The regular Sikeston City Council meeting of May 2, 2016 was called to order at 5:00 p.m. in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Steven Burch and Councilmen Bob Depro, Karen Evans, Jon Gilmore, Ryan Merideth, Gerald Settles, and Mary White-Ross. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Governmental Services Director Linda Lowes, Public Works Director Jay Lancaster, Economic Development Director Ed Dust, Parks Director Dustin Care, Street Superintendent Brian Dial and Public Safety Captain Mike Williams.

APPROVAL OF CITY COUNCIL MINUTES

City Council minutes of April 4, April 15 and April 25, 2016 were presented for approval. Councilman Depro moved to approve the minutes as presented. Councilwoman White-Ross seconded the motion and the following roll call vote was recorded:


ACCEPTANCE OF BOARD AND COMMISSION MINUTES

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


ITEMS OF BUSINESS

Bill Number 6022, Amendment to RPA11 (Malco) TIF

Councilman Depro moved for the second reading of Bill Number 6022. The motion was seconded by Councilman Merideth and the following vote recorded:


Counselor Leible presented the bill for reading:

BILL NO. 6022

ORDINANCE NO. 6022

AN ORDINANCE APPROVING THE AMENDMENT TO THE SIKESTON 60 WEST TAX INCREMENT FINANCING REDEVELOPMENT PLAN; APPROVING THE RPA 2A REDEVELOPMENT PROJECT DESCRIBED THEREIN; ADOPTING TAX INCREMENT FINANCING WITH RESPECT TO RPA 2; AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS.
WHEREAS, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”), authorizes municipalities to undertake redevelopment projects in blighted, conservation or economic development areas, as defined in the Act; and

WHEREAS, the City of Sikeston, Missouri (the “City”) duly created the Tax Increment Financing Commission of the City of Sikeston, Missouri (the “TIF Commission”) pursuant to the Act; and

WHEREAS, pursuant to Ordinance No. 5973, adopted on January 5, 2015, the City Council approved the Sikeston 60 West Tax Increment Financing Redevelopment Plan (the “Original Redevelopment Plan”) for an approximately 175-acre area generally located north of Highway 60 and west of the existing Wal-Mart Supercenter in the City (the “Redevelopment Area”); and

WHEREAS, the Original Redevelopment Plan divided the Redevelopment Area into three redevelopment project areas, referred to as “RPA 1,” “RPA 2” and “RPA 3”; and

WHEREAS, Ordinance No. 5973 also approved a redevelopment project (the “RPA 1 Redevelopment Project”) for and adopted tax increment financing with respect to RPA 1; and

WHEREAS, an amendment to the Original Redevelopment Plan has been prepared and is attached as Exhibit A hereto (the “2016 Amendment”); and

WHEREAS, the 2016 Amendment (1) increases the amount of tax increment financing assistance in RPA 1, (2) subdivides RPA 2 into “RPA 2A” and “RPA 2B,” and (3) describes a redevelopment project for RPA 2A (the “RPA 2A Redevelopment Project”); and

WHEREAS, after all proper notice was given, the TIF Commission held a public hearing in conformance with the Act on March 30, 2016, and received comments from all interested persons and taxing districts relative to the approval of the 2016 Amendment and the RPA 2A Redevelopment Project;

WHEREAS, on March 30, 2016, after due deliberation, the TIF Commission passed a resolution (attached as Exhibit B hereto) recommending that the City Council approve the 2016 Amendment and the RPA 2A Redevelopment Project;

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

Section 1. The City Council hereby makes the following findings:

A. The 2016 Amendment (including the amendment to the RPA 1 Redevelopment Project described therein) and the RPA 2A Redevelopment Project are necessary, desirable and in the best interests of the City.

B. The estimated dates of completion of the RPA 2A Redevelopment Project and the retirement of obligations incurred to finance redevelopment project costs have been stated in the Redevelopment Plan and these dates are no more than 23 years from the adoption of this Ordinance, which approves the RPA 2A Redevelopment Project.
C. A cost-benefit analysis showing the economic impact of the Redevelopment Plan (as amended) on each taxing district which is at least partially within the boundaries of the Redevelopment Area is attached as Exhibit C hereto (the “Cost-Benefit Analysis”) and is incorporated herein as if fully set forth herein, which Cost-Benefit Analysis shows the impact on the economy if the RPA 1 Redevelopment Plan (as amended by the 2016 Amendment) and the RPA 2A Redevelopment Plan are not built and are built pursuant to the Redevelopment Plan. The Cost-Benefit Analysis also includes a fiscal impact study on every affected political subdivision, and sufficient information from the Developer and the City for the TIF Commission to evaluate whether the RPA 1 Redevelopment Project (as amended by the 2016 Amendment) and the RPA 2A Redevelopment Project as proposed are financially feasible.

Section 2. The 2016 Amendment (including the amendment to the RPA 1 Redevelopment Project described therein) and the RPA 2A Redevelopment Project are hereby adopted and approved. The City Council finds that the area selected for the RPA 2A Redevelopment Project includes only those parcels of real property and improvements thereon directly and substantially benefited by the proposed RPA 2A Redevelopment Project.

Section 3. Tax increment allocation financing is hereby adopted within RPA 2A (as legally described in the Redevelopment Plan).

Section 4. After the total equalized assessed valuation of the taxable real property in RPA 2A exceeds the certified total initial equalized assessed value of all taxable real property in RPA 2A, as determined in accordance with the Act, the ad valorem taxes and payments in lieu of taxes, if any, arising from the levies upon taxable real property in RPA 2A by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the Act each year after the effective date of this Ordinance until the payment in full of all redevelopment project costs shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in RPA 2A shall be allocated to and, when collected, shall be paid by the County Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing; and

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in RPA 2A and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in RPA 2A shall be allocated to and, when collected, shall be paid to the City’s Treasurer, who shall deposit such payments in lieu of taxes into a special fund called the “Sikeston 60 West Special Allocation Fund – RPA 2A Account” of the City for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of RPA 2A from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

Section 5. In addition, fifty percent (50%) of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing districts, and which are generated by economic activities within RPA 2A, over the amount of such taxes, penalties and
interest in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, taxes levied pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, for the purpose of public transportation and any other tax or fee excluded by law, shall be allocated to and paid by the collecting officer to the City’s Treasurer, who shall deposit such funds into a separate segregated account within the Sikeston 60 West Special Allocation Fund – RPA 2A Account.

Section 6. An “RPA 2A Account” within the Sikeston 60 West Special Allocation Fund created pursuant to Ordinance No. 5973 is hereby established. The RPA 2A Account shall have such subaccounts as may be necessary or desirable for the administration of the Redevelopment Plan. All moneys deposited in the RPA 2A Account shall be applied in such manner consistent with the Redevelopment Plan as determined by the City Council.

Section 7. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the County Assessor, who is directed to determine the total equalized assessed value of all taxable real property within RPA 2A as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within RPA 2A, and shall certify such amount as the total initial equalized assessed value of the taxable real property within RPA 2A. The City Clerk is further directed to submit a certified copy of this Ordinance to the County Collector, and the City Treasurer is directed to certify to the County Collector the amount of taxes derived from economic activities within RPA 2A in the calendar year prior to the adoption of this Ordinance, as prescribed in Section 7 hereof.

Section 8. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (i) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (ii) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 9. Record of Passage:

A. Bill Number 6022 was introduced to the City Council and read the first time on this 25th day of April, 2016.

B. Bill Number 6022 was read for the second and final time on this 2nd day of May, 2016. Councilman Gilmore moved to approve Bill Number 6022. The motion was seconded by Councilman Depro and the following roll call vote recorded:

C. Upon passage by the City Council, this bill shall become Ordinance 6022 and shall be in full force and effect from 30 days after its passage.

**Bill Number 6023 Approving 60 West TIF Redevelopment Agreement**

Councilman Depro moved for the second reading of Bill Number 6022. The motion was seconded by Councilman Merideth and the following vote recorded:


Counselor Leible presented the bill for reading.

**BILL NO. 6023**

**ORDINANCE NO. 6023**

AN ORDINANCE APPROVING VARIOUS AGREEMENTS IN CONNECTION WITH THE SIKESTON 60 WEST TAX INCREMENT FINANCING REDEVELOPMENT PLAN.

WHEREAS, the City has approved “The Sikeston 60 West Tax Increment Financing Redevelopment Plan” (as amended, the “Plan”) pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended; and

WHEREAS, the City and Sikeston Development Co., LLC (“SDC”) are parties to a certain Redevelopment Agreement dated as of May 6, 2015 with respect to the development of the RPA 1 Redevelopment Project described in the Plan (the “Original RPA 1 Redevelopment Agreement”); and

WHEREAS, the City and SDC desire to amend and restate the Original RPA 1 Redevelopment Agreement to, among other things, recognize that certain interests in RPA 1 have been assigned to Cotton Ridge Development Co., LLC (“CRD”); and

WHEREAS, the City and CRD desire to enter into a redevelopment agreement with respect to the RPA 2A Redevelopment Project described in the Plan; and

WHEREAS, the City, CRD and Midas Cotton Ridge, LLC (“Midas”) desire to enter into a parcel development agreement, wherein Midas will agree to construct a portion of the RPA 2A Redevelopment Project;

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

Section 1. The City Council finds and determines that it is necessary and desirable to enter into the following agreements (collectively, the “Agreements”):

(a) Amended and Restated Redevelopment Agreement among the City, SDC and CRD relating to the RPA 1 Redevelopment Project and substantially in the form of Exhibit A attached hereto;

(b) Redevelopment Agreement between the City and CRD relating to the
RPA 2A Redevelopment Project and substantially in the form of Exhibit B attached hereto; and

(c) Parcel Development Agreement among the City, CRD and Midas relating to a portion of the RPA 2A Redevelopment Project and substantially in the form of Exhibit C attached hereto.

The Mayor is hereby authorized and directed to execute the Agreements on behalf of the City. The City Clerk is hereby authorized and directed to attest to the Agreements and to affix the seal of the City thereto. The Agreements shall be in substantially the forms attached to this Ordinance, which Agreements are hereby approved by the City Council, with such changes therein as shall be approved by the officers of the City executing the same.

Section 2. The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

Section 3. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (i) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (ii) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4. Record of Passage:

A. Bill Number 6023 was introduced to the City Council and read the first time on this 25th day of April, 2016.

B. Bill Number 6023 was read for the second and final time and discussed on this 2nd day of May, 2016. Councilman Gilmore moved to approve Bill Number 6023. The motion was seconded by Councilman Depro and the following roll call vote recorded:


C. Upon passage by the City Council, this bill shall become Ordinance 6023 and shall be in full force and effect from 30 days after its passage.

Bill Number 6019, Amending City Code Title III-Chapter 35, Section 334.040, Stop and Yield Signs, Authorizing the Installation of Stop Signs

Councilwoman White-Ross moved for the first reading of Bill Number 6019. The motion was seconded by Councilman Depro and the following vote recorded:

Counselor Leible presented Bill Number 6019 for a first reading. This bill as approved shall become Ordinance Number 6019 and shall amend Title III, Chapter 335 of the Uniform Traffic Code establishing additional traffic control measures within the City of Sikeston, Missouri.

Public Works Director Lancaster reported the Traffic Committee did meet on April 26, 2016 and voted favorably to amend the Uniform Traffic Code by placing stop signs at the proposed locations. The grand opening of the new Malco Theater is scheduled for May 2016. To ensure proper signage is in place and will be enforceable, he requested Council read and approve the emergency bill.

Councilman Depro moved for the second reading of Bill Number 6019. The motion was seconded by Councilman Evans and the following vote recorded:


Counselor Leible presented the bill for reading.

<table>
<thead>
<tr>
<th>Stop Sign</th>
<th>Through Street</th>
<th>Sign Location</th>
<th>Controlled Traffic Movement</th>
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<tbody>
<tr>
<td>Arches</td>
<td>Brunt Boulevard</td>
<td>SE Corner</td>
<td>North</td>
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<tr>
<td>Arches</td>
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<td>NW Corner</td>
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<tr>
<td>Arches</td>
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<td>SE Corner</td>
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<tr>
<td>Canyonlands</td>
<td>Yellowstone</td>
<td>SE Corner</td>
<td>North</td>
</tr>
<tr>
<td>William Street</td>
<td>New Madrid Street</td>
<td>SW Corner</td>
<td>East</td>
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<td>Seventh Street</td>
<td>Troy Street</td>
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<td>North</td>
</tr>
<tr>
<td>Cinema Lane</td>
<td>Hennings Drive</td>
<td>NW Corner</td>
<td>South</td>
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</tbody>
</table>
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: Emergency Clause. Due to the time requirements this matter is being presented as an emergency measure.

SECTION VII: Record of Passage

A. Bill Number 6019 was introduced and read the first time this 2nd day of May 2016.

B. Bill Number 6019 was read the second time and discussed this 2nd day of May 2016. Councilman Depro moved to approve Bill Number 6019. The motion was seconded by Councilman Merideth and the following roll call vote recorded:


C. Upon passage by a majority of the Council, this Bill shall become Ordinance 6019 and shall be in full force and effect.

Bill Number 6020, Subdivision Replat Request

Councilman Merideth moved for the second reading of Bill Number 6020. The motion was seconded by Councilman Evans and the following vote recorded:


Counselor Leible presented the bill for reading.

BILL NUMBER 6020

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6020 PROVIDING FOR APPROVAL TO SUBDIVIDE AN APPROXIMATE 16.5 ACRE TRACT OF LAND LOCATED AT 301 LARCEL DRIVE, SIKESTON, NEW MADRID COUNTY, MISSOURI.

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

SECTION I: This Ordinance shall not be codified in the City Municipal Code.
SECTION II: The Planning and Zoning Commission met on April 12, 2016 and passed a favorable recommendation to approve the subdividing of a tract or parcel of land the plat of which is attached hereto, marked Exhibit “A” and incorporated by reference and legally described as follows and known as Resubdivision of Lot 2 of U.S.P Survey 159:

“THAT PART OF LOT 2 OF U.S.P. SURVEY 159, TOWNSHIP 26 NORTH, RANGE 14 EAST, IN THE CITY OF SIKESTON AND COUNTY OF NEW MADRID, STATE OF MISSOURI AS RECORDED ON PAGE 421, OF BOOK 550 AND DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF LOT 2 OF U.S.P. SURVEY 159; THENCE WITH THE SOUTH LINE OF SAID LOT 2 OF U.S.P. SURVEY 159, SOUTH 80°20’56” WEST, 1633.72 FEET; THENCE NORTH 09°50’47” WEST 50.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 80°23’09” WEST, 978.96 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD; THENCE WITH THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD, NORTH 05°21’02” WEST, 623.06 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MISSOURI STATE HIGHWAY 60; THENCE LEAVING THE EAST RIGHT-OF-WAY OF SAID RAILROAD AND WITH THE SOUTH OF SAID HIGHWAY, NORTH 65°34’50” EAST, 267.30 FEET; THENCE NORTH 62°53’39” EAST, 703.09 FEET; THENCE LEAVING THE SOUTH RIGHT-OF-WAY OF SAID HIGHWAY, SOUTH 09°50’43” EAST 900.97 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.50 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.”

SECTION III: Said plat and subdivision is accepted and approved subject to full compliance with all applicable building and other codes and the stormwater management plan.

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

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

SECTION VI: Record of Passage

A. Bill Number 6020 was introduced and read the first time this 25th day of April, 2016.

B. Bill Number 6020 was read the second time and discussed on this 2nd day of May, 2016. Councilman Settles moved to approve Bill Number 6020. The motion was seconded by Councilman Gilmore and the following roll call vote recorded:


C. Ordinance 6020 shall be in full force and effect from and after June 1, 2016.

Authorization to Renew Liability and Property Insurance

A renewal quote for liability and property insurance was presented by City Treasurer Karen Bailey. Staff recommended the renewal.
Councilman Depro moved to authorize payment to Newton and Company, LLC for property and liability insurance renewal in the amount of $373,505. The motion was seconded by Councilman Merideth and the following roll call vote recorded:


Library Board of Trustees Appointments

Counselor Leible left the room.

State Statute mandates Library Board of Trustee terms take effect on July 1 of each year.

Councilman Depro nominated Dorothy Brown and Jay Leible for reappointment and Paulette Boardman to a first term on the Library Board of Trustees. The nomination was seconded by Councilman Gilmore and the following roll call vote recorded:


Counselor Leible returned to the meeting.

ADJOURNMENT

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


APPROVED:

______________________________
STEVEN BURCH, MAYOR

ATTEST:

______________________________
CARROLL L. COUCH, CITY CLERK

SEAL: