

**MINUTES
OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF POPLAR BLUFF, MISSOURI
MONDAY, MARCH 7, 2016**

The City Council of the City of Poplar Bluff, Missouri, convened in a regular meeting on Monday, March 7, 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 Reverend Gene Riddle of New Oak Hill General Baptist Church.

A roll call was as follows: Present: DeGaris, Tinsley, Fox, Johnson, Absheer; Absent: Crocker.

Also present were City Manager Mark Massingham, City Attorney Mark Richardson and Deputy City Clerk Lori Phelps 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.

No conflicts of interest were disclosed.

**CITIZEN'S
INPUT**

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

No one from the audience appeared before the Council.

**WORKSHOP
ITEMS FOR
DISCUSSION**

The City Council reviewed a proposed ordinance authorizing the Mayor to execute an intergovernmental agreement between the City and the County for the paving of Thomas Street.

**Inter-
Governmental
Agreement with
Butler County**

City Manager Mark Massingham addressed the Council and stated this agreement between the City and Butler County is for the paving of Thomas Street which extends into the County. He stated Surface Transportation Program grant funds are being used for the project and this agreement is required by the Missouri Department of Transportation.

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

**Acceptance of
Southern Way
and One
Financial Place**

The City Council discussed accepting Southern Way and One Financial Place as City streets.

Mr. Massingham addressed the Council and stated these are streets built at Southern Bank's new location off of Oak Grove Road. He stated Street Superintendent Denis Kearbey recommends these streets be accepted as dedicated

City streets as they do meet the City's minimum standard requirements.

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 March 21, 2016.

**Conditional Use
Permit for 337 S.
Westwood Blvd.**

The City Council reviewed a request from the Planning and Zoning Commission to approve a request for a conditional use permit to operate a drive-thru window to sell food and non-alcoholic beverages in a C-2, general commercial district. The property is located at 337 S. Westwood Boulevard and the applicant is Walmart Real Estate Business Trust/Panda Express Restaurant, c/o Civil Engineering Services, Ray Flake, 7705 Spicer Farm Lane, Fairview, TN.

Mr. Dennis Avery, City Planner, appeared before the Council and reviewed the staff report with them. He stated this item is recommended for Council approval by the Planning and Zoning Commission with the stipulations that no alcoholic beverages be sold through the drive-thru window and if ownership changes a new conditional use permit would have to be applied for.

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

**Section 550 Code
Amendment**

The City Council discussed a proposed ordinance adopting the International Fire Code (IFC) 2012 Edition and making changes to the City Code of Ordinances, Section 550 entitled "Fire Code".

Fire Chief Ralph Stucker appeared before the Council and stated last year the Planning and Inspections Department updated from the International Building Code 2000 Edition to the 2012 Edition. He stated he would like to update the Fire Code as well to keep the codes consistent within the City.

After further discussion, motion was made by Mayor Pro Tem Johnson, seconded by Councilman Tinsley and carried to move this item to the voting session to be held March 21, 2016.

**Medic One
Ambulance
Service, LLC
Letter of
Endorsement**

The City Council reviewed a request for the Mayor to execute a letter of endorsement for Medic One Ambulance Service, LLC.

Mr. Massingham addressed the Council and stated an application for an ambulance service was received by the City Clerk's Office from Medic One Ambulance Service out of Jonesboro, Arkansas. He stated he believes there is some concern regarding this item from a couple of Councilmembers and he would like to open the floor for discussion of this item.

Mr. Ryan Kibler, President of Medic One Ambulance Service, LLC, who gave his address as 6007 Dalton Farmer Drive, Jonesboro, Arkansas, appeared before the Council. He stated they need a letter of endorsement from the City in order to obtain a certificate of need from Jefferson City. He stated after that they would get their Medicare and Medicaid licenses, then they would obtain their location and could hopefully be in service by mid-April. He stated they will be operating with only new equipment and will have approximately a staff of 30 full-time employees. He stated his company would be a good corporate citizen and is very community service oriented. Mr. Kibler stated they would like to outsource the dispatching services for the Poplar Bluff location. He stated they do have seven locations in the State of

Missouri at this time.

After further discussion, motion was made by Councilman DeGaris, seconded by Councilman Tinsley and carried to table this item to the March 21, 2016 Workshop Session in order to obtain further information regarding this matter.

**2016 Fiscal Year
Budget
Amendment**

The City Council reviewed an amendment to the 2016 Fiscal Year Budget relative to the Police Department.

Mr. Massingham addressed the Council and stated there were funds budgeted this year for three new patrol cars for the Police Department. He stated in past years the Police Department has purchased four cars but this year's budget is very tight. He stated the Police Department would like to use some of the earned interest in the Kay Porter Fund to purchase equipment for four patrol cars which would free up approximately \$32,000 to purchase an additional patrol unit.

Councilman DeGaris expressed his concern with this item and how the budget will be affected.

Captain Mike McClain of the Poplar Bluff Police Department appeared before the Council and stated they have been able to manage the patrol fleet by purchasing four cars per year and are concerned with only adding three cars this year.

After further discussion, motion was made by Councilman Tinsley, seconded by Mayor Pro Tem Johnson and carried to move this item to the voting session to be held March 21, 2016.

**ACTION
REQUIRED
ITEMS**

**Amending the
Water User Fee
Rate**

The City Council took action on an ordinance amending the water user fee rate in order to finance Phase III of the State Revolving Fund water improvements project. Motion was made by Councilman DeGaris, seconded by Mayor Pro Tem Johnson that Bill No. 7888, **AN ORDINANCE ENACTING A WATER USER RATE ADJUSTMENT IN ORDER TO FINANCE PHASE III OF THE STATE REVOLVING FUND WATER IMPROVEMENTS PROJECT**, 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. 7888 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. 7888 be adopted. A roll call vote was as follows: Yes: DeGaris, Tinsley, Fox, Johnson, Absheer; No: None; Absent: Crocker; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7684.

**Amending the
Use of the City's
Water System**

The City Council took action on an ordinance amending the use of the City's water system in order to comply with Phase III of the State Revolving Fund water improvements project. Motion was made by Councilman Tinsley, seconded by Councilwoman Fox that Bill No. 7889, **AN ORDINANCE AMENDING THE 2008 CITY OF POPLAR BLUFF WATER USE ORDINANCE IN ORDER TO COMPLY WITH THE MISSOURI STATE REVOLVING FUND (SRF)**, 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 Mayor Pro Tem Johnson that Bill No. 7889 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. 7889 be adopted. A roll call vote was as follows: Yes: Tinsley, Fox, DeGaris, Johnson, Absheer; No: None; Absent: Crocker; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7685.

Inter-Governmental Agreement with Butler County

The City Council took action on an ordinance authorizing the Mayor to execute an intergovernmental agreement between the City and County for the paving of Thomas Street. Motion was made by Councilman Tinsley, seconded by Councilwoman Fox that Bill No. 7890, **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF POPLAR BLUFF AND BUTLER COUNTY, MISSOURI FOR THE PAVING OF A PORTION OF THOMAS STREET**, 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 Mayor Pro Tem Johnson and seconded by Councilman Tinsley that Bill No. 7890 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 Councilman DeGaris and seconded by Mayor Pro Tem Johnson that Bill No. 7890 be adopted. A roll call vote was as follows: Yes: Fox, DeGaris, Tinsley, Johnson, Absheer; No: None; Absent: Crocker; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7686.

City Manager's Report

City Manager Massingham addressed the Council and stated work has begun on the Fair Street Bridge and it should be completed by May 30, 2016. He stated we received our new street sweeper last Friday and it is operation as of this morning. Mr. Massingham stated Buff Up the Bluff has been scheduled for April 23, 2016.

Councilman DeGaris stated City Council candidate Jim Chrisman made a very disturbing comment during the Ward 3 town hall meeting. He stated Mr. Chrisman asked why Police Officers are at the Council meetings and Councilman DeGaris told him it was for the protection of the Council and citizens since a gunman killed and injured several people at a City Council meeting in Kirkwood, Missouri a few years ago. Councilman DeGaris stated Mr. Chrisman then looked to the podium and made the comment that maybe that wasn't a bad idea but immediately said he was just joking. Councilman DeGaris stated he does not believe that was anything to joke about. He stated he believes Mr. Chrisman's comment bordered on a terroristic threat.

Mr. Jim Chrisman, who gave his address as 464 North Main Street, Poplar Bluff, Missouri, appeared before the Council and stated he does not recall saying that but if he did he would like to apologize.

Councilman DeGaris stated he would like to congratulate the Westwood Baptist Academy girls' basketball team on their State Championship.

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

Mayor Absheer declared the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Lori Phelps

Lori Phelps
Deputy City Clerk

APPROVED BY THE CITY COUNCIL

OF THE CITY OF POPLAR BLUFF,

MISSOURI, THIS 18th DAY

OF April, 2016.