

**MINUTES  
OF A SPECIAL MEETING  
OF THE CITY COUNCIL OF THE  
CITY OF POPLAR BLUFF, MISSOURI  
TUESDAY, FEBRUARY 16, 2016**

The City Council of the City of Poplar Bluff, Missouri, convened in a regular meeting on Tuesday, February 16, 2016.

Notice of this regular meeting of the City Council was given in the Daily American Republic, a newspaper of general circulation located in the City of Poplar Bluff. A copy of the agenda of this meeting was posted on a bulletin board located in the City Municipal building at 101 Oak Street in the City of Poplar Bluff, twenty-four hours prior to this meeting.

The meeting was called to order by Mayor Betty Absheer at 7:00 p.m.

The invocation was given by Pastor Jack Dilday of Kingdom Life Ministries.

A roll call was as follows: Present: DeGaris, Crocker, Tinsley, Fox, Johnson, Absheer; Absent: None.

Also present were City Manager Mark Massingham, City Attorney Mark Richardson and City Clerk Pamela S. Kearbey who performed the duties of their respective offices.

**DISCLOSURE  
OF  
INTEREST**

Each member of the City Council was given the opportunity to disclose any possible conflict of interest dealing either with any item on the printed agenda or with any matter discussed at a previous meeting.

Mayor Pro Tem Johnson disclosed a conflict with Workshop Item E.

**CITIZEN'S  
INPUT**

Each person in the audience was given the opportunity to address the City Council on any matter not on the printed agenda.

Mr. David Davis, who gave his address as 825 Hart Street, Poplar Bluff, Missouri, appeared before the Council and expressed his concern with Code Enforcement and properties on Hart Street that need to be cleaned up.

City Manager Mark Massingham stated he has spoken recently with Mr. Davis regarding his concerns and would check into the matter further.

Mr. Matt Winters of Ozark Foothills Regional Planning Commission, who gave his address as 2050 King Road, Poplar Bluff, Missouri, appeared before the Council. He stated he is requesting a letter of support from the Mayor to obtain the designation for our area as a Missouri Ozarks Delta Rural Promise Zone. Mr. Winters stated this designation from the U.S. Department of Agriculture will assist in coordinating and leveraging the efforts of our large rural region that struggles with high concentrations of poverty and will open up grant funding possibilities. He stated there is no financial commitment required from the City, only a letter of support.

Motion was made by Councilman DeGaris, seconded by Councilman Tinsley and carried to authorize Mayor Absheer to sign the letter of support.

Mr. Jim Chrisman, who gave his address as 464 North Main Street, Poplar Bluff, Missouri, appeared before the Council. He expressed his concern with the sale of City Cable and what the money was to be used for, specifically a new City Hall building. He

asked if it was documented prior to a few months ago if and how much would be transferred back to Municipal Utilities.

Councilman DeGaris stated yes it was.

Mr. Chrisman expressed his concern with the contract and time frame of the sale of City Cable. He asked how many customers City Cable had at the time of the sale.

Mayor Absheer stated that question was answered and this item was discussed at a previous Council meeting a short time ago.

Mr. Chrisman asked who wrote the contract, who reviewed it, who changed the estimate into a guarantee and who is accountable for this oversight.

City Manager Massingham stated at the time of the sale he was not in the position of City Manager and was not involved in the matter.

Mr. Chrisman asked what commission the consultant who handled the sale made.

City Manager Massingham addressed Mr. Chrisman stated if he would come by City Hall during business hours he could be helped with some of his questions. Mr. Massingham stated neither he nor the Council have the numbers or information Mr. Chrisman is requesting in front of them. He stated the City's attorneys have reviewed this item extensively and the consultant protected himself very well and there is little to no recourse for the City.

Mr. Chrisman asked why the Council did not fill the vacancy for the First Ward when Councilwoman Pearson resigned.

City Clerk Pamela Kearbey stated Councilwoman Pearson requested the vacancy be left open until the election in April.

Mr. Chrisman stated it is his understanding the City is paying to defend both sides of the lawsuit involving the former City Manager and the late Councilwoman Pearson as well as a lawsuit against her from the insurance provider. He asked for an update on these items.

City Manager Massingham stated he would assume since Councilwoman Pearson has passed away, the lawsuits would become a moot point.

City Attorney Mark Richardson stated the defendant would then become the estate of the deceased.

Mayor Absheer stated Mr. Chrisman had reached the end of his ten minute time allotment to address the Council and asked that he bring his remarks to a close.

Mr. Chrisman requested in the spirit of transparency that the Council packet be made available to the public the Friday prior to the Monday Council meeting.

## CONSENT AGENDA

The minutes of the City Council meeting held January 4, 2016 and January 26, 2016 were presented to the City Council for their approval.

Approval of  
Minutes for  
the Month of

With no corrections or additions to the minutes, motion was made by Mayor Pro Tem Johnson, seconded by Councilwoman Fox and carried to approve the minutes as presented.

January, 2016

CITY CLERK'S  
REPORT

Reports on Fund  
Balances,  
Investments &  
Collections As of  
January 31, 2016

The City Clerk reported that each Councilperson had before them a report on fund balances, investments and collections as of January 31, 2016. She reported on funds on deposit in the Commerce Bank in the amount of \$3,759,446.37; in the Peoples Community State Bank \$563,987.73; in the First Midwest Bank \$13,062,596.26; in the First Community Bank \$111,969.56; in Sterling Bank \$6,016,131.69 and in the Southern Bank \$334,644.83. She stated this reflects a grand total of all funds in all banks in the amount of \$23,848,776.44. She stated of this amount, total funds on deposit for the account of City Hall is \$13,210,115.40, total amount on deposit for the Coliseum is \$111,969.56, total amount on deposit for the Park Department accounts is \$1,138,608.28 and total funds on deposit for the account of the Municipal Utilities Department is \$9,388,083.20.

The City Clerk reported that each member of the City Council had before them the following reports for the month of January, 2016; a list of Bills Paid, a report from Downtown Poplar Bluff, Inc., a Municipal Court report, a Payroll report by departments, a report from the Planning Department, a Police Department/Animal Control/Code Enforcement report, a Street Department report and a list of payments from the Police and Fire Pension Fund for the month of January, 2016.

After discussion, motion was made by Councilman Tinsley, seconded by Councilman DeGaris and carried to approve the City Clerk's Report as presented. The motion carried unanimously.

WORKSHOP  
ITEMS FOR  
DISCUSSION

Transfer of  
Monies to  
Municipal Utilities

The City Council discussed a proposed ordinance transferring money from the City of Poplar Bluff General Fund Accounts Payable to Municipal Utilities.

Mr. Massingham addressed the Council and stated this item was tabled from the previous Council meeting voting session. He stated additional documentation was sent to the Council regarding this item.

Councilman Tinsley stated there are a lot of questions in his mind regarding this item. He stated he doesn't feel this item has to be voted on right now.

Councilman Crocker stated ultimately this was rate payer money, not taxpayer money and should go back to the enterprise fund.

Mr. Massingham stated almost two million will go back to New Wave and the rest will go back to the Utility fund.

Mr. Bill Bach, Municipal Utilities General Manager, addressed the Council and stated the 1.75 million will go to New Wave and the rest will go into the electric fund, which is where the money came from initially.

Mr. Jim Chrisman addressed the Council and asked what the high point was of reserves and what it is now.

City Clerk Kearbey stated it would take time to go back and find that information.

Mr. Chrisman stated the utility fund has been a leaky bucket and doesn't think money should continue to be put in it. He stated he feels the money should go in a special reserve fund. He asked if it goes back into the utility fund and a new City Hall is built if that amount will be borrowed and interest will be paid on the loan.

Councilman DeGaris stated monies in reserves have been used to help absorb the increase in utility rates rather than passing it onto the citizens.

Councilman Tinsley stated money is being lost in the utility department and more money is going out than coming in.

Councilman Crocker stated the financials presented at the Utility Board meeting earlier today did not show a loss in 2015.

Mr. Bach stated he previously asked for a rate increase and the Council voted not to do that and instead used reserves for increases in utility costs. He stated there was a rate increase in 2015 and there was not a loss for that year.

Councilman Tinsley stated moving this money from the City's General Fund could place the City's funds at a critical level.

Councilman Crocker asked why it should have gone in the City's account in the first place.

Mr. Bach stated when City Cable was sold the money was never earmarked for anything and was just placed in a City account. He stated there was a profit made on the sale of the cable system.

After further discussion, motion was made by Councilman DeGaris, seconded by Councilman Crocker and carried to move this item to the voting session to be held tonight. Councilman Tinsley voted not to pass this item to the voting session.

**Water User Fee  
Rate Adjustment**

The City Council discussed a recommendation from the Municipal Utilities Advisory Board regarding a water user fee rate adjustment in order to finance Phase III of the State Revolving Fund water improvements project.

Mr. Bill Bach addressed the Council and stated in 2008 the citizens voted to pass a bond issue to secure money from the State Revolving Fund to pay for expenses associated with our water system. He stated in September 2011 water rates were adjusted. He stated in order to comply with the SRF requirements for Phase III of the project a minimal rate increase is needed. Mr. Bach stated this is recommended for Council approval by the Municipal Utilities Advisory Board.

After further discussion, motion was made by Councilman DeGaris, seconded by Mayor Pro Tem Johnson and carried to move this item to the voting session to be held March 7, 2016.

**Water System  
Ordinance  
Amendment**

The City Council reviewed a recommendation from the Municipal Utilities Advisory Board regarding a change to the use of the City's water system's ordinance in order to comply with Phase III of the State Revolving Fund water improvements project.

Mr. Bach addressed the Council and stated to be in compliance with the State Revolving Fund requirements for Phase III of the water improvements project one change needs to be implemented to the water use ordinance. He stated this change states "before commencement of construction of a privately owned public water system in the City's jurisdiction, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$50.00 shall be paid to the City at the time the application is filed." Mr. Bach stated this item was discussed earlier today at the Municipal Utilities Advisory Board meeting and is recommended for Council approval.

After further discussion, motion was made by Mayor Pro Tem Johnson, seconded by Councilwoman Fox and carried to move this item to the voting session to be held March 7, 2016.

**Economic  
Development  
Program for  
Vacant Property**

The City Council discussed a possible economic development program for vacant property.

City Manager Massingham addressed the Council and stated this item was first brought before the Council several years ago. He stated there are many properties in the City where we have demolished buildings and put a demolition lien on the property. He stated normally the lien ends up being more than the property is worth and they sit on the tax rolls for years. Mr. Massingham stated he would like the Council to consider forgiving the liens on these properties if a home is constructed on them within a certain time period, possibly 18 to 24 months. He stated he would like to implement a policy regarding this item if the Council is in agreement.

Mr. David Sloan, who gave his address as 1414 South 14<sup>th</sup> Street, Poplar Bluff, Missouri, appeared before the Council. He asked if the City owned these lots.

Mr. Massingham stated some are owned by the City and some are not. Mr. Massingham stated he would like to bring something back before the Council at the end of March regarding this item.

After further discussion, motion was made by Councilwoman Fox, seconded by Councilman DeGaris and carried to move this item to the workshop session to be held March 21, 2016.

**Amvets Post 29  
Turkey Shoot**

The City Council reviewed a request from Amvets Post 29 for a turkey shoot to be held on March 12 and 13, 2016 and located at 115 East Harper Street.

Mayor Pro Tem Johnson excused himself from the meeting at this time.

Mr. Massingham addressed the Council and stated permission was given to the Amvets Post 29 in November for an event like this. He stated it was very successful and the Amvets are requesting permission to hold another event on March 12 and 13, 2016. Mr. Massingham stated this item requires verbal approval only from the Council.

After further discussion, there was a consensus of the Council to allow Amvets Post 29 to hold a turkey shoot to be held on March 12 and 13, 2016 at 115 East Harper Street.

Mayor Pro Tem Johnson rejoined the meeting at this time.

**Street Sweeper  
Bids and  
Financing**

The City Council reviewed bids received for a new Street Sweeper and authorizing the execution of documents to secure the financing of this equipment.

Mr. Massingham addressed the Council and stated four bids were received for a new street sweeper with the low bid that met specifications being from Woody's Municipal Supply Co. out of Edwardsville, Illinois, in the amount of \$203,625.36. He stated this bid is recommended for Council approval. He stated bids were solicited also for the financing of this item and the low bid was from Southern Bank with a term of two percent interest for a five year loan. Mr. Massingham stated he recommends the bid from Southern Bank be approved.

After further discussion, motion was made by Councilman DeGaris, seconded by Councilman Tinsley and carried to move this item to the voting session to be held tonight.

**ACTION**  
**REQUIRED**  
**ITEMS**

**Transfer of  
Monies to  
Municipal Utilities**

The City Council took action on an ordinance transferring money from the City of Poplar Bluff's General Fund Accounts Payable to Municipal Utilities. Motion was made by Mayor Pro Tem Johnson, seconded by Councilman DeGaris that Bill No. 7885, **AN ORDINANCE OF THE CITY OF POPLAR BLUFF, MISSOURI, AUTHORIZING THE TRANSFERENCE OF MONIES FROM THE CITY OF POPLAR BLUFF, GENERAL FUND ACCOUNT, TO THE MUNICIPAL UTILITIES DEPARTMENT RELATIVE TO THE SALE OF CITY CABLE**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Councilman DeGaris and seconded by Councilman Crocker that Bill No. 7885 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Absheer asked if there was any discussion of this bill. There being no discussion, motion was made by Mayor Pro Tem Johnson and seconded by Councilman Crocker that Bill No. 7885 be adopted. A roll call vote was as follows: Yes: DeGaris, Crocker, Fox, Johnson, Absheer; No: Tinsley; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7681.

**Conditional Use  
Permit**

The City Council took action on an ordinance granting a conditional use permit to Crossroads Ministry to operate a not-for-profit recovery center, with housing for up to six (6) clients in a C-2, general commercial zone. Motion was made by Councilman Tinsley, seconded by Councilman DeGaris that Bill No. 7886, **AN ORDINANCE OF THE CITY OF POPLAR BLUFF, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO OPERATE A NOT-FOR-PROFIT RECOVERY CENTER WITH HOUSING FOR UP TO SIX (6) CLIENTS IN A C-2, GENERAL COMMERCIAL DISTRICT LOCATED AT 132 NORTH B STREET, POPLAR BLUFF**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Councilman Tinsley and seconded by Councilman DeGaris that Bill No. 7886 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Absheer asked if there was any discussion of this bill. There being no discussion, motion was made by Mayor Pro Tem Johnson and seconded by Councilman Tinsley that Bill No. 7886 be adopted. A roll call vote was as follows: Yes: Crocker, Tinsley, Fox, DeGaris, Johnson, Absheer; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7682.

**Street Sweeper  
Bid and Financing**

The City Council took action on an ordinance accepting a bid for the purchase of a new Street Sweeper and authorizing the Mayor to execute documents in the financing of this equipment. Motion was made by Mayor Pro Tem Johnson, seconded by Councilman Crocker that Bill No. 7887, **AN ORDINANCE ACCEPTING A BID FOR THE PURCHASE AND FINANCING OF A NEW STREET SWEEPER FOR THE CITY OF POPLAR BLUFF STREET DEPARTMENT**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Councilman DeGaris and seconded by Councilwoman Fox that Bill No. 7887 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Absheer asked if there was any discussion of this bill. There being no discussion, motion was made by Mayor Pro

Tem Johnson and seconded by Councilman Tinsley that Bill No. 7887 be adopted. A roll call vote was as follows: Yes: Tinsley, Fox, DeGaris, Crocker, Johnson, Absheer; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7683.

**CDBG Disaster  
Recovery  
Funding**

The City Council took action on a resolution authorizing the Mayor to execute a Community Development Block Grant (CDBG), Disaster Recovery Funding for funds to be used in a flood buyout program including relocation allocations. Motion was made by Councilman Tinsley and seconded by Councilman Crocker that Resolution No. 1842, **A RESOLUTION OF THE CITY OF POPLAR BLUFF, MISSOURI, AUTHORIZING THE MAYOR OF THE CITY OF POPLAR BLUFF, MISSOURI, TO EXECUTE AND SUBMIT A GRANT APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR DISASTER RECOVERY FUNDING TO BE USED IN A FLOOD BUYOUT PROGRAM**, be read by caption only. Said bill was then placed upon its reading and was read by caption only and duly passed by unanimous vote. At this time Mayor Absheer asked if there was any discussion of this resolution. There being none, motion was made by Mayor Pro Tem Johnson and seconded by Councilman Tinsley that Resolution No. 1842 be adopted. A roll call vote was as follows: Yes: Fox, DeGaris, Crocker, Tinsley, Johnson, Absheer; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such resolution duly adopted and was thereupon duly numbered Resolution No. 1842 and was thereupon duly signed and approved by the Mayor and attested to by the City Clerk.

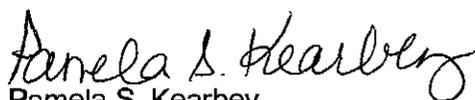
**City Manager's  
Report**

City Manager Massingham addressed the Council and stated he met last Friday with the City Attorney, Municipal Court, Code Enforcement and the Police Department regarding Code Enforcement issues. He stated he hopes to have something to bring before the Council in the very near future regarding this item.

There being no further business to come before this meeting of the City Council, motion was made by Mayor Pro Tem Johnson, seconded by Councilman Crocker and carried that this regular meeting be adjourned.

Mayor Absheer declared the meeting adjourned at 8:06 p.m.

Respectfully submitted,

  
Pamela S. Kearbey  
City Clerk

**APPROVED BY THE CITY COUNCIL**

**OF THE CITY OF POPLAR BLUFF,**

**MISSOURI, THIS 21st DAY**

**OF March, 2016.**