

REGULAR CITY COUNCIL MEETING
April 7, 2014

The regular Sikeston City Council meeting of April 7, 2014 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 Jerry Pullen and Councilmen Steven Burch, Bob Depro, Jon Gilmore, Maude Harris, and Kathy Teachout. Staff in attendance were: City Counselor Chuck Leible, City Manager Jonathan Douglass, City Clerk Carroll Couch, City Treasurer Karen Bailey, Public Safety Director Drew Juden, Governmental Services Director Linda Lowes, Economic Development Director Ed Dust, Public Works Director Jay Lancaster, Parks Director Jiggs Moore, and Street Superintendent Brian Dial.

APPROVAL OF CITY COUNCIL MINUTES

City Council minutes of March 10, 14, and 31, 2014 were presented for approval. Councilman Depro moved to approve the minutes as presented. Councilman Burch seconded the motion and the following roll call vote was recorded:

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

ACCEPTANCE OF BOARD AND COMMISSION MINUTES

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

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

PRESENTATIONS

Employee of the Second Quarter

Code Enforcement Officer Jamie Williams of the Public Works Department and Firefighter Jimmy Harrell of the Public Safety Department were recognized as Employees of the Second Quarter for their respective departments.

Missouri Bootheel Regional Consortium (MRBC) Presentation

Carolyn Davis of MBRC briefed the City Council regarding prevention of teenage pregnancy and healthy babies.

ITEMS OF BUSINESS

Award of Liability Insurance Bids

This item was removed from the agenda.

Award of Bid 14-26, Exterior Painting of Essex Building

Economic Development Director Ed Dust briefed the City Council on the bids received for the painting of the Essex Building exterior. Councilman Depro moved to award Bid 14-26 to Frank's Home Improvement in the amount of \$15,950. The motion was seconded by Councilman Burch and the following roll call vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

Award of Bid 14-25, Tennis Court Resurfacing

Four bids for the resurfacing of the four tennis courts in the Recreation Complex were reviewed by Park Director Jiggs Moore. Councilman Gilmore moved to award Bid 14-25 to General Acrylics, for three coats of surfacing material, in the amount of \$14,900. The motion was seconded by Councilman Depro and the following roll call vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

Bill Number 5953, Authorization to Replat Lot #2 of Venable's Addition

Councilman Teachout moved for the second reading of Bill Number 5953. The motion was seconded by Councilman Harris and the following vote was recorded:

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

Counselor Leible presented the bill for reading.

BILL NUMBER 5953

ORDINANCE NUMBER 5953

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 5953 PROVIDING FOR APPROVAL OF THE REPLAT OF LOT #2 OF VENABLE'S SECOND ADDITION, WHICH GENERALLY LIES ON SMITH AVENUE TO THE CITY OF SIKESTON, SCOTT COUNTY, MISSOURI.

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

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: The Planning and Zoning Commission met on March 11, 2014 and passed a favorable recommendation to approve the subdividing of Lot 2 of Venable's Second Addition which generally lies on Smith Avenue, the plat of which is attached hereto, marked Exhibit "A" and incorporated by reference.

SECTION III: Aforesaid replat is accepted and approved subject to its recording in Scott Count, Missouri and full compliance with the building codes and housing ordinances of the City of Sikeston, Missouri, and in the event the provision of aforesaid codes of this City conflict with said replat, the Code shall be determinative.

SECTION IV: Aforesaid replat is accepted subject to full compliance with the stormwater management plan.

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

SECTION VII: Record of Passage

- A. Bill Number 5953 was introduced and read the first time this 31st day of March, 2014.
- B. Bill Number 5953 was read the second time and discussed on this 7th day of April, 2014. Councilman Burch moved to approve Bill Number 5953. The motion was seconded by Councilman Teachout and was voted as follows:

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed,
and becoming ordinance 5953.

- C. Ordinance 5953 shall be in full force and effect from and after Thursday, May 8, 2014.

Bill Number 5954, Authorizing the Mayor to Execute a Contract Between the City of Sikeston and the Missouri Highways and Transportation Commission

Councilman Burch moved for the second reading of Bill Number 5954. The motion was seconded by Councilman Depro and the following vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

City Counselor Leible presented the bill for reading.

BILL NUMBER 5954

ORDINANCE NUMBER 5954

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 5954 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF SIKESTON, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR THE FUNDING AND CONSTRUCTION OF A NEW TERMINAL BUILDING AT THE SIKESTON MUNICIPAL AIRPORT.

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

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: That the Agreements described on Exhibit "A" shall be conveyed to the Missouri Highways and Transportation Commission.

SECTION III: That the Mayor and other officials as may be necessary are hereby authorized empowered and directed to execute any documents necessary and proper to effectuate same.

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 5954 was introduced and read the first time this 31st day of March 2014.
- B. Bill Number 5954 was read the second time and discussed on this 7th day of April 2014. Councilman Gilmore moved to approve Bill Number 5954. The motion was seconded by Councilman Depro and voted as follows:
- Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed,
and becoming Ordinance 5954.
- C. Ordinance 5954 shall be in full force and effect May 8, 2014.

Bill Number 5952, Re-adoption of Fair Housing Policy

Councilman Burch moved for the second reading of Bill Number 5952. The motion was seconded by Councilman Harris and the following vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

Counselor Leible presented the bill for reading.

BILL Number 5952

ORDINANCE Number 5952

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 5952, PROVIDING "FAIR HOUSING" FOR THE CITY OF SIKESTON, MISSOURI, DEFINING DISCRIMINATORY HOUSING PRACTICES, AND CREATING A FAIR HOUSING COMMITTEE.

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: Declaration of Policy: The City Council of the City of Sikeston hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain real property without regard to race, sex, color, national origin, ancestry, religion, religious affiliation, handicap and without regard to whether a family has children. This ordinance shall be deemed an exercise of the police powers of the

City of Sikeston, Missouri, for the protection of the public welfare, prosperity, health and peace of the people of Sikeston.

SECTION III. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein unless the context otherwise indicates.

- A. Person shall include any individual, firm, partnership or corporation.
- B. Aggrieved Person shall include any person who is attempting to provide housing for himself and/or his family in the City of Sikeston, Missouri.
- C. Discriminate shall mean distinctions in treatment because of race, sex, color, religion, handicap, familial status or national origin of any person.

SECTION IV. Discriminatory Practices. It shall be a discriminatory practice and a violation of this ordinance for any person to:

- A. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, religious affiliation, handicap, familial status, or national origin of any person.
- B. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, religious affiliation, handicap, familial status, or national origin.
- C. Make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, religious affiliation, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- D. Represent to any person because of race, sex, color, religion, religious affiliation, handicap, familial status, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, religious affiliation, handicap, familial status, or national origin.
- F. Bars discrimination in the sale or rental of housing on the basis of a handicap, and requires the design and construction of new multi-family dwelling with four (4) or more units to meet certain adaptability and accessibility requirements.
- G. Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons, e.g. Section 202 housing.

SECTION V: Discrimination in the Financing of a House. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or discriminate against any person in the fixing of the amount or conditions of such loan, because of the race, sex, color, religion, religious affiliation, handicap, familial status, or national origin of such person or of any person associated with him in connection with such financing.

SECTION VI. Exemptions. The provisions of this ordinance and particularly Section IV hereof, shall not apply to the following:

- A. The sale or rental of a dwelling unit in a building, which contains housing accommodations with no more than four (4) families living independently of each other, if the owner resides in one of the units.
- B. Housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.
- C. Religious organizations and private clubs may limit the sale, rental or occupancy of housing owned or operated for other than a commercial purpose, to their members.
- D. Any single family house sold or rented by an owner provided that such house is sold or rented:
 1. without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or persons in the business of selling or renting dwelling, and
 2. without the publication, posting or mailing of any advertisement in violation of Section 3c of this ordinance.

provided however, that:

1. nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, and
 2. that any such private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the process, from the sale or rental of more than three such single family houses at any one time.
- E. For the purposes of subsection e, a person shall be in the business of selling or renting dwelling if:
 1. he has, within the preceding twelve months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 2. he has, within the preceding twelve months, participated as an agent, other than in the sale of his own personal residents in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

3. he is the owner of any dwelling designed or intended for occupancy, by or occupied by five or more families.

SECTION VII. Administration:

- A. There is hereby created a Fair Housing Committee whose membership shall consist of five members, who shall be appointed by the Mayor of the City with the approval of the City Council.
- B. Every complaint of a violation of this ordinance shall be referred to the Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- C. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in the event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the City Attorney.

SECTION VIII. Enforcement.

- A. Any person convicted of a violation of this ordinance shall be punished by a fine of not more than two hundred (\$200.00) or confinement in the County jail for not more than thirty (30) days, or both such fine and imprisonment.
- B. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

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

SECTION XI: Savings Clause. This ordinance shall not affect violations of any other ordinance, code or regulation of the City of Sikeston existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION XII: Record of Passage:

- A. Bill Number 5952 was introduced and read the first time this 31st day of March 2014.

- B. Bill Number 5952 was read the second time and discussed this 7th day of April 2014. Councilman Depro moved to approve Bill Number 5952. The motion was seconded by Councilman Burch and the following roll call vote recorded:

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed,
and becoming ordinance 5952.

- C. Ordinance 5952 shall be in full force and effect from and after May 7, 2014.

Briefing: Mowing of LCRA Lots

Public Works Director Jay Lancaster reported there were 310 lots that either belonged to the LCRA, the City or were abandoned. These lots were divided into manageable blocks of 15. The LCRA mowing crews will mow 110 of the lots; the City will accept mowing bids on the remaining lots. At the end of the summer, staff will be able to compare the cost of lots mowed by the LCRA and independent bidders to determine which is most cost effective.

Briefing: Wakefield Bridge Project

Director Lancaster briefed the City Council on the progress made to replace the Wakefield Bridge.

ADJOURNMENT

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

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

ADJOURNMENT INTO EXECUTIVE SESSION

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

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

Present for the executive meeting were Mayor Jerry Pullen and Councilmen Steven Burch, Bob Depro, Jon Gilmore, Maude Harris, and Kathy Teachout. Staff in attendance were: City Counselor Chuck Leible, City Manager Jonathan Douglass, City Clerk Carroll Couch, City Treasurer Karen Bailey, Public Safety Director Drew Juden, Governmental Services Director Linda Lowes, Economic and Public Works Director Jay Lancaster, Parks Director Jiggs Moore.

No action was taken in executive session.

ADJOURNMENT OUT OF EXECUTIVE SESSION

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

Burch Aye, Depro Aye, Gilmore Aye, Harris Aye,
Teachout Aye, and Pullen Aye, thereby being passed.

APPROVED:

JERRY PULLEN, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL: