

**MINUTES  
OF A SPECIAL MEETING  
OF THE CITY COUNCIL OF THE  
CITY OF POPLAR BLUFF, MISSOURI  
MONDAY, MARCH 21, 2016**

The City Council of the City of Poplar Bluff, Missouri, convened in a regular meeting on Monday, March 21, 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 Pro Tem David Johnson at 7:00 p.m.

At this time, Mayor Pro Tem Johnson called for a moment of silence in honor of Mayor Betty Absheer's sister-in-law who recently passed away.

The invocation was given by Branden Freeland of Redeemed Ministries.

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

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.

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 not on the printed agenda.

No one from the audience appeared before the Council.

**CONSENT  
AGENDA**

The minutes of the City Council meetings held February 1, 2016 and February 16, 2016 were presented to the City Council for their approval.

**Approval of  
Minutes for  
the Month of  
February, 2016**

With no corrections or additions to the minutes, motion was made by Councilman Tinsley, seconded by Councilwoman Fox and carried to approve the minutes as presented.

**CITY CLERK'S  
REPORT**

**Reports on Fund  
Balances,  
Investments &  
Collections As of  
February 29,  
2016**

The City Clerk reported that each Councilperson had before them a report on fund balances, investments and collections as of February 29, 2016. She reported on funds on deposit in the Commerce Bank in the amount of \$2,995,871.63; in the Peoples Community State Bank \$564,103.90; in the First Midwest Bank \$16,556,394.71; in Sterling Bank \$3,286,054.60 and in the Southern Bank \$334,711.30. She stated this reflects a grand total of all funds in all banks in the amount of \$23,737,136.14. She stated of this amount, total funds on deposit for the account of City Hall is \$9,617,546.24, total amount on deposit for the Coliseum is \$91,729.24, total amount on deposit for the Park Department accounts is \$1,212,773.48 and total funds on deposit for the account of the Municipal Utilities

Department is \$12,815,087.18.

The City Clerk reported that each member of the City Council had before them the following reports for the month of February, 2016; a list of Bills Paid, a report from Downtown Poplar Bluff, Inc., a report from the Fire Department, 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 February, 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**

**Medic One, LLC**  
**Ambulance**  
**Service**

The City Council reviewed a request from Medic One, LLC for an ambulance service in the City limits of Poplar Bluff, Missouri.

City Manager Mark Massingham addressed the Council and stated they received information in their packets regarding Medic One including a certificate from the Secretary of State's Office and some letters of support from other places they serve.

Mr. Ryan Kibler, President of Medic One Ambulance Service, LLC, who gave his address as 6007 Dalton Farmer Drive, Joneboro, Arkansas, appeared before the Council. He stated Medic One would like to bring their services to Poplar Bluff and is seeking Council approval. He stated he feels they meet the five items required by City ordinance for the Council to consider this item.

Mr. David Ross, with Butler County EMS and who gave his address as 2906 North Westwood Boulevard, Poplar Bluff, Missouri, appeared before the Council. He stated Poplar Bluff currently has two different ambulance companies. He stated he believes the general consensus is service is better than it ever has been and the needs of the community are being met. Mr. Ross stated adding a third ambulance could possibly complicate matters as far as dispatching is concerned. He stated he would like the Council to consider this when making their decision to endorse or not to endorse Medic One.

After discussion, motion was made by Councilman Tinsley to table this item. The motion died for lack of a second.

Mr. David Sloan, who gave his address as 1414 South 14<sup>th</sup> Street, Poplar Bluff, Missouri, appeared before the Council and stated he believes adding a third ambulance service could potentially be more of a hazard for citizens.

City Attorney Mark Richardson addressed the Council and stated they have to decide if Medic One indeed does meet the five items required by City ordinance.

Councilman Tinsley stated Butler County Sheriff Mark Dobbs wrote a letter stating it is his opinion that adding a third ambulance service would be difficult and complicated from a dispatching standpoint.

Councilman Crocker stated he would like to see some data to support the opinion that adding a third ambulance service would complicate things.

After further discussion, motion was made by Councilman Tinsley, seconded by Councilman Crocker and carried to table this item. Councilman DeGaris voted not to

table this item.

**Downtown Poplar Bluff, Inc. Budget**

A representative of Downtown Poplar Bluff, Inc. addressed the Council relative to their budget and maintenance and upkeep of property purchased by DPB for the downtown restroom project.

Ms. Penny McGath, Executive Director of Downtown Poplar Bluff, Inc., 101 Oak Street, Poplar bluff, Missouri, appeared before the Council. She stated Downtown Poplar Bluff, Inc. would like to purchase the property located at 224 South Broadway, Poplar Bluff, Missouri, and deed it over to the City. She stated the property would be used for the downtown public restroom project. She stated they do have some funding to pay for the project but are applying for additional grant monies and would also have some in-kind work donated. Ms. McGath stated the City owns the two adjoining lots.

City Manager Massingham stated he thinks that would be a much needed improvement to the area.

Mr. Steve Halter, who gave his address as 3194 Foxwood Bend, Poplar Bluff, Missouri, appeared before the Council. He stated he has been a member of the Downtown Poplar Bluff, Inc. Board since its inception. He stated there are a lot of assets downtown. Mr. Halter stated the DPB Board is seeking a financial commitment from the City, specifically an amendment to the budget to include the salary for the Executive Director to go thru the end of the year. He stated he believes the Executive Director position is needed to continue with improvements downtown as well as all the events that happen downtown throughout the year.

Mr. Massingham stated the administrative assistant in the City Manager's Office took another job in February and he has no plans to fill that position. He stated approximately \$45,000 is left in the budget from that position that could be used to fund the Executive Director's position for the second half of the year, if the Council so chooses. He stated these funds will partially be used for some temporary help in the City Clerk's Office for filing.

After further discussion, motion was made by Councilman DeGaris, seconded by Councilman Tinsley and carried to move the acceptance of the property located at 224 South Broadway to the voting session to be held April 4, 2016.

City Manager Massingham stated he would bring a budget adjustment back before the Council at the next regular meeting.

**Community Development Block Grant**

The City Council discussed a proposed ordinance authorizing the Mayor to enter into and execute a contract for administrative services relative to the Community Development Block Grant (CDBG) funding for demolition of residential and commercial structures.

Mayor Pro Tem Johnson stated the public hearing held earlier tonight was regarding this item.

There being no further discussion, motion was made by Councilman Tinsley, seconded by Councilman DeGaris and carried that this item be moved to the voting session to be held tonight.

**Amending Ordinance No.**

The City Council discussed a proposed ordinance amending Ordinance No. 7545 relative to the monetary amount, and authorizing the Mayor to execute this

7545

agreement which is between the City of Poplar Bluff and the Missouri Highways and Transportation Commission for the resurfacing of various streets.

Mr. Massingham addressed the Council and stated this is for the paving of Thomas Street and South 11<sup>th</sup> Street. He stated MoDOT had a cap of \$300,000 on the project but they were able to get our 2016 Surface Transportation Program Funds in the amount of \$50,000 to bring the funding for the project up to \$350,000.

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.

**Conditional Use  
Permit for 325  
Vine Street**

The City Council discussed a request from the Planning and Zoning Commission to approve a conditional use permit to operate a small entertainment venue in a CX-3, commercial mixed-use zone for Rosie's Fashions/Center Stage, 325 Vine Street and the owner is Ms. Reba Johnson.

Mr. Dennis Avery, City Planner, appeared before the Council and reviewed the Staff Report with them. He stated Council approval is recommended by the Planning Commission with the stipulations that the conditional use permit will go with the operator, no alcohol will be consumed or sold and patrons must park off-street if events are scheduled during the hours of 8:00 a.m. to 5:00 p.m.

After further discussion, motion was made by Councilman Crocker, seconded by Councilman Tinsley and carried to move this item to the voting session to be held April 4, 2016.

**Amendment to  
Chapter 215 of  
the Code of  
Ordinances**

The City Council discussed amending the Code of Ordinances for the City of Poplar Bluff, Chapter 215, entitled "Nuisances" and including a section relative to Lawn Care Services and the licensing thereof.

Mr. Massingham addressed the Council and stated he has reviewed the Code of Ordinances regarding this item as well as ordinances from other cities and has met with Municipal Court, Code Enforcement, the Police Department and the Planning Department. He stated right now property owners receive a notice of violation if their yard grows to twelve inches and he suggests changing that to seven inches. He stated he would also like to give property owners ten days rather than seven days from the date of notice to take care of the problem. He stated he would like to see less of these violations make it to Municipal Court. Mr. Massingham stated he would also like to include derelict cars or trucks as items that are nuisances in yards or lots. He stated he would like to change Section 215.060 to state the City Manager shall so declare a public nuisance rather than the City Planner. He stated he would like hire someone for 30 to 35 hours per week this summer to mow properties and also pick up trash of violators. He stated we would then bill the property owner and would most likely result in a lien against the property. Mr. Massingham stated he would also like to add language that will allow a property in violation more than once in a year to be cleaned up and bill the property owner without additional notification. He stated he also checked with other cities to see how they handle the licensing of lawn care services. He stated all the cities he contacted do require a license with an annual fee ranging from \$25.00 to \$50.00 with proof of workers compensation insurance required for businesses with more than one employee. Mr. Massingham stated his suggestion is to charge an annual fee of \$40.00.

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

April 4, 2016.

**ACTION  
REQUIRED  
ITEMS**

**Acceptance of  
Southern Way &  
One Financial  
Place as City  
Streets**

The City Council took action on an ordinance accepting Southern Way and One Financial Place as City streets in the City of Poplar Bluff. Motion was made by Councilman Tinsley, seconded by Councilwoman Fox that Bill No. 7891, **AN ORDINANCE ACCEPTING THOSE ROADS KNOWN AS SOUTHERN WAY AND ONE FINANCIAL PLACE AS DEDICATED STREETS IN THE CITY OF POPLAR BLUFF, MISSOURI**, 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. 7891 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 Pro Tem Johnson asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Tinsley and seconded by Councilman Crocker that Bill No. 7891 be adopted. A roll call vote was as follows: Yes: DeGaris, Crocker, Tinsley, Fox, Johnson; No: None; Absent: Absheer; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7687.

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

The City Council took action on an ordinance approving a conditional use permit to operate a drive-thru window to sell food and non-alcoholic beverages in a C-2, general commercial district for Walmart Real Estate Business Trust/Panda Express Restaurant located at 337 S. Westwood Boulevard. Motion was made by Councilman Tinsley, seconded by Councilman DeGaris that Bill No. 7892, **AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO OPERATE A DRIVE THROUGH WINDOW TO SELL FOOD AND NON-ALCOHOLIC BEVERAGES IN A C-2 GENERAL COMMERCIAL DISTRICT**, 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 Councilwoman Fox that Bill No. 7892 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 Pro Tem Johnson asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Tinsley and seconded by Councilman DeGaris that Bill No. 7892 be adopted. A roll call vote was as follows: Yes: Crocker, Tinsley, Fox, DeGaris, Johnson; No: None; Absent: Absheer; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7688.

**Amendment to  
Section 550 of  
the Code of  
Ordinances**

The City Council took action on an ordinance adopting the International Fire Code (IFC) 2012 Edition and amending the Code of Ordinances, Section 550 entitled "Fire Code". Motion was made by Councilman Tinsley, seconded by Councilman Crocker that Bill No. 7893, **AN ORDINANCE ADOPTING THE INTERNATIONAL FIRE CODE (IFC) 2012 EDITION AND AMENDING THE POPLAR BLUFF CODE OF ORDINANCES, SECTION 550 ENTITLED "FIRECODE"**, 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 Crocker and seconded by Councilman DeGaris that Bill No. 7893 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 Pro Tem Johnson asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Tinsley and seconded by Councilman DeGaris that Bill No. 7893 be adopted. A roll call vote was as follows: Yes: Tinsley, Fox, DeGaris, Crocker, Johnson; No: None; Absent: Absheer; Abstained: None. There being a favorable vote the Mayor

thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7689.

**Community  
Development  
Block Grant**

The City Council took action on an ordinance authorizing the Mayor to execute a contract for administrative services for the Community Development Block Grant (CDBG) fund for the demolition of residential and commercial structures. Motion was made by Councilman DeGaris, seconded by Councilwoman Fox that Bill No. 7894, **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF POPLAR BLUFF, MISSOURI, TO EXECUTE A CONTRACT FOR ADMINISTRATIVE SERVICES BETWEEN THE CITY OF POPLAR BLUFF AND OZARK FOOTHILLS REGIONAL PLANNING COMMISSION FOR ADMINISTRATIVE SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND FOR THE DEMOLITION OF RESIDENTIAL AND COMMERCIAL STRUCTURES**, 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. 7894 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 Pro Tem Johnson asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Tinsley and seconded by Councilwoman Fox that Bill No. 7894 be adopted. A roll call vote was as follows: Yes: Fox, DeGaris, Crocker, Tinsley, Johnson; No: None; Absent: Absheer; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7690.

**Amending  
Ordinance No.  
7545**

The City Council took action on an ordinance authorizing the Mayor to execute an agreement amending Ordinance No. 7545 relative to the resurfacing of streets between the City of Poplar Bluff and the Missouri Highways and Transportation Commission. Motion was made by Councilman DeGaris, seconded by Councilman Tinsley that Bill No. 7895, **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF POPLAR BLUFF TO EXECUTE AN STP URBAN PROGRAM AGREEMENT BETWEEN THE CITY OF POPLAR BLUFF, MISSOURI, AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO RESURFACE VARIOUS STREETS IN THE CITY OF POPLAR BLUFF WHICH AMENDS CITY ORDINANCE NO. 7545 ADOPTED ON OCTOBER 7<sup>TH</sup>, 2014**, 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. 7895 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 Pro Tem Johnson asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Tinsley and seconded by Councilwoman Fox that Bill No. 7895 be adopted. A roll call vote was as follows: Yes: DeGaris, Crocker, Tinsley, Fox, Johnson; No: None; Absent: Absheer; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 7691.

**Call for a Closed  
Session**

The City Council of the City of Poplar Bluff called for a closed meeting in which they would discuss such matters which are exempted under the open meetings law Section 610.021.1, RSMo, Section 610.021.2, RSMo, Section 610.021.3, RSMo, Section 610.021.9, RSMo, Section 610.021.11, RSMo, Section 610.021.12, RSMo, Section 610.021.13, RSMo, and Section 610.021.14, RSMo. Motion was made by Councilman Tinsley, seconded by Councilman DeGaris and carried that the City Council move into a closed meeting immediately after this regular meeting of the City

Council.

**City Manager's  
Report**

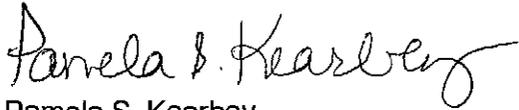
City Manager Massingham addressed the Council and stated Scotty McCreery will be in concert at the Black River Coliseum on April 16, 2016 and over 1,000 tickets have already been sold. He stated the Professional Bull Riders event at the Coliseum this past weekend was well attended and very successful.

Mr. Dennis Avery addressed the Council and stated he would like to remind everyone that Buff Up the Bluff will be held Saturday, April 23, 2016 from 8:00 a.m. to 3:30 p.m.

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

Mayor Absheer declared the meeting adjourned at 8:10 p.m.

Respectfully submitted,



Pamela S. Kearbey  
City Clerk

**APPROVED BY THE CITY COUNCIL**

**OF THE CITY OF POPLAR BLUFF,**

**MISSOURI, THIS 18<sup>th</sup> DAY**

**OF April, 2016.**