councilman Self moved to accept the offer of \$375,000.00 and enter into an agreement with David Ziegenhorn to purchase the property located at 919 E. Malone. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:

Sparks Absent, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

ADJOURNMENT

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

Sparks Absent, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

APPROVED:

GREG TURNBOW, MAYOR

ATTEST:

RHONDA COUNCIL, CITY CLERK

SEAL:

Council Letter

Date of Meeting: June 30, 2021

Originating Department: City Manager

To the Mayor and City Council:

Subject: 1st & 2nd Reading, Emergency Bill #6232, Chapter 100 Bonds for Carlisle Construction Materials

Attachment(s):

1. Emergency Bill 6232 and Exhibits
2. Development Agreement

Action Options:

1. Approve Emergency Bill Number 6232
2. Other Action Council May Deem Necessary

Background:

After many months of negotiation, the City Council approved a Development Agreement with Carlisle Construction Materials on April 16, 2021, which set forth the incentive package the City was offering the company. Carlisle Construction Materials is seeking to locate a new \$62,000,000 plant employing 100 people in Sikeston's South Industrial Park.

The bill authorizes the issuance of industrial revenue bonds up to \$85,000,000 (which amount is higher than the company's planned investment in order to allow for contingencies), and approves the necessary plans, documents, and other actions in connection with the issuance of the bonds. Under these agreements the company, not the city, has the obligation to repay these bonds, but the issuance of them allows the company to access the tax incentives set forth in the Development Agreement.

The City's incentive package is memorialized in the attached Development Agreement, and includes the following:

- Chapter 100 Bond Financing which will provide a 100% tax abatement for 10 years, a 75% tax abatement for 5 years, and a 50 percent tax abatement for the final 5 years, as well as a sales tax exemption on construction materials purchased for the project.

- Transfer of ownership of 124 acres of land in the industrial park at the conclusion of the tax abatement term.
- Improvements to Highway 61 (namely widening of the street and installation of a traffic signal) and construction of a public street within the industrial park from which Project Armor would take access. The City will seek grant funding for these improvements but will guarantee the company's ability to break ground July 1, 2021, regardless of the status of any grant applications.
- Extension of water, sewer, and electric services to the Project Armor site.
- Temporary office space for the company during the construction of the project.
- Waiver of utility connection fees and building permit and inspection fees.
- Guarantee of timely plan review and approval processes.

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY OF SIKESTON, MISSOURI, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (CARLISLE CONSTRUCTION MATERIALS, LLC PROJECT), SERIES 2021, IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$85,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING AND EQUIPPING A FACILITY FOR AN INDUSTRIAL DEVELOPMENT PROJECT IN THE CITY; APPROVING A PLAN FOR THE PROJECT; AND AUTHORIZING THE CITY TO ENTER INTO CERTAIN AGREEMENTS AND TAKE CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

WHEREAS, the City of Sikeston, Missouri, a charter city and political subdivision of the State of Missouri (the "City"), is authorized and empowered pursuant to the provisions of Article VI, Section 27(b) of the Missouri Constitution, Sections 100.010 through 100.200, inclusive, of the Revised Statutes of Missouri (collectively, the "Act") and the City Charter to purchase, construct, extend, improve and equip certain projects (as defined in the Act), to issue industrial revenue bonds for the purpose of providing funds to pay the costs of such projects and to lease or otherwise dispose of such projects to private persons or corporations for manufacturing, commercial, office industry, warehousing and industrial development purposes upon such terms and conditions as the City deems advisable; and

WHEREAS, on April 16, 2021, the City Council adopted Ordinance No. 6224, approving a Development Agreement (the "Development Agreement") with Carlisle Construction Materials, LLC, a Delaware limited liability company (the "Company") concerning a proposed industrial development project on property currently owned by the City; and

WHEREAS, the Development Agreement contemplates that the City will issue its Taxable Industrial Revenue Bonds (Carlisle Construction Materials, LLC Project), Series 2021, in the maximum principal amount of \$85,000,000 (the "Bonds"), for the purpose of constructing an approximately 455,000 square foot manufacturing facility (the "Project Improvements") on an approximately 124-acre site located northwest of the intersection of Highway 62 and County Road 824 in the City (as legally described in the Lease Agreement hereinafter authorized, the "Project Site") and acquiring and installing within the Project Improvements certain equipment and other personal property (the "Project Equipment" and, together with the Project Site and the Project Improvements, the "Project"), as more fully described in the Indenture hereinafter authorized and in the Lease Agreement; and

WHEREAS, the Act requires the City to prepare a plan in connection with any industrial development project undertaken pursuant to the Act; and

WHEREAS, a Plan for an Industrial Development Project and Cost/Benefit Analysis (the "Plan") has been prepared in the form of **Exhibit A** attached hereto; and

WHEREAS, notice of the City's consideration of the Plan has been given in the manner required by the Act, and the City Council has fairly and duly considered all comments submitted to the City Council regarding the proposed Plan; and

WHEREAS, the City Council hereby finds and determines that it is desirable for the improvement of the economic welfare and development of the City and within the public purposes of the Act that the City: (1) approve the Plan pursuant to the Act; (2) issue the Bonds and finance the costs of the Project using proceeds of the Bonds, subject to certain terms and conditions set forth in this Ordinance; and (3) enter into certain agreements and documents with the Company relating to the Bonds; and

WHEREAS, the City Council further finds and determines that it is necessary and desirable in connection with the implementation of the Plan and the issuance of the Bonds that the City enter into certain documents and take certain other actions as herein provided;

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

SECTION I: Approval of the Plan. The City Council hereby approves the Plan.

SECTION II: Authorization for the Project. The City is hereby authorized to provide for the acquisition, construction, equipping, installation and improvement of the Project in the manner and as more particularly described in the Indenture and the Lease Agreement.

SECTION III: Authorization of the Bonds. The City is hereby authorized to issue and sell the Bonds as described in the recitals hereto for the purpose of providing funds to pay the costs of the Project. The Bonds shall be issued and secured pursuant to the Indenture and shall have such terms, provisions, covenants and agreements as are set forth in the Indenture.

SECTION IV: Limitation on Liability. The Bonds and the interest thereon shall be limited obligations of the City, payable solely out of certain payments, revenues and receipts derived by the City from the Lease Agreement. Such payments, revenues and receipts shall be pledged and assigned to the bond trustee named in the Indenture (the "Trustee") as security for the payment of the Bonds as provided in the Indenture. The Bonds and the interest thereon shall not constitute general obligations of the City, the State of Missouri (the "State") or any political subdivision thereof, and neither the City nor the State shall be liable thereon. The Bonds shall not constitute an indebtedness within the meaning of any constitutional, statutory or charter debt limitation or restriction and are not payable in any manner by taxation.

SECTION V: Authorization of Documents. The City is hereby authorized to enter into the following documents (collectively, the "City Documents"), in substantially the forms presented to and approved by the City Council and attached to this Ordinance, with such changes therein as shall be approved by the officials of the City executing the documents, such officials' signatures thereon being conclusive evidence of their approval thereof:

(a) Special Warranty Deed from the City, as grantor, to the Company, as grantee, in substantially the form attached hereto as **Exhibit B**, pursuant to which the City will transfer title to the Project Site to the Company.

(b) Special Warranty Deed from the Company, as grantor, to the City, as grantee, in substantially the form attached hereto as **Exhibit C**, pursuant to which the Company will transfer title to the Project to the City.

(c) Lease Agreement (the "Lease Agreement") between the City and the Company, in substantially the form attached hereto as **Exhibit D**, pursuant to which the City will lease the Project to the Company pursuant to the terms and conditions in the Lease Agreement, in consideration of rental payments by the Company that will be sufficient to pay the principal of and interest on the Bonds.

(d) Performance Agreement between the City and the Company, in substantially the form attached hereto as **Exhibit E**, pursuant to which the Company will make certain payments in lieu of taxes.

(e) Trust Indenture (the "Indenture") between the City and the Trustee, in substantially the form attached hereto as **Exhibit F**, pursuant to which the Bonds will be issued and the City will pledge the Project and assign certain of the payments, revenues and receipts received pursuant to the Lease Agreement to the Trustee for the benefit and security of the owners of the Bonds upon the terms and conditions as set forth in the Indenture.

(f) Bond Purchase Agreement between the City and the Company, in substantially the form attached hereto as **Exhibit G**, pursuant to which the Company will purchase the Bonds from the City.

SECTION VI: Execution of Documents. The Mayor or the City Manager is hereby authorized to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Mayor or the City Manager is hereby authorized to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized to attest to and affix the seal of the City to the Bonds and the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION VII: Further Authority. The City shall, and the officials, agents and employees of the City are hereby authorized to, take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds and the City Documents. The Mayor and the City Manager are hereby authorized, through the term of the Lease Agreement, to execute all documents on behalf of the City (including documents pertaining to the transfer of property or the financing or refinancing of the Project by the Company) as may be required to carry out and comply with the intent of this Ordinance, the Indenture and the Lease Agreement. The Mayor and the City Manager are further authorized, on behalf of the City, to grant such consents, estoppels and waivers relating to the Bonds, the Indenture, the Lease Agreement or the Performance Agreement as may be requested during the term thereof; provided, such consents, estoppels and/or waivers shall not increase the principal amount of the Bonds, increase the term of the Lease Agreement or the tax exemption as provided for therein, waive an event of default or materially change the nature of the transaction. The City Clerk is authorized to attest to and affix the seal of the City to any document authorized by this Section.

SECTION VIII: Savings. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or connected with the subject matter hereof.

SECTION IX: General Repealer Section. Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION X: Severability. If any term, condition or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provision. If, as a result of a subsequent change in applicable law, the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION XI: Emergency Ordinance. The Company intends to commence construction of its new facility in Summer 2021, but such construction is conditioned on the issuance of the Bonds. Accordingly, the City Council hereby finds and declares that this Ordinance shall be an emergency ordinance as described in the City's Charter.

SECTION XII: Record of Passage:

- A. Bill Number 6232 was introduced to Council and read the first time this 30th day of June 2021.
- B. Bill Number 6232 was read the second time this 30th day of June 2021, discussed,

and was voted as follows:

Baker _____, Merideth _____, Self _____, Sparks _____,
Teachout _____, Williams _____, and Turnbow _____,

thereby being _____,

becoming Ordinance 6232.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6232 and shall be in full force and effect.

Greg Turnbow, Mayor

Approved as to form
Tabatha Thurman, City Counselor

SEAL / ATTEST:

Rhonda Council, City Clerk

EXHIBIT A

**PLAN FOR AN INDUSTRIAL DEVELOPMENT PROJECT
AND
COST/BENEFIT ANALYSIS**

[On file with the City Clerk]

EXHIBIT B

SPECIAL WARRANTY DEED (CITY TO COMPANY)

[On file with the City Clerk]

EXHIBIT C

SPECIAL WARRANTY DEED (COMPANY TO CITY)

[On file with the City Clerk]

EXHIBIT D

LEASE AGREEMENT

[On file with the City Clerk]

EXHIBIT E

PERFORMANCE AGREEMENT

[On file with the City Clerk]

EXHIBIT F

TRUST INDENTURE

[On file with the City Clerk]

EXHIBIT G

BOND PURCHASE AGREEMENT

[On file with the City Clerk]

Council Letter

Date of Meeting: 21-06-30

Originating Department: Finance Department

To the Mayor and City Council:

Subject: 1st & 2nd Reading, Emergency Bill #6233, Special Obligation Refunding and Improvement Bonds

Attachment(s):

1. Bill Number/Ordinance Number 6233
2. Exhibit A: Form of Bonds (included in Ordinance)
3. Exhibit B: Preliminary Official Statement
4. Exhibit C: Continuing Disclosure Undertaking
5. Exhibit D: Bond Purchase Agreement
6. Exhibit E: Parameters of Bond Sale (included in Ordinance)
7. Exhibit F: Final Terms Certificate (included in Ordinance)

Action Options:

1. Approve Emergency Bill #6233
2. Other action Council may deem appropriate

Background:

Bill Number 6233 authorizes and direct the issuance, sale and delivery of Special Obligation Refunding and Improvement Bonds, Series 2021, of the City of Sikeston, and approves certain documents and authorizing certain other actions in connection therewith. The attached documents were prepared by Gilmore and Bell, bond counsel for the City of Sikeston.

Approximately \$13,560,000 would be used for an Ingram overpass and outer road connecting to U.S. Highway 61, south industrial park infrastructure and refinancing of the DPS facility. Some of these expenditures will be reimbursed to the City through grants. The City is required to pay expenses and then request reimbursement. We do not have sufficient funds on hand to meet that need. The City anticipates a 1–1 ½% savings on the refinancing of DPS headquarters.

The city will repay a large part of the bonds off when grant reimbursement is provided. We are currently setting aside \$313,000 per year for the DPS building. It is expected our annual payment would then be around \$475,000 per year.

ORDINANCE NO. 6233

OF THE

CITY OF SIKESTON, MISSOURI

PASSED

JUNE 30, 2021

AUTHORIZING

NOT TO EXCEED \$15,000,000

SPECIAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS

SERIES 2021

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Passage**Error! Bookmark not defined.**

- Exhibit A – Form of Bonds
- Exhibit B – Preliminary Official Statement
- Exhibit C – Continuing Disclosure Undertaking
- Exhibit D – Bond Purchase Agreement
- Exhibit E – Parameters of Bond Sale
- Exhibit F – Final Terms Certificate

BILL NO. 6233

ORDINANCE NO. 6233

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF SPECIAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2021, OF THE CITY OF SIKESTON, MISSOURI; AND APPROVING CERTAIN DOCUMENTS AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Sikeston, Missouri (the “City”), is a constitutional charter city and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its Charter and the Constitution and laws of the State of Missouri; and

WHEREAS, the City desires to and is authorized under the provisions of the Constitution of the State of Missouri and its Charter to issue and sell not to exceed \$15,000,000 aggregate principal amount of Special Obligation Refunding and Improvement Bonds, Series 2021 (the “Bonds”) for the purpose of providing funds to (a) pay the costs of certain capital improvements within the City, including industrial park, highway, and road and bridge improvements (collectively, the “Project”), (b) refund certain outstanding loans of the City and (c) pay the costs of issuing the Bonds; and

WHEREAS, the principal of and interest on the Bonds will be payable solely from the revenues derived from annual appropriations by the City Council; and

WHEREAS, it is hereby found and determined that it is necessary and advisable and in the best interest of the City and of its inhabitants that the Bonds be issued and secured in the form and manner as hereinafter provided to provide funds for such purposes;

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Ordinance shall have the following meanings:

“**2011 Loan**” means the loan dated as of June 13, 2011 in the aggregate principal amount of \$4,186,200, between the Sikeston Economic Development Corporation, as borrower, and the United Stated Department of Agriculture Rural Housing Service (Rural Development), as grantee.

“**2013 Loan**” means the loan dated as of March 27, 2013 in the aggregate principal amount of \$277,000, between the Sikeston Economic Development Corporation, as borrower, and the United Stated Department of Agriculture Rural Housing Service (Rural Utilities Service), as grantee.

“**Bond Counsel**” means Gilmore & Bell, P.C., St. Louis, Missouri, or other attorneys or firm of attorneys with a nationally recognized standing in the field of municipal bond financing selected by the City.

“**Bond Payment Date**” means any date on which principal or Redemption Price of or interest on any Bond is payable.

“**Bond Purchase Agreement**” means the Bond Purchase Agreement between the City and the Underwriter, in substantially the form attached hereto as **Exhibit D**.

“**Bond Register**” means the books for the registration, transfer and exchange of Bonds kept at the office of the Paying Agent.

“**Bondowner**” or “**Registered Owner**” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

“**Bonds**” means the Special Obligation Refunding and Improvement Bonds, Series 2021, authorized and issued by the City pursuant to this Ordinance.

“**Business Day**” means a day, other than a Saturday, Sunday or holiday, on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of business.

“**City**” means the City of Sikeston, Missouri, and any successors or assigns.

“**Code**” means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the Treasury Department promulgated thereunder.

“**Continuing Disclosure Undertaking**” means the Continuing Disclosure Undertaking in substantially the form attached hereto as **Exhibit C**.

“**Debt Service Fund**” means the fund by that name referred to in **Section 501** hereof.

“**Defaulted Interest**” means interest on any Bond that is payable but not paid on any Interest Payment Date.

“**Defeasance Obligations**” means any of the following obligations, if and to the extent the same are at the time legal for investment of the City’s funds:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations serving as security for the obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations serving as security for the obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) the obligations are rated in a rating category by Moody’s Investors Service, Inc. or Standard & Poor’s that is no lower than the rating category then assigned to United States Government Obligations.

“**Federal Tax Certificate**” means the Federal Tax Certificate executed by the City, as the same may be amended or supplemented in accordance with the provisions thereof.

“**Final Terms Certificate**” means the Final Terms Certificate, in substantially the form attached hereto as **Exhibit F**, executed and delivered pursuant to **Section 210** hereof and attached to this Ordinance as of the date of issuance of the Bonds.

“**Financial Advisor**” means Piper Sandler & Co., St. Louis, Missouri, and any successors or assigns.

“Fiscal Year” means the fiscal year of the City, currently the period beginning July 1 and ending June 30.

“Interest Payment Date” means the Stated Maturity of an installment of interest on any Bond.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Ordinance” means this Ordinance adopted by the City Council of the City, authorizing the issuance of the Bonds, as amended from time to time, and as supplemented by the Final Terms Certificate.

“Outstanding” means, when used with reference to Bonds, as of any particular date of determination, all Bonds theretofore authenticated and delivered hereunder, except the following Bonds:

(a) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of **Section 701** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“Paying Agent” means BOKF, N.A., St. Louis, Missouri, and any successors or assigns.

“Permitted Investments” means any legally permissible investment of the City’s funds.

“Person” means any natural person, corporation, partnership, limited liability company, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Preliminary Official Statement” means the Preliminary Official Statement, in substantially the form attached hereto as **Exhibit B**.

“Project” means the construction of certain capital improvements within the City, including industrial park, highway, and road and bridge improvements within the City.

“Project Fund” means the fund by that name referred to in **Section 501** hereof.

“Rebate Fund” means the fund by that name referred to in **Section 501** hereof.

“Record Date” for the interest payable on any Interest Payment Date means the 15th day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Ordinance.

“Redemption Price” when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Ordinance, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date, which price is to be stated as a percentage of the principal amount of those Bonds to be redeemed.

“Special Record Date” means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Ordinance as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Underwriter” means, collectively, Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin, and Stifel, Nicolaus & Company, Incorporated, St. Louis, Missouri, the original purchasers of the Bonds.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and

interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payments on obligations issued or guaranteed by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities that represent an undivided interest in such obligations, which obligations are rated in the same rating category or higher as the United States of America by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the City.

ARTICLE II

AUTHORIZATION OF BONDS

Section 201. Authorization of Bonds. There shall be issued and hereby are authorized and directed to be issued the Special Obligation Refunding and Improvement Bonds, Series 2021, in the principal amount of not to exceed \$15,000,000 (the “Bonds”), for the purpose of providing funds to (a) pay the costs of the Project, (b) refund certain outstanding loans of the City, and (c) pay the costs of issuing the Bonds.

Section 202. Description of Bonds.

(a) The Bonds shall consist of fully-registered bonds, numbered from 1 upward in order of issuance, in denominations of \$5,000 or any integral multiple thereof. The Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be substantially in the form set forth in **Exhibit A** attached hereto, and shall be subject to registration, transfer and exchange as provided in **Section 205** hereof.

(b) The Bonds shall be dated as of the date of original delivery and payment therefor and shall become due in the amounts on the Stated Maturities as set forth in the Final Terms Certificate. The Bonds shall have a weighted average maturity of not less than _ years nor more than __ years and shall bear interest at the rates per annum (not exceeding ___%) (computed on the basis of a 360-day year of twelve 30-day months) from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable semiannually on June 1 and December 1 in each year, beginning no later than December 1, 2021, as set forth in the Final Terms Certificate. The Bonds shall be sold at a purchase price of not less than __% or more than ___% of the principal amount of the Bonds, plus accrued interest thereon, if any.

Section 203. Designation of Paying Agent.

(a) BOKF, N.A., a national banking association with a corporate trust office located in St. Louis, Missouri, is hereby designated as the City’s paying agent for the payment of principal of and interest on the Bonds and bond registrar with respect to the registration, transfer and exchange of Bonds (the “Paying Agent”).

(b) The City will at all times maintain a Paying Agent meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent by (1) filing with the Paying Agent then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent and appointing a successor, and (2) causing notice of the appointment of the successor Paying Agent to be given by first class mail to each Registered Owner. The Paying Agent may at any time resign and be discharged from its duties and responsibilities hereunder by giving written notice by first class mail to the City and the Bondowners not less than 60 days prior to the date such resignation is to take effect. No resignation or removal of the Paying Agent shall become effective until a successor has been appointed and has accepted the duties of Paying Agent.

(c) Every Paying Agent appointed hereunder shall at all times be a commercial banking association or corporation or trust company located in the State of Missouri organized and doing business under the laws of the United States of America or of the State of Missouri, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state regulatory authority.

(d) The Paying Agent shall be paid its fees and expenses for its services in connection with the Bonds.

Section 204. Method and Place of Payment of Bonds.

(a) The principal or Redemption Price of and interest on the Bonds shall be payable in any coin or currency of the United States of America that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

(b) Payment of the principal of or interest on any Bond shall be made (1) by check or draft of the Paying Agent mailed to each Registered Owner as of the commencement of business of the Paying Agent on the Record Date for such Bond Payment Date or (2) by electronic transfer to such Registered Owner upon written notice delivered to the Paying Agent not less than five days before the Record Date from and signed by such Registered Owner containing electronic transfer instructions including the name of the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed, together with an acknowledgement that an electronic transfer fee may be applicable.

(c) Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Registered Owner of such Bond on the relevant Record Date and shall be payable to the Registered Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent unless the City and the Paying Agent agree to a shorter time) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment, unless the City and the Paying Agent agree to a shorter time. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Registered Owner of a Bond entitled to such notice at the address of such Registered Owner as it appears on the Bond Register not less than 10 days before the Special Record Date.

(d) The Paying Agent shall keep a record of the payment of principal and Redemption Price of and interest on all Bonds and, upon the City's written request, shall forward a copy or summary of such records to the City.

Section 205. Registration, Transfer and Exchange of Bonds.

(a) The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Paying Agent as herein provided. Each Bond when issued shall be registered in the name of the Registered Owner thereof on the Bond Register.

(b) Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal payment office of the Paying Agent, or at such other office designated by the Paying Agent, the Paying Agent shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange. Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Paying Agent, duly executed by the Registered Owner thereof or by the Registered Owner's duly authorized agent.

(c) In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The City shall pay the reasonable fees and expenses of the Paying Agent for the registration, transfer and exchange of Bonds provided for by this Ordinance and the reasonable cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Paying Agent, are the responsibility of the Registered Owners of the Bonds. If any Registered Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Registered Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Registered Owner hereunder or under the Bonds.

(d) The City and the Paying Agent shall not be required (i) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to **Section 303** and during the period of 15 days next preceding the date of mailing of such notice of redemption, or (ii) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204**.

(e) The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Registered Owner or upon the Registered Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

(f) At reasonable times and under reasonable regulations established by the Paying Agent, the Bond Register may be inspected and copied by the Registered Owners of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Registered Owners whose authority is evidenced to the satisfaction of the Paying Agent.

Section 206. Execution, Registration, Authentication and Delivery of Bonds.

(a) Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk and shall have the official seal of the City affixed or imprinted thereon. In case any officer whose signature appears on any Bond ceases to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

(b) The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and, when duly executed and registered, to deliver the Bonds to the Paying Agent for authentication.

(c) The Bonds shall have endorsed thereon a certificate of authentication substantially in the form set forth in **Exhibit A** attached hereto, which shall be manually executed by an authorized signatory of the Paying Agent, but it shall not be necessary that the same signatory sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Ordinance or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Paying Agent. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Ordinance. Upon authentication, the Paying Agent shall deliver the Bonds to or upon the order of the Underwriter or shall hold the Bonds as FAST Agent for the benefit of the Beneficial Owners (as defined herein), upon payment to the City of the purchase price of the Bonds plus accrued interest, if any, to the date of their delivery.

Section 207. Mutilated, Destroyed, Lost and Stolen Bonds.

(a) If (i) any mutilated Bond is surrendered to the Paying Agent or the Paying Agent receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (ii) there is delivered to the Paying Agent such security or indemnity as may be required by the Paying Agent, then, in the absence of notice to the Paying Agent that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

(b) If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Paying Agent may pay such Bond instead of delivering a new Bond.

(c) Upon the issuance of any new Bond under this Section, the City or the Paying Agent may require the payment by the Registered Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

(d) Every new Bond issued pursuant to this Section shall constitute a replacement of the City's prior obligation, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be canceled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary retention practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so canceled and shall file an executed counterpart of such certificate with the City.

Section 209. Preliminary and Final Official Statement.

(a) The Preliminary Official Statement, in substantially the form attached hereto as **Exhibit B**, is hereby ratified and approved, and the final Official Statement is hereby authorized and approved by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor is hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Underwriter in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to the Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

(b) For the purpose of enabling the Underwriter to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "SEC"), the City hereby deems the Preliminary Official Statement to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1). The appropriate officers of the City are hereby authorized, if requested, to provide the Underwriter a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Underwriter to comply with the requirement of such Rule.

(c) The City agrees to provide to the Underwriter within seven Business Days of the date of the sale of Bonds sufficient copies of the final Official Statement to enable the Underwriter to comply with the requirements of Rule 15c2-12(b)(4) of the SEC and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board (the "MSRB").

Section 210. Sale of Bonds.

(a) The City agrees to sell the Bonds to the Underwriter at the purchase price set forth in the Final Terms Certificate, upon the terms and conditions set forth therein and with such changes therein as shall be approved by the Mayor.

(b) The Mayor is hereby authorized to, without any further authorization or direction from the City Council, (1) approve the purchase price for the Bonds, the principal amounts by maturity, the interest rates, the optional redemption provisions, and the other final terms of the Bonds, (2) execute a Final Terms Certificate in substantially the form attached to this Ordinance and marked **Exhibit F** (provided the final terms of the Bonds set forth therein shall meet all of the requirements of this Ordinance), and (3) enter into the Bond Purchase Agreement between the City and the Underwriter in substantially the form attached hereto as **Exhibit D**, with such changes therein as are required to conform to the Final Terms Certificate. Upon execution, the Final Terms Certificate will be attached and made part of this Ordinance.

Section 211. Securities Depository.

(a) For purposes of this Section, the following terms shall have the following meanings:

"Beneficial Owner" means, whenever used with respect to a Bond, the Person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such Person's subrogee.

"Cede & Co." means Cede & Co., the nominee of the Securities Depository, and any successor nominee of the Securities Depository with respect to the Bonds.

"Participant" means any broker-dealer, bank or other financial institution for which the Securities Depository holds Bonds as securities depository.

"Representation Letter" means, collectively, the Representation Letter from the City to the Securities Depository and the Representation Letter from the Paying Agent to the Securities Depository.

"Securities Depository" means The Depository Trust Company, New York, New York.

(b) The Bonds shall be initially issued as one single authenticated fully-registered bond for each Stated Maturity. Upon initial issuance, the ownership of such Bonds shall be registered in the Bond Register kept by the Paying Agent in the name of Cede & Co., as nominee of the Securities Depository. The Paying Agent and the City may treat the Securities Depository (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal or Redemption Price of and interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to Registered Owners of Bonds under this Ordinance,

registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Paying Agent nor the City shall be affected by any notice to the contrary. Neither the Paying Agent nor the City shall have any responsibility or obligation to any Participant, any Person claiming a beneficial ownership interest in the Bonds under or through the Securities Depository or any Participant, or any other Person which is not shown on the Bond Register kept by the Paying Agent as being a Registered Owner of any Bonds, with respect to the accuracy of any records maintained by the Securities Depository or any Participant, with respect to the payment by the Securities Depository or any Participant of any amount with respect to the principal or Redemption Price of and interest on the Bonds, with respect to any notice which is permitted or required to be given to the Registered Owners of Bonds under this Ordinance, with respect to the selection by the Securities Depository or any Participant of any Person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by the Securities Depository as Registered Owner of the Bonds. The Paying Agent shall pay all principal or Redemption Price of and interest on the Bonds only to Cede & Co. in accordance with the Representation Letter, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal or Redemption Price of and interest on the Bonds to the extent of the sum or sums so paid. No Person other than the Securities Depository (or the Paying Agent as "FAST Agent" of the Securities Depository) shall receive an authenticated Bond for each separate stated maturity of the Bonds evidencing the City's obligation to make payments of principal and interest. Upon delivery by the Securities Depository to the Paying Agent of written notice to the effect that the Securities Depository has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) If the Participants holding a majority position in the Bonds determine that it is in the best interest of the Beneficial Owners that they be able to obtain certificated Bonds, the Participants may notify the Securities Depository and the Paying Agent, whereupon the Securities Depository shall notify the Participants of the availability through the Securities Depository of Bond certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. The Securities Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Paying Agent and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of the Securities Depository, all payments with respect to the principal or Redemption Price of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Securities Depository as provided in the Representation Letter.

(e) If any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Paying Agent from the Registered Owners thereof of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this Ordinance. If Bonds are issued to holders other than Cede & Co., its successor as nominee for the Securities Depository as holder of all the Bonds, or other securities depository as holder of all the Bonds, the provisions of this Ordinance shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds and the method of payment of the principal or Redemption Price of and interest on such Bonds. In the event that Bonds are issued to holders other than the Securities Depository, the Paying Agent may rely on information provided by the Securities Depository or any Participant as to the names, addresses of and principal amounts held by the Beneficial Owners of the Bonds.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption of Bonds.

(a) The optional redemption provisions of the Bonds, if any, shall be set forth in the Final Terms Certificate.

(b) Any Term Bonds designated in the Final Terms Certificate shall be subject to the following mandatory redemption requirements. At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the City may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Registered Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any Term Bonds subject to

mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection (b)) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection (b). Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity in chronological order, and the principal amount of Term Bonds of the same Stated Maturity to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with respect to such mandatory redemption.

Section 302. Selection of Bonds to be Redeemed.

(a) The Paying Agent shall call Bonds for optional redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Paying Agent at least 45 days prior to the Redemption Date of the City's written instructions specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. If the Bonds are refunded more than 90 days in advance of the Redemption Date, any escrow agreement entered into by the City in connection with the refunding shall provide that the written instructions to the Paying Agent shall be given by the escrow agent on the City's behalf not less than 45 days prior to the Redemption Date. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** hereof are met. The foregoing provisions of this paragraph shall not apply to the mandatory redemption of Term Bonds designated in the Final Terms Certificate, and such Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the City and whether or not the Paying Agent shall hold in the Debt Service Fund moneys available and sufficient to effect the required redemption.

(b) Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Outstanding Bonds are to be redeemed, such Bonds shall be redeemed in such order of their Stated Maturities as determined by the City, and Bonds of less than a full Stated Maturity shall be selected by the Paying Agent in \$5,000 units of principal amount in such equitable manner as the Paying Agent may determine.

(c) In the case of a partial redemption of Bonds when Bonds of denominations greater than \$5,000 are then Outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond are selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Registered Owner of such Bond or the Registered Owner's duly authorized agent shall present and surrender such Bond to the Paying Agent (i) for payment of the Redemption Price and interest to the Redemption Date of such \$5,000 unit or units of face value called for redemption, and (ii) for exchange, without charge to the Registered Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Registered Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the Redemption Date to the extent of the \$5,000 unit or units of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption.

(a) Unless waived by any Registered Owner of Bonds to be redeemed, official notice of any redemption shall be given by the Paying Agent on the City's behalf by mailing a copy of an official redemption notice by first class mail at least 30 days but not more than 60 days prior to the Redemption Date to each Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register.

(b) All official notices of redemption shall be dated and shall contain the following information:

(i) the Redemption Date;

(ii) the Redemption Price;

(iii) if less than all Outstanding Bonds are to be redeemed, the identification number, Stated Maturity and, in the case of partial redemption of any Bonds, the respective principal amounts of the Bonds to be redeemed;

(iv) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(v) the place where such Bonds are to be surrendered for payment of the Redemption Price.

(c) Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

(d) With respect to optional redemptions, such notice may be conditional upon moneys being on deposit with the Paying Agent on or prior to the Redemption Date in an amount sufficient to pay the Redemption Price on the Redemption Date. If such notice is conditional and either the Paying Agent receives written notice from the City that moneys sufficient to pay the Redemption Price will not be received on the Redemption Date, or such moneys are not received on the Redemption Date, then such notice shall be of no force and effect, the Paying Agent shall not redeem such Bonds and the Paying Agent shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not or will not be so received and that such Bonds will not be redeemed.

(e) Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, the Paying Agent shall prepare for the Registered Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be canceled and destroyed by the Paying Agent as provided herein and shall not be reissued.

(f) The failure of any Registered Owner to receive the foregoing notice or any defect therein shall not invalidate the effectiveness of the call for redemption.

(g) In addition to the foregoing notice, further notice shall be given by the Paying Agent on the City's behalf as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed.

(i) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bonds as originally issued; and (C) any other descriptive information needed to identify accurately the Bonds being redeemed.

(ii) Each further notice of redemption shall be filed on the Electronic Municipal Market Access system for municipal securities disclosures ("EMMA") established and maintained by the MSRB (or any successor to EMMA established by the MSRB), at least one day before the mailing of notice to Registered Owners. If EMMA ceases to exist, then each further notice of redemption shall be sent by first class, registered or certified mail or overnight delivery, as determined by the Paying Agent, to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(h) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed therewith the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

(i) The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the SEC. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR AND PAYMENT OF BONDS

Section 401. Security for the Bonds.

(a) The Bonds are special obligations of the City payable as to both principal or Redemption Price and interest solely from annual appropriations of funds by the City for such purpose. The obligation of the City to make payments into the Debt Service Fund and any other obligations of the City to make payments under this Ordinance do not constitute a general obligation or indebtedness of the City for which the City is obligated to levy or pledge any form of taxation, or for which the City has levied or pledged any form of taxation and shall not be construed to be a debt of the City in contravention of any applicable constitutional, statutory or charter limitation or requirement but in each Fiscal Year shall be payable solely from the amounts pledged or appropriated therefor from (i) the income and revenues provided for such year and (ii) any unencumbered balances for previous years. Subject to the preceding sentence, the obligations of the City to make payments hereunder and to perform and observe any other covenant and agreement contained herein shall be absolute and unconditional.

(b) The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds to the payment of the principal or Redemption Price of and the interest on the Bonds, or otherwise, except as to the rate of interest and Stated Maturity as provided in this Ordinance.

Section 402. Covenant to Request Appropriations. The City Council hereby directs the Finance Director or any other officer of the City at any time charged with the responsibility of formulating budget proposals to (a) include in each annual budget an appropriation of the amount necessary (after taking into account any moneys legally available for such purpose) to pay debt service on the Bonds in the next succeeding Fiscal Year, and (b) take such further action (or cause the same to be taken) as may be necessary or desirable to assure the availability of moneys appropriated to pay such debt service on the Bonds in the next succeeding Fiscal Year. This does not obligate the City Council to appropriate such funds.

ARTICLE V

ESTABLISHMENT OF FUNDS; DEPOSIT AND APPLICATION OF MONEYS

Section 501. Establishment of Funds. There have been or shall be established in the treasury of the City and shall be held and administered by the Finance Director of the City the following separate funds:

- (a) Debt Service Fund.
- (b) Project Fund.
- (c) Rebate Fund.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as set forth in the Final Terms Certificate.

Section 503. Application of Money in the Project Fund.

(a) Money in the Project Fund shall be used by the City solely for the purpose of (i) paying the costs of the Project in accordance with the plans and specifications therefor prepared by the City's engineers and (ii) paying the costs and expenses of issuing the Bonds.

(b) The Finance Director shall make withdrawals from the Project Fund upon satisfaction that such payment is being made for a purpose within the scope of this Ordinance and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for or, if such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Nothing hereinbefore contained shall prevent the payment out of the Project Fund of all costs and expenses incident to the issuance of the Bonds.

(c) Upon completion of the Project, any surplus remaining in the Project Fund shall be transferred to and deposited in the Debt Service Fund.

Section 504. Application of Moneys in Debt Service Fund.

(a) All amounts paid and credited to the Debt Service Fund shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Paying Agent. The Finance Director is authorized and directed to withdraw from the Debt Service Fund sums sufficient to pay principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before 11:00 a.m. of the Business Day when such principal or Redemption Price, interest and fees of the Paying Agent will become due. If, through the lapse of time or otherwise, the Registered Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance and shall be held in trust by the Paying Agent for the benefit of the Registered Owners of the Bonds entitled to payment from such moneys.

(b) Any moneys or investments remaining in the Debt Service Fund after the retirement of the Bonds shall be transferred and paid into the general fund of the City.

Section 505. Application of Money in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent necessary to satisfy the Federal Tax Certificate for payment to the United States of America, and neither the City nor the Registered Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The City shall periodically determine the amount of arbitrage rebate due under Section 148(f) of the Code in accordance with the Federal Tax Certificate, and the City shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any money remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any arbitrage rebate required pursuant to the Federal Tax Certificate, or provision made therefor, shall be released to the City.

Section 506. Deposits and Investment of Moneys.

(a) Moneys in each of the funds created by and referred to in this Ordinance shall be deposited in a bank or banks or other legally permitted financial institutions located in the State of Missouri that are members of the Federal Deposit Insurance Corporation. All such deposits shall be continuously and adequately secured by the financial institutions holding such deposits as provided by the laws of the State of Missouri. All moneys held in the funds created by this Ordinance shall be kept separate and apart from all other funds of the City so that there shall be no commingling of such funds with any other funds of the City.

(b) Moneys held in any fund referred to in this Ordinance may be invested by the City's Finance Director in accordance with the investment policy of the City, as such policy may be amended from time to time, in accordance with this Ordinance and the Federal Tax Certificate, in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any fund shall accrue to and become a part of such fund.

Section 507. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the City to the Registered Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Registered Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said Bond. If any Bond is not presented for payment within one year following the date when such Bond becomes due at Maturity, the Paying Agent shall repay without liability for interest thereon, to the City the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the City, and the Registered Owner thereof shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the City shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 508. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of the principal or Redemption Price of and interest on the Bonds need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 509. Prepayment of Loan Obligations. The 2011 Loan and the 2013 Loan shall be prepaid by the payment of the principal thereof, together with any prepayment premium and accrued interest thereon to the applicable prepayment date. If funds are not received on or before the prepayment date, the City shall not prepay those obligations, and the Mayor shall give notice to the owners of those obligations that those obligations will not be prepaid. All actions heretofore taken by the officers, agents and employees of the City in connection with the prepayment of the 2011 Loan and the 2013 Loan are hereby ratified and confirmed. The officers of the City, including the Mayor, Finance Director and City Clerk, are hereby authorized and directed to take such action as may be necessary to effect the prepayment of the 2011 Loan and 2013 Loan as herein provided (including execution of all documents necessary to terminate those obligations and release the property encumbered thereunder from the lien and effect of those obligations).

ARTICLE VI

REMEDIES

Section 601. Remedies. The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the Registered Owners of the Bonds, and the Registered Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Registered Owners of Bonds similarly situated:

- (a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Registered Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the Constitution and laws of the State of Missouri;
- (b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and
- (c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Registered Owners of the Bonds.

Section 602. Limitation on Rights of Bondowners. The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Bonds. All of the Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, or date of Maturity or right of prior redemption as provided in this Ordinance. No one or more Bondowners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Registered Owners of such Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Bondowners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Registered Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies consequent thereon. No delay or omission of any Bondowner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Registered Owners of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. If any suit, action or proceedings taken by any Bondowner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to such Bondowner, then, and in every such case, the City and the Registered Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Bondowners shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 604. No Acceleration. Notwithstanding anything herein to the contrary, the Bonds are not subject to acceleration upon the occurrence of an event of default hereunder.

Section 605. No Obligation to Levy Taxes. Nothing contained in this Ordinance shall be construed as imposing on the City any duty or obligation to levy any taxes either to meet any obligation incurred hereunder or to pay the principal of or interest on the Bonds.

Section 606. Exception for Continuing Disclosure. This **Article VI** shall not apply to **Section 806** hereof regarding the City's continuing disclosure obligations, and Registered Owners or Beneficial Owners (as defined in the Continuing Disclosure Undertaking) of the Bonds shall have no remedies for enforcement of said obligations other than the remedies provided for in **Section 806** hereof and the Continuing Disclosure Undertaking.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance.

(a) When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Ordinance and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Ordinance if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State of Missouri and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, money and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of and redemption premium, if any, on said Bonds and interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds are to be redeemed prior to their Stated Maturity, (i) the City has elected to redeem such Bonds, and (ii) either notice of such redemption has been given, or the City has given irrevocable instructions, or has provided for an escrow agent to give irrevocable instructions, to the Paying Agent to give such notice of redemption in compliance with **Section 302(a)**.

(b) Any money and Defeasance Obligations that at any time are deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds, or the interest payments thereon, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Registered Owners of the Bonds, and such money shall be and is hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or other bank or trust company shall be deemed to be deposited in accordance with and subject to the provisions of this Ordinance.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 801. Tax Covenant. The City covenants and agrees to comply with all provisions and requirements of the Federal Tax Certificate, which is hereby approved, with such changes therein as shall be approved by the Mayor and the Finance Director, which officers are hereby authorized to execute the Federal Tax Certificate for and on behalf of the City, such officers' signatures thereon being conclusive evidence of their approval thereof.

Section 802. Annual Audit.

(a) Annually, promptly after the end of the Fiscal Year, the City will cause an audit to be made of its funds and accounts for the preceding Fiscal Year by an independent certified public accountant or firm of independent certified public accountants.

(b) Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the City Clerk. Such audits shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Registered Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Registered Owner.

Section 803. Insurance. The City will carry and maintain fire and extended coverage insurance, either commercial or self-insured, upon all of the properties that constitute a part of the Project, insofar as the same are of an insurable nature. Such insurance will be in an amount at least equal to the lesser of (a) the amount of the Bonds then Outstanding or (b) the replacement cost thereof. In the event of loss or damage, the City, with reasonable dispatch, will use the proceeds of such insurance to reconstruct and replace the property damaged or destroyed. If reconstruction or replacement is unnecessary, the City will deposit the proceeds of such insurance into the Debt Service Fund.

Section 804. Amendments.

(a) Notwithstanding the City's obligations under the Continuing Disclosure Undertaking, which may be modified as provided therein, the rights and duties of the City and the Bondowners, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by ordinance of the City with the written consent of the Registered Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Registered Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

- (i) extend the maturity of any payment of principal or interest due upon any Bond;
- (ii) alter the optional Redemption Date of any Bond;
- (iii) effect a reduction in the amount which the City is required to pay as principal of or interest on any Bond;
- (iv) permit preference or priority of any Bond over any other Bond; or
- (v) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

(b) Any provision of the Bonds or of this Ordinance may, however, be amended or modified by ordinance duly adopted by the City Council at any time in any legal respect with the written consent of the Registered Owners of all of the Bonds at the time Outstanding.

(c) Without notice to or the consent of any Bondowners, the City may amend or supplement this Ordinance for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Bondowners.

(d) Every amendment or modification of the provisions of the Bonds or of this Ordinance, to which the written consent of the Bondowners is given, as above provided, shall be expressed in an ordinance adopted by the City Council amending or supplementing the provisions of this Ordinance and shall be deemed to be a part of this Ordinance. A certified copy of every such amendatory or supplemental ordinance, if any, and a certified copy of this Ordinance shall always be kept on file in the office of the City Clerk, shall be made available for inspection by the Registered Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or of this Ordinance will be sent by the City Clerk to any such Bondowner or prospective Bondowner.

(e) Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the ordinance of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Registered Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

(f) The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Ordinance which affects the duties or obligations of the Paying Agent under this Ordinance.

Section 805. Notices, Consents and Other Instruments by Bondowners.

(a) Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Bondowners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Bondowners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds (other than the assignment of the ownership of a Bond as provided for in the form of Bond set forth in **Exhibit A** attached hereto), if made in the following manner, shall be sufficient for any of the

purposes of this Ordinance, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(i) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(ii) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

(b) In determining whether the Registered Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Ordinance, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Ordinance, except that, in determining whether the Bondowners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Bondowners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Bondowners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the City.

Section 806. Continuing Disclosure. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking, as originally executed and as it may be amended from time to time in accordance with the terms thereof. The Mayor is hereby authorized to execute the Continuing Disclosure Undertaking, in substantially the form attached hereto as **Exhibit C**, to make the Bonds subject to the Continuing Disclosure Undertaking. Upon the City's failure to comply with the Continuing Disclosure Undertaking, any Registered Owner may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this Section.

Section 807. Electronic Transactions. The transaction described herein may be conducted and related documents may be sent, received or stored by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 808. Further Authority. The officers of the City, including the Mayor, City Manager, Finance Director and City Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 809. Parties Interested Herein. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give or grant to, any person or entity, other than the City, the Paying Agent and the Bondowners, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City, the Paying Agent and the Bondowners.

Section 810. Severability. If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 811. Governing Law. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 812. Emergency Ordinance. This Ordinance is adopted as an emergency measure so that the effective date corresponds to the issuance of the Bonds.

Record of Passage:

- A. Bill Number 6233 was introduced and read the first time on the 30th day of June, 2021.
- B. Bill Number 6233 was discussed on this 30th day of June, 2021, and was voted as follows:

Teachout _____, Merideth _____, Self _____, Baker _____,
Sparks _____, Williams _____, and Turnbow _____,
hereby being _____.
- C. Upon passage by a two-thirds majority of the Council, this Bill shall become Ordinance No. 6233 and shall be in full force and effect from and after June 30, 2021.

Greg Turnbow, Mayor

Approved as to form
Tabatha Thurman, City Counselor

SEAL / ATTEST:

Rhonda Council, City Clerk

**EXHIBIT A
TO ORDINANCE**

(FORM OF BONDS)

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE (DESCRIBED HEREIN), THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY (DESCRIBED HEREIN) OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

**UNITED STATES OF AMERICA
STATE OF MISSOURI**

**Registered
No. _____**

**Registered
\$ _____**

CITY OF SIKESTON, MISSOURI

**SPECIAL OBLIGATION REFUNDING AND IMPROVEMENT BOND
SERIES 2021**

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Dated Date</u>	<u>CUSIP Number</u>
_____ %			_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF SIKESTON, MISSOURI, a constitutional charter city and political subdivision of the State of Missouri (the “City”), for value received, hereby acknowledges itself to be indebted and promises to pay to the registered owner shown above, or registered assigns, the principal amount shown above on the maturity date shown above unless called for redemption prior to said maturity date and to pay interest thereon at the interest rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months) from the Dated Date shown above or from the most recent interest payment date to which interest has been paid or duly provided for. Interest is payable semiannually on June 1 and December 1 in each year, beginning on December 1, 2021, until said principal amount has been paid.

The principal or Redemption Price of this Bond shall be paid at maturity or upon earlier redemption by check, electronic transfer or draft to the person in whose name this Bond is registered at the maturity date or Redemption Date thereof, upon presentation and surrender of this Bond at the principal payment office of BOKF, N.A., St. Louis, Missouri (the “Paying Agent”), or such other office designated by the Paying Agent. The interest payable on this Bond on any interest payment date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Paying Agent at the close of business on the Record Date for such interest, which shall be the 15th day (whether or not a Business Day) of the calendar month next preceding the interest payment date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or (b) by electronic transfer to such Registered Owner upon written notice given to the Paying Agent by such Registered Owner not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, the bank’s ABA routing number and the account number to which such Registered Owner wishes to have such transfer directed and an acknowledgment that an electronic transfer fee may be applicable. The principal or Redemption Price of and interest on the Bonds shall be payable by check or draft in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

This Bond is one of an authorized series of bonds of the City designated “Special Obligation Refunding and Improvement Bonds, Series 2021,” aggregating the principal amount of \$_____ (the “Bonds”), issued by the City for the purpose of providing funds to (a) pay the costs of the Project, (b) refund certain outstanding loans of the City, and (c) pay the costs of issuing the Bonds. The Bonds are

issued under the authority of and in full compliance with the City's Charter and the Constitution and laws of the State of Missouri, and pursuant to an ordinance duly passed (the "Ordinance") and proceedings duly and legally had by the governing body of the City. *Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Ordinance.*

At the option of the City, the Bonds or portions thereof maturing on June 1, 20__ and thereafter may be called for redemption and payment prior to their Stated Maturity on June 1, 20__ and thereafter as a whole or in part at any time in such order of maturity as shall be determined by the City (Bonds of less than a full maturity to be selected in multiples of \$5,000 in such equitable manner as the Paying Agent shall designate), at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the redemption date.

[*The Bonds maturing on June 1, 20__ are subject to mandatory redemption and payment prior to maturity pursuant to the mandatory redemption requirements of the Ordinance on June 1, 20__, and on each June 1 thereafter prior to maturity, at the Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date.*]

Notice of redemption, unless waived, is to be given by the Paying Agent by mailing an official redemption notice by first class mail at least 30 days but not more than 60 days prior to the Redemption Date to each Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register maintained by the Paying Agent. Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall, on the Redemption Date, become due and payable at the Redemption Price therein specified, and from and after such date (unless the City defaults in the payment of the Redemption Price) such Bonds or portions of Bonds shall cease to bear interest.

The Bonds are special obligations of the City payable as to both principal and interest solely from annual appropriations of funds by the City for such purpose. The obligation of the City to make payments into the Debt Service Fund and any other obligations of the City to make payments under the Ordinance do not constitute a general obligation or indebtedness of the City for which the City is obligated to levy or pledge any form of taxation, or for which the City has levied or pledged any form of taxation and shall not be construed to be a debt of the City in contravention of any applicable constitutional, statutory or charter limitation or requirement but in each Fiscal Year shall be payable solely from the amounts pledged or appropriated therefor from (i) the income and revenues provided for such year and (ii) any unencumbered balances for previous years.

The Bonds are issuable in the form of fully-registered Bonds in the denominations of \$5,000 or any integral multiple thereof.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature, registered in the nominee name of the Securities Depository, is being issued and required to be delivered to and immobilized with the Securities Depository or with the Paying Agent as the Securities Depository's FAST Agent. The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants. The Paying Agent and the City will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal or Redemption Price of and interest on, this Bond, (ii) notices and (iii) voting. Transfers of principal or Redemption Price and interest payments to participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Paying Agent and the City will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of and interest on this Bond shall be made in accordance with existing arrangements between the Paying Agent, the City and the Securities Depository.

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

This Bond may be transferred or exchanged, as provided in the Ordinance, only on the Bond Register kept for that purpose at the principal payment office of the Paying Agent, or such other office designated by the Paying Agent, upon surrender of this Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Paying Agent duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any

authorized denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance and upon payment of the charges therein prescribed. The City and the Paying Agent may deem and treat the Person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or Redemption Price hereof and interest due hereon and for all other purposes and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the Certificate of Authentication hereon has been executed by the Paying Agent.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions and things required to be done and to exist precedent to and in the issuance of the Bonds have been done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Missouri.

IN WITNESS WHEREOF, the **CITY OF SIKESTON, MISSOURI**, has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and its official seal to be affixed or imprinted hereon.

CERTIFICATE OF AUTHENTICATION

CITY OF SIKESTON, MISSOURI

This Bond is one of the Bonds of the issue described in the within-mentioned Ordinance.

By: _____
Mayor

Registration Date: _____

BOKF, N.A.,
as Paying Agent

(Seal)

ATTEST:

By _____
Authorized Signatory

City Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the books kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Medallion Signature Guarantee:

**EXHIBIT B
TO ORDINANCE**

PRELIMINARY OFFICIAL STATEMENT

[On file in the office of the City Clerk]

**EXHIBIT C
TO ORDINANCE**

CONTINUING DISCLOSURE UNDERTAKING

[On file in the office of the City Clerk]

**EXHIBIT D
TO ORDINANCE**

BOND PURCHASE AGREEMENT

[On file in the Office of the City Clerk]

**EXHIBIT E
TO ORDINANCE**

PARAMETERS OF BOND SALE

1. Original Principal Amount: Not to exceed \$15,000,000.
2. Final Maturity: The Bonds shall mature not later than June 1, 20__.
3. True Interest Cost: Not to exceed ____%. “True Interest Cost” means the interest rate necessary to discount the debt service payments from the payment dates to the delivery date of the Bonds to an amount equal to the purchase price paid to the City. True Interest Cost is expressed as an annual percentage rate, and present value is computed on a semiannual basis using a 30/360 day-count convention.
4. Weighted Average Maturity: Not less than _ years and not greater than _ years.

**EXHIBIT F
TO ORDINANCE**

FINAL TERMS CERTIFICATE

The undersigned, Mayor of the City of Sikeston, Missouri (the “City”), hereby executes this Final Terms Certificate pursuant to **Section 210** of the Ordinance adopted by the City Council of the City on June 28, 2021 (the “Ordinance”) authorizing the issuance of not to exceed \$15,000,000 principal amount of the City’s Special Obligation Refunding and Improvement Bonds, Series 2021 (the “Bonds”). *Capitalized terms used herein shall have the meanings assigned to such terms in the Ordinance.*

1. Original Principal Amount. The Bonds are issued in the original principal amount of \$_____.

2. Purchase Price. The underwriter’s discount is \$ _____, which is _____% of the original principal amount of the Bonds. The purchase price of the Bonds is calculated as follows:

Original Principal Amount	\$
Plus: Net Original Issue Premium	
Less: Underwriter’s Discount	_____
Total Purchase Price	\$_____

3. Final Maturity of the Bonds. The final maturity of the Bonds is June 1, 20____.

4. True Interest Cost. The True Interest Cost of the Bonds is _____%.

5. Costs of Issuance. The costs of issuance of the Bonds (exclusive of underwriter’s discount) are \$_____.

6. Weighted Average Maturity. The weighted average maturity of the Bonds is _____ years.

7. Optional Redemption: At the option of the City, the Bonds or portions thereof maturing on June 1, 20__ and thereafter may be called for redemption and payment prior to their Stated Maturity on June 1, 20__ and thereafter as a whole or in part at any time at the Redemption Price of 100% of the principal amount thereof plus accrued interest thereon to the Redemption Date.

8. Mandatory Redemption. [**There are no Term Bonds subject to mandatory sinking fund redemption prior to maturity.**][**The Term Bonds identified in paragraph 10 are subject to mandatory sinking fund redemption pursuant to **Section 301** of the Ordinance on the dates and in the amounts as follows:

<u>Term Bonds Maturing on June 1, 20</u>	
<u>Year</u>	<u>Principal Amount</u>
20__	\$
20__	
20__	
20__	
20__*	

*Final Maturity**]

9. Maturity Schedule. The Bonds will mature on the dates and in the amounts and bear interest at the rates as follows:

<u>Stated Maturity (June 1)</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>
20__	\$	%
20__		
20__		
20__		
20__		
20__		
20__		

*Term Bonds

10. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds, as follows:

(a) Any amount received on account of accrued interest on the Bonds shall be paid and credited to the Debt Service Fund and applied in accordance with **Section 503** of the Ordinance.

(b) The sum of \$_____ from Bond proceeds shall be applied on the closing date of the Bonds to the prepayment of the 2011 Loan.

(c) The sum of \$_____ from Bond proceeds shall be applied on the closing date of the Bonds to the prepayment of the 2013 Loan.

(d) The sum of \$_____ from Bond proceeds shall be deposited in the Project Fund and applied in accordance with **Section 503** of the Ordinance.

Dated this _____ day of July, 2021.

CITY OF SIKESTON, MISSOURI

By: _____
Greg Turnbow, Mayor

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Ordinance of the City of Sikeston, Missouri, adopted by the City Council on June 28, 2021, authorizing the issuance of not to exceed \$15,000,000 principal amount of Special Obligation Refunding and Improvement Bonds, Series 2021, as the same appears of record in my office, and that said Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: July ____, 2021.

(Seal)

City Clerk of the City of Sikeston, Missouri

Council Letter

Date of Meeting: 21-06-30

Originating Department: Governmental Services

To the Mayor and City Council:

Subject: Amendment of the FY21 Budget Amendment Ordinance

Attachment(s):

1. Ordinance 6234
2. Line-item analysis

Action Options:

1. Conduct the first and second reading of Bill Number 6234
2. Other action Council may deem appropriate

Background:

Bill Number 6225 amending Bill Number 6191 contained a clerical error in the amount the General Revenue Fund was to be amended. The amount used was a 'net amount' after some unbudgeted revenues were listed. The correct amount is \$12,249,738.22. The original documentation attached to the ordinance was accurate and complete.

Staff requests the approval of Bill Number 6234 as an emergency ordinance so that the effective date is within FY21.

THIS BILL AS ADOPTED SHALL BECOME AN EMERGENCY ORDINANCE NUMBER 6234, AND SHALL AMEND ORDINANCE NUMBER 6191, THE FY-21 BUDGET ORDINANCE.

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

SECTION I: General

A. Codification:

- 1. This ordinance shall not be codified as part of the SIKESTON MUNICIPAL CODE.
- 2. Ordinance Number 6191 is hereby amended to read as follows:

SECTION II: Appropriations

- A. General Fund 0010: The sum of \$12,249,738.22 is hereby appropriated out of revenues accruing to the City, transfers from other funds and fund balance, for the payment of operating and capital expenses, for designated governmental services.

SECTION III: Repealer. Any other ordinances or part(s) 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, 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 so that the effective date corresponds with the fiscal year.

SECTION VI: Record of Passage:

- A. Bill Number 6234 was introduced to Council and read the first time this 30th day of June, 2021.

- B. Bill Number 6234 was read the second time this 30th day of June 2021, discussed and was voted as follows:

Baker _____, Merideth _____, Self _____, Sparks _____,

Teachout _____, Williams _____, and Turnbow _____,

thereby being _____,

becoming Ordinance 6234.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6234 and shall be in full force and effect.

Greg Turnbow, Mayor

Approved as to Form
Tabatha Thurman, City Counselor

SEAL/ATTEST:

Rhonda Council, City Clerk