



TENTATIVE AGENDA

City of Sikeston

SPECIAL CITY COUNCIL MEETING  
CITY HALL  
105 E. CENTER ST.

Monday, August 29, 2016  
11:30 A.M.

- I. CALL TO ORDER
- II. RECORD OF ATTENDANCE
- III. OPENING PRAYER
- IV. PUBLIC HEARING

Establishment of 2016 Tax Levy

V. ITEMS OF BUSINESS

- A. 1<sup>st</sup> & 2<sup>nd</sup> Reading & Consideration of Emergency Bill #6031, Adoption of 2016 Tax Levy
- B. Update: Development of Dog Park
- C. VFW Ballpark Lease and Management Agreement
- D. Briefing: Sales Tax Collections
- E. Award Purchase of Street Division Truck
- F. Acceptance of Fire Act Grant
- G. 1<sup>st</sup> Reading, Bill #6030, Amending City Code Chapter 345, Pedestrians' Rights & Duties
- H. 1<sup>st</sup> Reading, Bill #6032, Authorization to Execute Missouri Highways & Transportation Commission Contract for Traffic Signal Battery Backups
- I. Other Items As May Be Determined During the Course of the Meeting

VI. ADJOURNMENT INTO EXECUTIVE SESSION

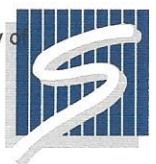
Property (RSMo 6.10.021(2))  
Litigation (RSMo 6.10.021(1))

VII. ADJOURNMENT

Dated this 22<sup>nd</sup> day of August 2016

Carroll Couch, City Clerk

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



# **Public Hearing**

## **Establishment of 2016 Tax Levy**

**(Verbal Presentation)**

# **Council Letter**

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Date of Meeting: 16-08-29

Originating Department: Administrative Services

To the Mayor and City Council:

Subject: 1<sup>st</sup> & 2<sup>nd</sup> Reading, Bill # 6031, Approval of 2016 Tax Rate

Attachments:

1. Ordinance 6031
2. Notice of Public Hearing
3. State Auditor's Office-Assessed Valuation Summary
4. State Auditor's Tax Rate Calculations

Action Options:

1. Approve Ordinance 6031
2. Other Action Council may deem appropriate

Background:

In accordance with RSMO 67.110, all political subdivisions must establish their 2016, property tax rates by September 1, after a public hearing. After receiving assessed valuation data from both Scott and New Madrid Counties, the State Auditor's Office calculates rates permitted in order to be in compliance with laws pertaining to revenue restrictions established by the Hancock Amendment and those subdivisions with voluntary reduction restrictions.

Due to the requirements of the State of Missouri, this is presented as an emergency bill which upon approval, shall be forwarded to both Counties and the State Auditor's Office for final approval.

AN EMERGENCY BILL, WHICH UPON ADOPTION AND PASSAGE, SHALL BECOME ORDINANCE NUMBER 6031, AN ORDINANCE FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY OF SIKESTON, MISSOURI, FOR THE FISCAL YEAR 2016-2017.

WHEREAS, the Sikeston City Council held a public hearing in accordance with Section 67.110 RSMO prior to the adoption of the City's 2016-2017 Tax Rate.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Sikeston, Missouri, as follows:

Section I. This ordinance will not be codified in the Municipal Code Book of the City of Sikeston.

Section II. That for the purpose of maintaining a general fund, there is hereby levied a tax rate of forty and twenty-four thousandths cents (\$.4121) per one hundred dollars (\$100.00) of assessed valuation on all taxable property in the City of Sikeston, Missouri, for the year 2016-2017.

Section III. That for the purpose of maintaining a public library fund, there is hereby levied a tax rate of seventeen and fifty four thousandths cents (\$.1796) per one hundred dollars (\$100.00) of assessed valuation on all taxable property in the City of Sikeston, Missouri, for the year 2016-2017.

Section IV. That for the purpose of maintaining public parks, there is hereby levied a tax rate of seventeen and fifty four thousandths cents (\$.1796) per one hundred dollars (\$100.00) of assessed valuation on all taxable property in the City of Sikeston, Missouri, for the year 2016-2017.

Section V. General Repealer: Any other ordinance or parts 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: Due to requirements of the State of Missouri, this ordinance will become effective upon its passage.

Section VIII. Record of Passage:

- A. Bill Number 6031 was introduced to Council and read the first time this 29<sup>th</sup> day of August 2016.
- B. Bill Number 6031 was read the second time this 29<sup>th</sup> day of August 2016, discussed and voted as follows:
- Evans \_\_\_\_\_, Depro \_\_\_\_\_, Gilmore \_\_\_\_\_,  
Merideth \_\_\_\_\_, White-Ross \_\_\_\_\_, Settles \_\_\_\_\_,  
and Burch \_\_\_\_\_, thereby being \_\_\_\_\_.
- C. Ordinance 6031 shall be in full force and effect from and after Monday, August 29, 2016.

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Steven Burch, Mayor

\_\_\_\_\_  
Approved as to Form  
Charles Leible, City Counselor

Seal/Attest:

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

## NOTICE OF PUBLIC HEARING

A hearing will be held at 11:30 a.m. August 29, 2016 in the City Council Chambers in the City Administration Building, 105 East Center Street, Sikeston, Missouri, at which time citizens may be heard on the property tax rates proposed to be set by the City of Sikeston. The tax rates shall be set to produce the revenues for the fiscal year beginning July 1, 2016 subject to Article X, Section 22 of the Missouri Constitution. The value of the new construction and improvements is \$977,890.00.

	<b>2015</b>	<b>2016</b>
<b>Type of Property</b>	<b>Assessed Valuation</b>	<b>Assessed Valuation*</b>
Real Estate	143,185,375	144,421,267
Personal	<u>77,250,737</u>	<u>71,796,990</u>
	<b>220,436,112</b>	<b>216,218,257</b>

<b>2015-2016</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2016-2017</b>
<b>Property Tax Revenue</b>	<b>Property Tax Rate</b>	<b>Property Tax Revenue</b>	<b>Property Tax Rate</b>
<u>\$1,660,325</u>	<u>\$0.7532</u>	<u>\$1,667,691</u>	<u>\$0.7713</u>

General Fund - \$0.4121; Park Fund - \$0.1796; Library Fund \$0.1796  
(Expressed in cents per \$100 valuation.)

Carroll L. Couch, City Clerk

\*Subject to certification by the State Auditor's Office.

To be published August 17, 2016.

Missouri State Auditor's Office  
2016 Tax Rate Assessed Valuation Summary

08/05/2016

Political Subdivision - 09-100-0016 City of Sikeston

Purpose	County	Current Assessed Valuation			New Construction and Improvements Real Estate	Newly Added Territory	Newly Separated Territory	Property Changed from Local to State Assessed
		Real Property	Personal Property	Total				
General Revenue	072 New Madrid	36,225,898	15,729,468	51,955,366	366,780	0	0	0
General Revenue	100 Scott	108,195,369	56,067,522	164,262,891	611,110	0	0	0
	<b>Total</b>	<u>144,421,267</u>	<u>71,796,990</u>	<u>216,218,257</u>	<u>977,890</u>	<u>0</u>	<u>0</u>	<u>0</u>
Parks & Recreation	072 New Madrid	36,225,898	15,729,468	51,955,366	366,780	0	0	0
Parks & Recreation	100 Scott	108,195,369	56,067,522	164,262,891	611,110	0	0	0
	<b>Total</b>	<u>144,421,267</u>	<u>71,796,990</u>	<u>216,218,257</u>	<u>977,890</u>	<u>0</u>	<u>0</u>	<u>0</u>
Library	072 New Madrid	36,225,898	15,729,468	51,955,366	366,780	0	0	0
Library	100 Scott	108,195,369	56,067,522	164,262,891	611,110	0	0	0
	<b>Total</b>	<u>144,421,267</u>	<u>71,796,990</u>	<u>216,218,257</u>	<u>977,890</u>	<u>0</u>	<u>0</u>	<u>0</u>

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

8/5/2016

**Tax Rate Summary**

(2016)

**For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

City of Sikeston

09-100-0016

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

**The final version of this form MUST be sent to the County Clerk.**

The information to complete the Tax Rate Summary is available from prior year forms, computed on the attached forms, or computed on this page.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

**For Political  
Subdivision Use  
in Calculating  
its Tax Rate**

- A. **Prior Year Tax Rate Ceiling** as defined in Chapter 137 RSMo. Revised if the Prior Year Data Changed or a Voluntary Reduction was taken in a Non-Reassessment Year. (Prior Year Tax Rate Summary, Line F minus Line H in Odd Numbered Year) (Prior Year Tax Rate Summary, Line F in Even Numbered Year) 0.4024
- B. **Current Year Rate Computed** Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073, RSMo. **If no Voter Approved Increase** (Tax Rate Form A, Line 18) 0.4121
- C. **Amount of Rate Increase Authorized by Voters for Current Year** (If Same Purpose)  
Greater of the Voter Approved Increase or Voter Approved Increase Adjusted to provide the revenue available if applied to prior assessment & increased by the CPI %. (Tax Rate Form B, Line 15)
- D. **Rate to Compare to Maximum Authorized Levy to Determine Tax Rate Ceiling**  
[Line B (if no election), Otherwise Line C (if there was an election)] 0.4121
- E. **Maximum Authorized Levy** Enter the Most Recent Voter Approved Rate 1.0000
- F. **Current Year Tax Rate Ceiling** (Lower of Line D or E)  
Maximum Legal Rate to Comply with Missouri Laws 0.4121
- G1. **Less Required Sales Tax Reduction** taken from Tax Rate Ceiling (Line F), If Applicable
- G2. **Less 20% Required Reduction 1st Class Charter County Political Subdivision NOT Submitting an Estimate Non-Binding Tax Rate to the County(ies)** taken from Tax Rate Ceiling (Line F).
- H. **Less Voluntary Reduction By Political Subdivision** taken from the Tax Rate Ceiling (Line F).  
WARNING: A VOLUNTARY REDUCTION TAKEN IN AN EVEN NUMBERED YEAR WILL LOWER THE TAX RATE CEILING FOR THE FOLLOWING YEAR
- I. **Plus Allowable Recoupment Rate** added to Tax Rate Ceiling (Line F). If Applicable (Attach Form G or H)
- J. **Tax Rate To Be Levied** (Line F - Line G1 - Line G2 - Line H + Line I) .4121
- AA. **Rate To Be Levied For Debt Service** If Applicable (Tax Rate Form C, Line 10)
- BB. **Additional Special Purpose Rate Authorized By Voters** After the Prior Year Tax Rates were Set. Greater of the Voter Approved Increase or Voter Approved Increase Adjusted to provide the revenue available if applied to prior year assessment & increased by CPI %. (Tax Rate Form B, Line 15 if Different Purpose)

**CERTIFICATION**

I, the undersigned, City Clerk (Office) of Sikeston, Missouri (Political Subdivision)  
levying a rate in Scott/New Madrid County (ies) do hereby certify that the data set forth above and on the  
accompanying forms is true and accurate to the best knowledge and belief.

**Please complete Line G through BB, sign this form, and return to the County Clerk(s) for final certification.**

08/29/2016	Carroll Couch	573-471-2511
(Date)	(Signature)	(Telephone)

**Proposed rate to be entered on tax books by County Clerk****Based on Certification from the Political Subdivision: Lines****J**            **AA**            **BB**           

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(Date)	(County Clerk's Signature)	(County)



**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

8/5/2016

**Tax Rate Summary**

(2016)

**For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

City of Sikeston

09-100-0016

Parks &amp; Recreation

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

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- B. **Current Year Rate Computed** Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073, RSMo. If no Voter Approved Increase (Tax Rate Form A, Line 18) 0.1796
- C. **Amount of Rate Increase Authorized by Voters for Current Year** (If Same Purpose)  
Greater of the Voter Approved Increase or Voter Approved Increase Adjusted to provide the revenue available if applied to prior assessment & increased by the CPI %. (Tax Rate Form B, Line 15) \_\_\_\_\_
- D. **Rate to Compare to Maximum Authorized Levy to Determine Tax Rate Ceiling**  
[Line B (if no election), Otherwise Line C (if there was an election)] 0.1796
- E. **Maximum Authorized Levy** Enter the Most Recent Voter Approved Rate 0.2000
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Maximum Legal Rate to Comply with Missouri Laws 0.1796
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**Tax Rate Summary**

(2016)

**For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

City of Sikeston

09-100-0016

Library

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

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08/29/2016		Carroll Couch	573-471-2511
(Date)	(Signature)	(Print Name)	(Telephone)

**Proposed rate to be entered on tax books by County Clerk****Based on Certification from the Political Subdivision: Lines****J** \_\_\_\_\_ **AA** \_\_\_\_\_ **BB** \_\_\_\_\_

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(Date)	(County Clerk's Signature)	(County)	(Telephone)

# **Council Letter**

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Date of Meeting: 16-08-29

Originating Department: Public Works

To the Mayor and City Council:

Subject: Briefing, 2016 VISION Leadership Sikeston Dog Park Class Project

Action Options:

1. Other action Council may deem appropriate

Background:

The 2016 VISION Leadership Sikeston group met on Thursday, August 18, 2016 to finalize details about the funding and implementation of the new Dog Park at the Recreation Complex.

There will be a fundraiser on Thursday, September 22, 2016. The goal is to raise \$16,000-\$20,000 to cover expenses for the fencing, park benches, trash cans, water, and dog waste stations.

# **Council Letter**

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Date of Meeting 16-29-08

Originating Department: Public Works

To the Mayor and City Council:

Subject: VFW Ballpark Lease and Management Care

Attachments:

1. VFW Park Revitalization Group's Proposal
2. Draft Contract will be provided at the Council Meeting

Action Options:

1. Award contract to VFW Park Revitalization Group
2. Other action the City Council deems appropriate.

Background:

The City of Sikeston issued a Request for Proposals for the oversight and management of the VFW Baseball Facility in June of 2016. The City received one proposal, and it was from the VFW Park Revitalization Group (PRG). The PRG consists of six local individuals who have come together to form a non-profit group who want to improve the VFW Baseball Facility. Their proposed start date is September 1, 2016.

The PRG's responsibilities would entail:

- Maintaining and improving the infield and outfield of the baseball field at VFW stadium
- Mowing the infield and outfield of the baseball stadium. They would also mow outside of the playing field's fence line, along the ditch and everything north of the VFW Stadium parking lot
- Spraying for weeds behind bleachers, around the concession stand, and other areas as needed
- Cleaning, maintaining, and improving the dugouts, concession stand, locker room, and batting cage
- Picking up loose trash and empty the trash barrels on a regular basis
- Providing cleaning supplies for the restrooms, trash barrels, and concession stand

- Be responsible for any damages occurring to the fencing by PRG or a contractor hired by PRG
- Be responsible for any damages occurring to the light poles by PRG or a contractor hired by PRG
- Providing a list of users and schedules for any activity at VFW Stadium to the City
- Providing an update on all projects at VFW stadium to the City
- Be responsible for the “dropping” and “re-install” of the backstop netting and overall maintenance of the netting
- Be responsible for replacing lightbulbs for the VFW Stadium scoreboard
- Repairing damages to the field that could be caused by having a 2 inch water main installed to an area behind the pitcher’s mound
- Providing \$ 1,000,000 liability insurance and name the City of Sikeston as an additional insurer

The City responsibilities would entail:

- Providing all utilities
- Providing property insurance
- Repairing, replacing, and maintaining parking lots, fencing structures, lights and light poles, and bleachers
- Fixing any electrical issues for the scoreboard, concession stand, restrooms, and locker room
- Fixing plumbing issues for the concession stand and restrooms
- Providing payment for the annual sprinkler/backflow inspection
- Providing a dumpster for Sonny’s to empty for trash cleanup at VFW Stadium
- Providing mowing services for everything south of VFW Stadium parking lot
- Installing a 2 inch water main to an area behind the pitcher’s mound
- Purchasing a new backstop netting
- Paying PRG \$2,500 annually for maintenance costs

The length of the contract would be a one (1) year term with annual renewals. The contract would include a 60 day notice prior to renewal by either party to terminate the arrangement. The PRG has agreed to work with the other users of VFW, Sikeston Public Schools and American Legion Baseball, and will coordinate their schedules to avoid any conflicts.

In closing, the City would like to issue a contract to PRG for the oversight and maintaining of the VFW Baseball Facility. One concern is that when the City first sent out the Request for Proposal, we were hoping that an agreement would happen without paying a fee to whomever assumed responsibilities; however, having a group take over day to day operations and maintenance of the facility would allow the Parks and Recreation Department more time to focus on other tasks and could potentially save the City money over the calendar year.

**City of Sikeston**  
**Request for Proposal**  
**Oversight and Management of VFW Baseball Facility**

Carroll Couch, City Clerk  
105 East Center Street  
Sikeston, MO 63801

The following is a proposal from the VFW Park Revitalization Group (“PRG”) for the oversight and management of VFW Baseball Facility. This group consists of local individuals who have a desire to improve the VFW Baseball Facility into the premier facility in the area.

The following is an outline of the terms and responsibilities:

**Term:** One-year term, annual renewals. 60-day notice prior to renewal by either to party to terminate arrangement.

**Proposed Start Date:** September 1, 2016

**Responsibilities:**

**PRG**

- Maintain and improve the playing surface of the baseball field
- Provide mowing services for the playing surface
- Sprinkler repairs located in the playing surface
- Bathroom cleaning
- Concessions cleaning
- General grounds cleaning
- Maintain dugouts, locker room and batting cage

**City of Sikeston**

- Provide utilities to all structures at the facility
- Provide property insurance
- Repair, replace or maintain parking lots, fencing structures, lights and light poles, buildings including plumbing and electrical issues, and bleachers
- Install a 2 inch water main to an area behind the pitcher’s mound
- Annually “drop” the backstop netting in the winter and “re-install” in the early spring
- Annual sprinkler backflow certification/inspection
- Mowing of areas outside of the fenced playing surface including around the parking areas, behind the outfield wall, and along the ditch
- Trash removal

**User Fees:** PRG will enter into fee arrangements with Sikeston R-6 and the Legion baseball program to provide certain field services in exchange for an agreed upon fee. Use by other teams or community members will be on a fee-for-service basis depending on the event and determined by PRG.

**Concessions:** It is anticipated that the Legion baseball program will operate concessions during the high school and Legion seasons. However, if the Legion baseball program does not operate the concessions, PRG will open it up to other fund-raising groups, or operate the concession itself.

**Scheduling:** PRG will post a phone number at the field and with the City as to whom to contact if a party wants to schedule field use. Preference will be given to the Sikeston High School baseball program, and the Legion baseball program.

Submitted by VFW Park Revitalization Group

Date: 7/15/2016

Members include:

Brian Self

Dan O'Brien

Matt Gilmer

Jacob Priday

Kevin Rone

Blake DeWitt

Contact: Brian Self - (573) 380-9191

BRIEFING:

SALES TAX  
COLLECTIONS  
(Verbal)



# **Council Letter**

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Date of Meeting: 16-08-29

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: Award Purchase of Pick-Up Truck for Street Division

Attachments:

1. Quotation from Don Brown Chevrolet – MoDOT State Contract Bid Amount

Action Options:

1. Award Bid
2. Other Action Council May Deem Necessary

Background:

The Department of Public Works is procuring a new work truck for the street division; as a part of the equipment replacement schedule.

The Street Division is procuring a ¾ Ton, 4WD Crew Cab Pickup with the necessary add-on package to accommodate a snow plow in the future. The price for this pick up is \$29,659 and is included in the approved budget using Transportation Sales Tax Funds.

This is being sought from Don Brown Chevrolet from St. Louis who presently has the MoDOT State Contract bid amount.

Staff requests Council approval of the purchase of this vehicle.



2244 S. Kingshighway, St. Louis, Missouri 63110  
(314)772-1400 (314)772-1022 Fax  
[dave@donbrownchevrolet.com](mailto:dave@donbrownchevrolet.com)

ATTN: CITY OF SIKESTON

DATE: 08/18/16

## QUOTE

	DESCRIPTION		TOTAL
1	MODOT CONTRACT 3-141204TV ITEM 6	\$28,487.00	\$28,487.00
	2017 SILVERADO 2500 CREW CAB 4WD		\$0.00
1	6G BLUETOOTH	\$182.00	\$182.00
1	6 SP SNOW PLOW PACKAGE	\$595.00	\$595.00
1	6J 6 FOOT BED IN LIEU OF 8 FOOT	(\$178.00)	(\$178.00)
1	ITEM B 8 FOOT ELECTRIC/HYDRAULIC		\$0.00
	SNOW PLOW PACKAGE INCLUDES:		\$0.00
	Power feed for backup & roof emergency light,		\$0.00
	(KW5) 220- amp alternator with gas or diesel		\$0.00
	engine, forward lamp wiring lamp harness, (TRW)		\$0.00
	provision for cab roof mounted lamp/beacon,		\$0.00
	(NZZ) underbody shields & Heavy-Duty front-		\$0.00
	springs.		\$0.00
1	6E FULL LENGTH CAB STEPS	\$573.00	\$573.00
			\$0.00
			\$0.00
			\$0.00
GRAND TOTAL			\$29,659.00

If you should have any questions, please don't hesitate to give me a call. Thank you!

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Dave Helterbrand  
Fleet Department Manager

*This quote is good for 30 days*

# **Acceptance of Fire Act Grant (Verbal Presentation)**

# **Council Letter**

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Date of Meeting: 16-08-29

Originating Department: Department of Public Safety

To the Mayor and City Council:

Subject: 1<sup>st</sup> Reading, Bill #6030, Amending City Code Chapter 345, Pedestrians' Rights & Duties

Attachments(s):

1. Bill #6030

Action Options:

1. 1<sup>st</sup> Reading, Bill #6030
2. Other action Council may deem appropriate

Background:

Bill #6030 concerns amending our city code regarding solicitation on public roadways in the city. It is possible that the intent of the current municipal code was designed to pertain to all persons soliciting on city roadways. It does address organizations, corporations, and associations but it does not address "Person" and "Individual", which is predominately the case when citizens complain or when traffic is impeded by solicitations. We are asking for council to consider adding this language and, if approved, this ordinance will encompass all of those who are soliciting on public roadways.

This is a first reading only. Staff will ask for Council consideration and approval of this bill at their September 12, 2016 meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6030 AND SHALL AMEND TITLE III, CHAPTER 345, SECTION 130, SOLICITATION UPON MOTOR VEHICLE THOROUGHFARES, TO CLARIFY PROHIBITED ACTS WITHIN THE CITY OF SIKESTON, MISSOURI

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

SECTION I: This ordinance shall be codified in the City Municipal Code, Chapter 345.130.

SECTION II: Chapter 345, Section 130, Solicitation upon Motor Vehicle Thoroughfares, is hereby amended to read as follows:

**“Section 345.130 Solicitation Upon Motor Vehicle Thoroughfares.**

A. *Definitions.* For the purpose of this Section, the following words as set out in this Section shall have the following meanings:

PERSON - Any person, firm, partnership, corporation (profit or not-for-profit), religious affiliations, civic organizations or any associations whatsoever.

PUBLIC MOTOR VEHICLE THOROUGHFARE - Any alley, street, boulevard, road, avenue or highway upon which motor vehicle traffic is allowed to progress in this City.

SOLICIT - Includes any one (1) or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever or any kind of consideration whatever;
2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character;
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
4. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any person, individual, charitable or non-profit association, organization, corporation or project.

B. *Unlawful Act.* It is unlawful for any person in or upon public motor vehicle thoroughfares in the City of Sikeston to solicit from any other person. ”

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

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

SECTION V: Record of Passage:

A. Bill Number 6030 was introduced and read the first time this 29<sup>th</sup> day of August, 2016.

B. Bill Number 6030 was read the second time and discussed on this 12th day of September 2016, and was voted as follows:

White-Ross \_\_\_\_\_, Gilmore \_\_\_\_\_, Evans \_\_\_\_\_, Depro \_\_\_\_\_,

Settles \_\_\_\_\_, Merideth \_\_\_\_\_, and Burch \_\_\_\_\_,

thereby being \_\_\_\_\_,

C. Ordinance 6030 shall be in full force and effect from and after October 13, 2016.

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

Approved as to Form:

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

SEAL/ATTEST:

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

# **Council Letter**

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Date of Meeting: 16-08-29

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: 1<sup>st</sup> Reading, Bill #6032, Authorization for the Mayor to sign a contract with Missouri Highways and Transportation Commission

Attachment(s):

1. Bill #6032
2. Exhibit "A"

Action Options:

1. 1<sup>st</sup> Reading and Briefing only. Council action will be requested on September 12, 2016.
2. Other action Council may deem appropriate

Background:

This ordinance pertains to an agreement with MoDOT to install battery backup units at 5 traffic signal locations. These include the following intersections:

- US 61 (Main Street) and Salcedo Street
- US 61 (Main Street) and Smith Street
- US 61 (Main Street) and Helen Street
- US 62 (Malone Avenue) and Ingram Road
- US 62 (Malone Avenue) and Pine Street

DPS staff assisted us in identifying our top 5 priorities.

The arrangement of the agreement is that the City will provide the materials, and MoDOT will install and maintain them. Any future battery costs will be divided 50/50.

The anticipated cost of these five units is \$13,000 and is included in this year's budget. We hope to do this to 5 more intersections next year to get all of our signals covered.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6032 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF SIKESTON, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR THE INSTALLATION OF UNINTERRUPTED POWER SUPPLY UNITS (HEREINAFTER "UPS), AT TRAFFIC SIGNALS IN THE CITY.

WHEREAS, THE CITY BELIEVES THAT THE INSTALLATION OF UNINTERRUPTED POWER SUPPLY UNITS AT CERTAIN INTERSECTIONS IS IN THE BEST INTEREST OF ITS RESIDENTS.

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

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

SECTION II: That the Agreement set forth on "Exhibit A" set forth the various responsibilities and liabilities of the parties regarding the installation of UPS.

SECTION III: The Mayor and such other officials as may be necessary are hereby authorized, empowered and directed to execute any documents necessary and proper to effectuate the same and specifically "Exhibit A" which is attached hereto and incorporated by reference.

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

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

SECTION VI: Record of Passage:

A. Bill Number 6032 was introduced to Council and read the first time this 29<sup>th</sup> day of August 2016.

B. Bill Number 6032 was read the second time this 12<sup>th</sup> day of September 2016, discussed and was voted as follows:

Depro\_\_\_\_\_, Evans\_\_\_\_\_, Settles\_\_\_\_\_,

Merideth\_\_\_\_\_, White-Ross\_\_\_\_\_, Gilmore\_\_\_\_\_,

and Burch\_\_\_\_\_

thereby being\_\_\_\_\_,

becoming Ordinance 6032.

C. Ordinance 6032 shall be in full force and effect October 29, 2016.

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

\_\_\_\_\_  
Approved as to Form  
Charles Leible, City Counselor

SEAL/ATTEST:

\_\_\_\_\_  
Carroll Couch, City Clerk

## EXHIBIT A

CCO Form: TR16  
Approved: 12/93 (DPP)  
Revised: 01/15 (ASB)  
Modified: 10/15 (DLP)

### **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AGREEMENT FOR THE INSTALLATION OF TRAFFIC SIGNAL COMPONENTS TO BE MAINTAINED BY THE COMMISSION**

This Agreement is made and entered into by and between the Missouri Highways and Transportation Commission (hereinafter, "Commission"), whose address is P.O. Box 270, 105 W. Capitol, Jefferson City, Missouri 65102, and City of Sikeston, Scott County, Missouri (hereinafter, "City"), whose address is 105 East Center, Sikeston, MO, 63801.

#### WITNESSETH:

WHEREAS, the Commission owns and operates, as part of the State Highway System, Traffic Signals in the City; and

WHEREAS, the City is desirous of the installation of Uninterrupted Power Supply Units (hereinafter "UPS"), at the Traffic Signals in the City.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) OWNERSHIP: The Commission represents that it is the owner of certain property located at the Traffic Signal locations in City.

(2) PROPOSAL: The City proposes and the Commission will allow the installation of a UPS at Traffic Signals in the City.

(3) LOCATION: The general location of the UPS to be installed pursuant to this Agreement is at the intersections listed below in the City.

#### *Traffic Signals at the Following Locations:*

*US 61 (Main Street) and Salcedo St  
US 61 (Main Street) and Smith St  
US 61 (Main Street) and Helen St  
US 62 (Malone Avenue) and Ingram Road  
US 62 (Malone Avenue) and Pine St*

(4) COSTS: All costs associated with purchasing the UPS will be borne entirely by the City, with no cost incurred by the Commission.



(5) INSTALLATION: The installation of the UPS will be performed by the Commission's forces.

(6) MAINTENANCE: Upon completion of construction of this improvement, the Commission shall accept control and maintenance of the UPS installed and shall thereafter keep, control, and maintain the same, and for all purposes, a part of the State Highway System. Any cost associated with maintaining the UPS and/or battery replacement will be shared on a 50/50 basis between the City and the Commission.

(7) REMOVAL:

(A) If the Applicant fails to comply with the provisions stated herein regarding the maintenance responsibilities, the Commission may remove the UPS.

(B) If the Commission, in its sole discretion, determines that the UPS is no longer justified, the Commission may remove the UPS.

(C) If the Commission, in its sole discretion, determines that the UPS should be removed or eliminated as part of a highway or transportation project, the Commission may remove the UPS.

(D) If the Commission, in its sole discretion, determines that the removal of the UPS from the Commission's right of way is in the best interests of the state highway system, the Commission may remove the UPS.

(E) If the Commission removes the UPS in accordance with any provision of this Agreement, the Commission will not reimburse the Applicant for the cost or value of the UPS.

(8) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(9) UTILITY LOCATING RESPONSIBILITY: The Commission shall be responsible for any utility locate request information at the intersection(s) concerning the cable(s) to the traffic signal cabinet, the pullbox(es) and conduit(s) which are not located on Commission right of way.

(10) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the City and the Commission.

(11) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(12) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the state of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(13) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(14) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(15) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(16) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(17) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

(18) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the City.

(19) REIMBURSEMENT: As specified in paragraph (6), any costs associated with the maintenance of the UPS and/or battery replacement will be shared on a 50/50 basis between the City and the Commission. The Commission will be responsible for 100% of the costs and will seek reimbursement of 50% of the maintenance costs from the City as maintenance events occur. The Commission will deliver an invoice to the City for the City's share of maintenance costs and the City shall pay the invoice within thirty (30) days of receipt.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Executed by the Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF SIKESTON, MISSOURI

By\_\_\_\_\_

By\_\_\_\_\_

Title\_\_\_\_\_

Title\_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By\_\_\_\_\_

Title\_\_\_\_\_

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Commission Counsel

\_\_\_\_\_

Title\_\_\_\_\_