


TENTATIVE AGENDA

REGULAR CITY COUNCIL MEETING
SIKESTON CITY HALL

Monday, November 7, 2016
5:00 P.M.

- I. CALL TO ORDER
- II. RECORD OF ATTENDANCE
- III. OPENING PRAYER
- IV. PLEDGE OF ALLEGIANCE
- V. APPROVAL OF CITY COUNCIL MINUTES
 - A. Special Council Minutes October 3, 2016 (Executive Session)
 - B. Regular Council Minutes October 3, 2016
 - C. Special Council Minutes October 11, 2016
 - D. Special Council Minutes October 31, 2016 (Executive Session)
 - E. Special Council Minutes October 31, 2016
- VI. ACCEPTANCE OF BOARD AND COMMISSION MINUTES
 - A. Housing Authority Board September 12, 2016
 - B. LCRA August 15, 2016
 - C. Library Board September 6, 2016
 - D. Park Board September 13, 2016
 - E. Planning & Zoning August 9, 2016
- VII. ITEMS OF BUSINESS
 - A. 2nd Reading & Consideration, Bill #6035, Adopting and Enacting a New Title – Chapter 715, Discharge of Water and Wastes
 - B. 1st Reading, Bill #6043, Authorization to Extend Residential Solid Waste Contract through 6-30-17
 - C. Other Items As May Be Determined During the Course of the Meeting
- VIII. ADJOURNMENT

Dated this 3rd day of November 2016


Carroll Couch, City Clerk



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


TENTATIVE AGENDA

SPECIAL CITY COUNCIL MEETING
SIKESTON CITY HALL
105 E. Center St.

Monday, November 7, 2016
Immediately Following Regular Council Meeting

- I. CALL TO ORDER
- II. EXECUTIVE SESSION
Property (RSMo 610.021(2))
- III. ADJOURNMENT

Dated this 4th day of November 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.

SPECIAL CITY COUNCIL MEETING
OCTOBER 3, 2016

CALL TO ORDER/RECORD OF ATTENDANCE

The special Sikeston City Council meeting of October 3, 2016 was called to order at 4:30 p.m., in the CD Matthews Room, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Bob Depro, Karen Evans, Jon Gilmore, Ryan Merideth, Gerald Settles and Mary White-Ross. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, and Public Safety Director Drew Juden. Andy Martone of Hesse Martone was also present.

Mayor Burch called the meeting to order.

ADJOURNMENT INTO EXECUTIVE SESSION

Councilman Depro moved to adjourn into executive session for the discussion of litigation and personnel [RSMO 610.021 (1 & 3)]. The motion was seconded by Councilwoman Evans and the following roll call vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

No action was taken in executive session.

ADJOURNMENT OUT OF EXECUTIVE SESSION

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

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

ADJOURNMENT

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

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK
SEAL:

REGULAR CITY COUNCIL MEETING
OCTOBER 3, 2016

The regular Sikeston City Council meeting of October 3, 2016 was called to order at 5:00 p.m. in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Bob Depro, Karen Evans, Jon Gilmore, Ryan Merideth, Gerald Settles, and Mary White-Ross. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Governmental Services Director Linda Lowes, Public Safety Director Drew Juden, Public Works Director Jay Lancaster, Parks Director Dustin Care, Parks Supervisor Chris Hart, Street Superintendent Brian Dial, and Street Supervisor Darren Martin.

APPROVAL OF CITY COUNCIL MINUTES

Regular City Council minutes of September 12, 2016 and special city council minutes of September 12 and 26, 2016 were presented for approval. Councilman Depro moved to approve the minutes as presented. Councilman Evans seconded the motion and the following roll call vote was recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

ACCEPTANCE OF BOARD AND COMMISSION MINUTES

Minutes from various board and commission meetings were presented to the City Council. Councilman Merideth moved to approve the minutes as presented. The motion was seconded by Councilman Settles and voted as follows:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

ITEMS OF BUSINESS

Collective Bargaining Agreement with IBEW Local 702

On October 26, 2015, the City Council approved recognition of skilled workers in the Parks and Streets Divisions as a collective bargaining unit, and recognition of IBEW Local 702 as the collective bargaining agent for that group. Since that time, the city and IBEW Local 702 have been meeting to negotiate a collective bargaining agreement. A copy of the agreement was provided to the City Council

Councilman Settles moved to authorize execution of the Collective Bargaining Agreement between the City of Sikeston and IBEW Local 702. The motion was seconded by Councilman Depro and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Bill Number 6037, Approval of Street Sweeper Financing

Councilman Gilmore moved for the second reading of Bill Number 6037. The motion was seconded by Councilman Depro and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for reading.

BILL NO. 6037

ORDINANCE NO. 6037

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. Councilman Settles moved to approve Bill Number 6037. The motion was seconded by Councilwoman White-Ross, and the following roll call vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed
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.

Award Lease Purchase of Street Sweeper

Director Lancaster reported the Street Division was in need of a new street sweeper. Key Equipment & Supply Company presently has the MoDOT State Contract for street sweepers. It is an Elgin Twin Engine Four-Wheel Mechanical Street Sweeper. The price is \$195,000 and includes our current sweeper as a trade-in.

Councilman Depro moved to purchase an Elgin Twin Engine Four-Wheel Mechanical Street Sweeper for \$195,000. The motion was seconded by Councilman Merideth and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Backstop Replacement at Recreation Complex

Bids received for the replacement of two backstops in the Recreation Complex were reviewed. Due to budgetary restrictions, only one backstop will be replaced.

Councilman Merideth moved to award Bid Number 17-3 to Bootheel Fence Company of Jackson, Missouri, in the amount of \$20,845 for the replacement of the Field #1 backstop. The motion was seconded by Councilman Settles and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

House of Refuge Application for Calendar Year 2017

On September 13, 2016 the House of Refuge for Abused and Battered Women submitted an application for funding in the amount of \$8,000. Their application met all municipal requirements. Sufficient surcharge fees should be generated, if the municipal court caseload remains at current levels.

Councilman Gilmore moved to authorize calendar year funding in an amount not to exceed \$8,000 for the House of Refuge for Abused and Battered Women for calendar year 2017. The motion was seconded by Councilman Depro and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Bill 6039, Authorizing Execution of Contract for Fabrication and Installation of Gateway Monuments and Wayfinding Signage

Councilman Depro moved for the first reading of Bill Number 6039. The motion was seconded by Councilman Settles and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for reading. This bill as approved shall become Ordinance Number 6039 authorizing the Mayor to execute a contract between the City of Sikeston,

Missouri and Geograph Industries, Inc. providing for the fabrication and installation of wayfinding and gateway monument signage in the city.

ADJOURNMENT

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

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL:

SPECIAL CITY COUNCIL MEETING
OCTOBER 11, 2016

CALL TO ORDER/RECORD OF ATTENDANCE

The special Sikeston City Council meeting of October 11, 2016 was called to order at 5:00 p.m., in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Pro Tem Jon Gilmore and Councilmen Bob Depro, Ryan Merideth, Gerald Settles, and Mary White-Ross. Mayor Steven Burch and Councilwoman Karen Evans were absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Governmental Services Director Linda Lowes, Public Works Director Jay Lancaster, Street Superintendent Brian Dial, Public Safety Captain James McMillen, Senior Building Official Collin Cecil, and Airport Manager Lee Dunn.

ITEMS OF BUSINESS

Emergency Bill Number 6038, Creation of Village Green Subdivision

Councilman Depro moved for the first reading of Bill Number 6038. The motion was seconded by Councilman Merideth and the following vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye, and
White-Ross Aye, thereby being passed.

Counselor Leible presented the bill for reading. This bill as approved shall become emergency Ordinance Number 6038 providing for approval of subdividing an approximate 1.68 acre tract of land, to be known as Sikeston Point Addition, and which is bounded by Southland Avenue to the north, Business US 61 (South Kingshighway) to the west and south and US Highway 61 (South Main Street) to the east.

Director Lancaster reported the proposed subdivision is located in the original location of the old Village Green. This ordinance divides the Village Green property into two parcels. Due to the time requirements of a potential purchaser of the subdivided property, this matter is being presented as an emergency measure. The Planning & Zoning commission provided a favorable recommendation for the subdivision.

Councilwoman White-Ross moved for the second reading of Bill Number 6038. The motion was seconded by Councilman Merideth and the following vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye, and
White-Ross Aye, thereby being passed.

Counselor Leible presented the bill for a second reading.

BILL NUMBER 6038

ORDINANCE NUMBER 6038

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6038 PROVIDING FOR APPROVAL OF SUBDIVIDING AN APPROXIMATE 1.68 ACRE TRACT OF LAND, TO BE KNOWN AS SIKESTON POINT ADDITION, AND WHICH IS BOUNDED BY SOUTHLAND AVENUE TO THE NORTH, BUSINESS US 61 (SOUTH KINGSHIGHWAY) TO THE WEST AND SOUTH AND US HIGHWAY 61 (SOUTH MAIN STREET) TO THE EAST.

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 October 11, 2016 and passed a favorable recommendation to approve the subdividing of a tract or parcel of land the plat of which is attached hereto, marked Exhibit "A" and incorporated by reference and legally described as follows and known as Sikeston Point Addition:

"Commencing at the Northwest corner of said U.S.P.S. No. 1032; thence S 10°36'17" E a distance of 1203.51 feet to a point on the centerline of South Kingshighway; thence N 80°17'29" E a distance of 30.00 feet to a point on the East right-of-way line of Business Route 61, said point being on the South right-of-way line of Southland Avenue (a undedicated street), monumented with a surveyor's spike in asphalt; thence S 10°36'17" E along the East right-of-way line thereof a distance of 235.00 feet to Highway Sta 20+88, 30' LT, monumented with a #5 rebar and cap stamped Darrall R. Hirtz, PLS 2140; thence N 79°23'43" E along said right-of-way line a distance of 20.00 feet to Sta 20+88, 50' LT, monumented the same; thence S 12°04'46" E along said right-of-way line a distance of 119.19 feet to Highway Sta 22+08.5, monumented with a concrete right-of-way marker; thence continuing along said right-of-way line on a curve to the left with a radius of 235.54 feet and a chord bearing S 36°21'17" E - 193.73 feet a distance of 199.66 feet to Highway Sta 24+50.5, 50' LT, monumented the same; thence S 60°38'17" E along the North right-of-way line thereof a distance of 14.28 feet, monumented with a #5 rebar and cap stamped, "Darrall R. Hirtz, PLS 2140", being the point of beginning; thence continuing S 60°38'17" E along said right-of-way line a distance of 149.62 feet to Highway Sta 26+32, 50' LT, monumented with a concrete right-of-way marker; thence S 76°15'53" E along said right-of-way line a distance of 90.58 feet to U.S. Highway 61 Sta 59+25, 110' RT, monumented the same; thence N 38°21'11" E along the West right-of-way of said U.S. Highway 61 a distance of 103.08 feet to Sta 58+25, 85' RT, monumented the same; thence N 26°57'34" E along said right-of-way a distance of 175.40 feet, monumented with a #5 rebar and cap stamped, "Darrall R. Hirtz, PLS 2140"; thence N 60°56'09" W a distance of 237.63 feet, monumented the same; thence S 54°40'38" W a distance of 22.18 feet, monumented the same; thence S 29°03'19" W a distance of 280.18 feet to the point of beginning and containing 1.68 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. In order to comply with a closing date for the sale of this property, this matter is being presented as an emergency measure.

SECTION VII: Record of Passage

A. Bill Number 6038 was introduced and read the first time this 11th day of October, 2016.

- B. Bill Number 6038 was read the second time and discussed this 11th day of October, 2016. Councilman Merideth moved to approve Bill Number 6038. The motion was seconded by Councilman Depro and the following roll call vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye, and
White-Ross Aye, thereby being passed,
and becoming ordinance 6038.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6038 and shall be in full force and effect.

Bill Number 6040, Authorization to Enter into a Real Estate Contract with Mayson Investments

Councilman Settles moved for the first reading of Bill Number 6040. The motion was seconded by Councilman Merideth and the following vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye, and
White-Ross Aye, thereby being passed.

Counselor Leible presented Bill Number 6040 for reading, an emergency ordinance authorizing the City of Sikeston, Missouri to enter into a certain real estate contract with Mayson Investments, LLC.

Councilman Depro moved for the second reading of Bill Number 6040. The motion was seconded by Councilman Merideth and the following roll call vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye, and
White-Ross Aye, thereby being passed.

Counselor Leible presented the ordinance for reading.

BILL NUMBER 6040

ORDINANCE NUMBER 6040

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY OF SIKESTON, MISSOURI TO ENTER INTO A CERTAIN REAL ESTATE CONTRACT WITH MAYSON INVESTMENTS, LLC

WHEREAS, the City Council finds and determines that it is necessary and desirable to sell Mayson Investments, LLC, certain municipal owned property for commercial purposes and to approve the execution of certain documents herein.

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

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

- (a) Purchase and Sale Agreement and Amendment to Purchase and Sale Agreement

SECTION II: Execution of Documents. The Mayor 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 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 III. Further Authority. Upon the full and complete payment and performance on behalf of Mayson Investments, LLC, or any of its subsidiaries or controlled companies of its obligations under said City Documents, 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, deeds 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 City Documents.

SECTION IV. Emergency Ordinance. The City Council finds that an emergency exists within the meaning of Article III, Section 312(f) of the City Charter, in that any delay may jeopardize the scheduled closing date and the timing and market conditions for the commercial development.

SECTION V: Record of Passage:

- A. Bill Number 6040 was introduced and read the first time this 11th day of October, 2016.
- B. Bill Number 6040 was read the second time and discussed on this 11th day of October, 2016. Councilman Depro moved to approve Bill Number 6040. The motion was seconded by Councilman Merideth and the following roll call vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye, and
White-Ross Aye, thereby being passed.

- C. Upon passage by the City Council, this bill shall become Ordinance 6040 and shall be in full force and effect from and after its passage.

Bill Number 6039, Authorizing Execution of Contract for Fabrication & Installation of Gateway Monuments and Wayfinding Signage

Councilman Merideth moved for the second reading of Bill Number 6039. The motion was seconded by Councilman Depro and the following vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye, and
White-Ross Aye, thereby being passed.

Counselor Leible presented the bill for reading.

Bill No. 6039

Ordinance No. 6039

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6039 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF SIKESTON, MISSOURI AND GEOGRAPH INDUSTRIES, INC. PROVIDING FOR THE FABRICATION AND INSTALLATION OF WAYFINDING AND GATEWAY MONUMENT SIGNAGE IN THE CITY.

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" sets forth the various responsibilities and liabilities of the parties for the fabrication and installation of wayfinding and gateway monument signage within the City of Sikeston.

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 6039 was introduced to Council and read the first time this 3rd day of October 2016.
- B. Bill Number 6039 was read the second time this 11th day of October 2016. Councilman Merideth moved to approve Bill Number 6039. The motion was seconded by Councilman Depro, discussed, and the following roll call vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye, and
White-Ross Aye, thereby being passed,
becoming Ordinance 6039.

- C. Ordinance 6039 shall be in full force and effect November 11, 2016.

ADJOURNMENT

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

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye, and
White-Ross Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL:

SPECIAL CITY COUNCIL MEETING
OCTOBER 31, 2016

CALL TO ORDER/RECORD OF ATTENDANCE

The special Sikeston City Council meeting of October 31, 2016 was called to order at 10:45 a.m., in the DED Conference Room, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Bob Depro, Jon Gilmore, Ryan Merideth, Gerald Settles and Mary White-Ross. Councilwoman Karen Evans was absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, and Public Safety Captain James McMillen.

Mayor Burch called the meeting to order.

ADJOURNMENT INTO EXECUTIVE SESSION

Councilman Depro moved to adjourn into executive session for the discussion of litigation and property [RSMO 610.021 (1 & 2)]. The motion was seconded by Councilman Gilmore and the following roll call vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Councilman Depro moved to authorize the Mayor to enter into a contract with Sally and David Lape to purchase property as substantially outlined in the proposed agreement with amendment of \$100,000 earnest money and a per acre of crop loss not to exceed \$600 per acre. The motion was seconded by Councilman Settles and the following vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

ADJOURNMENT OUT OF EXECUTIVE SESSION

Councilman Gilmore moved to adjourn from executive session. The motion was seconded by Councilwoman White-Ross and the following roll call vote recorded:

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

ADJOURNMENT

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

Depro Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK
SEAL:

SPECIAL CITY COUNCIL MEETING
OCTOBER 31, 2016

CALL TO ORDER/RECORD OF ATTENDANCE

The special Sikeston City Council meeting of October 31, 2016 was called to order at 11:30 a.m., in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Bob Depro, Karen Evans, Jon Gilmore, Ryan Merideth, Gerald Settles and Mary White-Ross. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Public Works Director Jay Lancaster, Public Safety Captain James McMillen, Street Superintendent Brian Dial, Street Supervisor Darren Martin, Park Director Dustin Care, Park Supervisor Chris Hart, Airport Manager Lee Dunn, and Administrative Assistant Rhonda Council.

ITEMS OF BUSINESS

Bill Number 6035, Adopting and Enacting a New Title VII-Chapter 716: Wastewater Pretreatment

Councilman Merideth moved for the first reading of Bill Number 6035. The motion was seconded by Councilman Depro and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Counselor Leible presented the bill for reading. This bill as approved shall become Ordinance Number 6035 establishing and enacting Title VII, Chapter 716 Wastewater Pretreatment, setting forth uniform requirements for users of publicly owned treatment works of the Sikeston Board of Municipal Utilities and enabling the Board of Municipal Utilities to comply with all applicable state and federal laws, including the clean water act and general pretreatment regulations.

BMU Operation Manager Jeff Winders reported in 2012, Missouri adopted the 2007 EPA rule changes. Bill 6035 will amend City Code to bring the city back into compliance.

Resolution 16-10-02, Authorize Submission of Transportation Alternative Program Grant Application for Rail Trail Project

Staff is seeking Council approval of Resolution 16-10-02 authorizing the City to apply for MoDot Transportation Alternative Program (TAP) funding to construct Phase 1 of the Railroad Trail Project.

RESOLUTION 16-10-02

A RESOLUTION OF THE CITY OF SIKESTON, MISSOURI, STATING ITS INTENT TO SEEK FUNDING FOR THE DEVELOPMENT OF PHASE ONE OF THE RAILROAD RAIL-TO-TRAIL PROJECT THROUGH THE TRANSPORTATION ALTERNATIVES PROGRAM (TAP) AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE SAID FUNDING.

WHEREAS, The Transportation Alternatives Program (TAP) was authorized under Section 1122 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and is reauthorized under the FAST Act; and

WHEREAS, the federally funded TAP provides opportunities to communities to expand transportation choices and enhance the transportation experience through categories of activities related to the surface transportation system; and

WHEREAS, The Missouri Department of Transportation is designated to award Transportation Alternatives Program funding; and

WHEREAS, The City has an eligible project which may apply for and utilize TAP funding.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sikeston, Missouri, that it desires to participate with the Missouri Department of Transportation in the improvement of our community under the activities authorized pursuant to the Transportation Alternatives Program.

THEREFORE, BE IT FURTHER RESOLVED that the Mayor of the City of Sikeston, Missouri, is hereby authorized to prepare and submit documents which are necessary in applying for funding and establishing an administrative organization to implement activities pursuant to the aforementioned act.

THEREFORE, BE IT FURTHER RESOLVED, that the applicant will dedicate \$94,000.00 of local cash funds to be used in the development of phase one of the rail to trail project.

Read this 31st day of October, 2016, Councilman Depro moved to approve Resolution 16-10-02. The motion was seconded by Councilman Merideth, discussed and voted upon as follows:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Authorization to Participate in Missouri One Call System (Dig Rite) for Location/Protection of City's Underground Storm Water Infrastructure

Under Missouri Law, any municipality with an underground facility must participate in the One Call System. Staff requested authorization to sign an agreement to participate in the One Call System. The City will be billed \$1.30 per locate notification. The City must also provide a detailed map to the One Call System of the City's storm water system.

Councilman Gilmore moved to authorize city staff to execute a contract to participate in Missouri One Call System. The motion was seconded by Councilman Settles and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Authorization to Proceed with Purchase of Salt Spreader Stands

Director Lancaster advised the DPW staff would like to purchase three (3) salt spreader stands for our snow plow trucks. Viking Cives Midwest, Inc. is the sole vendor. The total cost is \$11,325.00.

Councilman Depro moved to authorize city staff to proceed with the purchase of three (3) salt spread stands. The motion was seconded by Councilman Evans and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Authorization to Proceed with Purchase of Used Equipment

Councilman Gilmore moved to authorize DPW personnel to purchase a used 2011 GMC ½ ton Sierra with 63xxx miles for \$19,000. The motion was seconded by Councilwoman White-Ross, discussed and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Resolution 16-10-01, Declaration of Surplus Vehicle

City staff requested the Suburban formerly used by the Department of Economic Development be declared surplus. Resolution 16-10-01 was presented.

RESOLUTION 16-10-01

A RESOLUTION OF THE CITY OF SKESTON, 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 Skeston 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 SKESTON, 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.

Vehicles:

1. 2013 Chevrolet Suburban), VIN# 1GNSCJE08DR376906

Read this 31st day of October, 2016, Councilman Gilmore moved to approve Resolution 16-10-01. The motion was seconded by Councilman Depro, discussed and voted as follows:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

Award of Bid 17-5, Infield Renovations at Recreation Complex

Bids for renovation of two infields in the Recreation Complex were reviewed. Councilman Settles moved to award Bid 17-5 to Tru Turf Solutions for the Rookie Field (Field #3) on the Little League field and the U10 Girls' Softball Field (Field #5) for the total amount of \$25,900. The motion was seconded by Councilman Merideth and the following vote recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

There was additional discussion regarding improvements to the Recreation Complex, Councilman Depro moved to award the fencing of Field #5 to Robinson Fence Company in the amount of \$29,300. The motion was seconded by Councilman Settles and the following vote recorded.

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch 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 Evans and the following roll call vote was recorded:

Depro Aye, Evans Aye, Gilmore Aye, Merideth Aye, Settles Aye,
White-Ross Aye, and Burch Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL:

MINUTES OF THE REGULAR MEETING

HOUSING AUTHORITY OF THE

CITY OF SIKESTON, MISSOURI

HELD ON THE TWELFTH DAY OF SEPTEMBER 2016

On the Twelfth Day of September, at 12:00 Noon, the Board of Commissioners of the Housing Authority of the City of Sikeston, Missouri met in Regular session at the Housing Authority Office Building in Sikeston, Missouri.

The Meeting was called to order and upon roll call, the following members of the Body were present:

Present: Chairman Mike Jensen, Commissioner David Hay, Commissioner Michele Knickman, and Commissioner Alice Tharp

Absent:

Also Present: Mary White-Ross, City Council Liaison, and Bobby K. Henry, Executive Director

Being a quorum present, the following business was transacted:

Minutes of the Regular Meeting of August 8, 2016 were presented and upon a motion duly made by Commissioner Michele Knickman, and seconded by Commissioner Alice Tharp, and unanimously carried, the Minutes were approved as presented.

Thereupon the following bills were presented for payment:

Aramark	179.25	MikeRentals, Inc.	85.49
AT&T	363.07	Model Lawns	609.00
Auto Tire & Parts	59.99	Moll Printing	202.25
Auto Zone	119.48	Raben Tire	15.38
Board of Municipal Utilities	21,751.37	RAM Housing Specialist	256.00
Charter Communications	144.80	Sam's Club	14.23
C&K Building Supply	178.11	Service Master Commercial	330.00
Decota Electric	210.00	Slusher	21.00
Delta Growers	750.00	Sonny's Solid Waste	2,700.00
G & D Communications	72.00	Stan's Carpet	45.97
Greenway Equipment	64.88	The PI Company	280.00
Liberty Utilities	3,671.77	Tri-County Transfer	385.00
Lowes	294.27		
Meyer Supply	494.88	Total for August	\$33,704.67
Mid-South Office Supply	406.48		

Motion duly made by Commissioner David Hay to pay bills as presented, seconded by Commissioner Alice Tharp. Motion carried unanimously.

The Capital Fund report and requisitions for the period ending August 2016 were presented. The requisitions included \$2,400.00 to Dunker Consultants (501-15) and \$85,391.00 to Ryan Excavation (501-16). Motion duly made by Commissioner Michele Knickman, to pay requisitions for a grand total of \$87,791.00, seconded by Commissioner David Hay. Motion carried unanimously.

The following Resolution No. 690 was introduced for consideration:

RESOLUTION NO. 690

A RESOLUTION COMMENDING COMMISSIONER LARRY TETLEY FOR 11 YEARS AND 3 MONTHS OF FAITHFUL DEVOTION TO HIS DUTIES AS COMMISSIONER FOR THE HOUSING AUTHORITY OF THE CITY OF SIKESTON, MISSOURI

Commissioner Alice Tharp, duly made the motion to adopt Resolution No. 690, seconded by Commissioner Michele Knickman, and upon roll call the “Ayes” and “Nays” were as follows:

Ayes: Chairman Mike Jensen, Commissioner David Hay, Commissioner Michele Knickman, and Commissioner Alice Tharp

Nays: None

Resolution No. 690 was declared adopted by Chairman Mike Jensen.

The following Resolution No. 691 was introduced for consideration:

RESOLUTION NO. 691

A RESOLUTION COMMENDING COMMISSIONER DAVID HAY FOR 8 YEARS AND 4 MONTHS OF FAITHFUL DEVOTION TO HIS DUTIES AS COMMISSIONER FOR THE HOUSING AUTHORITY OF THE CITY OF SIKESTON, MISSOURI

Commissioner Alice Tharp, duly made the motion to adopt Resolution No. 691, seconded by Commissioner Michele Knickman, and upon roll call the “Ayes” and “Nays” were as follows:

Ayes: Chairman Mike Jensen, Commissioner Michele Knickman, and Commissioner Alice Tharp

Nays: None

Resolution No. 691 was declared adopted by Chairman Mike Jensen.

The following Resolution No. 692 was introduced for consideration:

RESOLUTION NO. 692

A RESOLUTION APPROVING CHANGES IN THE PUBLIC HOUSING PROGRAM FLAT RENTS IN ACCORDANCE WITH RULES PROMULGATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Commissioner David Hay, duly made the motion to adopt Resolution No. 692, seconded by Commissioner Michele Knickman, and upon roll call the “Ayes” and “Nays” were as follows:

Ayes: Chairman Mike Jensen, Commissioner David Hay, Commissioner Michele Knickman, and Commissioner Alice Tharp

Nays: None

Resolution No. 692 was declared adopted by Chairman Mike Jensen.

Consideration of a proposal received to conduct a rent reasonableness study of the Section 8 HCV program (3rd attempt):

<u>Company</u>	<u>Quote</u>
Robert (Bob) Diesbach Consulting	\$450.00

Motion duly made by Commissioner David Hay to accept the quote received from Diesbach Consulting to conduct the rent reasonableness study. Motion seconded by Commissioner Michele Knickman. Motion passed unanimously.

Commissioners agreed to move the October meeting date to October 11, 2016 since the normal meeting date falls on a holiday.

Being no further business to come before the Body, Commissioner Alice Tharp moved to adjourn, seconded by Commissioner Michele Knickman. Meeting adjourned.

Mike Jensen, Chairman

Bobby K. Henry, Secretary

RESOLUTION NO. 690

**A RESOLUTION COMMENDING COMMISSIONER LARRY TETLEY FOR 11 YEARS AND 3 MONTHS
OF FAITHFUL DEVOTION TO HIS DUTIES AS COMMISSIONER FOR THE HOUSING AUTHORITY OF
THE CITY OF SIKESTON, MISSOURI**

WHEREAS, Commissioner Larry Tetley expended much time and effort to the Housing Authority of the City of Sikeston at the expense of his personal time and personal business.

NOW THEREFORE BE IT RESOLVED, that Commissioner Larry Tetley be and hereby is commended for the faithful manner in which he carried out his duties as a Commissioner and Vice-Chairman and for his unselfish devotion to the Housing Authority of the City of Sikeston, Missouri.

Adopted this 12th Day of September 2016.

Chairman Mike Jensen

Bobby K. Henry, Secretary

RESOLUTION NO. 691

A RESOLUTION COMMENDING COMMISSIONER DAVID HAY FOR 8 YEARS AND 4 MONTHS OF FAITHFUL DEVOTION TO HIS DUTIES AS COMMISSIONER FOR THE HOUSING AUTHORITY OF THE CITY OF SIKESTON, MISSOURI

WHEREAS, Commissioner David Hay expended much time and effort to the Housing Authority of the City of Sikeston at the expense of his personal time and personal business.

NOW THEREFORE BE IT RESOLVED, that Commissioner David Hay be and hereby is commended for the faithful manner in which he carried out his duties as a Commissioner and for his unselfish devotion to the Housing Authority of the City of Sikeston, Missouri.

Adopted this 12th Day of September 2016.

Chairman Mike Jensen

Bobby K. Henry, Secretary

RESOLUTION NO. 692

A RESOLUTION APPROVING CHANGES IN THE PUBLIC HOUSING PROGRAM FLAT RENTS IN ACCORDANCE WITH RULES PROMULGATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

WHEREAS, the Housing Authority of the City of Sikeston is a Public Housing Authority duly organized and operating as a municipal corporation under Missouri Revised Statutes Chapter 99.101 – 99.230; and,

WHEREAS, the Quality Housing and Work Responsibility Act of 1998 (QUWRA) required all Public Housing Authorities to establish flat rents to be effective on or about October 1, 2002; and,

WHEREAS, the Housing Authority of the City of Sikeston did establish flat rents as a reasonable rental amount for each bedroom size for Public Housing; 1) to encourage self-sufficiency; and, 2) to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient; and,

WHEREAS, U.S. Department of Housing and Urban Development (HUD) rules requires these flat rents to be reviewed each and every year.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF SIKESTON, THAT:

Rules promulgated by the U.S. Department of Housing and Urban Development (HUD) requires PHAs to establish flat rent at no less than 80 percent of HUD issued fair market rents by bedroom size and limits annual flat increase to 35 percent of the existing flat rent amount. The Housing Authority of the City of Sikeston has complied with these rules with new flat rent amounts effective November 1, 2016.

Adopted this 12th Day of September 2016.

Mike Jensen, Chairman

Bobby K. Henry, Secretary

**LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
CITY OF SIKESTON
MEETING**

Monday, August 15, 2016
11:30 a.m.

Council Chambers
105 East Center Street
Sikeston, Missouri

MEETING MINUTES

I. MEETING CALLED TO ORDER

Dan Marshall called the meeting to order at 11:43 a.m.

II. ROLL CALL

Members Attending: Mike Jenson, John Leible, Dan Marshall, Bill Mitchell and Matthew Wright

Council Liaison: Absent

Staff Attending: Jonathan Douglass, Jay Lancaster, Angie Keller and Collin Cecil

Guest Attending: David Crader, Edie Bartlett - Crader Law Firm

III. APPROVAL OF MINUTES

Bill Mitchell made a motion to approve the minutes from the meeting of June 20, 2016, as submitted. Matthew Wright seconded the motion. Motion carried unanimously.

IV. BILLS AND COMMUNICATIONS

Bill Mitchell made the motion to approve the bills as follows:

A. David Crader Law Firm-\$643.50

B. Buffalo Wild Wings- \$ 74.89

Matthew Wright seconded the motion. Motion carried unanimously.

V. LCRA BUSINESS:

A. David Crader updated the Board on the progress of several approved offers to purchase. 219 Petty was added back to list 2, per Board on June 20, 2016; due to the fact that Mr. Howard could not close on the property until the end of the year. Discussion only. No vote.

B. Jay Lancaster informed the Board of the progress of the demolitions utilizing the CDBG money. Discussion Only. No vote.

C. David Crader informed the Board of an offer to purchase 840-844 William Street from Spread Hope Now for \$1000.00. Bill Mitchell made a Motion to sell the property to Spread Hope Now for \$250.00, as is and Spread Hope Now is to pay all title and closing fees; with Dan Marshall, as Chairman being authorized to execute all closing documents on behalf of the LCRA. Mike Jensen seconded the Motion. Motion carried unanimously.

D. David Crader informed the Board of an offer received from Pam Dirnberger, As Conservator, to gift 618 Daniel to the LCRA to close out the Estate of Mr. Glen Harper. Bill Mitchell made a Motion to accept the gift and deed conveyance from the Estate of Glen Harper, as is and the Estate of Glen Harper is to pay all title and closing fees; with Dan Marshall, as Chairman being authorized to execute all closing documents on behalf of the LCRA. Mike Jensen seconded the Motion. Motion carried unanimously.

E. Dan Marshall informed the Board of the upcoming tax sale with Scott County. Bill Mitchell made a Motion authorizing Dan Marshall to acquire for the LCRA, properties offered at August 22, 2016 Tax Sale at the discretion of Dan Marshall as Chairman and that Dan Marshall, as Chairman being authorized to execute all closing documents on behalf of the LCRA. Matt Wright seconded the Motion. Motion carried unanimously.

F. Jay Lancaster updated the Board on the Ruth Compound properties owned by Brett Stone. After many attempts to get a detailed plan of action Mr. Stone still has not shown progress on the repair of the property. Dan Marshall made a Motion to authorize David Crader to submit an offer for the LCRA to repurchase Real Estate known as 820, 826-840 Ruth from Australian Property Investments, LLC; an offer of \$4,000.00 less real estate taxes owed. Bill Mitchell seconded the Motion. Motion carried unanimously.

G. Dan Marshall updated the Board, on behalf of Jim Hailey, on the remaining NSP funds. Mr. Hailey informed Mr. Marshall that the renter on Dorothy Street would like a rent decrease. No Action was taken. Discussion Only. No Vote.

VI. ADJOURNMENT:

The next LCRA meeting will be on Monday, September 19, 2016 at 11:30 a.m. in the Council Chambers. There being no further business to come before the Committee, a motion was made to adjourn. The motion was seconded and carried unanimously. The meeting was adjourned at 12:38 p.m.

Angie Keller, Administrative Assistant

Dan Marshall, Chairman

**Board of Trustees Meeting
Tuesday, September 6, 2016
4:30pm**

The Board of Trustees of Sikeston Public Library met on Tuesday, September 6 at 4:30 pm. Present were Dr. Bohannon, Mrs. Boardman, Mrs. Brown, Mrs. Chitwood, Mrs. Lawson, Mr. Leible, Mr. Polivick, Mrs. Tetley, Ms. Thompson, and Mr. Eifert, Director.

MINUTES

Mrs. Chitwood made a motion to accept the minutes from the August 2016 meeting. Ms. Thompson seconded and the motion carried.

PETTY CASH

Mrs. Tetley made a motion to accept the Petty Cash Report for August 2016. Mrs. Lawson seconded and the motion carried.

BILLS

Ms. Thompson made a motion to accept the bills for August 2016 as presented. Mrs. Brown seconded and the motion carried.

CITY FINANCIAL STATEMENT-The City Financial Statement for July 2016 was reviewed..

COMMITTEES

FINANCE—Mrs. Tetley reported that interest in the amount of \$34.18 was received on the money market account. The balance of the money market account is now \$151,257.73.

PERSONNEL—No report was presented. Mr. Eifert requested that the committee consider changes to personnel policies in future months.

OPERATIONS—No report

LIBRARIAN REPORT

- A report from Ann Thompson, children's librarian, summarized the recently-completed Summer Reading Program. There were 59 programs held, with 2,450 participants in attendance. The library again received a grant from the Missouri State Library and partnered with the YMCA Day Camp and the Lincoln University Summer Enrichment Camp.

- Mike Ziegenhorn will be cleaning the carpets in the McAmis Community Room to try to remove stains from Summer Reading.
- Mr. Eifert asked the board to consider the library becoming a passport acceptance agency. The Cape Girardeau Public Library began passport processing in late August. This would be for new passports only, not renewals. The library would make a small agency fee from each passport processed. He will contact the Cape library to see how the process is going for them and present more information at the October meeting.
- The library's tax levy hearing was held at 4:30 p.m. on Monday, August 22, in the McAmis Community. No input from the community was received.

OTHER

Mr. Polivick read a thank you note from board member Carolyn Tetley, thanking the board for a book placed in memory of her husband, Larry Tetley.

ADJOURNMENT

Ms. Thompson made a motion to adjourn. Mr. Leible seconded and the motion carried. The meeting adjourned at 4:40 pm.

SIKESTON PARK BOARD MEETING**September 13, 2016****The Clinton Building****5:15 p.m.**

The Sikeston Park Board met at 5:15 p.m. Monday, September 13, 2016 at the Clinton Building. Members present were Rod Anderson, Ellen Brandom, Susanne Chitwood, Wade Hamra, and Jeff Hay. Members absent were Jason Davis, Brian Self, Jared Straton and Jackie Cowan.

Staff member present was Dustin Care, Director of Parks and Recreation.

No media representatives were present.

MINUTES

Chitwood moved for the approval of the August 8, 2016 Park Board minutes. Rod Anderson seconded.

Roll call:

Anderson	- Yes	Hay	- Yes
Brandom	- Yes	Hamra	- Yes
Chitwood	- Yes		

OLD BUSINESS

- None

NEW BUSINESS

- None

COMMUNICATIONS FROM THE CHAIRMAN AND PARK BOARD

- Ellen Brandom asked about the status of Rotary Park Shelter roofs getting re-built.

COMMUNICATIONS FROM STAFF

- Care briefed the Park Board about the status of the new Dog Park.
- Care provided an update on the Rail to Trail Master Plan.
- Care talked about Morgan Strebler putting on a performance to help raise money for an All-Inclusive Playground for the Parks and Recreation Department.
- Care reminded the Park Board that the Cotton Ramble Bike Ride was October 8, 2016.
- Care attached the monthly Clinton Building report for August.

ADJOURNMENT

Following a motion by Chitwood and a second by Anderson, the meeting was unanimously adjourned.

Chairman

Planning and Zoning Minutes

August 9, 2016

Sikeston City Hall

4:00 p.m. - Meeting

Roll Call:

Members Present: Howard, E. Miller, J. Miller, Ozment, Settles, Teachout, Thornton, and Ziegenhorn

Absent Members: Depro, Murray

Other Staff Members Present: Jay Lancaster – Director of Public Works
Angie Keller- Administrative Assistant
Collin Cecil- Sr. Building Official
Chuck Leible- City Counselor
Brian Dial, Street Superintendent

Guests: Bill Boyce, Patty Ziegenhorn, Rick Eisenbach, Gary Silverthorn, Ron Newton, Bob Ozment, Barbara Ziegenhorn, Debbie Waller, Chris Lambert, Mr. and Mrs. David Alexander

APPROVAL OF MINUTES:

Minutes of the July 12, 2016 meeting were presented for approval. A motion was made by Thornton to approve the minutes. E. Miller seconded the motion. Roll call vote was as follows:

Ayes: Howard, E. Miller, J. Miller, Ozment, Settles, Teachout, Thornton, and Ziegenhorn

Nays: None

Motion Passed 8 - 0

ITEMS OF BUSINESS:

A request from Ron Newton to rezone a tract of land located at 631 North West Avenue from 'R-4' Duplex Dwelling to 'R-5' Multi-Family in the City of Sikeston, Scott County, Missouri.

Ozment read a letter written by Suzy Bringman, which stated that she is in opposition of the request.

Dave Alexander, who was present at the meeting, stated that he, too, was in opposition of the request.

After discussion, a motion was made by Howard to approve a request from Ron Newton to rezone a tract of land located at 631 North West Avenue from 'R-4' Duplex Dwelling to 'R-5'

Multi Family in the City of Sikeston, Scott County, Missouri. J. Miller seconded the motion. Roll call vote was as follows:

Ayes: Howard

Nays: E. Miller, J. Miller, Ozment, Settles, Teachout, Thornton, and Ziegenhorn

Motion Failed: 1-7

A request from the Tanner Street Church of God to vacate Taylor Street between Tanner Street and Lake Street.

Before discussion of the request, Gary Ozment, Board Chairman, informed the board that he would not be present for the discussion of the second request. He stated that Mr. Settles should be appointed temporary Chairman.

A motion was made by Thornton to appoint Gerald Settles temporary Chairman for the discussion of the request from Tanner Street Church of God. E. Miller seconded the motion. Roll Call vote was as follows:

Ayes: Howard, E. Miller, J. Miller, Ozment, Teachout, and Thornton

Nays: None

Abstain: Settles and Ziegenhorn

Motion Passed 6- 0

Mr. Settles opened the floor for discussion.

Bob Ozment, on behalf of Tanner Street Church of God, indicated that he was there to open the discussion for the possible vacation of Taylor Street between Tanner Street and Lake Street, but did not wish the Board to come to a decision on that day. He indicated a need to address the safety concerns the Church had with Taylor Street being located between the Church and the church's parking lot. He also stated that the Church had a desire to host church-related outdoor functions in their parking lot, but having the street open posed potential safety concerns.

Gary Silverthorn stated his opposition for the request.

Patty Ziegenhorn stated her opposition for the request.

Barbara Ziegenhorn stated her opposition for the request.

Bill Boyce stated his opposition for the request.

Discussion closed. No vote.

Mr. Ozment resumed his role as Board Chairman.

Adjournment: There being no further business, a motion was made by Thornton to close the public hearing and adjourn. The motion was seconded by Howard. The motion was carried by unanimous vote. The meeting adjourned.

Respectfully submitted by:

Attested by:

Angie Keller, Administrative Assistant

Gary Ozment, Chairman

Council Letter

Date of Meeting: 16-11-07

Originating Department: Board of Municipal Utilities

To the Mayor and City Council:

Subject: 2nd Reading & Consideration of Bill 6035, Adopting and Enacting Title VII, Chapter 716: Discharge of Water and Wastes

Attachment:

1. Bill #6035

Action Options:

1. Approve Bill 6035
2. Other action Council may deem appropriate

Background:

In 2012 Missouri adopted the 2007 US EPA rule changes. Bill 6035 will amend City Code to bring the city back into compliance.

Council's approval of Bill #6035 is being requested.

BILL Number 6035

ORDINANCE Number 6035

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6035 ESTABLISHING AND ENACTING TITLE VII, CHAPTER 716 WASTEWATER PRETREATMENT, SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF PUBLICLY OWNED TREATMENT WORKS OF THE SIKESTON BOARD OF MUNICIPAL UTILITIES AND ENABLING THE BOARD OF MUNICIPAL UTILITIES TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS, INCLUDING THE CLEAN WATER ACT AND GENERAL PRETREATMENT REGULATIONS.

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

SECTION I: This Ordinance shall be codified in Title VII Utilities, Chapter 716, Wastewater Pretreatment Requirements of City Code.

SECTION II: Sikeston Municipal Code, Title VII, Chapter 716 is created to read as follows:

See Exhibit A

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 6035 was introduced and read the first time this 31st day of October, 2016.
- B. Bill Number 6035 was read the second time and discussed this 7th day of November, 2016, and voted as follows:

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

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

Burch, _____, thereby being

_____,

becoming ordinance 6035.

- C. Ordinance 6035 shall be in full force and effect from and after December 7th, 2016.

Steven Burch, Mayor

Approved as to form
Charles Leible, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

EXHIBIT A

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Sikeston PRETREATMENT ORDINANCE

ORDINANCE NO. []

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Sikeston Board of Municipal Utilities and enables the BMU to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable the BMU to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

125 1.2 Administration

126
127 Except as otherwise provided herein, the Director shall administer, implement, and enforce the
128 provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be
129 delegated by the Director to a duly authorized [City] employee.

131 1.3 Abbreviations

132
133 The following abbreviations, when used in this ordinance, shall have the designated meanings:

134
135 BOD – Biochemical Oxygen Demand
136 BMP – Best Management Practice
137 BMR – Baseline Monitoring Report
138 CFR – *Code of Federal Regulations*
139 CIU – Categorical Industrial User
140 COD – Chemical Oxygen Demand
141 EPA – U.S. Environmental Protection Agency
142 gpd – gallons per day
143 IU – Industrial User
144 mg/l – milligrams per liter
145 NPDES – National Pollutant Discharge Elimination System
146 NSCIU – Non-Significant Categorical Industrial User
147 POTW – Publicly Owned Treatment Works
148 RCRA – Resource Conservation and Recovery Act
149 SIU – Significant Industrial User
150 SNC – Significant Noncompliance
151 TSS – Total Suspended Solids
152 U.S.C. – United States Code

154 1.4 Definitions

155
156 Unless a provision explicitly states otherwise, the following terms and phrases, as used in this
157 ordinance, shall have the meanings hereinafter designated.

158
159 A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean
160 Water Act, as amended, 33 U.S.C. section 1251 et seq.

161
162 B. Approval Authority. Missouri Department of Natural Resources

163
164 C. Authorized or Duly Authorized Representative of the User.

165
166 (1) If the User is a corporation:

167
168 (a) The president, secretary, treasurer, or a vice-president of the corporation in
169 charge of a principal business function, or any other person who performs similar
170 policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the BMU.

D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

H. BMU. The Sikeston Board of Municipal Utilities.

I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. Control Authority. The BMU

K. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

L. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

M. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

N. Existing Source. Any source of discharge that is not a "New Source."

O. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

P. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

Q. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

R. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the BMU's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

261 S. Local Limit. Specific discharge limits developed and enforced by the BMU upon
262 industrial or commercial facilities to implement the general and specific discharge
263 prohibitions listed in 40 CFR 403.5(a)(1) and (b).
264

265 T. Medical Waste. Isolation wastes, infectious agents, human blood and blood products,
266 pathological wastes, sharps, body parts, contaminated bedding, surgical wastes,
267 potentially contaminated laboratory wastes, and dialysis wastes.
268

269 U. Monthly Average. The sum of all “daily discharges” measured during a calendar
270 month divided by the number of “daily discharges” measured during that month.
271

272 V. Monthly Average Limit. The highest allowable average of “daily discharges” over a
273 calendar month, calculated as the sum of all “daily discharges” measured during a
274 calendar month divided by the number of “daily discharges” measured during that month.
275

276 W. New Source.
277

278 (1) Any building, structure, facility, or installation from which there is (or may
279 be) a discharge of pollutants, the construction of which commenced after the
280 publication of proposed Pretreatment Standards under section 307(c) of the Act
281 that will be applicable to such source if such Standards are thereafter promulgated
282 in accordance with that section, provided that:
283

284 (a) The building, structure, facility, or installation is constructed at a site at which
285 no other source is located; or

286 (b) The building, structure, facility, or installation totally replaces the process or
287 production equipment that causes the discharge of pollutants at an Existing
288 Source; or

289 (c) The production or wastewater generating processes of the building, structure,
290 facility, or installation are substantially independent of an Existing Source at the
291 same site. In determining whether these are substantially independent, factors
292 such as the extent to which the new facility is integrated with the existing plant,
293 and the extent to which the new facility is engaged in the same general type of
294 activity as the Existing Source, should be considered.
295

296 (2) Construction on a site at which an Existing Source is located results in a
297 modification rather than a New Source if the construction does not create a new
298 building, structure, facility, or installation meeting the criteria of Section (1)(b) or
299 (c) above but otherwise alters, replaces, or adds to existing process or production
300 equipment.
301

302 (3) Construction of a New Source as defined under this paragraph has commenced
303 if the owner or operator has:
304

305 (a) Begun, or caused to begin, as part of a continuous onsite construction program
306

(i) any placement, assembly, or installation of facilities or equipment; or
(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

X. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Y. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of [the City's] NPDES permit, including an increase in the magnitude or duration of a violation.

Z. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

AA. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

BB. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

CC. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

DD. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

EE. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

FF. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

GG. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the BMU. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

HH. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

II. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

JJ. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

(1) An Industrial User subject to categorical Pretreatment Standards; or

(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the BMU on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) The BMU may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to [City's] finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the BMU may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

KK. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

LL. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

MM. Director. The person designated by the BMU to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Director.

NN. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

OO. User or Industrial User. A source of indirect discharge.

PP. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

QQ. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to

446 categorical Pretreatment Standards or any other National, State, or local Pretreatment
447 Standards or Requirements.

449 B. Specific Prohibitions. No User shall introduce or cause to be introduced into the
450 POTW the following pollutants, substances, or wastewater:

- 451
452 (1) Pollutants which create a fire or explosive hazard in the POTW, including,
453 but not limited to, wastestreams with a closed-cup flashpoint of less than 140
454 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
455
- 456 (2) Wastewater having a pH less than 6.0 or more than 9.5, or otherwise causing
457 corrosive structural damage to the POTW or equipment;
458
- 459 (3) Solid or viscous substances in amounts which will cause obstruction of the
460 flow in the POTW resulting in Interference;
461
- 462 (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a
463 discharge at a flow rate and/or pollutant concentration which, either singly or by
464 interaction with other pollutants, will cause Interference with the POTW;
465
- 466 (5) Wastewater having a temperature greater than 104 degrees F (40 degrees C),
467 or which will inhibit biological activity in the treatment plant resulting in
468 Interference, but in no case wastewater which causes the temperature at the
469 introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
470
- 471 (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin,
472 in amounts that will cause Interference or Pass Through;
473
- 474 (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within
475 the POTW in a quantity that may cause acute worker health and safety problems;
476
- 477 (8) Trucked or hauled pollutants, except at discharge points designated by the
478 Director in accordance with Section 3.4 of this ordinance;
479
- 480 (9) Noxious or malodorous liquids, gases, solids, or other wastewater which,
481 either singly or by interaction with other wastes, are sufficient to create a public
482 nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or
483 repair;
484
- 485 (10) Wastewater which imparts color which cannot be removed by the treatment
486 process, such as, but not limited to, dye wastes and vegetable tanning solutions,
487 which consequently imparts color to the treatment plant's effluent, thereby
488 violating BMU's NPDES permit;
489
- 490 (11) Wastewater containing any radioactive wastes or isotopes except in
491 compliance with applicable State or Federal regulations;
492

(12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Director;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical Wastes, except as specifically authorized by the Director in an individual wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F.

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).

D. the Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.

E. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

F. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

G. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

2.3 State Pretreatment Standards

Users must comply with Missouri Pretreatment Standards codified at [insert appropriate cite to State statute or law].

2.4 Local Limits

A. The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following daily maximums.

North Plant Limits

25	mg/l ammonia
300	mg/l BOD ₅
100	mg/l oil and/or grease
350	mg/l total suspended solids

South Plant Limits

25	mg/l ammonia
0.097	mg/l arsenic
300	mg/l BOD ₅
0.004	mg/l cadmium
2.391	mg/l chromium

586 0.280 mg/l copper
587 0.316 mg/l cyanide
588 0.174 mg/l lead
589 0.025 mg/l mercury
590 0.090 mg/l molybdenum
591 0.638 mg/l nickel
592 100 mg/l oil and/or grease
593 0.127 mg/l selenium
594 0.207 mg/l silver
595 350 mg/l total suspended solids
596 0.729 mg/l zinc

597
598 The above limits apply at the point where the wastewater is discharged to the POTW. All
599 concentrations for metallic substances are for total metal unless indicated otherwise. The
600 Director may impose mass limitations in addition to the concentration-based limitations above.

601
602 C. The Director may develop Best Management Practices (BMPs), by ordinance or in
603 individual wastewater discharge permits, to implement Local Limits and the requirements
604 of Section 2.1.

605 606 2.5 BMU's Right of Revision

607
608 The BMU reserves the right to establish, by ordinance or in individual wastewater discharge
609 permits, more stringent Standards or Requirements on discharges to the POTW consistent with
610 the purpose of this ordinance.

611 612 2.6 Dilution

613
614 No User shall ever increase the use of process water, or in any way attempt to dilute a discharge,
615 as a partial or complete substitute for adequate treatment to achieve compliance with a discharge
616 limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.
617 the Director may impose mass limitations on Users who are using dilution to meet applicable
618 Pretreatment Standards or Requirements, or in other cases when the imposition of mass
619 limitations is appropriate.

620 621 SECTION 3—PRETREATMENT OF WASTEWATER

622 623 3.1 Pretreatment Facilities

624
625 Users shall provide wastewater treatment as necessary to comply with this ordinance and shall
626 achieve compliance with all categorical Pretreatment Standards, Local Limits, and the
627 prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA,
628 the State, or the Director, whichever is more stringent. Any facilities necessary for compliance
629 shall be provided, operated, and maintained at the User's expense. Detailed plans describing
630 such facilities and operating procedures shall be submitted to the Director for review, and shall
631 be acceptable to the Director before such facilities are constructed. The review of such plans and

operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the BMU under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

B. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Director, shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense. This shall be in accordance with Sikeston Municipal Code 715.210, Grease, Oil and Sand Traps.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Discharge Control Plans

The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. the Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the BMU. The Director may require septic tank waste haulers to obtain individual wastewater discharge permits.

B. The Director may require haulers of industrial waste to obtain individual wastewater discharge permits. The Director may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

C. Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Note for items C and D above. The City does not take industrial waste at this time. Industrial waste will only be accepted at the discretion of the Director and only on a case by case basis for a specific time frame.

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Analysis

When requested by the Director, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Individual Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Director, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.

B. The Director may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director for an individual wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Director.

4.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under Section 4.6. the Director may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.

b. Contact information, description of activities, facilities, and plant production processes on the premises;

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).

(7) Measurement of Pollutants.

- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.
- c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
- e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B [40 CFR 403.12(e)(2)].

(9) Any other information as may be deemed necessary by the Director to evaluate the permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.7 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14 A.

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 1.4 GG(3) must annually submit the signed certification statement in Section 6.14 B.

4.8 Individual Wastewater Discharge Permit Decisions

The Director will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Director will determine whether to issue an individual wastewater discharge permit. The Director may deny any application for an individual wastewater discharge permit.

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

5.1 Individual Wastewater Discharge Permit Duration

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the BMU in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.
- (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (7) Requirements to control Slug Discharge, if determined by the Director to be necessary.
- (8) Any grant of the monitoring waiver by the Director (Section 6.4 B) must be included as a condition in the User's permit or other control mechanism.

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Permit Issuance Process

A. Public Notification. The Director will send a draft permit to the permittee. The permittee has 30 days from the date the permit was sent to comment.

B. Permit Appeals. The Director shall provide public notice of the issuance of an individual wastewater discharge permit. Any person, including the User, may petition the Director to reconsider the terms of an individual wastewater discharge permit within thirty (30) days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.

(3) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

(4) If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the Sikeston Missouri Municipal Court.

5.4 Permit Modification

A. The Director may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the BMU's POTW, BMU personnel, or the receiving waters;

(5) Violation of any terms or conditions of the individual wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the individual wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

B. The Director may modify a general permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (3) To correct typographical or other errors in the individual wastewater discharge permit; or
- (4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.
- 5.5 Individual Wastewater Discharge Permit Transfer
- Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the individual wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:
- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - B. Identifies the specific date on which the transfer is to occur; and
 - C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.
- Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.
- 5.6 Individual Wastewater Discharge Permit Revocation
- The Director may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
 - B. Failure to provide prior notification to the Director of changed conditions pursuant to Section 6.5 of this ordinance;
 - C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - D. Falsifying self-monitoring reports and certification statements;

- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

5.7 Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of Forty five (45)] days prior to the expiration of the User's existing individual wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

At this time the Board does not receive or wish to receive waste from other jurisdictions.

SECTION 6—REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources

that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Director a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6).

(2) Measurement of pollutants.

- a. The User shall provide the information required in Section 4.5 A (7) (a) through (d).
- b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- d. Sampling and analysis shall be performed in accordance with Section 6.10;
- e. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule

pursuant to this Section must meet the requirements set out in Section 6.2 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Director.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports

A. Except as specified in Section 6.4.C, all [Significant Industrial] Users must, at a frequency determined by the Director submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User.

B. The BMU may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.5A(8).

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in 6.14 A (40 CFR 403.6(a)(2)(ii)).

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in Section 6.14 C below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6.4 A, or other more frequent monitoring requirements imposed by the Director, and notify the Director.

(9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

C. The BMU may reduce the requirement for periodic compliance reports [see Section 6.4 A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the [EPA/State], where the Industrial User's total categorical wastewater flow does not exceed any of the following:

(1) five thousand (5,000) gallons per day, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches]

(2) 107.9 pounds BOD

(3) Lbs/day of any of the following pollutants:

a. Arsenic	0.0045
b. Cadmium	0.0002
c. Chromium	0.0985
d. Copper	0.0184
e. Cyanide	0.0134
f. Lead	0.0074
g. Mercury	0.0010
h. Molybdenum	0.0040
i. Nickel	0.0269
j. Selenium	0.0054
k. Silver	0.0143
l. Zinc	0.0421

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance.

E. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each User must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least Ninety (90) days before the change.

A. The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.

B. The Director may issue an individual wastewater discharge permit under Section 5.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the BMU performs sampling at the User's facility at least once a month, or if the BMU performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the BMU receives the results of this sampling, or if the BMU has performed the sampling and analysis in lieu of the Industrial User.

6.9 Notification of the Discharge of Hazardous Waste

A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no

later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.

B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the BMU, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the BMU, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the

person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the BMU, or where the User has been specifically notified of a longer retention period by the Director.

6.14 Certification Statements

Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4 A–D, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

A. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 1.4 GG(3) and 4.7 C must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR 403.12, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 GG (3);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never

1498 discharged more than 100 gallons of total categorical wastewater on any
1499 given day during this reporting period.

1501 This compliance certification is based on the following information.

1502 _____
1503 _____
1504 _____
1505 _____
1506 _____

1507 B. Certification of Pollutants Not Present

1508
1509 Users that have an approved monitoring waiver based on Section 6.4 B must certify on
1510 each report with the following statement that there has been no increase in the pollutant
1511 in its wastestream due to activities of the User.

1512
1513 Based on my inquiry of the person or persons directly responsible for managing
1514 compliance with the Pretreatment Standard for 40 CFR 403.12, I certify that, to
1515 the best of my knowledge and belief, there has been no increase in the level of
1516 [list pollutant(s)] in the wastewaters due to the activities at the facility
1517 since filing of the last periodic report under Section 6.4.A.
1518
1519

1520 SECTION 7—COMPLIANCE MONITORING

1521
1522 7.1 Right of Entry: Inspection and Sampling

1523
1524 The Director shall have the right to enter the premises of any User to determine whether the User
1525 is complying with all requirements of this ordinance and any individual wastewater discharge
1526 permit or order issued hereunder. Users shall allow the Director ready access to all parts of the
1527 premises for the purposes of inspection, sampling, records examination and copying, and the
1528 performance of any additional duties.

1529
1530 A. Where a User has security measures in force which require proper identification and
1531 clearance before entry into its premises, the User shall make necessary arrangements with
1532 its security guards so that, upon presentation of suitable identification, the Director shall
1533 be permitted to enter without delay for the purposes of performing specific
1534 responsibilities.

1535
1536 B. The Director shall have the right to set up on the User's property, or require
1537 installation of, such devices as are necessary to conduct sampling and/or metering of the
1538 User's operations.

1539
1540 C. The Director may require the User to install monitoring equipment as necessary. The
1541 facility's sampling and monitoring equipment shall be maintained at all times in a safe
1542 and proper operating condition by the User at its own expense. All devices used to
1543 measure wastewater flow and quality shall be calibrated [insert desired frequency] to
1544 ensure their accuracy.

1545
1546 D. Any temporary or permanent obstruction to safe and easy access to the facility to be
1547 inspected and/or sampled shall be promptly removed by the User at the written or verbal
1548 request of the Director and shall not be replaced. The costs of clearing such access shall
1549 be born by the User.

1550
1551 E. Unreasonable delays in allowing the Director access to the User's premises shall be a
1552 violation of this ordinance.

7.2 Search Warrants

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the BMU designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the Sikeston Missouri Municipal Court.

SECTION 8—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Director inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by [the POTW], a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by

Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation. Within Forty Five (45) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Director may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least Forty Five (45) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the

Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

- A. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such User in an amount not to exceed \$500.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after [] calendar days, be assessed an additional penalty of [] percent () of the unpaid balance, and interest shall accrue thereafter at a rate of [] percent () per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

the Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with

the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. the Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any User who violates the following conditions is subject to discharge termination:

A. Violation of individual wastewater discharge permit [or general permit] conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

1783 SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

1784
1785 11.1 Injunctive Relief

1786
1787 When the Director finds that a User has violated, or continues to violate, any provision of this
1788 ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other
1789 Pretreatment Standard or Requirement, the Director may petition the [insert name of appropriate
1790 Court] through the BMU's Attorney for the issuance of a temporary or permanent injunction, as
1791 appropriate, which restrains or compels the specific performance of the individual wastewater
1792 discharge permit, order, or other requirement imposed by this ordinance on activities of the User.
1793 The Director may also seek such other action as is appropriate for legal and/or equitable relief,
1794 including a requirement for the User to conduct environmental remediation. A petition for
1795 injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a
1796 User.

1797
1798 11.2 Civil Penalties

1799
1800 A. A User who has violated, or continues to violate, any provision of this ordinance, an
1801 individual wastewater discharge permit, or order issued hereunder, or any other
1802 Pretreatment Standard or Requirement shall be liable to the BMU for a maximum civil
1803 penalty of \$1000.00 per violation, per day. In the case of a monthly or other long-term
1804 average discharge limit, penalties shall accrue for each day during the period of the
1805 violation.

1806
1807 B. The Director may recover reasonable attorneys' fees, court costs, and other expenses
1808 associated with enforcement activities, including sampling and monitoring expenses, and
1809 the cost of any actual damages incurred by the BMU.

1810
1811 C. In determining the amount of civil liability, the Court shall take into account all
1812 relevant circumstances, including, but not limited to, the extent of harm caused by the
1813 violation, the magnitude and duration of the violation, any economic benefit gained
1814 through the User's violation, corrective actions by the User, the compliance history of the
1815 User, and any other factor as justice requires.

1816
1817 D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking
1818 any other action against a User.

1819
1820 11.3 Criminal Prosecution

1821
1822 A. A User who willfully or negligently violates any provision of this ordinance, an
1823 individual wastewater discharge permit, or order issued hereunder, or any other
1824 Pretreatment Standard or Requirement shall, upon conviction, be guilty of a
1825 misdemeanor, punishable by a fine of not more than \$1000.00 per violation, per day, or
1826 imprisonment for not more than 30 Days, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1000.00, or be subject to imprisonment for not more than 30 Days years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1000.00 per violation, per day, or imprisonment for not more than 30 Days, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than \$1000.00 per violation, per day, or imprisonment for not more than 30 Days, or both.

11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the BMU's enforcement response plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Payment of Outstanding Fees and Penalties

The Director may decline to issue or reissue an individual wastewater discharge permit [or a general permit] to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit] or order issued hereunder.

12.2 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, [a general permit] or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

1873 SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS
1874
1875 SECTION 14—WASTEWATER TREATMENT RATES - [RESERVED]
1876
1877 SECTION 15—MISCELLANEOUS PROVISIONS
1878
1879 15.1 Pretreatment Charges and Fees – [RESERVED]
1880
1881 15.2 Severability
1882
1883 If any provision of this ordinance is invalidated by any court of competent jurisdiction, the
1884 remaining provisions shall not be affected and shall continue in full force and effect.
1885
1886 SECTION 16—EFFECTIVE DATE
1887
1888 This ordinance shall be in full force and effect immediately following its passage, approval, and
1889 publication, as provided by law.
1890

Council Letter

Date of Meeting: 16-11-07

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: First Reading Bill # 6043, Authorization to Extend Residential Solid Waste contract through 6-30-17

Attachment(s):

1. Bill #6043

Action Options:

1. First Reading and Discussion only
2. Other action Council may deem appropriate

Background:

The current solid waste contract was a three (3) year contract beginning January 1, 2013 and it expires on December 31, 2016. On September 12, 2016 Council authorized a six (6) month extension of our current solid waste contract. During this extension period use of the recycling program will be evaluated and residents polled to determine if the program should be expanded.

Bill #6043 is to extend the current contract through June 30, 2017 as authorized by Council. Council action will be requested at the November 28th meeting.

AN ORDINANCE AUTHORIZING THE CITY OF SIKESTON, MISSOURI TO EXTEND ITS SOLID WASTE CONTRACT FOR SIX (6) MONTHS.

WHEREAS, the City Council finds and determines that it is necessary and desirable to extend its current contract for solid waste disposal with Sonny's Solid Waste Services, Inc. and to approve the execution of certain documents herein.

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

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

(a) Amendment to Contract For Service, Disposal of Solid Waste and Garbage

SECTION II: Execution of Documents. The Mayor 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 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 III. General Repealer Section. Any other 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, the remaining part or parts shall continue in full force and effect.

SECTION V: Record of Passage:

A. Bill Number 6043 was introduced and read the first time this 7th day of November, 2016.

B. Bill Number 6043 was read the second time and discussed on this 28th day of November, 2016, and was voted as follows:

Gilmore _____, Evans _____, Depro _____,

White-Ross _____, Settles _____, Merideth _____,

and Burch _____,

thereby being _____.

C. Upon passage by the City Council, this bill shall become Ordinance 6043 and shall be in full force and effect from and after December 27, 2016.

STEVEN BURCH, Mayor

Approved as to Form:

CHARLES LEIBLE, City Counselor

SEAL/ATTEST:

CARROLL COUCH, City Clerk

AMENDMENT TO CONTRACT FOR SERVICE
DISPOSAL OF SOLID WASTE AND GARBAGE

On or about January 1, 2013, the City of Sikeston and Sonny's Solid Waste Services, Inc. entered into a Contract, and

WHEREAS, the parties desire to amend said Contract as to its term.

THEREFORE, Section Two: **TERM** is hereby amended to read as follows:

The term of this agreement shall commence January 1, 2013 at 12:00 a.m. and expire June 30, 2017 at 12:00 p.m.

Except as hereinabove modified, this Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands this ____ day of November, 2016.

CITY OF SIKESTON

SONNY'S SOLID WASTE SERVICES
INC.

By: _____
STEVEN BURCH, Mayor

By: _____
President

MUNICIPAL DIVISION SUMMARY REPORTING FORM

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity

I. COURT INFORMATION		Contact information same as last report <input type="checkbox"/>	
Municipality: SIKESTON		Reporting Period: September, 2016	
Mailing Address: 105 E. CENTER ST.		Software Vendor: Tyler Technologies	
Physical Address: 105 E. CENTER ST.		County SCOTT COUNTY	Circuit: 33RD
Telephone Number: (573) 475-3705		Fax Number: (573) 471-1526	
Prepared By: PAT COX	E-mail Address: courtclerk@sikeston.org		iNotes <input type="checkbox"/>
Municipal Judge(s): FRANKLIN MARSHALL		Prosecuting Attorney: RYAN KYE LAWRENCE	

II. MONTHLY CASELOAD INFORMATION	Alcohol & Drug related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations / informations) pending at start of month	123	1,665	3,086
B. Cases (citations / informations) filed	1	158	61
C. Cases (citations / informations) disposed			
1. jury trial (Springfield, Jefferson County, and St. Louis County only)	0	0	0
2. court / bench trial - GUILTY	0	0	0
3. court / bench trial - NOT GUILTY	0	0	1
4. plea of GUILTY in court	0	10	2
5. Violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs)	1	85	27
6. dismissed by court	0	21	9
7. nolle prosequi	0	1	0
8. certified for jury trial(not heard in the Municipal Division)	0	0	0
9. TOTAL CASE DISPOSITIONS	1	117	39
D. Cases (citations / informations) pending at end of month [pending caseload = (A + B) - C9]	123	1,706	3,108
E. Trial de Novo and / or appeal applications filed	0	0	0

III. WARRANT INFORMATION (pre- & post-disposition)	IV. PARKING TICKETS
1. # Issued during reporting period	0
2. # Served/withdrawn during reporting period	<input type="checkbox"/> Court staff does not process parking tickets
3. # Outstanding at end of reporting period	

Office of State Courts Administrator, Statistics, 2112 Industrial Drive, P.O. Box 104480, Jefferson City, MO 65110

OSCA Help Desk: 1-888-541-4894

Fax: 573-526-0338

E-mail: MunicipalDivision.Reports@courts.mo.gov

MUNICIPAL DIVISION SUMMARY REPORTING FORM

I. COURT INFORMATION		Municipality: SIKESTON	Reporting Period: September, 2016
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V. DISBURSEMENTS			
Excess Revenue (minor traffic violations, subject to the excess revenue percentage limitation)		Other Disbursements cont.	
Fines - Excess Revenue	\$ 4,135.00		\$
Clerk Fee - Excess Revenue	\$ 719.85		\$
Crime Victims Compensation (CVG) Fund surcharge - Paid to City/Excess Revenue	\$ 22.19		\$
Bond forfeitures (paid to city) - Excess Revenue	\$ 0.00		\$
Total Excess Revenue	\$ 4,877.04		\$
Other Revenue (non-minor traffic and ordinance violations not subject to the excess revenue percentage limitation)			\$
Fines - Other	\$ 8,062.02		\$
Clerk Fee - Other	\$ 572.25		\$
Judicial education Fund (JEF) <input checked="" type="checkbox"/> Court does not retain funds for JEF	\$ 0.00		\$
Peace Officer Standard and Training (POST) Commission surcharge	\$ 323.03		\$
Crime Victims Compensation (CVC) Fund surcharge - Paid to state	\$ 767.71		\$
Law Enforcement Training (LET) Fund surcharge	\$ 0.00		\$
Domestic Violence Shelter surcharge	\$ 424.96		\$
Inmate Prisoner Detainee Security Fund surcharge	\$ 215.35		\$
Sheriff's Retirement Fund (SRF) surcharge	\$ 319.95		\$
Restitution	\$ 279.14		\$
Parking ticket revenue (including penalties)	\$ 0.00		\$
Bond forfeitures (paid to city) - Other	\$ 0.00		\$
Total Other Revenue	\$ 10,964.41		\$
Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs, witness fees, and board bill/jail costs.		Total Other Disbursements	\$ 62.54
		Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$ 15,903.99
COLLECTION AGENCY FEE	\$ 44.90		
O/R CVC Paid to City	\$ 17.64	Bond Refunds	\$ 720.05
	\$	Total Disbursements	\$ 16,624.04

Office of State Courts Administrator, Statistics, 2112 Industrial Drive, P.O. Box 104480, Jefferson City, MO 65110

November 2016

Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6 Daylight Savings Time Ends	7 Library Board Meets 4:30 p.m. Regular City Council Meeting 5:00 P.M.	8 BMU Commission Meets 4:00 p.m. DED Board Meets 11:30 a.m.	9	10	11 Veterans Day - City Offices Open	12
13	14 Housing Authority Board Meets - Noon Park Board Meets 5:15 p.m.	15	16	17 Community Outreach Meeting 5:30 p.m.	18	19
20	21 LCRA Meets 11:30 a.m. Public Safety Meets 5:30 p.m.	22	23	24	25	26
				Thanksgiving Holiday - Offices Closed		
27	28 Special City Council Meeting 11:30 a.m.	29 Tourism Advisory Board Meets 4:30 p.m.	30	<div> <div> Oct 2016 S M T W T F S 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 </div> <div> Dec 2016 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 </div> </div>		

December 2016

Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																				
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January 2017

Monthly Planner

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1	2 Library Board Meets 4:30 p.m.	3 Regular Council Meeting 5:00 p.m.	4	5	6	7																																																																																				
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