



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

TENTATIVE AGENDA

SPECIAL CITY COUNCIL MEETING SIKESTON CITY HALL

Monday, September 26, 2016
11:30 A.M.

- I. CALL TO ORDER
- II. RECORD OF ATTENDANCE
- III. OPENING PRAYER
- IV. BOARDS & COMMISSIONS OATH OF OFFICE
- V. ITEMS OF BUSINESS
 - A. 1st Reading, Emergency Bill #6037, Award of Financing for Lease Purchase of Street Sweeper
 - B. 2nd Reading & Consideration, Bill #6021, Establishing "No Parking" Zones on Edward Avenue between Malone Avenue & Garwood
 - C. 2nd Reading & Consideration, Bill #6034, Request to Rezone 631 N. West St. from R-4 Duplex to R-5 Multi-Family
 - D. Boards & Commissions Appointments
 - E. Other Items As May Be Determined During the Course of the Meeting
- VI. ADJOURNMENT INTO EXECUTIVE SESSION

Property (RSMo.610.021(2))
- VII. ADJOURNMENT

Dated this 21st day of September 2016.


Carroll Couch, City Clerk

Council Letter

Date of Meeting: 16-09-26

Originating Department: Administrative Services

To the Mayor and City Council:

Subject: 1st Reading, Bill # 6037, Approval of Street Sweeper Financing

Attachments:

1. Bill #6037
2. U.S. Bancorp Proposal

Action Options:

1. 1st Reading, Bill #6037
2. Other Action Council may deem appropriate

Background:

Financing bids for the lease-purchase of a new street sweeper for \$204,500 on the State Contract were opened Monday, September 19, 2016, with the following results;

U.S. Bancorp	1.69%
1 st State Community Bank	1.89%
Southern Bank	2.24%
First Midwest Bank	2.73%
1 st State Bank and Trust	3.0%
Focus Bank	3.24%

Staff will ask Council to award financing to U. S. Bancorp at the next Council meeting on October 3rd.

AN EMERGENCY ORDINANCE APPROVING THE SELECTION OF A BANK FOR FINANCING THE ACQUISITION OF A NEW STREET SWEEPER, AUTHORIZING THE CITY OF SIKESTON, MISSOURI TO ENTER INTO AN EQUIPMENT LEASE PURCHASE AGREEMENT IN CONNECTION THEREWITH, AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE FINANCING

WHEREAS, the City Council of the City of Sikeston, Missouri (the “City”) has previously solicited proposals from qualified banks and financial institutions in connection with the proposed financing of the acquisition of a new street sweeper (the “Equipment”), and in response U.S. Bancorp Government Leasing and Finance, Inc. (the “Lessor”) has submitted its proposal for the financing of the acquisition of the Equipment (the “Proposal”), a copy of which is incorporated by reference in this Ordinance and attached hereto as **Exhibit A**; and

WHEREAS, to facilitate the acquisition of the Equipment and to pay the cost thereof, it is necessary and desirable for the City to enter into an Equipment Lease Purchase Agreement (the “Lease”) with the Lessor, pursuant to which the City will lease the Equipment from the Lessor with an option to purchase;

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

Section 1. Acceptance of Proposal. The Proposal is hereby accepted and U.S. Bancorp Government Leasing and Finance, Inc. is hereby selected to finance the acquisition of the Equipment in accordance with and subject to the terms of the Proposal.

Section 2. Approval of the Lease. The City is hereby authorized to enter into the Lease with the Lessor, which Lease shall be in substantially the form presented to the City Council at this meeting, a copy of which is attached hereto as **Exhibit B**, with such changes therein as shall be approved by the officials of the City executing such document, such officials’ signatures thereon being conclusive evidence of their approval thereof.

Section 3. Approval of the Escrow Agreement. The City is hereby authorized to enter into the Escrow Agreement (the “Escrow Agreement”) among the City, the Lessor and U.S. Bank National Association, as escrow agent, which Escrow Agreement shall be in substantially the form presented to the City Council at this meeting, a copy of which is attached hereto as **Exhibit C**, with such changes therein as shall be approved by the officials of the City executing such document, such officials’ signatures thereon being conclusive evidence of their approval thereof.

Section 4. Execution of Documents. The Mayor, the City Clerk, the City Manager and other appropriate officers of the City are hereby authorized and directed to execute, attest, acknowledge, deliver and record, as appropriate, for and on behalf of and as the act and deed of the City, the Lease, the Escrow Agreement 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 5. Further Authority. The officers, agents and employees of the City, including the Mayor, the City Manager and the City Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable to carry out and perform the purposes of this Ordinance, and to carry out, comply with and perform the duties of the City with respect to the Lease.

Section 6. Reimbursement of Expenditures. The City Council hereby finds it necessary and declares its intent to finance the costs of the Equipment through delivery of the Lease. The City has made, or expects to make, expenditures in connection with the Equipment, and the City may reimburse itself for such expenditures with the proceeds of the tax exempt financing by, or on behalf of, the City. The maximum principal amount of the tax-exempt financing expected to be issued for the Equipment is \$204,500.

Section 7. Appropriation of Basic Rent. The City Council hereby irrevocably budgets and appropriates moneys in the amount of \$1,734.12 for Fiscal Year ending June 30, 2017, to be used to make the Rental Payments (as defined in the Lease) due under the Lease during the Original Term of the Lease coextensive with Fiscal Year ending June 30, 2017.

Section 8. Emergency Ordinance. The City expects to order and take delivery of the Equipment prior to the end of October. The City will be required to pay for the Equipment upon delivery. In order to have sufficient funds on hand prior to the delivery of the Equipment, this Ordinance and the actions authorized and approved herein must be taken immediately. The City Council hereby finds and declares that this Ordinance shall be an emergency ordinance as described in the City's Charter.

Section 9. Record of Passage:

A. Bill Number 6037 was introduced to Council and read the first time on the 26th day of September, 2016.

B. Bill Number 6037 was read for the second and final time and discussed this 3rd day of October, 2016, and final passage thereon was voted as follows:

Depro: _____; Burch: _____; Gilmore: _____;

Evans: _____; Settles: _____; Merideth: _____; and White-Ross: _____,

thereby being approved and becoming

Ordinance Number 6037.

C. Upon passage by a two-thirds majority of the Council, this Bill shall become Ordinance Number 6037 and shall be in full force and effect upon its passage.

Mayor

(SEAL)

ATTEST:

City Clerk

EXHIBIT A

Proposal of U.S. Bancorp Government Leasing and Finance, Inc.

EXHIBIT B

Equipment Lease Purchase Agreement

EXHIBIT C

Escrow Agreement



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Government Leasing and Finance

September 15, 2016

City of Sikeston, Missouri
Attn: Carroll Couch, City Clerk
105 E. Center
Sikeston, Missouri 63801

At your request, U.S. Bancorp Government Leasing and Finance, Inc. ("USBGLF") has prepared for your consideration the following proposal for financing ("Proposal"). **This is only a proposal and does not represent a commitment by U.S. Bancorp Government Leasing and Finance, Inc.**

Customer:	City of Sikeston, MO						
Lessor:	U.S. Bancorp Government Leasing and Finance, Inc.						
PROPERTY:	Street Sweeper						
EXPIRATION:	November 14, 2016						
LEASE QUOTE:	Amount	Rate	Payments	Factor	Pmts / Year	Term	Adv. / Arr.
	204,500.00	1.69%	Custom	Custom	Custom	4 Years	Arrears

Notes: There are no fees associated with this offer including the establishment and use of a U.S. Bank N.A. escrow account should one be required. The financing must be funded in full to the vendor or into an escrow account by November 14, 2016 to lock in the above referenced interest rates. USBGLF negotiated a document with the City in 2014 and will agree to the same form. Exception: USBGLF will allow prepayment in whole at any payment date after a year for 103% of remaining principal balance. We cannot allow for partial prepayment.

The Lease will be structured as a tax-exempt municipal lease, with title in the Lessee's name and USBGLF holding a security interest in the equipment during the term. The lease is "triple-net" with the Lessee responsible for taxes, maintenance and insurance. Documentation will be provided by USBGLF, including (i) standard representations, warranties and covenants by the Lessee pertaining to the accuracy of information, organization, authority, essential use, compliance with laws, pending legal action, location and use of collateral, insurance, financial reporting and financial covenants; and (ii) standard USBGLF provisions pertaining to events of default and remedies available upon default. This offer is subject to the execution of all documentation by the Lessee within a reasonable time and in form and substance acceptable to Lessee, USBGLF and USBGLF's counsel, including terms and conditions not outlined in this Proposal.

This Proposal is conditioned on there being no material adverse change in the financial condition of the Lessee. Additionally, the terms and conditions outlined herein are subject to final review and approval (including collateral and essential use review) by USBGLF's business, legal, credit, and equipment risk management personnel.

Sincerely,

Tasha Barreau

Tasha Barreau
Vice President
U.S. Bancorp Government Leasing & Finance, Inc.
Phone: 303-330-4160
Email: tasha.barreau@usbank.com

Mike Mitchell
Assistant Vice President/ BBRM
U.S. Bank
573-475-3522
Michael.mitchell4@usbank.com

usbank.com



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Government Leasing and Finance

ACCEPTANCE:

By accepting this Proposal, Lessee acknowledges that **this Proposal does not represent a commitment to provide financing** but only outlines general terms and conditions of the USBGLF's financing program currently available to qualified lessees.

ACCEPTED BY:

Name / Title

dated: _____

Payment Schedules

Assume an October 14, 2016 commencement

	Date	Payment	Interest	Principal	Balance
Loan	10/14/2016				204,500.00
1	4/14/2017	1,734.12	1,734.12	0.00	204,500.00
2	10/14/2017	52,213.40	1,734.12	50,479.28	154,020.72
3	4/14/2018	1,306.07	1,306.07	0.00	154,020.72
4	10/14/2018	52,213.40	1,306.07	50,907.33	103,113.39
5	4/14/2019	874.38	874.38	0.00	103,113.39
6	10/14/2019	52,213.40	874.38	51,339.02	51,774.37
7	4/14/2020	439.04	439.04	0.00	51,774.37
8	10/14/2020	52,213.40	439.03	51,774.37	0.00
Grand Totals		213,207.21	8,707.21	204,500.00	

Bidder's signature MUST appear on this form. Signature of bidder indicated he/she understands and will comply with the terms and conditions set forth within the Invitation for Bid.

CITY OF SIKESTON
Non-Kickback and Non-Collusion Affidavit

I, being of lawful age and a duly authorized agent for U.S. Bancorp Government Leasing & Finance, Inc., regarding the attached bid, proposal, or contract with the City of Sikeston, Missouri for FINANCIAL, do hereby swear/affirm that this affidavit is true and correct.

Furthermore, I swear/affirm that neither I, nor the firm, company or corporation, or any other employer for whom I am an authorized agent in this matter, has been a party to any collusion, among bidders or other competitors in restraint of freedom of competition by causing or contributing to cause anyone to refrain from bidding, or by being a party to any agreement or understanding among or between any persons, firms, or corporations to bid at a fixed or determinable price.

Furthermore, I swear/affirm that neither I, nor the firm, company or corporation, or any other employer for whom I am an authorized agent have been a party to any collusion with any city official or employee of the City of Sikeston as to quantity, quality, or price in this prospective bid, contract or proposal; or any other terms of said undertaking; nor have I or we been a party to any discussion between other competitors and any official of the City of Sikeston concerning the exchange of money or other things of value for special consideration in the letting of this bid, proposal or contract.

I do hereby swear/affirm that the work, contractual undertaking, services or materials as described by this invoice or other billing claim has been delivered, completed, or supplied in accordance with the specifications, orders, bids, requests, or contract furnished and executed by the City of Sikeston, Missouri for the above mentioned bid. Furthermore, no consideration, either directly or indirectly, has or will be made to any elected official, officer or employee of the City of Sikeston or any other person, firm or corporation to obtain payment of the claim or to procure the contract or purchase order pursuant to which this claim is made.

JAWKI BURREW
Bidder's Signature

Please type or print name and address of bidder.

U.S. Bancorp Government Leasing & Finance, Inc.
950 17th St
DENVER, CO 80202
Phone Number 303-330-4160

STATE OF Colorado
COUNTY OF DENVER

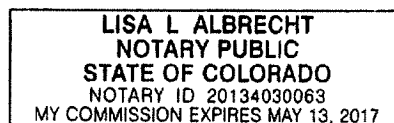
On this 24th day of Sept, 2016 before me personally appeared JAWKI BURREW to me known to be the person(s) described in and who executed the forgoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in DENVER County, COLORADO, the day and year first above written.

Lisa L Albrecht
Signature

Notary Public

My Commission expires: MAY 13, 2017



PROPOSAL TO PURCHASE PROMISSORY NOTE

September 14, 2016

Mr. Carroll Couch
City Clerk
105 East Center Street
Sikeston, Missouri 63801

The undersigned is willing to enter into the Equipment Lease Purchase Agreement with the City of Sikeston, Missouri in substantially the form provided to the undersigned and in accordance with the Term Sheet dated August 24, 2016.

The undersigned offers to provide financing at the following interest rate:

1.69%

This Proposal is subject to the following conditions:

- Acceptable Documentation to both parties
- Final credit approval

If the undersigned is the successful bidder, the undersigned will comply with all of the provisions contained in the Term Sheet.

Submitted By:

Name of Bank: U.S. Bancorp Government
Leasing & Finance, Inc

By: JAWIL BELL
Authorized Signature

Council Letter

Date of Meeting: 16-09-26

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 2nd Reading of Bill #6021, Amending City Code Title III – Chapter 365 – Section 365.043 – Parking Prohibited at all Times on Certain Streets (Schedule IV)

Attachment(s):

1. Bill #6021
2. Letter from Tetra Pak dated 9/6/2016

Action Options:

1. Conduct 2nd Reading and Approve Bill# 6021
2. Other action Council may deem appropriate

Background:

The Traffic Committee met on August 25, 2016 and voted not to recommend the request to amend the uniform traffic code by placing 'No Parking' signs on Edwards between Malone Avenue and Garwood Avenue, on both sides of the street.

This request originated from Dewayne Hawkins who stated that large commercial trucks, parking on the wrong side of the road while waiting to unload at Tetra Pak, were creating a sight disturbance to traffic traveling on Edward Avenue.

The City spoke with the Tetra Pak representatives, and they originally requested the city allow them to remedy the situation by enforcing that trucks do not park on Edward Avenue.

With this in mind, the staff intended to recommend this measure not pass. However, in an update on 9/6/2016, the director of Tetra Pak revised his position, and now is asking that the city implement the No Parking zone. This is documented in the attached letter from Mr. Michael Tomaszewski.

Therefore, staff is recommending that council approve the measure.

BILL Number 6021

ORDINANCE Number 6021

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6021 AND SHALL AMEND TITLE III, CHAPTER 365 OF THE UNIFORM TRAFFIC CODE ESTABLISHING ADDITIONAL TRAFFIC CONTROL MEASURES 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.

SECTION II: The Traffic Committee did meet on August 25, 2016 and voted not to recommend the request to amend the uniform traffic code by placing no parking signs on Edward Avenue between Malone Avenue and Garwood Avenue, on both sides of the street.

SECTION III: Title III – Chapter 365 – Section 365.030 – Parking Prohibited at all Times on Certain Streets (Schedule IV); shall be amended by including the following:

<u>Name of Street</u>	<u>From</u>	<u>To</u>	<u>Side of Street</u>
Edward Avenue	Malone Avenue	Garwood Avenue	Both

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

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

SECTION VI: Record of Passage:

A. Bill Number 6021 was introduced and read the first time this 12th day of September, 2016.

B. Bill Number 6021 was read the second time and discussed this 26th day of September, 2016, and voted as follows:

White-Ross, _____, Evans, _____, Depro, _____,

Meredith, _____, Settles, _____, Gilmore, _____,

Burch, _____, thereby being

_____,

becoming ordinance 6021.

C. Ordinance 6021 shall be in full force and effect from and after Thursday, October 27, 2016.

Steven Burch, Mayor

Approved as to form
Charles Leible, City Counselor

Seal / Attest:

Carroll Couch, City Clerk



To: Brian Dial

Date: 09/06/2016

Dear Brian,

About 6-8 months ago you indicated truck drivers were parking on the side street between the plant and the transportation department (Edwards St.) and local homeowners had complained. We agreed that we would try the path of least resistance first by talking to drivers. However due to the number of drivers and their frequency during daytime hours it is difficult for us to get them all to park behind the plant while waiting.

I am requesting "No Parking" signs on Edwards street to help the situation.

Thanks

Michael Tomaszewski

Factory Director

Council Letter

Date of Meeting: 16-09-26

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: 2nd Reading, Bill #6034, Rezoning Request

Attachment(s):

1. Bill #6034

Action Options:

1. Conduct 2nd Reading and approve/disapprove Bill #6034
2. Other action Council may deem appropriate

Background:

This is the rezoning request for 631 North West Street that the Planning & Zoning Commission voted not to recommend. Council read this the first time on September 12, 2016.

It is staff's recommendation that this bill not be passed.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6034 PROVIDING FOR THE REZONING A TRACT OF LAND LOCATED AT 631 NORTH WEST STREET FROM 'R-4' DUPLEX DWELLING TO 'R-5' MULTI-FAMILY, IN THE CITY OF SIKESTON, SCOTT 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 August 9, 2016 and voted not to recommend the rezoning of a tract of land located at 631 North West Street from 'R-4' Duplex Dwelling to 'R-5' Multi-Family, in the City of Sikeston, Scott County, Missouri.

SECTION III: The above tract of land is hereby rezoned from "R-4" Duplex Dwelling to "R-5" Multi-Family

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

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

SECTION VI: Record of Passage

A. Bill Number 6034 was introduced and read the first time this 12th day of September 2016.

B. Bill Number 6034 was read the second time and discussed this 26th day of September 2016, and was voted as follows:

Depro _____, White-Ross _____, Evans _____,
Settles _____, Meredith _____, Gilmore _____,
and Burch _____,

thereby being _____, and becoming ordinance 6034.

C. Ordinance 6021 shall be in full force and effect from and after Thursday, October 27, 2016

Steven Burch, Mayor

Approved as to form
Charles Leible, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 16-09-26

Originating Department: General Government

To the Mayor and City Council:

Subject: Board & Commission Appointments

Attachments:

None

Action Options:

1. Appointment to TIF Commission and SEMO University-Sikeston Campus Advisory Board
2. Other Action Council May Deem Necessary

Background:

During the September 12 meeting an error was found in TIF Commission member attendance. Matt Marshall, who is completing his second term on the Commission, attended all 3 of the Commission's meetings. Does Council wish to make any change to the appointments made during that meeting? Matt Drake was appointed to a new term and Rick LaPlant was appointed to a third term.

Council action is also being requested on an appointment to the SEMO University-Sikeston Campus Advisory Council. Jodi Glidewell, who was appointed to the Advisory Council on September 12, is already one of Sikeston's 15 appointees, having been appointed in 2015. Staff is seeking one appointment for a 3-year term, effective January 1, 2017. Applicants are listed below:

Bill Odum, 513 Lindenwood
Matthew Wright, 607 W. Lindenwood
Libby Caskey, 139 Greenbrier
Holly Greene, 912 Stanford
Ronald M. Payne, 820 Moore Ave.
Mike Ziegenhorn, 558 Park Ave.