

**MINUTES
OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF POPLAR BLUFF, MISSOURI
MONDAY, JUNE 6, 2016**

The City Council of the City of Poplar Bluff, Missouri, convened in a regular meeting on Monday, June 6, 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 Ed DeGaris at 7:00 p.m.

The invocation was given by Mr. Shawn Ussery of Crossroads Ministries.

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

Also present were City Manager Mark Massingham, City Attorney Mark L. Richardson and City Clerk Pamela 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.

Councilwoman Susan McVey disclosed a conflict with Voting Item GG.

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.

Mr. Jack Altman, who gave his address as 2404 W. Maud Street, Poplar Bluff, Missouri, appeared before the Council. He stated he would like to request a flashing light, a stoplight, a sign or something to caution people of the dangerous intersection at Highway PP and West Maud Street.

Mayor DeGaris stated the Council will take Mr. Altman's request under advisement to see what might be done regarding this issue.

Ms. Mary Jo Hart Ruder, who gave her address as 1908 Saxon Street, Poplar Bluff, Missouri, appeared before the Council and stated the south end of town has streets falling in. She also expressed concern regarding the streets being so narrow. Ms. Ruder stated she also had an accident on PP Highway and would like to see something done about how fast cars drive on this road.

Ms. Carrie Willey, who gave her address as 2411 Channon Lane, Poplar Bluff, Missouri, appeared before the Council. She stated she and other citizens would like to know their rights concerning a private protest regarding Ben Ressel not being charged with a crime in the accident that killed Heavenly Hafford.

City Attorney Mark Richardson stated this issue is criminal in nature and the City Council has no jurisdiction regarding this matter. He stated this is a matter for the

State Judicial System and there is nothing the City can legally do to aid in this cause.

Ms. Mary Jo Hart Ruder stated she believes a protest can be held as long as it is peaceful and doesn't block traffic.

City Attorney Richardson stated that is correct. He stated a protest can be held as long as it doesn't endanger the safety of the public or impede traffic.

Ms. Gina Davis, who gave her address as 2712 Highway 51, Fisk, Missouri, appeared before the Council. She stated she would like to encourage the Council to speak their minds and use their influence regarding the death of Heavenly Hafford.

Mr. Martin Reitzel and Ms. Amy Hopkins appeared before the Council and stated they live to 919 Spring Street which is owned by Keith Willcut. Mr. Reitzel stated there is a broken sewer pipe in the easement and is his responsibility to fix. He stated sewage flows down the street in liquid and solid form. He stated he has called the City, the Department of Natural Resources, the Health Department and the Environmental Protection Agency. He stated the Building Inspector found out about it last Thursday and gave notice that it should be fixed within 10 days. Mr. Reitzel stated a plumber has brought supplies to the property but it still isn't fixed. He stated would like to see this cleaned up properly and for other issues like this to be addressed. He stated he felt like there is a breakdown in communication with these agencies and would like to see that corrected.

City Manager Mark Massingham stated if there is indeed a problem with communication within City Departments and various agencies he would address it.

Ms. Mary Jo Hart Ruder addressed the Council and stated the streets coming off 9th Street have their stop signs so far back you can't see oncoming traffic and there are many accidents there.

City Manager Massingham stated he would look into this matter.

WORKSHOP
ITEMS FOR
DISCUSSION

**Beverage Bids for
the Black River
Coliseum**

The City Council reviewed bids received for Soft Drink Beverages for the Black River Coliseum.

City Manager Massingham addressed the Council and stated two bids were received for beverage services at the Black River Coliseum. He stated Pepsi's offer is \$25,000 and Coke's is \$15,000. He stated Pepsi also wants eight tickets per event at the Coliseum.

Mr. Bobby Godwin, Black River Coliseum Director, appeared before the Council and reviewed the bids with them.

Councilwoman McVey stated one of her concerns is Pepsi not making their payment until the end of the year.

Mr. Tom Orosz with Pepsi Mid America appeared before the Council and stated he would be happy to answer any questions they may have.

Mayor Pro Tem Crocker asked how Pepsi would be paying their fees.

Mr. Orosz stated the City would be paid once the contract is signed and would be

paid annually after that.

Councilwoman McVey stated she feels the event tickets in the contract should be better defined.

Mr. Orosz stated they use those tickets for promotional events.

After further discussion, motion was made by Councilwoman McVey, seconded by Councilman Tinsley and carried to move this item to the voting session to be held June 20, 2016.

**Pike Creek
Hydraulic Study
Engineering
Qualifications**

The City Council reviewed engineering qualifications received for the completion of a hydraulic study of Pike Creek from Missouri State Highway PP to State Highway 53, to be funded by a grant from the Missouri Community Development Block Grant program.

City Manager Massingham addressed the Council and stated as they know flooding on Pike Creek has been an issues for years. He stated requests for qualifications were sent to various engineering firms for a study of Pike Creek which will identify potential projects we may take on to alleviate the flooding. Mr. Massingham stated four firms submitted qualifications and were rated by himself, City Planner Dennis Avery and Building Inspector Kelley Vanderburg and Smith and Company scored the highest. He stated Smith and Company is the recommended firm for this project.

Mr. Dennis Avery, City Planner, appeared before the Council and reviewed the qualification rating sheets with them.

Mr. Crocker expressed concern with the wide range of scoring on the rating sheets for the four engineering firms.

After further discussion, motion was made by Councilwoman McVey, seconded by Councilwoman Fox and carried to move this item to the voting session to be held June 20, 2016.

**Bids Received for a
1974 Auto Car**

The City Council reviewed bids received for the sale of the Street Department's 1974 auto car.

Mr. Massingham addressed the Council and stated bids were taken on this 1974 semi-truck that is obsolete and no longer used by the Street Department. He stated two bids were received with the high bid being from Andy Towell in the amount of \$4,000. He stated this bid is recommended for Council approval.

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

**Bids Received for
PB Paving Project
STP-5100(001)**

The City Council reviewed bids received for the PB Paving Project STP-5100(001), relative to South 11th and Thomas Streets.

Mr. Massingham addressed the Council and stated this project was put out for bids and four bids were received. He stated the low bid was from Apex Paving Company out of Cape Girardeau in the amount of \$283,411. Mr. Massingham stated since it is a State funded project MoDOT has concurred that we go with the low bid. He stated the low bid from Apex Paving is recommended for Council

approval.

Mr. Marvin Nesbit of Schultz Engineering appeared before the Council and reviewed the bids with them.

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 tonight.

**Kay Porter Funds
Policy**

The City Council reviewed a policy for the Kay Porter Funds relative to the Police and Fire Departments.

City Manager Massingham addressed the Council and reviewed a policy regarding the Kay Porter Funds with them. He stated this policy is similar to the Missouri State Highway Patrol's Master's Program.

City Attorney Mark Richardson address the Council and reviewed the policy with them and also discussed the Police and Fire Pension Board overseeing claims made to this fund.

After further discussion, motion was made by Councilman Tinsley, seconded by Councilman Johnson and carried to move this item to the voting session to be held June 20, 2016.

**Project
15-075A-1
Supplemental
Agreement No. 1**

The City Council reviewed Supplemental Agreement No. 1 to the Aviation Project Consultant Agreement relative to Project 15-075A-1 at the Poplar Bluff Municipal Airport.

City Manager Massingham addressed the Council and stated this agreement is for construction inspection services provided by Smith and Company Engineers for the lighting project at the Airport and is required by the Missouri Department of Transportation. He stated fees for these services are in the amount of \$65,200.

After further discussion, motion was made by Councilwoman Fox, seconded by Councilman Johnson and carried to move this item to the voting session to be held June 20, 2016.

**ACTION
REQUIRED ITEMS**

**Rezoning of
Property Located at
2490 S. 11th Street**

The City Council took action on an ordinance rezoning property from RS-3, central area residential, to M-2, general industrial, to construct a body shop at 2490 S. 11th Street. Motion was made by Councilman Tinsley, seconded by Councilman Johnson that Bill No. 7913, **AN ORDINANCE REZONING PROPERTY LOCATED AT 2490 SOUTH 11TH STREET FROM RS-3, CENTRAL AREA RESIDENTIAL, TO M-2, GENERAL INDUSTRIAL TO CONSTRUCT AN AUTO BODY SHOP**, 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 Johnson that Bill No. 7913 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 DeGaris asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Johnson and seconded by Councilman Tinsley that Bill No. 7913 be adopted. A roll call vote was as follows: Yes: McVey, Horton, Tinsley, Johnson, Fox, Crocker, DeGaris; 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. 7709.

Conditional Use
Permit for 408 Vine
Street

The City Council took action on an ordinance approving a conditional use permit for a caretaker's residence on the ground floor in a CX-3, central commercial mixed use district located at 408 Vine Street. Motion was made by Councilman Tinsley, seconded by Councilman Johnson that Bill No. 7914, **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CARETAKER'S RESIDENCE ON THE GROUND FLOOR OF 408 VINE STREET IN A CX-3 CENTRAL COMMERCIAL MIXED USE 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 Mayor Pro Tem Crocker that Bill No. 7914 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 DeGaris asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Tinsley and seconded by Mayor Pro Tem Crocker that Bill No. 7914 be adopted. A roll call vote was as follows: Yes: Horton, Tinsley, Johnson, Fox, McVey, Crocker, DeGaris; 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. 7710.

Purchase of
Property Located at
1902 Sunset Drive

The City Council took action on an ordinance authorizing the Mayor to execute all documents relative to the purchase of property located at 1902 Sunset Drive for use by the Municipal Utilities Department. Motion was made by Councilman Johnson, seconded by Mayor Pro Tem Crocker that Bill No. 7915, **AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 1902 SUNSET DRIVE IN 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 Councilwoman McVey and seconded by Councilman Johnson that Bill No. 7915 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 DeGaris asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Tinsley and seconded by Councilman Johnson that Bill No. 7915 be adopted. A roll call vote was as follows: Yes: Tinsley, Johnson, Fox, McVey, Horton, Crocker, DeGaris; 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. 7711.

Sale of Antiquated
Equipment

The City Council took action on an ordinance accepting a bid for the sale of antiquated equipment at the Poplar Bluff Street Department. Motion was made by Councilman Johnson, seconded by Councilman Tinsley that Bill No. 7916, **AN ORDINANCE AUTHORIZING THE DISPOSAL OF OBSOLETE OR SURPLUS EQUIPMENT**, 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 Johnson that Bill No. 7916 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 DeGaris asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Johnson and seconded by Councilman Tinsley that Bill No. 7916 be adopted. A roll call vote was as follows: Yes: Johnson, Fox, McVey, Horton, Tinsley, Crocker, DeGaris; 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. 7712.

PB Paving Project

The City Council took action on an ordinance accepting a bid on the PB Paving

STP-5100(001) Bid
Acceptance

Project STP-5100(001), relative to South 11th and Thomas Streets. Motion was made by Councilman Johnson, seconded by Councilman Tinsley that Bill No. 7917, **AN ORDINANCE ACCEPTING A BID FOR POPLAR BLUFF PAVING PROJECT STP-5100(001) RELATIVE TO SOUTH 11TH STREET AND THOMAS STREET IN 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 Johnson that Bill No. 7917 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 DeGaris asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Johnson and seconded by Councilman Tinsley that Bill No. 7917 be adopted. A roll call vote was as follows: Yes: Fox, McVey, Horton, Tinsley, Johnson, Crocker, DeGaris; 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. 7713.

Board
Appointments

The City Council took action on a resolution making appointments to the Airport Advisory Board, Downtown Poplar Bluff Board, Municipal Utilities Advisory Board, Tree Advisory Board and Zoning Board of Adjustment. Motion was made by Councilwoman McVey and seconded by Councilman Johnson that Resolution No. 1843, **A RESOLUTION MAKING APPOINTMENTS TO THE AIRPORT ADVISORY BOARD, DOWNTOWN POPLAR BLUFF BOARD, MUNICIPAL UTILITIES ADVISORY BOARD, TREE ADVISORY BOARD AND ZONING BOARD OF ADJUSTMENT**, 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 DeGaris asked if there was any discussion of this resolution. There being none, motion was made by Councilman Tinsley and seconded by Councilman Johnson that Resolution No. 1843 be adopted. A roll call vote was as follows: Yes: McVey, Horton, Tinsley, Johnson, Fox, Crocker, DeGaris; 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. 1843 and was thereupon duly signed and approved by the Mayor and attested to by the City Clerk.

Board
Appointments

The City Council took action on a resolution making appointments to the Animal Control Advisory Board, Arts & Museum Advisory Board, Fair Housing Committee, Historical Preservation Commission, Housing Authority Board, Library Board of Trustees, Park Board, Planning and Zoning Commission, the Disabilities Advisory Board and the Black River Coliseum Advisory Board of the City of Poplar Bluff, Missouri. Motion was made by Councilman Tinsley and seconded by Councilman Johnson that Resolution No. 1844, **A RESOLUTION MAKING APPOINTMENTS TO THE ANIMAL CONTROL ADVISORY BOARD, ARTS & MUSEUM ADVISORY BOARD, FAIR HOUSING COMMITTEE, HISTORICAL PRESERVATION COMMISSION, HOUSING AUTHORITY BOARD, LIBRARY BOARD OF TRUSTEES, PARK BOARD, PLANNING AND ZONING COMMISSION, THE DISABILITIES ADVISORY BOARD AND THE BLACK RIVER COLISEUM ADVISORY BOARD OF THE CITY OF POPLAR BLUFF, MISSOURI**, 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 Councilman Johnson and seconded by Councilman Tinsley that Resolution No. 1844 be adopted. A roll call vote was as follows: Yes: Horton, Tinsley, Johnson, Fox, Crocker, DeGaris; No: None; Absent: None; Abstained: McVey. There being a favorable vote the Mayor thereupon declared such resolution duly adopted and was thereupon duly numbered Resolution No. 1843 and was thereupon duly signed and approved by the Mayor and

attested to by the City Clerk.

**Board
Appointments**

The City Council took action on a resolution making appointments to the Plumbing Board, Electrical Wiring Board, Building Standards Board and Heating and Air Conditioning (HVACR) Board of the City of Poplar Bluff, Missouri. Motion was made by Councilman Johnson and seconded by Councilman Tinsley that Resolution No. 1845, **A RESOLUTION MAKING APPOINTMENTS TO THE PLUMBING BOARD, ELECTRICAL WIRING BOARD, BUILDING STANDARDS BOARD AND HEATING AND AIR CONDITIONING (HVACR) BOARD OF THE CITY OF POPLAR BLUFF, MISSOURI**, 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 Pearson asked if there was any discussion of this resolution. There being none, motion was made by Councilman Johnson and seconded by Councilwoman McVey that Resolution No. 1845 be adopted. A roll call vote was as follows: Yes: Tinsley, Johnson, Fox, McVey, Horton, Crocker, DeGaris; 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. 1845 and was thereupon duly signed and approved by the Mayor and attested to by the City Clerk.

**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 Councilwoman McVey, seconded by Councilwoman Fox and carried that the City Council move into a closed meeting immediately after this regular meeting of the City Council.

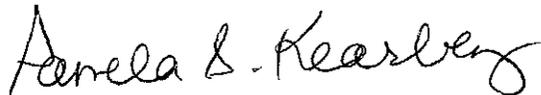
**City Manager's
Report**

City Manager Massingham addressed the Council and stated City Court Administrator Deana Teague has been appointed by the Missouri Supreme Court to a committee to deal with issues regarding Municipal Courts. He stated the world famous Clydesdales will be in town at various locations this week. He encouraged everyone to get out and enjoy these events.

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

Mayor DeGaris declared the meeting adjourned at 8:40 p.m.

Respectfully submitted,



Pamela S. Kearsbey
City Clerk

APPROVED BY THE CITY COUNCIL

OF THE CITY OF POPLAR BLUFF,

MISSOURI, THIS 18th **DAY**

OF July, 2016.