

TENTATIVE AGENDASPECIAL CITY COUNCIL MEETING
SIKESTON CITY HALLMonday, December 2, 2019
5:00 P.M.

- I. CALL TO ORDER
- II. RECORD OF ATTENDANCE
- III. OPENING PRAYER
- IV. PLEDGE OF ALLEGIANCE
- V. PUBLIC HEARING - Main & Malone Tax Increment Financing District
- VI. APPROVAL OF CITY COUNCIL MINUTES
 - A. Regular Council Minutes November 4, 2019
 - B. Regular Council Minutes November 8, 2019
- VII. ITEMS OF BUSINESS
 - A. 1st Reading, Bill #6176, Economic Development Incentive Rate
 - B. 1st Reading, Bill #6177, Rental Lighting Rate
 - C. Appointment to Board of Adjustments
 - D. Authorization to Extend Farm Lease - Sikeston Airport
 - E. Traffic Committee Items: Speed Limit Reduction-S. Prairie; Stop Sign at Kay Dr. & S. Prairie
 - F. 1st Reading, Bill #6162, General Election
 - G. 1st Reading, Bill #6171, Amend Title III, Chapter 300, Section 300.010 - Definitions - "Utility Vehicles"
 - H. 1st Reading, Bill #6165, Amend Title III, Chapter 340, Section 340.110 - Utility Vehicles
 - I. 1st Reading, Bill #6172, Authorizing the Installation of Stop Signs at Huntress & Brunt and at Valley Forge & Brunt
 - J. 1st Reading, Bill #6174, Parking Prohibited at All Times on Certain Streets - Larcel Drive on Both Sides
 - K. 1st Reading, Bill #6175, Adding Another Designated School Zone - Arthur St.
 - L. 1st Reading, Bill #6178, Amend Chapter 500, Section 500.570 - Adoption of Property Maintenance Code
 - M. Approve Donation of Right-of-Way to MoDOT
 - N. Other Items As May Be Determined During the Course of the Meeting
- VI. ADJOURNMENT

Dated this 20th day of November 2019

Rhonda Council

Rhonda Council, Deputy City Clerk

Council Letter

Date of Meeting: December 2, 2019

Originating Department: Administrative Services

To the Mayor and City Council:

Subject: 5 Year Public Hearing-Main & Malone TIF District

Attachments:

1. Notice of Public Hearing
2. Public Hearing Summary

Action Options:

1. Open and Close Public Hearing

Background:

RSMo. 99.865 requires a public hearing be held every 5 years after the adoption of a TIF Redevelopment Plan to determine if the project is making satisfactory progress. This public hearing satisfies the statutory requirement.

LEGAL NOTICE

In accordance with RSMo. 99.865, a public hearing will be held on Monday, December 2, 2019, at 5:00 P.M., regarding the Main and Malone Tax Incremental Financing District. The purpose of the hearing shall be to determine if the redevelopment project is making satisfactory progress under the proposed time schedule contained within the approved plan for completion of the project.

NOTE: To be published on Sunday November 3, 2019

Sunday November 10, 2019

Sunday November 17, 2019

Sunday November 24, 2019

CITY OF SIKESTON
MAIN AND MALONE TIF DISTRICT
PUBLIC HEARING

RSMo. 99.865 requires a public hearing every five years after adoption of a TIF redevelopment plan. The purpose of the hearing is to determine if the redevelopment project is making satisfactory progress under the proposed time schedule contained within the approved plan for completion of the project.

In 2004, the City of Sikeston approved a redevelopment agreement for the area located at the Northwest corner of the intersection of Main and Malone.

The estimated total cost of the project was \$ 8,250,000 of which \$ 1,700,000 was authorized for TIF reimbursable expenditures.

Two notes were issued; A primary note of \$ 1,325,000 for site development and public infrastructure improvement, and \$ 325,000 for reimbursement to MODOT for installing the signalization at the intersection of North Main, and Lake Street.

The primary note has been paid off and the secondary note should be paid off in 2022, which will be before the end of the maximum period authorized by TIF legislation, which is 2027.

REGULAR CITY COUNCIL MEETING
NOVEMBER 4, 2019

The regular Sikeston City Council meeting of November 4, 2019 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 Councilmembers Brian Self, Ryan Merideth, Karen Evans, Gerald Settles, Brandon Sparks and Onethia Williams (arriving at 5:03 p.m.). Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman (arriving at 5:10 p.m.), City Clerk Carroll Couch, City Treasurer Karen Bailey, Deputy City Clerk Rhonda Council, Public Safety Director James McMillen, Public Works Superintendent Brian Dial, Street Supervisor Darren Martin, Parks Director Dustin Care, Public Safety Captain Ryan Smith and Code Enforcement Manager Lorenzo Ware.

APPROVAL OF CITY COUNCIL MINUTES

City Council minutes of September 30, October 7 and October 28, 2019 were presented for approval. Councilman Sparks moved to approve the minutes as presented. Councilwoman Evans seconded the motion and the following roll call vote was recorded:

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

ACCEPTANCE OF BOARD AND COMMISSION MINUTES

None were presented.

ITEMS OF BUSINESS

2nd Reading, Bill #6159, Establishing a Business License Review Board

Councilman Self moved for the second reading of Bill Number 6159. The motion was seconded by Councilwoman Evans and the following vote recorded:

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

City Counselor Thurman presented the bill for reading.

BILL Number 6159

ORDINANCE Number 6159

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

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

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

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

Section 605.260. Business License Review Board. A three-member business license review board is hereby established consisting of the chief review officer appointed by the

city manager, another city employee appointed by the city manager and a member appointed by the city council to serve a three-year term. The city manager's appointees shall be current city employees and shall serve at the pleasure of the city manager.

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

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

A. Suspension or Revocation of License – When - Manner

(1) *Suspension or revocation.* The city manager may suspend or revoke the license of any licensee under this chapter who has failed to meet the standards of conducting business set forth in this chapter or who has made any false, misleading, fraudulent statement in the license application, or made significant changes in the nature of the business.

(2) *Notice of suspension or revocation.* The city manager shall suspend or revoke a license issued under this chapter by sending notice of the suspension or revocation to the licensee by first class mail or by personal service on the licensee or the person in charge at the licensed premises. Mailed notice shall be presumed received three (3) days after it is mailed. The notice shall contain:

- (a) A statement of the grounds for the suspension or revocation.
- (b) The effective date of the suspension or revocation, which shall be at least ten (10) days after the notice is received.
- (c) In the case of a suspension, the length of the suspension.
- (d) Instructions on how to appeal the suspension or revocation.

(3) *Appeal to business license review board.* The licensee may appeal the suspension or revocation by requesting a hearing before the business license review board. The appeal must be in writing, addressed to the chief review officer and received by the chief review officer within ten (10) days after the notice of suspension or revocation was received. Receipt of an appeal by the chief review officer shall automatically stay enforcement of the suspension or revocation until after the hearing.

B. Grounds for Suspension or Revocation.

- (1) Violating any of the provisions of either this Chapter, Missouri Revised Statutes or any ordinance of the City.
- (2) Making a false affidavit in an application for a license, procuring permit by fraud or false representation of facts, or application contains false/misleading statements, evasions or suppression of material facts.
- (3) Failing to keep an orderly place or house; providing an environment conducive to allowing criminal activity.
- (4) When reasonably necessary in the interests of protection of the public health, safety, peace or welfare.

- (5) Selling, giving, offering for sale, possessing, knowingly permitting the consumption of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under a proper license
 - (6) Maintaining a public nuisance under RSMO 579.105.
 - (7) Illegal issuance of the permit or license, including issuance under an unauthorized ordinance, issuance by mistake, or issuance in violation of an ordinance.
 - (8) Illegally selling, giving, offering for sale, possessing, or knowingly permitting the consumption of any kind of controlled substances.
 - (9) Substantial violations of the terms and conditions on which a license or permit is issued.
 - (10) Violation of ordinances or laws authorizing or regulating the license or permit, or regulating the business activity or purpose for which the license or permit is issued.
 - (11) Wrongful behavior of a substantial character and of a public concern in relation to the licensed activity.
- C. Effect of Suspension. No person whose license is under suspension by order of the City Manager shall be permitted to operate or engage in any trades, vocations, callings, occupations or businesses, until the suspension is lifted.
 - D. A license under consideration for revocation or suspension may not be transferred, nor maintained by any consanguinity, under the control of original license holder.

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

Section 605.280. Hearings Upon Suspension or Revocation of Licenses.

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

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

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

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

SECTION VII: Record of Passage:

- A. Bill Number 6159 was introduced and read the first time this 28th day of October 2019.
- B. Bill Number 6159 was read the second time and discussed on this 4th day of November 2019. Following discussion, Councilman Self moved to approve Bill Number 6159. The motion was seconded by Councilman Sparks, discussed and the following roll call vote was recorded:

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

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6159 and shall be in full force and effect from and after December 4, 2019.

2nd Reading, Bill #6167, Amendment to Amusement & Entertainment Licensing

Councilman Sparks moved for the second reading of Bill Number 6167. The motion was seconded by Councilwoman Evans and the following vote recorded:

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

City Counselor Thurman presented the bill for reading.

BILL NUMBER 6167

ORDINANCE NUMBER 6167

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

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

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

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

Section 605.020. Fixed License Fee.

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

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

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

Chapter 610. Amusement or Entertainment Licenses and Permits

Section 610.010. Definitions.

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

ADMISSION CHARGE

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

AMUSEMENT OR ENTERTAINMENT

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

PERSON

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

Section 610.020 License or Permit Required.

An amusements license must be obtained in order to conduct or host any amusements or entertainments at a fixed or recurring business location. An amusement or entertainment permit must be obtained in order to conduct any

amusement or entertainment on a singular or infrequent basis, or on a property not otherwise licensed for such activities.

Section 610.030 License and Permit Procedure – Generally.

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

Section 610.040 License and Permit Procedure — Location Determination.

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

Section 610.050 License and Permit Procedure — Liability Insurance.

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

Section 610.060 License and Permit Procedure — Compliance With Chapter.

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

Section 610.070 License and Permit Procedure — Issuance.

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

Section 610.080 License and Permit — Revocation.

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

Section 610.090 Rules.

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

1. Hours of operation shall be limited from 9:00 A.M. to 11 P.M. Sundays through Thursdays, and from 9:00 A.M. to 1:30 A.M. on Fridays, Saturdays, and holidays. No re-entry shall be allowed after 1:00 A.M.
2. Adequate restroom facilities shall be provided on the premises of such amusement or entertainment.
3. All electrical wiring and lighting must be approved by the City Engineer, Building Inspector or their representative.
4. Adequate facilities for the disposal of trash and debris shall be provided on the premises.
5. The premises shall be inspected prior to operation by the Director of Public Safety or his/her representative to determine that the requirements of this Chapter and any other ordinance of the City applicable to public rooms and buildings have been complied with.
6. The area of premises where such amusement or entertainment is conducted shall be cleaned and policed after the cessation of such amusement or entertainment and all trash, litter and debris shall be removed.
7. Adequate licensed security must be provided at the cost of the event/business owner for any event that extends past 11:00 P.M.

Section 610.100 Exemptions.

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

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

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

SECTION VI: Record of Passage:

- A. Bill Number 6167 was introduced and read the first time this 28th day of October 2019.
- B. Bill Number 6167 was read the second time and discussed on this 4th day of November 2019. Following discussion, Councilman Sparks moved to approve Bill Number 6167. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Nay, and Burch Aye, thereby being passed.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6167 and shall be in full force and effect from and after December 4, 2019.

2nd Reading, Bill #6168, Drug Houses as Public Nuisances

Councilman Merideth moved for the second reading of Bill Number 6168. The motion was seconded by Councilman Sparks and the following vote recorded:

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

City Counselor Thurman presented the bill for reading.

Bill Number 6168

Ordinance Number 6168

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

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

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

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

Section 210.1880 Maintaining a Public Nuisance – Violation – Penalty

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

- D. Upon the conviction of the owner pursuant to this section, the room, building, structure, or inhabitable structure is subject to the provisions of Missouri Revised Statutes RSMO Sections 513.600 to 513.645.

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

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

SECTION V: Record of Passage:

- A. Bill Number 6168 was introduced and read the first time this 28th day of October 2019.
- B. Bill Number 6168 was read the second time and discussed on this 4th day of November 2019. Following discussion, Councilman Sparks moved to approve Bill Number 6168. The motion was seconded by Councilman Self, discussed and the following roll call vote was recorded:

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

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6168 and shall be in full force and effect from and after December 4, 2019.

Briefing/Authorization - Stallcup Building Repairs & Options

Staff received two bids for rebuilding the back wall on the Stallcup Building, Boulder Construction for \$158,000 and Black Hickman Construction in the amount of \$108,000. Boulder Construction gave a start date of 1-2 months from contract, pending weather, with a completion date of 3-4 months, weather pending. Blake Hickman Construction could start immediately, with a completion date of 4-6 weeks, weather permitting.

Councilman Settles motioned to award the bid to Blake Hickman Construction in the amount of \$108,000. The motion was seconded by Councilwoman Williams, discussed and the following roll call vote was recorded:

Sparks Nay, Merideth Aye, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Other Items

The Local Use Tax will be on the November 5th ballot. If passed, a Council meeting will need to be scheduled immediately to pass an ordinance to specify the effective date of the tax.

Dennis Ziegenhorn & Jim Beaird, both citizens of Sikeston, approached Council about issues with obtaining building permits and the process involved for certain documents that are needed for businesses in Sikeston.

ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the City Council, Councilman Self moved to adjourn into executive session for discussion of litigation and personnel. The motion was seconded by Councilwoman Williams and the following roll call vote was recorded:

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

Mayor Burch called the executive session to order. Present were: Councilmembers Brian Self, Karen Evans, Onethia Williams, Gerald Settles, Ryan Merideth and Brandon Sparks. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Carroll Couch, City Treasurer Karen Bailey, Deputy City Clerk Rhonda Council, Public Works Director Jay Lancaster and Code Enforcement Manager Lorenzo Ware.

No action was taken in executive session for litigation.

The Mayor excused City Clerk Carroll Couch, Deputy City Clerk Rhonda Council, Public Works Director Jay Lancaster and Code Enforcement Manager Lorenzo Ware for discussion of personnel.

No action was taken in executive session for personnel.

ADJOURNMENT OUT OF EXECUTIVE SESSION

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

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

ADJOURNMENT

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

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

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL:

REGULAR CITY COUNCIL MEETING
NOVEMBER 8, 2019

The regular Sikeston City Council meeting of November 8, 2019 was called to order at 7:30 a.m. in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Brian Self, Karen Evans, Onethia Williams, Brandon Sparks and Gerald Settles. Councilman Ryan Merideth was absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Carroll Couch, Deputy City Clerk Rhonda Council, City Treasurer Karen Bailey, Public Safety Director James McMillen, Public Works Director Jay Lancaster, Street Superintendent Brian Dial, Code Enforcement Manager Lorenzo Ware and Capt. Ryan Smith.

ITEMS OF BUSINESS

1st & 2nd Reading, Emergency Bill #6170, Imposing Voter Approved Use Tax Effective January 1, 2020

Councilman Sparks moved for the first reading of Bill Number 6170. The motion was seconded by Councilwoman Evans and the following vote recorded:

Sparks Aye, Merideth Absent, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Counselor Thurman presented the bill for reading. An emergency ordinance of the City of Sikeston, Missouri, imposing a use tax for general revenue purposes at the rate of three percent (3%) for the privilege of storing, using or consuming within the City any article of tangible personal property pursuant to the authority granted by and subject to the provisions of Section 144.600 through 144.761 RSMo; providing for the use tax to be repealed, reduced or raised in the same amount as any city sales tax is repealed, reduced or raised; and providing that the effective date of the use tax shall be January 1, 2020.

This ordinance is adopted as an emergency measure in order to comply with the State of Missouri requirements for timely notification.

Councilman Self moved for the second reading of Bill Number 6170. The motion was seconded by Councilwoman Evans and the following vote recorded:

Sparks Aye, Merideth Absent, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

Counselor Thurman presented the bill for a second reading.

BILL Number 6170

ORDINANCE Number 6170

AN EMERGENCY ORDINANCE OF THE CITY OF SIKESTON, MISSOURI, IMPOSING A USE TAX FOR GENERAL REVENUE PURPOSES AT THE RATE OF THREE PERCENT (3%) FOR THE PRIVILEGE OF STORING, USING OR CONSUMING WITHIN THE CITY ANY ARTICLE OF TANGIBLE PERSONAL PROPERTY PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF SECTIONS 144.600 THROUGH 144.761 RSMO; PROVIDING FOR THE USE TAX TO BE REPEALED, REDUCED OR RAISED IN THE SAME

AMOUNT AS ANY CITY SALES TAX IS REPEALED, REDUCED OR RAISED; AND PROVIDING THAT THE EFFECTIVE DATE OF THE USE TAX SHALL BE JANUARY 1, 2020.

WHEREAS, the City has imposed total local sales taxes, as defined in Section 32.085 RSMo, at the rate of three percent (3%); and

WHEREAS, the City is authorized under Section 144.757, RSMo, to impose a local use tax at a rate equal to the rate of the total local sales taxes in effect in the City; and

WHEREAS, the proposed City use tax cannot become effective until approved by the voters at a municipal, county or state general, primary or special election; and

WHEREAS, the City Council adopted Ordinance Number 6160 on August 5, 2019, submitting the use tax question to the qualified voters of Sikeston, Missouri, for their approval, as required by the provisions of Section 144.757 RSMo, at the General election held in the City on the fifth day of November, 2019; and

WHEREAS, the voters of the City of Sikeston, Missouri, approved the imposition of the use tax at the General election held on the fifth day of November, 2019.

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

Section I. Pursuant to the authority granted by, and subject to, the provisions of Sections 144.600 through 144.761 RSMo, a use tax for general revenue purposes is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City.

Section II. The rate of the tax shall be three percent (3%). If any city sales tax is repealed or the rate thereof is reduced or raised by voter approval, the city use tax rate also shall be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the city sales tax.

Section III. The effective date of the tax shall be January 1, 2020.

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

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

Section VI. Emergency Clause. This ordinance is adopted as an emergency measure in order to comply with the State of Missouri requirements for timely notification.

Section VII. Record of Passage:

A. Bill Number 6170 was introduced and read the first time this 8th day of November 2019.

- B. Bill Number 6170 was read the second time and discussed this 8th day of November 2019. Following discussion, Councilman Settles moved to approve Bill Number 6170. The motion was seconded by Councilwoman Evans, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Absent, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

- C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6170 and shall be in full force and effect.

Other Items

Mayor Burch thanked everyone involved to help pass the local use tax and would like thank you letters sent to Marcie Lawson, Jon Gilmore and Felicia Blanton for their efforts in supporting this tax. In light of the passage of this use tax, the Mayor would also like for the City to inform and promote to the citizens of Sikeston how we save money by using the resources we have in-house.

Historic Downtown Sikeston's Director Lynn Lancaster thanked the City for their continued support to his organization for all events that has taken place during his tenure. Director Lancaster's last day with Historic Downtown Sikeston will be December 31, 2019.

Mayor Burch would like to schedule a goal setting retreat for some time in January, 2020.

The next Council meeting will be held December 2, 2019.

ADJOURNMENT

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

Sparks Aye, Merideth Absent, Self Aye, Settles Aye, Evans Aye,
Williams Aye, and Burch Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL:

Council Letter

Council Letter: 19-12-02

Originating Department: Governmental Services/BMU

Subject: First Reading Bill #6176, Economic Development Incentive Rate

To the Mayor and City Council:

Attachments:

1. Bill 6176
2. Incentive Rate Schedule

Action Options:

1. Conduct first reading of Bill 6176
2. Other actions as Council may deem appropriate

Background:

The State of Missouri passed legislation in 2018 that directed Missouri's Investor Owned Utilities to provide an economic development incentive rate (electric) to help entice business to locate or expand in Missouri. Recently, the BMU Board approved a similar incentive rate for application in the City of Sikeston. It is the Board's intention that Sikeston remain competitive with other areas of the State.

BMU will seek Council's approval of this bill at the December 30th meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6176 AND SHALL ESTABLISH TITLE VII, CHAPTER 706 ECONOMIC DEVELOPMENT INCENTIVE RATE OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI.

WHEREAS, the State of Missouri passed legislation in 2018 that directed Missouri's Investor Owned Utilities to provide an economic development incentive rate (electric) to help entice business to locate or expand in Missouri, and

WHEREAS, the BMU Board approved a similar incentive rate for application in the City of Sikeston with the intention that Sikeston remain competitive with other areas of the State.

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

SECTION I: This Ordinance shall be codified in Chapter 706 of the Sikeston Municipal Code.

SECTION II: Chapter 706, Section 706.010 is hereby established and shall read as follows:

Section 706.010. Availability.

This rate is available to customers who (1) have submitted an application for this rate prior to beginning the project which meets the requirements of this rate, (2) are currently served under or will be served under BMU's Large General Service, Large Power Service, Large Industrial Service, or Large Industrial Service >5MW electric service rates, (3) receive local, regional, or state governmental economic development incentives in conjunction with the project generating the compliant load growth, and (4) are not receiving electric service under any other economic development or special incentive rate.

SECTION III: Section 706.020 is hereby established and shall read as follows:

Section 706.020. Character of Service.

BMU will specify and provide a standard single and/or three phase alternating current secondary service voltage.

SECTION IV: Section 706.030 is hereby established and shall read as follows:

Section 706.030. Application.

To single phase or three phase service for all large commercial Qualifying Load served solely by BMU. Qualifying load shall be the incremental load of a new customer at a single premises or incremental load added by an existing customer at a single premises. Should the existing customer remove some existing BMU load and add the new load, the net added load shall be the incremental load used as the determination for a Qualifying Load. In addition, the incremental load must meet the following requirements:

- 1) For a new customer, the Average Demand of the customer's incremental load is equal to or greater than 300 kw during each Contract Year of this Rate's application.
- 2) For an existing customer, the Average Demand of the customer's incremental load is equal to or greater than 150 kw during each Contract Year of this Rate's application.
- 3) The Average Load Factor of the customer's incremental load is equal to or greater than 55% during each Contract Year of this Rate's application.
- 4) The incremental load must be metered separately.

BMU may deny service under this rate to any customer that is not reasonably projected to meet the requirements and may terminate any service under this rate if the requirements are not maintained by the customer. BMU may deny service under this rate if BMU's current system capacities cannot supply the customer's projected incremental load.

SECTION V: Section 706.040 is hereby established and shall read as follows:

Section 706.040. Rate.

Contract Year 1 - \$0.035 per kWh
Contract year 2 - \$0.035 per kWh
Contract year 3 – 60% of applicable rate

Contract year 4 – 60% of applicable rate
Contract year 5 – 60% of applicable rate

Minimum Charge: In Contract years 3-5, the monthly minimum charge will be the Facilities Charge plus the monthly Billing Demand Charge. This schedule contemplates year around service with at least a minimum bill paid each month of the contract year. The amount of these charges will be determined by the rates listed in the service rate that applies to the customer.

SECTION VI: Section 706.050 is hereby established and shall read as follows:

Section 706.050. Payment.

Bills are rendered monthly and are due and payable within 10 days from the date of billing. Any monthly bills not paid by the 20th of the month shall be assessed a 5% add-on penalty charge and be subject to disconnection. The customer, in order to be reconnected, must pay all bills for electric service together with any applicable reconnection charges.

SECTION VII. Section 706.060 is hereby established and shall read as follows:

Section 706.060. General.

Customer is required to provide (1) verification from the local, regional, or state governmental entity that they are currently receiving economic development incentives in conjunction with the incremental load that is being added and (2) description of the incremental load demand and load factor which, in the case of eliminating existing load on the BMU system, includes a description of the load being eliminated and the load being added to determine the net load added.

Customers receiving service under this rate schedule are required to submit an application and sign a contract with the BMU specifying the nature of the service to be provided, the applicable BMU rate and any discounts applied to the rate, the projected demand (kw) and load factor (%) of the net incremental load, the term of the Agreement, and such other terms and conditions as are determined to be necessary and mutually agreeable. No discount will be provided without an executed Agreement. Discount will only be applied to an operating facility capable of meeting the projected demand (kw) and load factor (%) and does not apply during any construction of such facility.

As far as practical, all energy delivered under this rate schedule should pass through one point of delivery and the BMU, at its option, may meter at primary voltage.

Power sold to the Customer under this rate shall not be resold or shared with another entity or facility. Should a facility in a current Agreement under this rate be sold or otherwise change ownership, the BMU retains the right to approve or deny the transfer of the remainder of the Agreement to the new owner.

Maximum term for an agreement is five (5) years. Shorter terms may be negotiated. Any use and effect of Distributed Generation should be included in the initial application. No Distributed Generation that changes the original demand and load factor projections may be added during the term of the Agreement. No service under this rate will be offered past 12/31/23. Service existing under this rate as of 12/31/23 will continue to either the end of the term or until terminated under conditions listed herein. Beginning at the end of the second year of the Agreement and annually for the remainder of the Agreement, the Customer's Average Demand and Load Factor will be evaluated for compliance with the requirements of the Agreement. Force Majeure conditions may be considered in this evaluation, but it is the Customer's responsibility to report or confirm such conditions with the BMU prior to the annual evaluation.

BMU shall terminate service under this rate if (1) the Customer fails to meet the demand or load factor minimum requirements, (2) any terms of this rate or the associated Agreement are determined to be unlawful, (3) if during the term of the agreement, changes in federal law, state law, or other authorized regulatory requirements allow the Customer, in part or in total, to take electric service from a provider other than the BMU or (4) the Customer adds Distributed Generation to a degree that their demand and load factor no longer meet the levels listed on the original application. Customer will be given written notice of such termination.

Customer may terminate service under this rate upon written notice to BMU.

BMU shall terminate this rate on the billing cycle following the billing cycle in which notice was given.

SECTION VII. Section 706.070 is hereby established and shall read as follows:

Section 706.070. Definitions.

Agreement – The Economic Development Incentive Rate Agreement between BMU and the customer
Average Demand – The average of the Contract Year (12 months) demand values.
Average Load Factor – One Hundred (100) times the Contract Year (12 months) energy usage divided by the product of the Average Demand and 8,760. $[100 * (\text{Contract Year energy usage}) / (\text{Average Demand} \times 8,760)]$

Contract Year – Begins with the first full billing period after execution of the Agreement and is comprised of the 12 consecutive billing periods for the ensuing 12-month period.

Incremental Load – Customer load which is added to the system of BMU at either a new or existing premises in the BMU electric service area.

Qualifying Load – Customer load that meets the requirements of the Economic Development Incentive Rate.

Premises – A service address identified by number and street address.

SECTION VII. Section 706.080 is hereby established and shall read as follows:

Section 706.080. Power Factor.

This Section will apply beginning in Year 3 of the Agreement
BMU will install a suitable demand meter for determining the monthly maximum indicated demand. The Customer will at all times maintain a power factor of not less than eighty-five percent (85%) lagging. If the power factor is less than 85% and the customer does not expeditiously take corrective action, the BMU shall adjust the Customer's billed demand in accordance with the following formula:

Bill Demand (kw) = Actual Demand (kw) x (0.85 / Actual Power Factor)

Continued failure to maintain an 85% power factor may result in discontinuance of service to the customer until such time the customer installs suitable devices to bring the power factor up to 85%, or higher, or BMU may install necessary corrective equipment on its lines to improve the customer's power factor to at least 85% and will charge the customer for the total installed cost for same (including material, labor, and overhead costs).

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

SECTION IX: 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 X: Record of Passage:

A. Bill Number 6176 was introduced and read the first time this 2nd day of December 2019.

B. Bill Number 6176 was read the second time and discussed this 30th day of December, 2019, and voted as follows:

Self _____, Williams _____, Evans _____, Merideth _____,

Settles _____, Sparks _____, and Burch _____,

thereby being _____,

and becoming Ordinance 6176.

C. Ordinance 6176 shall be in full force and effect from and after January 29, 2020.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

ELECTRIC ECONOMIC DEVELOPMENT INCENTIVE RATE **Page 1 of 4**

Section 1 – Availability

This rate is available to customers who (1) have submitted an application for this rate prior to beginning the project which meets the requirements of this rate, (2) are currently served under or will be served under BMU's Large General Service, Large Power Service, Large Industrial Service, or Large Industrial Service >5MW electric service rates, (3) receive local, regional, or state governmental economic development incentives in conjunction with the project generating the compliant load growth, and (4) are not receiving electric service under any other economic development or special incentive rate.

Section 2 – Character of Service

BMU will specify and provide a standard single and/or three phase alternating current secondary service voltage.

Section 3 – Application

To single phase or three phase service for all large commercial Qualifying Load served solely by BMU. Qualifying load shall be the incremental load of a new customer at a single premises or incremental load added by an existing customer at a single premises. Should the existing customer remove some existing BMU load and add the new load, the net added load shall be the incremental load used as the determination for a Qualifying Load. In addition, the incremental load must meet the following requirements:

1) For a new customer, the Average Demand of the customer's incremental load is equal to or greater than 300 kw during each Contract Year of this Rate's application.

2) For an existing customer, the Average Demand of the customer's incremental load is equal to or greater than 150 kw during each Contract Year of this Rate's application.

3) The Average Load Factor of the customer's incremental load is equal to or greater than 55% during each Contract Year of this Rate's application.

4) The incremental load must be metered separately.

BMU may deny service under this rate to any customer that is not reasonably projected to meet the requirements and may terminate any service under this rate if the requirements are not maintained by the customer. BMU may deny service under this rate if BMU's current system capacities cannot supply the customer's projected incremental load.

Section 4 – Rate

Contract Year 1 - \$.035 per kWh

Contract year 2 - \$.035 per kWh

Contract year 3 – 60% of applicable rate

Contract year 4 – 60% of applicable rate

Contract year 5 – 60% of applicable rate

Minimum Charge:

In Contract years 3-5, the monthly minimum charge will be the Facilities Charge plus the monthly Billing Demand Charge. This schedule contemplates year around service with at least a minimum bill paid each month of the contract year. The amount of these charges will be determined by the rates listed in the service rate that applies to the customer.

Section 5 – Payment

Bills are rendered monthly and are due and payable within 10 days from the date of billing. Any monthly bills not paid by the 20th of the month shall be assessed a 5% add-on penalty charge and be subject to disconnection. The customer, in order to be reconnected, must pay all bills for electric service together with any applicable reconnection charges.

Section 6 – General

Customer is required to provide (1) verification from the local, regional, or state governmental entity that they are currently receiving economic development incentives in conjunction with the incremental load that is being added and (2) description of the incremental load demand and load factor which, in the case of eliminating existing load on the BMU system, includes a description of the load being eliminated and the load being added to determine the net load added.

Customers receiving service under this rate schedule are required to submit an application and sign a contract with the BMU specifying the nature of the service to be provided, the applicable BMU rate and any discounts applied to the rate, the projected demand (kw) and load factor (%) of the net incremental load, the term of the Agreement, and such other terms and conditions as are determined to be necessary and mutually agreeable. No discount will be provided without an executed Agreement. Discount will only be applied to an operating facility capable of meeting the projected demand (kw) and load factor (%) and does not apply during any construction of such facility.

As far as practical, all energy delivered under this rate schedule should pass through one point of delivery and the BMU, at its option, may meter at primary voltage.

Power sold to the Customer under this rate shall not be resold or shared with another entity or facility. Should a facility in a current Agreement under this rate be sold or otherwise change ownership, the BMU retains the right to approve or deny the transfer of the remainder of the Agreement to the new owner.

Maximum term for an agreement is five (5) years. Shorter terms may be negotiated. Any use and effect of Distributed Generation should be included in the initial application. No Distributed Generation that changes the original demand and load factor projections may be added during the term of the Agreement. No service under this rate will be offered past 12/31/23. Service existing under this rate as of 12/31/23 will continue to either the end of the term or until terminated under conditions listed herein. Beginning at the end of the second year of the Agreement and annually for the remainder of the Agreement, the Customer's Average Demand and Load Factor will be evaluated for compliance with the requirements of the Agreement. Force Majeure conditions may be considered in this evaluation, but it is the Customer's responsibility to report or confirm such conditions with the BMU prior to the annual evaluation.

BMU shall terminate service under this rate if (1) the Customer fails to meet the demand or load factor minimum requirements, (2) any terms of this rate or the associated Agreement are determined to be unlawful, (3) if during the term of the agreement, changes in federal law, state law, or other authorized regulatory requirements allow the Customer, in part or in total, to take electric service from a provider other than the BMU or (4) the Customer adds Distributed Generation to a degree that their demand and load factor no longer meet the levels listed on the original application. Customer will be given written notice of such termination.

Customer may terminate service under this rate upon written notice to BMU.

BMU shall terminate this rate on the billing cycle following the billing cycle in which notice was given.

Section 7 – Definitions

Agreement – The Economic Development Incentive Rate Agreement between BMU and the customer

Average Demand – The average of the Contract Year (12 months) demand values.

Average Load Factor – One Hundred (100) times the Contract Year (12 months) energy usage divided by the product of the Average Demand and 8,760. $[100 * (\text{Contract Year energy usage}) / (\text{Average Demand} \times 8,760)]$

Contract Year – Begins with the first full billing period after execution of the Agreement and is comprised of the 12 consecutive billing periods for the ensuing 12-month period.

Incremental Load – Customer load which is added to the system of BMU at either a new or existing premises in the BMU electric service area.

Qualifying Load – Customer load that meets the requirements of the Economic Development Incentive Rate.

Premises – A service address identified by number and street address

Section 8 – Power Factor

This Section will apply beginning in Year 3 of the Agreement

BMU will install a suitable demand meter for determining the monthly maximum indicated demand. The Customer will at all times maintain a power factor of not less than eighty-five percent (85%) lagging. If the power factor is less than 85% and the customer does not expeditiously take corrective action, the BMU shall adjust the Customer's billed demand in accordance with the following formula:

Bill Demand (kw) = Actual Demand (kw) x (0.85 / Actual Power Factor)

Continued failure to maintain an 85% power factor may result in discontinuance of service to the customer until such time the customer installs suitable devices to bring the power factor up to 85%, or higher, or BMU may install necessary corrective equipment on its lines to improve the customer's power factor to at least 85% and will charge the customer for the total installed cost for same (including material, labor, and overhead costs).

Date Approved _____

Date Effective February 1, 2020

Mayor
City of Sikeston

Chairman
Board of Municipal Utilities

Council Letter

Council Letter: 19-12-02

Originating Department: Governmental Services/BMU

Subject: First Reading Bill #6177, Rental Lighting Rate

To the Mayor and City Council:

Attachments:

1. Bill 6177
2. Rental Light Rate Schedule

Action Options:

1. Conduct first reading of Bill 6177
2. Other actions as Council may deem appropriate

Background:

The Board of Municipal Utility (BMU) recently solicited the help of a nationally known rates consultant to review all of BMU's rates for accuracy and adequacy. While our Rental Light Rates were a part of that review, at the time of the review they did not include a rate to cover LED lights. The BMU recently added the LED light data and developed the associated rates. These rates have been approved by the BMU Board.

BMU will ask for Council's approval of this bill at the December 30th meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6177 AND SHALL AMEND CHAPTER 705 AND ESTABLISH SECTION 705.050, RENTAL LIGHT RATE, OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI.

WHEREAS, the Board of Municipal Utilities (BMU) recently solicited the help of a nationally known rates consultant to review all of BMU's rates for accuracy and adequacy, and

WHEREAS, while BMU's Rental Light Rates were a part of that review, at the time of the review they did not include a rate to cover LED lights, and

WHEREAS, BMU recently added the LED light data and developed the associated rates.

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, Chapter 705 of the Sikeston Municipal Code.

SECTION II: Section 705.050 is hereby established and shall read as follows:

Section 705.050. Rental Light Rate.

A. Installation Fees. The Board of Municipal Utilities (BMU) shall require the customer to pay a \$50.00 connection fee in advance for a new installation. The BMU shall require the customer to pay a \$50.00 conversion fee in advance to convert from a high pressure sodium or mercury vapor light to an LED light if the existing light is not in need of repair.

B. Payment. Bills rendered monthly and are due and payable within 10 days from the date of billing. Any monthly bills not paid by the 20th of the month shall be assessed a 5% add-on penalty charge and be subject to disconnection. The customer, in order to be reconnected, must pay all bills for electric service together with any applicable reconnection charges.

C. Tax Clause. Bills computed under this rate are NOT subject to any increase because of municipal taxes. Donations in free street lighting, electricity and other services are made by the BMU to the City of Sikeston in lieu of taxes.

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 6177 was introduced and read the first time this 2nd day of December 2019.

B. Bill Number 6177 was read the second time and discussed this 30th day of December, 2019, and voted as follows:

Self _____, Williams _____, Evans _____, Merideth _____,

Settles _____, Sparks _____, and Burch _____,

thereby being _____,

and becoming Ordinance 6177.

C. Ordinance 6177 shall be in full force and effect from and after January 29, 2020.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

SIKESTON BOARD OF MUNICIPAL UTILITIES
107 E. Malone Ave. / PO Box 370
Sikeston, Missouri 63801

Date of Last
Rate Revision
October 01, 2018

RENTAL LIGHTS

PAGE 1 of 1

Existing Lights:

100W High pressure sodium – No pole	\$5.75
100W High pressure sodium – With pole	\$8.75
250W High pressure sodium – No pole	\$10.45
250W High pressure sodium – With pole	\$13.45
175W Mercury Vapor – No pole	\$6.40
175W Mercury Vapor – With pole	\$8.85
250W Mercury Vapor – No pole	\$10.45
250W Mercury Vapor – With pole	\$13.45
400W Mercury Vapor – No pole	\$14.60
400W Mercury Vapor – With pole	\$17.60
100W High pressure sodium – Decorative pole	\$10.80

New Lights:

50W LED – No pole	\$4.70
50W LED – With pole	\$7.70
139W LED – No pole	\$8.05
139W LED – With pole	\$11.00
46W LED Decorative – With pole	\$10.95

Only LED lighting is available for new installs. Mercury Vapor and High Pressure Sodium lights are no longer available.

Installation Fees

The BMU shall require the customer to pay a \$50.00 connection fee in advance for a new installation. The BMU shall require the customer to pay a \$50.00 conversion fee in advance to convert from a high pressure sodium or mercury vapor light to an LED light if the existing light is not in need of repair.

Payment

Bills are rendered monthly and are due and payable within 10 days from the date of billing. Any monthly bills not paid by the 20th of the month shall be assessed a 5% add-on penalty charge and be subject to disconnection. The customer, in order to be reconnected, must pay all bills for electric service together with any applicable reconnection charges.

Tax Clause

Bills computed under this rate are NOT subject to any increase because of municipal taxes. Donations in free street lighting, electricity and other services are made by the BMU to the City of Sikeston in lieu of taxes.

Date Approved _____

Date Effective: February 1, 2020

Chairman
Board of Municipal Utilities

Council Letter

Council Letter: 19-12-02

Originating Department: Department of Governmental Services

To the Mayor and City Council:

Subject: Appointments to Board of Adjustments

Attachments:

1. None

Action Options:

1. Make two (2) appointments to Board of Adjustments
2. Other action as Council may deem appropriate

Background:

In November, Board of Adjustments member Harvey Cooper passed away, leaving an open position on this board. His term was set to expire in 2023. During a review of the current appointees, it was noticed that board member William Nace term had expired this year but was overlooked. This was his second term, but is eligible to serve again.

We have one Resource Bank Application on file: Rob Murphy

Staff is requesting Council to reappoint William Nace to Board of Adjustments and appoint Rob Murphy to replace Harvey Cooper.

Council Letter

Date of Meeting 19-12-02

Originating Department: Public Works

To the Mayor and City Council:

Subject: Authorization to Extend Farm Lease – Sikeston Airport

Action Options:

1. Approve 2 year extension;
2. Other action the City Council deems appropriate.

Attachments:

1. Farm Lease

Background:

In early 2017, staff sought bids to raise crops on land to the north end of Sikeston Airport (103 acres). We received 3 bids, and council awarded the bid to T&B Wade Farms in March of 2017 for an annual payment of \$4,144.40 divided over two semi-annual payments.

This farm lease arrangement has gone exceptionally well with little to no complications. In a couple cases, the farmers encountered drainage/ditch issues that they fixed on their own rather than having us address the issues.

This lease ends in December of 2019, and rather than put these out for bids again at this time, staff is seeking to offer a 2 year extension for the agreement to T&B Farms at the same annual amount.

We would then put this out for bids a new lease in early 2022.

Staff has spoken to the Wade Family, and they are favorable to the lease being extended.

CROPLAND FOR RENT

The City of Sikeston will accept cash rent bid proposals to farm certain tracts of land located at the Sikeston Memorial Municipal Airport of approximately 103.61 acres. Proposals will be accepted at City Hall, 105 East Center Street until 10:00 a.m. on March 3, 2017. For additional information and proposal forms, contact Lee Dunn, Airport Manager, 160 Airport Drive, Sikeston, MO 63801, Phone 573.471.2037 between 8:00 a.m. and 5:00 p.m., Monday through Friday. Visit The City's website www.sikeston.org for a link to the bid packet or pick up at City Hall or the airport. The City of Sikeston reserves the right to accept or reject any and all bids or any part thereof.

SPECIAL TERMS OF LEASE

1. Lease term is 3 years.
 2. Acreage per plot is believed to be accurate but number of cropland acres is **not** guaranteed.
 3. Any wells or other irrigation equipment is "as is" with no representation or warranty whatsoever. Additionally, any needed repairs are the expense of the tenant.
 4. Tenant must maintain a liability insurance policy naming the Landlord as an additional insured with a \$1,000,000.00 limit per occurrence and \$2,000,000.00 aggregate limit.
 5. Successful bidder will execute a written lease with the above terms and any other term or condition as deemed necessary by Landlord's counsel and in substantially the same form as the attached lease.
-

FIXED TERM CASH FARM LEASE

This Lease, entered into between The City of Sikeston ("Lessor"), and
T&B Wade Farms LLC ("Lessee"),

WITNESSETH:

1. Lessor hereby leases unto Lessee and Lessee hereby hires and takes as Lessee, upon and subject to the terms and conditions herein set out, each of which the respective parties agree to keep and perform, the following farm land situated in Scott County, Missouri:

See Exhibit "A" which is attached hereto and incorporated by reference.

2. The term of this lease shall commence on the 1st day of March, 2017 and extend through the 31st day of December, 2019. Provided, however, that the Lessee may cancel this lease for either years 2018 or 2019 upon written notice to Lessor of at least 90 days prior to the end of the current year.

3. Lessee shall pay as annual rental the sum of \$ 4,144.40 of which one-half or \$ 2,072.20 is payable on or before April 1st of each year and the balance or \$ 2,072.20 is payable on or before November 1st of each year.

4. The land shall be used for agricultural purposes only, and Lessee may use it for such crops as he may elect but no animals or livestock of any kind whatsoever is permitted.

5. Any storage bins or similar equipment placed on the land by Lessee must be removed within ten (10) days after termination of the Lease. Otherwise, they shall become the property of Lessor and if removed by Lessor, the Lessee shall bear the cost of removal.

6. This lease shall not be assigned nor shall the land or any part thereof be sublet; nor shall the land be used or permitted to be used for any purpose other than as is above provided, without the written consent of Lessor.

7. In the crop year 2019, the Lessee shall not plant any crops which would normally require harvesting after December 31, 2019.

8. The Lessee shall maintain liability insurance covering its farming operation and naming the City of Sikeston as an additional insured and with a one-million dollar limit per occurrence and two million dollar aggregate.

9. Lessee shall not burn any crop residue.

10. Lessee agrees to operate and maintain the farm in a good and farmer-like manner.

11. The Lessee may use any and all wells or other irrigation equipment that are present but same are taken "as is" with no representation or warranty whatsoever and with no obligation to repair or maintain on the part of the Lessor.

12. If any default is made in the payment of rent or any part thereof at the time provided, or if Lessee assigns or sub-leases, or abandons or vacates the land, or if after thirty (30) days' written notice setting forth the default, default shall continue by Lessee in the performance of any other covenant, term or condition to be performed by Lessee, Lessor shall have the right to reenter and take possession of the land and the Lessee upon written demand shall peacefully surrender possession thereof to Lessor, and all rights and interests of Lessee to possession and control hereunder shall cease and terminate, but nothing herein contained shall affect Lessor's right to the rental for the term herein specified. Upon taking possession hereunder, Lessor may, at his election, terminate and end this lease upon giving Lessee written notice thereof, or Lessor may re-let the property and Lessee shall be liable for and will pay as it accrues the difference in the rental for the balance of the term.

13. No waiver of any right to reenter or terminate, by acceptance of rent or otherwise, shall waive any subsequent right to reenter or terminate for any subsequent breach of any covenant, term or condition of this lease.

14. It is further mutually understood and agreed by and between the parties hereto that if suit be brought by the Lessor against Lessee to recover any rent, or for the breach of any agreement or condition herein contained to be performed by Lessee, or any summary action be brought by the Lessor for the forfeiture of this lease or to recover the possession of said premises, the Lessee shall pay all reasonable attorney fees for commencing or prosecuting said action, to the amount that shall be ascertained and fixed by the Court, provided Lessor procures judgment in any such action.

15. Any notice or demand provided for herein may be given to the party to be served by personal service or by registered or certified mail addressed to Lessor at 105 E. Center, Sikeston, MO 63801, or to Lessee at 3825 St Hwy H Sikeston Mo, or to such other address as either may from time to time file in writing with the other.

Bid 17-15

16. Whenever the word "Lessor" is used herein it shall be construed to include the heirs, successors, assigns and personal and legal representatives of Lessor; and the word "Lessee" shall include the heirs, successors, assigns and personal and legal representatives of Lessee; and the words "Lessor" and "Lessee" shall include the singular and plural, and the individual or business organization; subject always to the provisions herein contained, as to assignment or subletting.

Dated: 3/4/17

Dated: 3-1-17

CITY OF SIKESTON

By: 
STEVEN BURCH, Mayor

Blake Wade

"LESSOR"

"LESSEE"

EXHIBIT "A"

SIKESTON AIRPORT - FARM ACREAGE

PLOT 1- 27.76 +/- ACRES

PLOT 2- 6.39 +/- ACRES

PLOT 3- 45.23 +/- ACRES

PLOT 4- 13.47 +/- ACRES

PLOT 6- 10.76 +/- ACRES

TOTAL 103.61 ACRES

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

Non-Kickback and Non-Collusion Affidavit

I, being of lawful age and a duly authorized agent for Blake Wade / T&B Wade Farms LLC regarding the attached bid, proposal, or contract with the City of Sikeston, Missouri for alcohol and substance abuse testing and training services, do hereby swear/affirm that this affidavit is true and correct.

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

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

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

Bid 17-15

Blake Wade

Bidder's Signature

STATE OF MO)

) SS

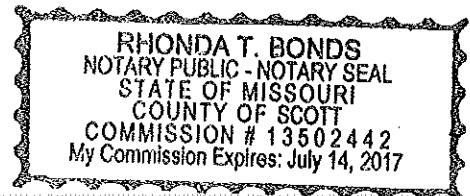
COUNTY OF Scott)

On this 3 day of March, 2017, before me personally appeared Blake Wade, to me known to be the person(s) described in and who executed the forgoing instrument and acknowledged that they executed the same as their free act and deed.

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

Rhonda T. Bonds

Signature, Notary Public



My Commission expires: July 14, 2017

GENERAL RULES AND CONDITIONS

- I. Proposals submitted in response to this request must carry the signature of the vendor. By signing, the bidder acknowledges his full knowledge of, and agreement with the general specifications, conditions and requirements of this request for proposal.
- II Any act or acts of misrepresentation, collusion or offers of kickback by a vendor will be a basis for disqualification of any proposal submitted. In the event the City enters into an agreement or contract with a vendor who is found to have misrepresented material facts, participated in collusion or offerings of kickbacks, and such conduct is discovered after the execution of an agreement or contract, the City may cancel the agreement or contract without incurring liability, penalty or damages.
- III All inquiries, whether written or oral, shall be submitted within the time limitations specified in the request for proposal. All information provided by the City shall be by Request for Quotation and written addenda thereto, which shall be subscribed by the Department Head or his designee, who shall issue the request for proposal. No other information, provided by others, shall be anything more than informal information and shall not be binding upon the City, nor shall it furnish a basis for legal action by any vendor or prospective vendor against the City.
- IV Proposals received later than the time and date specified in the request, as the bid opening will not be considered. Amendments to, or withdrawals of proposals received later than the time and date specified as the bid opening will not be operative.
- V The City of Sikeston reserves the right to accept or reject any and all proposals, as deemed, in its sole discretion, to be in the best interest of the City. The City reserves the right to reject any proposal if the vendor is delinquent in the payment of any taxes, fees or licenses owed to the City. In the event a vendor is delinquent in any payment to the City, the City may offset the delinquent amount due against sums owed the vendor.
- VI The City of Sikeston may make such investigation as deemed necessary to determine the ability of the vendor to discharge the agreement or contract. The vendor shall furnish the City with all such information and data as may be required for that purpose. The City reserves the right to reject any bid if the vendor fails to satisfactorily convince the City that he is properly qualified to carry

out the obligations of the agreement or contract, and to satisfactorily complete the work called for herein.

- VII When determining the successful vendor, the City reserves the right to apply up to a five percent (5%) local vendor preference for goods and services provided by vendors located within the City Limits of Sikeston.
- VIII The City of Sikeston is exempt from all federal and state excise, sales and use taxes.
- IX The successful vendor must have a current City of Sikeston Business License.
- X The successful vendor must provide proof the contractor carries worker's compensation and unemployment compensation insurance, as may be required by Missouri Law, and said insurance need not include the City.
- XI The successful vendor shall fully indemnify and save the City harmless from any and all loss, claim, judgment, cost or expense (including attorney's fees and expenses of defending suits or claims) made by the Contractor, the Contractor's employees or agents or their persons asserting any claim growing out of or alleged against the Contractor's performance of the duties imposed upon it by this agreement or the contractual relationship existing between the parties.
- XII The City may withhold acceptance of, or reject any merchandise or services, which, upon examination, is found not to meet the specifications' requirements. When merchandise is rejected, it shall be removed by the contractor/vendor within ten (10) days after notification of rejection.
- XIII Delivery of all goods or services must comply with all applicable laws of the Federal Government and the State of Missouri.
- XIV Proposals must be submitted in writing, and include executed non-kickback and non-collusion agreements on the forms provided with this request for proposal.



Created: 10/20/2015

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

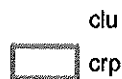
Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Scott County FSA
6458 State Hwy 77
Benton, MO 63736
Phone: (573)545-3593
Fax: (855) 824-0780

email: mobenton-fsa@one.usda.gov

1:7,920

All Measurements are
For FSA Programs Only



Farm 1868
Tract 5072

Council Letter

Date of Meeting: 19-12-02

Originating Department: Public Works

To the Mayor and City Council:

Subject: Briefing, Traffic Committee Items

Action Options:

1. Discussion Only.
2. Other action the City Council deems appropriate.

Background:

The Traffic Committee met on October 29, 2019. During that meeting, a request from Gaylon and Markie Johnson to place a stop sign on Kay Drive at S. Prairie was discussed. The motion to approve this request died due to a lack of a second.

A second request from Gaylon and Markie Johnson to reduce the speed limit to 15 mph on S. Prairie was also discussed. This request died due to a lack of a motion.

Council Letter

Date of Meeting: December 2, 2019

Originating Department: Administrative Services

To the Mayor and City Council:

Subject: 1st Reading, Bill # 6162, Calling for April 7, 2020, General Election

Attachments:

1. Bill # 6162
2. Legal Notice

Action Options:

1. 1st Reading, Bill # 6162
2. Other Action council may deem appropriate

Background:

Bill # 6162 calls for a general election to be held on Tuesday, April 7, 2020, for the purpose of electing a Councilmember At-Large for a three year term. Staff will request approval of this bill at the December 30, 2019, Council meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6162, CALLING FOR A GENERAL ELECTION IN THE CITY OF SIKESTON, MISSOURI, ON TUESDAY, APRIL 7, 2020, FOR THE PURPOSE OF ELECTING A CANDIDATE FOR THE POSITION OF COUNCILMAN AT-LARGE.

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

SECTION I: This ordinance shall not be codified.

SECTION II: That in accordance with the Missouri Comprehensive Election Laws of the State of Missouri, applicable Missouri Revised Statutes of the State of Missouri and the ordinances of the City of Sikeston, Missouri, a General Election shall be held and the same is hereby ordered to be held on Tuesday, April 7, 2020.

SECTION III: That the polls be open for said election continuously from six o' clock in the forenoon until seven o'clock in the afternoon of that day, April 7, 2020.

SECTION IV: That said election be held in the City of Sikeston, Missouri, in the polling places and precincts designated by the County Clerks.

SECTION V: That said election is hereby called for the purpose of electing one (1) candidate for the office of Councilman At-Large.

SECTION VI: That the Judges and Clerks of said election shall be those appointed by the County Clerks.

SECTION VII: That the City Clerk shall cause notice, poll books, ballots, and all other matters necessary to the election to be requested from the County Clerks' office as required by law.

SECTION VIII: That the City Clerk of the City of Sikeston, Missouri, be and he is hereby authorized and directed to notify the County Clerks of Scott and New Madrid County, Missouri, of the adoption of this ordinance no later than January 28, 2020, and to include in said notification all the terms and provisions required by the Comprehensive Election Act of 1986, as amended, and the above cited Statutes and ordinances.

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

SECTION X: 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 XI: Record of Passage.

A. Bill Number 6162 was introduced to Council and read the first time this 2th day of December, 2019.

B. Bill Number 6162 was read the second time, discussed and voted upon this 30th day of December 2019, as follows:

Self _____, Evans _____, Sparks _____, Merideth _____,

Settles _____, Williams _____, and Burch _____,

thereby being _____,

becoming Ordinance 6162.

C. Ordinance 6162 shall be in full force and effect from and after January 28th, 2020.

Bill Number 6162

Ordinance Number 6162

Steven Burch, Mayor

APPROVED AS TO FORM
Tabatha Thurman, City Counselor

SEAL/ATTEST

Carroll L. Couch, City Clerk

Section 1: That in accordance with the Missouri Comprehensive Election Laws of the State of Missouri, applicable Missouri Revised Statutes of the State of Missouri, and the ordinances of the City of Sikeston, Missouri, a General Election shall be held and the same is hereby ordered to be held on Tuesday, the seventh day of April, 2020.

Section 3: That said election be held in the City of Sikeston, Missouri, in the polling places and precincts set by the County Clerk.

WARD 1 901 Davis Blvd. (Trinity Gospel Church)

WARD 2 1006 N. Main (1st Christian Church)

New Madrid County 1030 S. Main (Morlan Ford)

Scott County 306 S. Kingshighway (1st Assembly of God Church)

New Madrid County 1030 S. Main (Morlan Ford)

Scott County 301 North West Street (Fire Station #1)

Section 4: That said election is hereby called for the purpose of electing one (1) candidate for the position Councilman At-Large, under the Charter form of government (City Charter of the City of Sikeston, Article VII, Section 7.1 - City Elections, paragraphs a and c). Said candidates shall be elected by ward.

Section 5: That the Judges and Clerks of said election shall be those appointed by the County Clerk.

Section 6: That the City Clerk shall cause notice, poll books, ballots, and all other matters necessary to the election be requested from the County Clerk's office as required by law.

Section 7: That the City Clerk of the City of Sikeston, Missouri, be and he is hereby authorized and directed to notify the County Clerks of Scott and New Madrid County, Missouri, of the adoption of the ordinance no later than January 28, 2020, and to include in said notification of all terms and provisions required by the Comprehensive Election Act of 1986, as amended, and the above cited Statutes and ordinances.

Section 8: The ballots used in the aforementioned General Election shall be in substantially the following form:

WARNING: Voting for more than the total number of candidates to be chosen for any one office will invalidate this ballot.

OFFICIAL BALLOT – WARD 1 - SCOTT COUNTY

Candidates for Councilman At-Large of Sikeston, Missouri, at the General Election (3 Year Term):

Vote for one (1) Candidate

- ☐ Brian Self
- ☐ Mallory Whiffen

Mark an 'X' in the box opposite the name of the candidate for whom you wish to vote.

OFFICIAL BALLOT – WARD 2 - SCOTT COUNTY

Candidates for Councilman At-Large of Sikeston, Missouri, at the General Election (3 Year Term):

Vote for one (1) Candidate

- ☐ Brian Self
- ☐ Mallory Whiffen

Mark an 'X' in the box opposite the name of the candidate for whom you wish to vote.

OFFICIAL BALLOT – WARD 3 - SCOTT COUNTY

Candidates for Councilman At-Large of Sikeston, Missouri, at the General Election (3 Year Term):

Vote for one (1) Candidate

☐ Brian Self

☐ Mallory Whiffen

Mark an 'X' in the box opposite the name of the candidate for whom you wish to vote.

OFFICIAL BALLOT – WARD 4 - SCOTT COUNTY

Candidates for Councilman At-Large of Sikeston, Missouri, at the General Election (3 Year Term):

Vote for one (1) Candidate

☐ Brian Self

☐ Mallory Whiffen

Mark an 'X' in the box opposite the name of the candidate for whom you wish to vote.

OFFICIAL BALLOT – WARD 3 – NEW MADRID COUNTY

Candidates for Councilman At-Large of Sikeston, Missouri, at the General Election (3 Year Term):

Vote for one (1) Candidate

☐ Brian Self

☐ Mallory Whiffen

Mark an 'X' in the box opposite the name of the candidate for whom you wish to vote.

OFFICIAL BALLOT – WARD 4 – NEW MADRID COUNTY

Candidates for Councilman At-Large of Sikeston, Missouri, at the General Election (3 Year Term):

Vote for one (1) Candidate

☐ Brian Self

☐ Mallory Whiffen

Mark an 'X' in the box opposite the name of the candidate for whom you wish to vote.

Council Letter

Date of Meeting: 19-12-02

Originating Department: Department of Public Safety

To the Mayor and City Council:

Subject: 1st Reading, Bill #6171, Amend Chapter 300, Section 300.010 - Definitions (Utility Vehicle)

Attachments:

1. Bill 6171

Action Options:

1. Conduct 1st Reading, Bill #6171

Background:

Bill #6165, if approved, shall amend Chapter 300 General Provisions, Section 300.010 - Definitions of the Municipal Code. This would bring our code book up to date for the description of "Utility Vehicle" which would match the description according to State Statute RSMo. §304.032.

Staff will ask for Council's approval of this bill at the December 30th meeting.

BILL Number 6171

ORDINANCE Number 6171

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6171 AND SHALL AMEND CHAPTER 300 GENERAL PROVISIONS OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI.

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

SECTION I: This Ordinance shall be codified in Chapter 300 of the Sikeston Municipal Code.

SECTION II: Chapter 300, Section 300.010. Definitions, is amended to read as follows:

UTILITY VEHICLE - Any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes. (RSMo. §301.010, 2019)

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 6171 was introduced and read the first time this 2nd day of December 2019.

B. Bill Number 6171 was read the second time and discussed this 30th day of December, 2019, and voted as follows:

Self _____, Williams _____, Evans _____, Merideth _____,

Settles _____, Sparks _____, and Burch _____,

thereby being _____,

and becoming Ordinance 6171.

C. Ordinance 6171 shall be in full force and effect from and after January 29, 2020.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-12-02

Originating Department: Department of Public Safety

To the Mayor and City Council:

Subject: 1st Reading, Bill #6165, Amend Chapter 340, Section 340.110 - Utility Vehicles

Attachments:

1. Bill 6165

Action Options:

1. Conduct 1st Reading, Bill #6165

Background:

Bill #6165 will amend Chapter 340, Section 340.110 "Utility Vehicles, Operation on Highway and in Streams or Rivers Prohibited - Exceptions - Passengers Prohibited - Violations, Penalty". In reviewing this section of Municipal Code, it was discovered that we were not up to date with State Statute RSMo. §304.032 changes that were in place, specifically the section indicating "City may by resolution or ordinance allow utility vehicle operation on streets or highways under the City's jurisdiction".

This bill will, if approved, will allow Utility Vehicles (UTV's) to be operated on public City streets with posted speeds of forty-five (45) miles per hour or less. Unless they are equipped to do so, there can be no passengers. If they are equipped, passengers under the age of 18 must wear an approved Missouri Department of Transportation motorcycle helmet. Also, all UTV's must have seatbelts in good working condition.

Utility Vehicles must be registered with the City and have proof of financial responsibility via Certificate of Insurance. Registrations must be renewed annually and charged a \$15 annual registration fee plus \$10 processing fee. Brakes and steering columns must be operational and no less than 2/32 inch of thread depth remaining on each tire. UTV's must be equipped with turn signals, headlamps, tail lamps, stop lamps, reflex reflectors and an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side or an interior mirror. All operators of UTV's must have a Missouri driver's license and must be 18 years of age or older. Anyone found violating these requirements will have their permit revoked for one year and may be subject to applicable criminal charges.

Staff will ask for Council's approval of this bill at the December 30th meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6165 AND SHALL AMEND CHAPTER 340 "MISCELLANEOUS DRIVING RULES" OF THE SIKESTON MUNICIPAL CODE OF THE CITY OF SIKESTON, MISSOURI.

NOW THEREFORE: Be It Ordained by the Council of the City of Sikeston as follows:

SECTION I: This Ordinance shall be codified in the Municipal Code of the City of Sikeston, Missouri.

SECTION II: Chapter 340, Section 340.110 is amended to read as follows:

Chapter 340, Section 340.110. Utility Vehicles, Operation on Highway and in Streams or Rivers Prohibited - Exceptions - Passengers Prohibited - Violations, Penalty

- A. No person shall operate a utility vehicle, as defined in Section **300.010** of this Title, upon the highways of this City or State, except as follows:
 - 1. Utility vehicles owned and operated by a governmental entity for official use;
 - 2. Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;
 - 3. Utility vehicles operated by handicapped persons for short distances occasionally only on the State's secondary roads when operated between the hours of sunrise and sunset;
 - 4. Utility vehicles shall be permitted by the City and operated in accordance with Sections 340.111 and 340.113.
- B. No person shall operate a utility vehicle within any stream or river in this City or State, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this City or State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- C. A person operating a utility vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under Subsection **(A)(3)** of this Section shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than forty-five (45) miles per hour.
- D. No persons shall operate a utility vehicle:
 - 1. In any careless way so as to endanger the person or property of another; or
 - 2. While under the influence of alcohol or any controlled substance.
- E. A violation of this Section shall be an ordinance violation. (RSMo. §304.032, 2013)

Section III. Section 340.111 is hereby established and shall read as follows:

Chapter 340, Section 340.111. Operation of Utility Vehicles on Public City Streets; When Permitted; Exemptions

- A. A utility vehicle may be operated upon the public City streets of Sikeston, but not State or Federal highways, other than for purposes of crossing the same. Every person operating a utility vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle except as to the special regulations in this chapter and except as to those provisions which by their nature can have no application.
- B. The operator of a utility vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A utility vehicle may be operated on all public City streets with posted speeds of forty-five (45) miles per hour or less. The provisions of this Subsection shall not prohibit a utility vehicle from crossing a street or highway with a posted speed limit of up to forty-five (45) miles per hour at an intersection.

C. Utility vehicles shall be exempt from the requirements of RSMo. Sections 307.350 to 307.402 for purposes of titling and registration.

D. Every operator of a utility vehicle shall maintain financial responsibility on such utility vehicle as required by RSMo. Chapter 303 if the utility vehicle is to be operated upon public streets.

E. Each person operating a utility vehicle on public streets shall possess a valid driver's license issued pursuant to RSMo. Chapter 302 and be 18 years of age or older.

F. Unless they are equipped to do so, there can be no passengers riding on these vehicles. If they are equipped, any passenger under 18 must wear an approved Missouri Department of Transportation motorcycle helmet. The utility vehicle shall not be operated with more occupants than the number for which it was designed.

G. Each vehicle must have seatbelts in good working condition. The number of passengers on the utility vehicle shall not exceed the number of operating seatbelts.

H. The operation of Go Carts, Golf Carts, and All Terrain Vehicles/ATVs is prohibited on city streets and highways in the City of Sikeston.

SECTION IV: Section 340.112 is hereby established and shall read as follows:

Section 340.112. Application for and Proof of Registration of Utility Vehicles

A. Utility vehicles operating on public streets under the jurisdiction of the City of Sikeston shall be registered with the City Clerk for the City of Sikeston.

1. Each application for registration shall include:

- a. Basic identifying information for the utility vehicle (make, model, color and such other identifying information as the City Clerk deems advisable);
- b. The name and address of the owner of the utility vehicle;
- c. A copy of proof of financial responsibility via Certificate of Insurance.

2. A proof of registration issued by the City of Sikeston in the form of a receipt for registration and an identification sticker shall constitute all permits required from the City of Sikeston. The proof of registration shall be kept in the utility vehicle at all times of operation on a public street, and the current registration sticker shall be conspicuously displayed on the rear exterior of the utility vehicle.

- a. Registration and operation of utility vehicles in the City of Sikeston shall be restricted to residents of the City of Sikeston.
- b. Registrations must be renewed annually.

3. The City of Sikeston may charge registration fees as follows:

- a. Fifteen dollars (\$15) for each one-year utility vehicle registration plus a \$10 processing fee.

4. The utility vehicles must meet the following requirements and the registrant must sign and certify that such requirements have been met and are fully functional and operational:

- a. The brakes are operational;
- b. The parking brake (if equipped) is operational;
- c. The steering column is operational;
- d. The utility vehicle has not less than four (4) wheels;
- e. There is not less than two thirty-seconds (2/32) inch of tread depth remaining on each tire, there are no visible tire threads or cords showing and there is no visible rubber separation.
- f. All items listed in Section 340.113 1-5.

SECTION V: Section 340.113 is hereby established and shall read as follows:

Section 340.113. Equipment Required on Utility Vehicles

A. UTVs operated on public streets shall be manufactured and equipped in accordance with the requirements of Missouri Revised Statutes Chapter 304, Section 304.029, and, in any case, will minimally be equipped with the following:

1. Turn Signals;
2. Headlamps;
3. Tail lamps;
4. Stop lamps;
5. Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear; and
6. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.

B. Anyone found violating these requirements will have their permit revoked for one year and may be subject to applicable criminal charges.

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

SECTION VII: 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 VIII: Record of Passage

- A. Bill Number 6165 was introduced and read the first time this 2nd day of December 2019.
- B. Bill Number 6165 was read the second time the 30th day of December 2019 was discussed and voted upon as follows:

Burch, _____, Sparks, _____, Evans, _____, Settles _____,
Self, _____, Williams _____, Merideth _____,
thereby being _____, becoming Ordinance 6165.

- C. Ordinance 6165 shall be in full force and effect from and after January 29, 2020.

Steven Burch, Mayor

Approved As To Form
Tabatha Thurman, City Counselor

Seal/Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-12-02

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 1st Reading, Bill #6172 Amending City Code Title III, Chapter 300, Schedule III, Table III-A Stop Locations, Authorizing the Installation of Stop Signs on Huntress at Brunt and Valley Forge at Brunt.

Attachment(s):

1. Bill #6172

Action Options:

1. 1st Reading of and briefing only. Council action will be requested on December 30, 2019
2. Other action Council may deem appropriate

Background:

The Traffic Committee met on October 29, 2019 and did favorably pass this agenda item to amend the uniform traffic code by placing stop signs on Huntress at Brunt and Valley Forge at Brunt to control northbound traffic on both roads.

BILL Number 6172

ORDINANCE Number 6172

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6172 AND SHALL AMEND TITLE III, CHAPTER 300, SCHEDULE III, TABLE III-A OF THE UNIFORM TRAFFIC CODE ESTABLISHING ADDITIONAL TRAFFIC CONTROL MEASURES WITHIN THE CITY OF SIKESTON, MISSOURI.

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

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

SECTION II: The Traffic Committee did meet on October 29, 2019 and voted favorably to amend the uniform traffic code by placing stop signs on Huntress at Brunt Boulevard; and Valley Forge at Brunt Boulevard.

SECTION III: Title III – Chapter 300 – Schedule III, Table III-A – Stop Locations; shall be amended by including the following:

<u>Stop Sign</u>	<u>Through Street</u>	<u>Sign Location</u>	<u>Controlled Traffic Movement</u>
Huntress	Brunt Boulevard	SE Corner	North
Valley Forge	Brunt Boulevard	SE Corner	North

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

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

SECTION VI: Record of Passage:

A. Bill Number 6172 was introduced and read the first time this 2nd day of December, 2019.

B. Bill Number 6172 was read the second time and discussed this 30th day of December, 2019, and voted as follows:

Williams, _____, Evans, _____, Self, _____,
Meredith, _____, Settles, _____, Sparks, _____,
Burch, _____, thereby being

_____,

becoming ordinance 6172.

C. Ordinance 6172 shall be in full force and effect from and after Wednesday, January 29, 2020.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-12-02

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 1st Reading of Bill #6174 Amending City Code Title III – Chapter 365 – Section 365.043 – Parking Prohibited at all Times on Certain Streets (Schedule IV)

Attachment(s):

1. Bill #6021

Action Options:

1. Conduct 1st Reading. Council Action will be requested on December 30, 2019.
2. Other action Council may deem appropriate

Background:

The Traffic Committee met on October 29, 2019 and did favorably pass this agenda item to amend the uniform traffic code by prohibiting parking on Larcel Drive from US Highway 61 South to the end of Larcel Drive on both sides of the road.

BILL Number 6174

ORDINANCE Number 6174

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6174 AND SHALL AMEND TITLE III, CHAPTER 365 OF THE UNIFORM TRAFFIC CODE ESTABLISHING ADDITIONAL TRAFFIC CONTROL MEASURES WITHIN THE CITY OF SIKESTON, MISSOURI.

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

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

SECTION II: The Traffic Committee did meet on October 29, 2019 and voted favorably to amend the uniform traffic code by placing no parking signs on both sides of Larcel Drive.

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

<u>Name of Street</u>	<u>From</u>	<u>To</u>	<u>Side of Street</u>
Larcel Drive	US Highway 61 South	End of Larcel Drive	Both Sides

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

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

SECTION VI: Record of Passage:

A. Bill Number 6174 was introduced and read the first time this 2nd day of December, 2019.

B. Bill Number 6174 was read the second time and discussed this 30th day of December, 2019, and voted as follows:

Sparks _____, Williams _____, Merideth _____,

Self _____, Settles _____, Evans _____,

Burch _____, thereby being

_____,

becoming ordinance 6174.

C. Ordinance 6174 shall be in full force and effect from and after Wednesday, January 29, 2020.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-12-02

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 1st Reading, Bill #6175, Amending City Code Title III, Chapter 320.050 SCHEDULE I-B by Adding Another Designated School Zone.

Attachment(s):

1. Bill #6175

Action Options:

1. 1st Reading of and briefing only. Council action will be requested on December 30, 2019.
2. Other action Council may deem appropriate

Background:

The Traffic Committee met on October 29, 2019 and did favorably pass this agenda item to amend the uniform traffic code by adding another designated school zone at the following location:

Street	From	To	Speed Limit
Arthur Street	N. West Street	Wakefield Avenue	20

BILL Number 6175

ORDINANCE Number 6175

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6175 AND SHALL AMEND TITLE III, CHAPTER 320.050 SCHEDULE I-B BY ADDING ANOTHER DESIGNATED SCHOOL ZONE.

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

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

SECTION II: The Traffic Committee did meet on October 29, 2019 and voted favorably to designate Arthur Street from North West Street to Wakefield Avenue as a school zone.

SECTION III: Title III, CHAPTER 320.050 SCHEDULE I-B IS AMENDED TO INCLUDE THE FOLLOWING:

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Speed Limit</u>
Arthur Street	North West Street	Wakefield Avenue	20 mph

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

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

SECTION VI: Record of Passage:

A. Bill Number 6175 was introduced and read the first time this 2nd day of December 2019.

B. Bill Number 6175 was read the second time and discussed this 30th day of December 2019, and voted as follows:

Meredith _____, Self _____, Settles _____,

Evans _____, Williams _____, Sparks _____,

Burch, _____, thereby being

_____,

becoming ordinance 6175.

C. Ordinance 6175 shall be in full force and effect from and after Wednesday, January 29, 2020.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-12-02

Originating Department: Code Enforcement Department

To the Mayor and City Council:

Subject: Bill 6178, Amend Chapter 500, Section 500.570 - Adoption of Property Maintenance Code

Attachment(s):

1. Bill 6178
2. Appendix A

Action Options:

1. First Reading of Bill 6178
2. Other action Council may deem appropriate

Background:

In reviewing the current municipal code for Property Maintenance it was discovered that condemned properties lacked a boarding process.

According to local law enforcement statistics the majority of our recent fires were condemned properties.

We will ask for council's approval of this ordinance at the December 30th council meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6178 AND SHALL AMEND CHAPTER 500, ARTICLE IX PROPERTY MAINTENANCE CODE-SECTION 500.570 IN THE MUNICIPAL CODE OF THE CITY OF SIKESTON, MISSOURI.

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

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

SECTION II: Article IX Property Maintenance Code – Section 500.570 shall be amended to read as follows:

Section 500.570. Adoption of Property Maintenance Code.

A certain document, a copy of which is on file in the office of the City Clerk of the City of Sikeston, Missouri, being marked and designated as the "International Code Council," be and is hereby adopted as the Property Maintenance Code of the City of Sikeston in the State of Missouri for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the 2012 International Property Maintenance Code and Appendix A are hereby referred to, adopted and made a part thereof, as if fully set out in this Article with the additions, insertions, deletions and changes, prescribed in Section 500.580 of this Article.

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, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION V: Record of Passage

A. Bill Number 6178 was introduced and read the first time this 2nd day of December, 2019.

B. Bill Number 6178 was read the second time and discussed this 30th day of December, 2019, and was voted as follows:

Self _____, Sparks _____, Evans _____,

Settles _____, Meredith _____, Williams _____,

Burch _____, thereby being

_____ ,

becoming ordinance 6178.

C. Ordinance 6178 shall be in full force and effect from and after Monday, January 29, 2020.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

APPENDIX A (BOARDING STANDARD)

A101 General

A101.1 General - All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

Section A102 Materials

A102.1 Boarding Sheet Material - Boarding sheet material shall be minimum $\frac{1}{2}$ -inch (12.7 mm) thick wood structural panels complying with the *International Building Code*.

A102.2 Boarding Framing Material - Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding Fasteners - Boarding fasteners shall be minimum $\frac{3}{8}$ -inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

Section A103 Installation

A103.1 Boarding Installation - The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding Sheet Material - The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows - The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

APPENDIX A (BOARDING STANDARD)

A103.4 Door Walls - The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

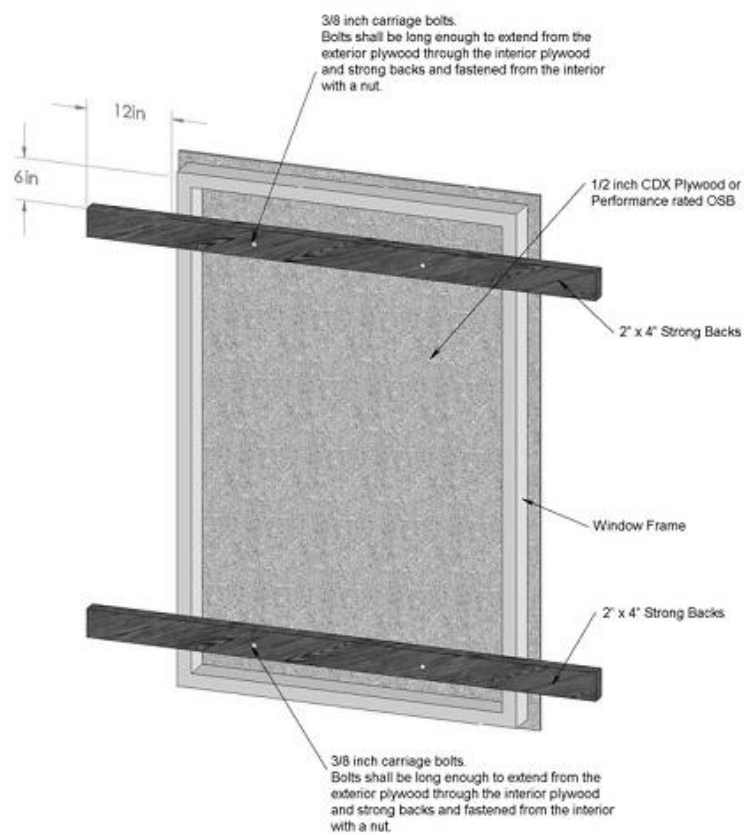
A103.5 Doors - Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

Section A104 Referenced Standards

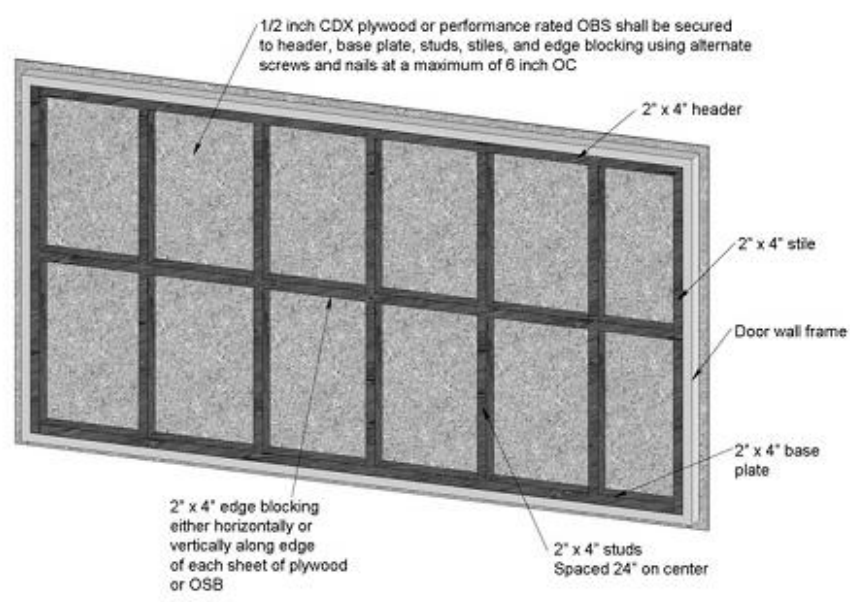
IBC—12International Building Code A102.1, A102.2, A102.3

APPENDIX A (BOARDING STANDARD)

Figure A 103.1(1)



Figure



A103.1(2)

Council Letter

Date of Meeting: December 2, 2019

Originating Department: City Manager

To the Mayor and City Council:

Subject: Request to donate right-of-way for ZZ bridge replacement

Attachment(s):

1. Letter from MoDOT
2. Map
3. General Warranty Deed

Action Options:

1. Authorize Mayor to Execute Documents Donating Right-of-Way to MoDOT
2. Other Action Council May Deem Necessary

Background:

MoDOT is planning to replace the bridge on ZZ at the southwest corner of the City's north industrial park in the spring of 2020. To accomplish that project they are pursuing acquisition of 15' of additional right-of-way on all sides of the property, including on the City's corner of the project. They have requested donation of the right-of-way from the City (approximately 0.1 acre) and have offered to put in an additional farm driveway crossing over the ditch onto the City's land. The attached map shows the location of the right-of-way and new driveway.

Missouri Department of Transportation

2675 North Main Street
P.O. Box 160
Sikeston, Missouri 63801
573.472.5333
Fax: 573.472.5351
1.888.ASK MODOT (275.6636)

November 6, 2019

Rt. ZZ, Scott County
Job No. J9S3395, Tract 2

City of Sikeston
105 E. Center St.
Sikeston, MO 63801

To Whom It May Concern:

The Missouri Highway and Transportation Commission is pleased to inform you of an improvement planned near your property. Engineering drawings, which describe the proposed project, are attached.

We do want to inform you that you do have the right to request compensation for the land/or property rights in question, as determined by an appraisal for the rights taken from your property.

We are hopeful that, because of the benefits to be derived from the project, we can reach an agreement with you to donate the required land/or property rights to accomplish the proposed construction. Should you choose to donate your land, we would appreciate you signing this letter, waiving your right to compensation and pro rata tax adjustment and returning it to us. To comply with regulations, we will also need your signature later on a formal conveyance document.

An acquisition brochure is furnished with this letter. Its purpose is to explain the process, which must be followed to acquire right of way.

We look forward to the completion of this improvement project and appreciate your cooperation.

Sincerely,



Pamela K. Masterson
Right of Way Manager

ACCEPTED BY PROPERTY OWNER
City of Sikeston

By: _____
Steven H. Burch, Mayor

_____ Date



CCO FORM: RW03
Approved: 12/92 (TLP)
Revised: 03/17 (AR)
Modified:

COUNTY: Scott
ROUTE: ZZ
PROJECT: J9S3395
FED. PROJECT: N/A
PARCEL: 02

GENERAL WARRANTY DEED

(1) PARTIES: THIS AGREEMENT, made this ____ day of _____, 2019, by and between City of Sikeston, (hereinafter, "Grantor"), of the County of Scott, and State of Missouri, and the STATE OF MISSOURI, acting by and through the MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, (hereinafter, "Grantee").

GRANTOR(S)' ADDRESS: 105 E. Center St., Sikeston, MO 63801

GRANTEE'S ADDRESS: PO Box 160, Sikeston, MO 63801

(2) CONSIDERATION: Grantor, in consideration of the sum of One and NO/100 DOLLARS (\$1.00) and other good and valuable consideration, to be paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm to the Grantee fee simple title in the property described in this deed.

(3) PROPERTY DESCRIPTION: Grantor conveys to the Grantee the real estate and interests in real estate in the County of Scott, State of Missouri, and described as follows:

A tract of land lying in the Southwest Quarter of the Southwest Quarter of Section 2, Township 26 North, Range 13 East of the Fifth Principal Meridian, Scott County, Missouri, and more particularly described in Exhibit A attached hereto.

(4) RIGHTS OF GRANTEE: Grantee shall obtain all rights, privileges, appurtenances and immunities belonging to Grantor, its successors and assigns forever.

(5) WARRANTY: Grantor hereby covenants that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed. Grantor covenants that it has good right to convey the property. Grantor covenants that the said premises are free and clear of any encumbrances done or suffered by it or those under whom it claims; and that it will warrant and defend the title to said premises unto the Grantee and unto its successors and assigns, forever, against the lawful claims and demands of all persons whomsoever.

(6) DATE: IN WITNESS WHEREOF, the said Grantor executed the above the day and year first above written.

City of Sikeston

By: _____
Steven H. Burch, Mayor

ACKNOWLEDGMENT BY CITY

STATE OF _____)
) ss
COUNTY OF _____)

On this _____ day of _____, 2019, before me appeared Steven H. Burch, personally known to me, who being by me duly sworn, did say that he is the Mayor of the City of Sikeston and that the foregoing instrument was signed on behalf of the City of Sikeston and that he acknowledged said instrument to be the free act and deed of the City of Sikeston and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Notary Public

My Commission Expires: _____

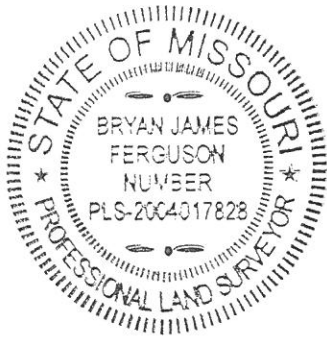

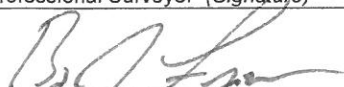
A tract of land lying in the Southwest Quarter of the Southwest Quarter of Section 2, Township 26 North, Range 13 East of the Fifth Principal Meridian, Scott County, Missouri, lying on the North or left side of hereinafter-described Rte. ZZ surveyed centerline, to wit: All the land of said grantor lying within the following described tract: Beginning at Station 167+35.00 on the surveyed centerline; thence Northerly to a point 35.00 feet North of and at a right angle to the Rte. ZZ surveyed centerline Station 167+35.00; thence Northerly to a point 65.00 feet North of and at a right angle to Rte. ZZ surveyed centerline Station 167+35.00; thence Easterly to a point 65.00 feet North of and at a right angle to Rte. ZZ surveyed centerline Station 173+15.00; thence Southerly to a point 35.00 feet North of and at a right angle to Rte. ZZ surveyed centerline Station 173+15.00; thence Southerly to a point on the hereinafter-described Rte. ZZ surveyed centerline Station 173+15.00; thence Westerly along the Rte. ZZ surveyed centerline set forth herein, to the Point of Beginning.

The above described land contains 0.10 acre of grantors land, more or less.

The Rte. ZZ surveyed centerline from Station 167+35.00 to Station 173+21.60 is described as follows:

Commencing from a found copperweld monument at the Common Quarter Corner of Sections 10 and 11, Township 26 North, Range 13 East of the Fifth Principal Meridian, said point described by Norman Lambert LS 1492 in MLS Doc. 600-63203; thence N11°47'10"E a distance of 2,741.26 feet to Rte. ZZ surveyed centerline Station 167+35.00 also the Point of Beginning; thence N86°50'03"E a distance of 586.60 feet to Station 173+21.60 and there terminating.

This conveyance includes all the realty and realty rights described in the preceding paragraphs that lie within the limits of land described and recorded with the Scott County Recorder of Deeds in Book 504, Page 527.

Title (name or identification of project)		County		
J9S3395 - Rt. ZZ - Tract 2		Scott		
		City (if applicable)	State	
		Sikeston	MO	
Licensee Name (sole proprietor, partnership, corporation, LLC, or government)		Date Prepared	Sheet	
 Missouri Department of Transportation 105 West Capital Jefferson City, Missouri 65102 888 ASK MODOT (888) 275-6636		Professional Surveyor Name (print)		
		Bryan J. Ferguson		
		Discipline		
		Professional Land Surveyor		
		License or Certificate of Authority No.		
		MO # 2004017828		
Professional Surveyor (Signature)		Date		
		11/04/19		
				Only the following legal description contained in this "EXHIBIT" is authenticated by this seal.