

TENTATIVE AGENDA

REGULAR CITY COUNCIL MEETING
SIKESTON CITY HALL

Monday, October 28, 2019
7:30 A.M.

- I. CALL TO ORDER
- II. RECORD OF ATTENDANCE
- III. OPENING PRAYER
- IV. PLEDGE OF ALLEGIANCE
- V. ITEMS OF BUSINESS
 - A. Award RFP #20-04, Employee Health Insurance
 - B. Resolution #19-10-02, Surplus of Truck and Propatch Pothole Patcher
 - C. 1st Reading, Bill #6159, Establishing a Business License Review Board
 - D. 1st Reading, Bill #6167, Amendment to Amusement and Entertainment Licensing
 - E. 1st Reading, Bill #6168, Drug Houses as Public Nuisances
 - F. Other Items As May Be Determined During the Course of the Meeting
- VII. ADJOURNMENT

Dated this 24th day of October 2019

Rhonda Council

Rhonda Council, Deputy City Clerk

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

Council Letter

Council Letter: 19-10-28

Originating Department: Administrative Services Department

To the Mayor and City Council:

Subject: Award of RFP 20-04, Employee Health Insurance

Attachments:
None

Action Options:

1. Award RFP 20-04 to Mitchell Insurance Inc.
2. Other action as Council may deem appropriate.

Background:

The City of Sikeston issued RFP 20-04 to fourteen (14) companies. The City's RFP requested a self-funded plan with a no deductible plan for Tier 1 (MDMC), a \$1,000 deductible for Tier 2, and a Tier 3 with a \$2,500 deductible. Bids were opened on October 2, 2019 with three (3) companies providing proposals.

On October 15th, the Professional Consulting Committee, consisting of Councilmen Ryan Merideth, Brian Self and Brandon Sparks, along with city staff Karen Bailey and Amanda Groves, met with those companies and allowed them to review their proposals. A second meeting was held on October 22nd with Jason Schrupf, CEO of Missouri Delta Medical Center.

The Chap Arnold Agency offered several proposals but they were fully funded options with deductibles at all levels.

The Anderson Green Agency proposed a self-funded plan utilizing the MPact network. This plan was eliminated from consideration because the MPact Network does not have a contract or agreement with Missouri Delta Medical Center.

Mitchell Insurance presented a self-funded plan that met all of RFP 20-04's specifications. The renewing premium would not be an increase from the current year, marking 5 years of no increases in health insurance premiums.

It is the recommendation of the Professional Consulting Committee and city staff to award RFP 20-04 to Mitchell Insurance in the amount not to exceed \$2,084,230.

Council Letter

Council Letter: 19-10-28

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: Declaration of Surplus Property

Attachments:
Resolution 19-10-02

Action Options:

1. Approval of Resolution 19-10-02
2. Other action as Council may deem appropriate.

Background:

Certain vehicles in the City's inventory, due to their age or state of disrepair, can no longer adequately perform the day-to-day operations of the City. The City of Sikeston seeks to remove such items from its inventories to maximize operations and to provide a safe and efficient environment for its employees.

The Department of Public Works, Street Division would like to declare a 2000 GMC single axle C7500 truck along with a Propatch pothole patcher surplus. The mileage on the GMC is 46,160. The truck and pothole patcher will be sold as one unit through a governmental surplus equipment website.

Staff requests approval of Resolution 19-10-02.

RESOLUTION 19-10-02

A RESOLUTION OF THE CITY OF SIKESTON, MISSOURI DECLARING CERTAIN EQUIPMENT, VEHICLES AND ITEMS IN THE CITY'S INVENTORY TO BE SURPLUS PROPERTY AND AUTHORIZING ITS DISPOSAL.

WHEREAS, Certain equipment, vehicles and items in the City's inventory, due to its age or state of disrepair can no longer adequately perform the day-to-day operations of the City; and

WHEREAS, the City of Sikeston seeks to remove such items from its inventories to maximize operations, and while providing a safe and efficient environment for its employees.

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

All of the items enumerated below are hereby declared surplus and the City Manager is directed to proceed with the removal of these items from City inventories by sale at public auction, sale by sealed bid, or when the item is no longer usable, by disposal.

Items:

1. GMC Single Axle C7500 VIN 1GDM7H1C5YJ512276
2. Propatch Pot Hole Patcher Serial Number 0497-DHE

Read this 28th day of October 2019, discussed and voted as follows:

Evans _____, Merideth _____, Self _____, Settles _____,
Sparks _____, Williams _____, and Burch _____,
thereby being _____.

Steven Burch, Mayor

Approved as to Form:
Tabatha Thurman, City Counselor

ATTEST:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-10-28

Originating Department: Department of Public Safety

To the Mayor and City Council:

Subject: 1st Reading, Bill #6159, Establishing a Business License Review Board

Attachments:

1. Bill 6159

Action Options:

1. Conduct 1st Reading, Bill #6159

Background:

Currently, the City has no means to suspend or revoke a business license who fails to meet the standards of conducting business, made any false claims when they initially obtained their license or made significant changes in the nature of their business.

This bill will create a review board to listen to appeals of revocations and suspensions of said licenses and decide on what actions should be taken. The review board will consist of the chief review officer appointed by the City Manager, another City employee appointed by the City Manager and a member appointed by the City Council to serve a three (3) year term.

Staff will ask for Council's approval of this bill at the November 4th meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6159 AND SHALL AMEND CHAPTER 600 BUSINESS LICENSING OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI.

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

SECTION I: This Ordinance shall be codified in Chapter 600 of the Sikeston Municipal Code.

SECTION II: Section 605.260 is hereby established and shall read as follows:

Section 605.260. Business License Review Board. A three-member business license review board is hereby established consisting of the chief review officer appointed by the city manager, another city employee appointed by the city manager and a member appointed by the city council to serve a three-year term. The city manager's appointees shall be current city employees and shall serve at the pleasure of the city manager.

SECTION III: Section 605.270 is hereby established and shall read as follows:

Section 605.270. Administration of Law – License Suspension/Revocation.

- A. Suspension or Revocation of License – When - Manner
- (1) *Suspension or revocation.* The city manager may suspend or revoke the license of any licensee under this chapter who has failed to meet the standards of conducting business set forth in this chapter or who has made any false, misleading, fraudulent statement in the license application, or made significant changes in the nature of the business.
- (2) *Notice of suspension or revocation.* The city manager shall suspend or revoke a license issued under this chapter by sending notice of the suspension or revocation to the licensee by first class mail or by personal service on the licensee or the person in charge at the licensed premises. Mailed notice shall be presumed received three (3) days after it is mailed. The notice shall contain:
- (a) A statement of the grounds for the suspension or revocation.
 - (b) The effective date of the suspension or revocation, which shall be at least ten (10) days after the notice is received.
 - (c) In the case of a suspension, the length of the suspension.
 - (d) Instructions on how to appeal the suspension or revocation.
- (3) *Appeal to business license review board.* The licensee may appeal the suspension or revocation by requesting a hearing before the business license review board. The appeal must be in writing, addressed to the chief review officer and received by the chief review officer within ten (10) days after the notice of suspension or revocation was received. Receipt of an appeal by the chief review officer shall automatically stay enforcement of the suspension or revocation until after the hearing.
- B. Grounds for Suspension or Revocation.
- (1) Violating any of the provisions of either this Chapter, Missouri Revised Statutes or any ordinance of the City.
- (2) Making a false affidavit in an application for a license, procuring permit by fraud or false representation of facts, or application contains false/misleading statements, evasions or suppression of material facts.

(3) Failing to keep an orderly place or house; providing an environment conducive to allowing criminal activity.

(4) When reasonably necessary in the interests of protection of the public health, safety, peace or welfare.

(5) Selling, giving, offering for sale, possessing, knowingly permitting the consumption of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under a proper license

(6) Maintaining a public nuisance under RSMO 579.105.

(7) Illegal issuance of the permit or license, including issuance under an unauthorized ordinance, issuance by mistake, or issuance in violation of an ordinance.

(8) Illegally selling, giving, offering for sale, possessing, or knowingly permitting the consumption of any kind of controlled substances.

(9) Substantial violations of the terms and conditions on which a license or permit is issued.

(10) Violation of ordinances or laws authorizing or regulating the license or permit, or regulating the business activity or purpose for which the license or permit is issued.

(11) Wrongful behavior of a substantial character and of a public concern in relation to the licensed activity.

- C. Effect of Suspension. No person whose license is under suspension by order of the City Manager shall be permitted to operate or engage in any trades, vocations, callings, occupations or businesses, until the suspension is lifted.
- D. A license under consideration for revocation or suspension may not be transferred, nor maintained by any consanguinity, under the control of original license holder.

SECTION IV: Section 605.280 is hereby established and shall read as follows:

Section 605.280. Hearings Upon Suspension or Revocation of Licenses.

- A. *Testimony—Evidence.* Hearings before the business license review board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.
- B. *Witnesses—How Summoned.* Subpoenas may be issued by the business license review board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The business license review board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- C. *Witnesses to Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.

- D. *Decision—Suspension or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 605.270 of this Chapter, the business license review board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the business license review board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the business license review board's decision. The business license review board may delay the implementation of its order pending appeal.

SECTION V: General Repealer Section: Any 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, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VII: Record of Passage:

- A. Bill Number 6159 was introduced and read the first time this 28th day of October 2019.
- B. Bill Number 6159 was read the second time and discussed this 4th day of November, 2019, and voted as follows:

Self _____, Williams _____, Evans _____, Merideth _____,
 Settles _____, Sparks _____, and Burch _____,
 thereby being _____,
 and becoming Ordinance 6159.

- C. Ordinance 6159 shall be in full force and effect from and after December 4, 2019.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-10-28

Originating Department: Department of Public Safety

To the Mayor and City Council:

Subject: 1st Reading, Bill #6167, Amendment of Amusement and Entertainment Ordinances

Attachments:

1. Bill 6167

Action Options:

1. Conduct 1st Reading, Bill #6167

Background:

Staff is looking to update the Amusement and Entertainment business licenses and permits section of Municipal Code. This includes amending the definition of 'Amusements' and 'Amusement or Entertainment', the type of license or permit required, the hours of operation, and to include having adequate licensed security for events that extend past 11:00 p.m. We feel these additions will improve the overall safety and security of events.

Staff will ask for Council's approval of this bill at the November 4th meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6167 AND SHALL AMEND TITLE VI OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI, REGARDING BUSINESS LICENSING.

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

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

SECTION II: Section 605.020.A.7. is hereby amended and shall read as follows:

Section 605.020. Fixed License Fee.

A. It is unlawful for any person to carry on or engage in any of the following trades, vocations, callings, occupations or businesses or to do or operate any of the things mentioned in this Section without first having obtained a license therefor as provided in this Section and the charges therefor and for the issuance thereof shall be made, which have been fully settled and paid before the license becomes effective:

7. Amusements. Upon amusements, the sum of one hundred dollars (\$100.00) per year. Amusements include, but are not limited to, businesses or persons that host or organize indoor or outdoor events including carnivals, circuses, pony rides, concerts, parties, or other public or private events for which an admission, cover, or entrance fee is charged, but shall not include movie theatres or live theatres otherwise licensed by the city. Amusements shall be subject to the provisions of Chapter 610 of the Sikeston Municipal Code.

SECTION III: Chapter 610 is hereby amended and shall read as follows:

Chapter 610. Amusement or Entertainment Licenses and Permits

Section 610.010. Definitions.

As used in this Chapter and unless otherwise defined or distinctly expressed, the following words and phrases shall have the meanings set out herein:

ADMISSION CHARGE

Any charge for the right or privilege to any amusement or entertainment or admission to or entry to any area or facility where amusement or entertainment is conducted.

AMUSEMENT OR ENTERTAINMENT

Includes, but is not limited to, indoor or outdoor events including carnivals, circuses, pony rides, concerts, parties, or other public or private events for which an admission, cover, or entrance fee is charged, but shall not include movie theatres or live theatres otherwise licensed by the city.

PERSON

Includes any individual, firm, corporation, company, partnership or association.

Section 610.020 License or Permit Required.

An amusements license must be obtained in order to conduct or host any amusements or entertainments at a fixed or recurring business location. An amusement or entertainment permit must be obtained in order to conduct any amusement or entertainment on a singular or infrequent basis, or on a property not otherwise licensed for such activities.

Section 610.030 License and Permit Procedure – Generally.

Every person proposing to conduct or engage in any amusement or entertainment or a duly elected officer of any corporation or organization proposing to conduct such amusement or entertainment shall apply in writing to the City Clerk for a license and/or permit pursuant to Section 610.020 on behalf of such person and shall complete an application form as may be established by the City Manager and shall obtain an occupation license as otherwise provided by law.

Section 610.040 License and Permit Procedure — Location Determination.

No license or permit shall be issued to conduct an amusement or entertainment until the City Manager has determined that the proposed location for the conduct of such amusement or entertainment complies with the zoning ordinances.

Section 610.050 License and Permit Procedure — Liability Insurance.

All applicants shall state on their application that they will indemnify the City for any claim resulting from the operation of the amusement or entertainment and each application shall be accompanied by a certificate of insurance, showing the City as a named insured, covering any damage or liability to the City which may be caused by the operation of the amusement or entertainment with a one million dollar (\$1,000,000.00) combined single limit.

Section 610.060 License and Permit Procedure — Compliance With Chapter.

The City Manager may refuse to issue a license or permit to any amusement or entertainment, the operation of which does not comply with this Chapter.

Section 610.070 License and Permit Procedure — Issuance.

Upon determination that the proposed amusement or entertainment shall comply with this Chapter, the City Manager shall issue the appropriate license and/or permit and shall notify the applicant.

Section 610.080 License and Permit — Revocation.

Any license or permit issued pursuant to this Chapter may be revoked by the City Manager upon his/her determination that the amusement or entertainment is being operated or conducted in violation of this Chapter or in violation of rules and regulations established and promulgated pursuant thereto or is so conducted or operated as to endanger substantially the public peace, health, safety and welfare of the citizens of Sikeston.

Section 610.090 Rules.

A. Any amusement or entertainment conducted pursuant to this Chapter shall comply with the following rules:

1. Hours of operation shall be limited from 9:00 A.M. to 11 P.M. Sundays through Thursdays, and from 9:00 A.M. to 1:30 A.M. on Fridays, Saturdays, and holidays. No re-entry shall be allowed after 1:00 A.M.
2. Adequate restroom facilities shall be provided on the premises of such amusement or entertainment.
3. All electrical wiring and lighting must be approved by the City Engineer, Building Inspector or their representative.
4. Adequate facilities for the disposal of trash and debris shall be provided on the premises.

- 5. The premises shall be inspected prior to operation by the Director of Public Safety or his/her representative to determine that the requirements of this Chapter and any other ordinance of the City applicable to public rooms and buildings have been complied with.
- 6. The area of premises where such amusement or entertainment is conducted shall be cleaned and policed after the cessation of such amusement or entertainment and all trash, litter and debris shall be removed.
- 7. Adequate licensed security must be provided at the cost of the event/business owner for any event that extends past 11:00 P.M.

Section 610.100 Exemptions.

Persons operating amusements or entertainments while possessing a valid liquor license shall be exempt from the provisions of Chapter 610 but must comply with all laws and regulations pertaining and applicable to said liquor license.

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 6167 was introduced and read the first time this 28th day of October 2019.
- B. Bill Number 6167 was read the second time and discussed this 4th day of November, 2019, and voted as follows:

Self _____, Williams _____, Evans _____, Merideth _____,
Settles _____, Sparks _____, and Burch _____,
thereby being _____,
and becoming Ordinance 6167.
- C. Ordinance 6167 shall be in full force and effect from and after December 4, 2019.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-10-28

Originating Department: Department of Public Safety

To the Mayor and City Council:

Subject: 1st Reading, Bill #6168, "Maintaining a Public Nuisance"

Attachments:

1. Bill 6168

Action Options:

1. Conduct 1st Reading, Bill #6168

Background:

Sikeston DPS is asking council to consider adding "Maintaining a Public Nuisance" section to the city municipal code. This bill, if adopted, will assist in preventing any structures to be used for frequent illegal drug use. Additionally, the owner or occupant or both the owner and occupant may be charged with the offense of keeping or maintaining a public nuisance, which is a Class A Misdemeanor. There is a state statute for this offense, however, in the event it cannot be abated the city may choose to condemn the property.

Staff will ask for Council's approval of this bill at the November 4th meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6168 AND SHALL AMEND CHAPTER 210 ARTICLE XI OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI, REGARDING MAINTAINING A PUBLIC NUISANCE.

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

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

SECTION II: Section 210.1880 is hereby amended and shall read as follows:

Section 210.1880 Maintaining a Public Nuisance – Violation – Penalty

- A. It shall be illegal for any person to keep or maintain a public nuisance. A person commits the offense of keeping or maintaining a public nuisance if he or she knowingly keeps or maintains:
 - 1. Any room, building, structure or inhabitable structure, as defined in Missouri Revised Statutes RSMO section 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid; or
 - 2. Any room, building, structure or inhabitable structure, as defined in Missouri Revised Statutes RSMO section 556.061, where on three or more separate occasions within the period of a year, two or more persons, who were not residents of the room, building, structure, or inhabitable structure, gathered for the principal purpose of unlawfully ingesting, injecting, inhaling or using any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid.
- B. In addition to any other criminal prosecutions, including prosecution by the City of Sikeston Prosecuting Attorney, the Scott County Prosecuting Attorney or the New Madrid County Prosecuting Attorney, the prosecuting attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant of the room, building, structure, or inhabitable structure with the offense of keeping or maintaining a public nuisance.
- C. The offense of keeping or maintaining a public nuisance is a Class A Misdemeanor.
- D. Upon the conviction of the owner pursuant to this section, the room, building, structure, or inhabitable structure is subject to the provisions of Missouri Revised Statutes RSMO Sections 513.600 to 513.645.

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 6168 was introduced and read the first time this 28th day of October 2019.
- B. Bill Number 6168 was read the second time and discussed this 4th day of November, 2019, and voted as follows:

Self _____, Williams _____, Evans _____, Merideth _____,
Settles _____, Sparks _____, and Burch _____,
thereby being _____,
and becoming Ordinance 6168.

C. Ordinance 6168 shall be in full force and effect from and after December 4, 2019.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk