MINUTES
OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF POPLAR BLUFF, MISSOURI
MONDAY, MAY 4, 2020

The City Council of the City of Poplar Bluff, Missouri, convened in a regular meeting on Monday, May 4, 2020.

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 501 Vine Street in the City of Poplar Bluff, twenty-four hours prior to this meeting.

The meeting was called to order by Mayor Robert L. Smith at 7:00 p.m.

The invocation was given by Councilman Ron Black.

The Pledge of Allegiance was led by Mayor Smith.

A roll call was as follows: Present: Parson, DeGaris, Horton, Cornman, Black, Davis, Smith; Absent: None.

Also present were City Manager Mark Massingham, City Attorney Mark Richardson and City Clerk Nevada J. Young 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

Approval of Minutes for the Month of March, 2020

The minutes of the City Council meetings held March 2, 2020, March 16, 2020 and March 30, 2020 were presented to the City Council for their approval.

CITY CLERK'S REPORT

Reports on Fund Balances, Investments & Collections as of March 30, 2020

The City Clerk reported that each Councilperson had before them a report on fund balances, investments and collections as of March 30, 2020. She reported on funds on deposit in the Commerce Bank in the amount of $2,031,262.77; in the Peoples Community State Bank $568,104.60; in the First Midwest Bank $22,968,781.84; in Sterling Bank $78,443.69 and in the First Missouri State Bank $1,000,000.00. She stated this reflects a grand total of all funds in all banks in the amount of $26,646,592.90. She stated of this amount, total funds on deposit for the account of City Hall is $4,043,737.13, total amount on deposit for the Coliseum is $78,443.69, total amount on deposit for the Park Department accounts is $707,090.99 and total funds on deposit for the account of the Municipal Utilities Department is $21,817,321.09.

The City Clerk reported that each member of the City Council had before them the following reports for the month of March, 2020: a list of Bills Paid, 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 March, 2020.

After discussion, motion was made by Councilman Black, seconded by Councilman DeGaris and carried to approve the Consent Agenda as presented.

WORKSHOP ITEMS FOR DISCUSSION

The City Council considered a grant application between the City of Poplar Bluff and the Department of Health and Senior Services to create an Active Living Community of Practice (ALCP) for seven communities.

Department of Health and Senior Services Grant Application

Mr. Matt Winters, City Planner, addressed the Council and stated the Chamber of Commerce has been working on this grant and the applicant must be a governmental entity. He stated this would be a pass-through grant with no expense to the City. Mr. Winters stated if awarded the grant funds would be used for engineering fees and signage and striping for the eventual extension of the trails system from the intersection at Kanell Boulevard and Shelby Road west to Wolf Creek Road.

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

Police Department Destruction of Antiquated Records

The City Council reviewed a request form the Poplar Bluff Police Department to destroy antiquated records dated years 2011 - 2014.

City Manager Mark Massingham addressed the Council and stated this is a basic housekeeping item and do meet the Secretary of State's guidelines for the disposal of records.

After further discussion, motion was made by Councilman Black, seconded by Councilman DeGaris and carried to move this item to the voting session to be held May 18, 2020.

Petition for Annexation of Property Located at 481 Highway W

The City Council considered a petition for annexation of property located at 481 State Highway W, Poplar Bluff, Missouri. The property owners are Joe and Karen Knuckles.

Mr. Winters appeared before the Council and stated this property is located on Highway W across from McLane Park. He stated this is simply the first step in the annexation process.

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

Petition for Annexation of Property Located at 465 Highway W

The City Council considered a petition for annexation of property located at 465 State Highway W, Poplar Bluff, MO. The property owner is Kathy Ledwidge.

Mr. Winters addressed the Council and stated this property is located adjacent to the Knuckles property on Highway W.

After further discussion, motion was made by Mayor Pro Tem Davis, seconded by Councilwoman Parson and carried to move this item to the voting session to be

held tonight.

11th Street Bridge Project Change Order No.1

The City Council considered Change Order No. 1 for the 11th Street Bridge Project.

City Manager Massingham addressed the Council and stated this change order will push the completion date to April 19, 2020 due to the relocation of utility lines and other utility issues. He stated this project was completed with grant funds and this change order must be approved to close the grant out.

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

Federal Airport Improvement Program Agreement

The City Council considered an agreement between the City of Poplar Bluff and the Missouri Highways and Transportation Commission regarding the Federal Airport Improvement Program.

City Manager Massingham addressed the Council and stated this grant funding will be used for the reconstruction of the runway at the Airport. He stated this agreement simply accepts the grant terms and conditions. He stated the approximate cost of the project will be $5,000,0000 with 10 percent of that amount paid by the City from Capital Funds. Mr. Massingham stated construction on the project should begin in 2021.

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

Amendment to the Code of Ordinances Section 405.050

The City Council discussed a recommendation from the Planning and Zoning Commission to amend Section 405.050 to include liquor by the drink establishments as a conditional use in the CX-3 District amending the general conditional use permit.

Mr. Winters appeared before the Council and stated currently downtown business approved to sell alcohol have to meet a requirement that 50 percent of their income comes from food sales. He stated this change would allow approved businesses to sell alcohol without food sales such as piano bars, painting studios, etc. He stated the application for a Conditional Use Permit has also changed to include questions regarding a business plan, the effect of the business on the general welfare of the surrounding area, the contribution of the business to the area and various other items. Mr. Winters stated he believes this is a positive step in continuing the further revitalization of the downtown area.

Councilman Black stated he believes Mr. Winters has done a good job with this item but he does have concerns with the types of businesses this could draw to the downtown area.

After further discussion, motion was made by Councilman DeGaris, seconded by Councilman Cornman and carried to move this item to the voting session to be held May 18, 2020. Councilman Black voted not to move the item to the voting session to be held May 16, 2020.

Amendment to the Code of Ordinances

The City Council discussed a recommendation from the Planning and Zoning Commission to amend Section 440.010 Definitions and Section 440.020 to include verbiage and regulations for small wireless communications facilities in all zoning

Sections 440.010 & 440.020

districts.

Mr. Winters addressed the Council and stated these proposed regulations will prevent small wireless facilities for 5G telecommunications mounted on poles, buildings, etc. from being a nuisance, prohibiting traffic site lines, etc. He stated this amendment to the Code of Ordinances will allow the regulation of the construction, operation and maintenance of these small wireless facilities.

After further discussion, motion was made by Councilman DeGaris, seconded by Mayor Pro Tem Davis and carried to move this item to the voting session to be held May 18, 2020.

Donation of Self Contained Breathing Apparatus' to Three Rivers College

The City Council discussed a recommendation from the Fire Department to donate used SCBA (Self Contained Breathing Apparatus) air-packs and accessories to the Three Rivers College Fire Science Program.

City Manager Massingham stated new Self Contained Breathing Apparatus' were purchased for the Fire Department and they would like to donate the used ones to the Fire Science Program at Three Rivers College for training purposes.

After further discussion, motion was made by Councilman Black, seconded by Councilwoman Horton and carried to move this item to the voting session to be held May 18, 2020.

Rezoning of Property Lying Between Katy Lane and Barron Road

The City Council considered a recommendation from the Planning and Zoning Commission rezoning property from RS-2 General Residential to O-1 Office Professional for future commercial use. The property lies between Katy Lane and Barron Road. The property owners are John D. Barbour and the Barbour Family.

Motion was made by Mayor Pro Tem Davis, seconded by Councilman Black and carried to bring this item off the table.

Mr. Winters appeared before the Council and stated this item was brought before the Council in April and was tabled to allow the Council to visit with surrounding property owners to get their input on this request. He stated the applicants requested to divide the property into two parcels with the one facing Katy Lane to be zoned O-1 Office Professional and the parcel facing Barron Road to remain RS-2 General Residential. He stated the Planning and Zoning Commission recommends approval of the request with the stipulation that the legal description of the southerly O-1 parcel be deed restricted to include a permanent vegetative screen along the property line between the O-1 and RS-2 zones. Mr. Winters stated the vegetative buffer area will consist of fast-growing ornamental evergreen trees planted so as to provide a solid screening from the adjacent residential area upon their maturity with a minimum of six feet when planted and minimum of twenty feet at maturity. He stated all landscaping shall be properly maintained, as determined by the City Manager or his designee, and kept alive and free of disease and damage.

Ms. Laura Clark, who gave her address as 2505 Barron Road, Poplar Bluff, Missouri, appeared before the Council and stated she is pleased to hear the specific requirements relative to the vegetative screen for the property facing Barron Road.

Ms. Barbara James, who gave her address as 2431 Barron Road, Poplar Bluff, Missouri, appeared before the Council and stated she would be satisfied with the

evergreen trees being planted to block out the potential commercial property.

Mr. Dan Barbour, 137 Ridge Hill Lane, Poplar Bluff, Missouri appeared before the Council and stated he appreciates the work of Mr. Winters and the Planning and Zoning Commission and the cooperation of the neighbors regarding the rezoning of this property.

After further discussion, motion was made by Mayor Pro Tem Davis, seconded by Councilman DeGaris and carried to move this item to the voting session to be held May 18, 2020.

ACTION REQUIRED ITEMS

11th Street Bridge Project Change Order No. 1

The City Council took action on an ordinance approving Change Order No. 1 for the 11th Street Bridge Project. Motion was made by Councilman DeGaris, seconded by Councilman Black that Bill No. 8231, **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 1 RELATING TO THE POPLAR BLUFF SOUTH ELEVENTH STREET BRIDGE 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 Mayor Pro Tem Davis and seconded by Councilman Black that Bill No. 8231 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 Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Black and seconded by Mayor Pro Tem Davis that Bill No. 8231 be adopted. A roll call vote was as follows: Yes: DeGaris, Horton, Cornman, Black, Parson, Davis, Smith; 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. 20 - 30.

Missouri Highways and Transportation Commission Agreement

The City Council took action on an ordinance authorizing the Mayor to enter into an agreement with the Missouri Highways and Transportation Commission. Motion was made by Councilman Black, seconded by Councilman DeGaris that Bill No. 8232, **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POPLAR BLUFF AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION RELATIVE TO A FEDERAL AIRPORT IMPROVEMENT PROGRAM GRANT,** 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 Davis and seconded by Councilman Black that Bill No. 8232 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 Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Mayor Pro Tem David and seconded by Councilman Black that Bill No. 8232 be adopted. A roll call vote was as follows: Yes: Horton, Cornman, Black, Parson, DeGaris, Davis, Smith; 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. 20 - 31.

Department of Health and Senior Services Grant Application

The City Council took action on a resolution authorizing the Mayor to submit a grant application to the Department of Health and Senior Services. Motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis, that Resolution No. 1922, **A RESOLUTION OF THE CITY OF POPLAR BLUFF, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR A GRANT FROM THE MISSOURI DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATING TO THE CREATION OF AN ACTIVE LIVING COMMUNITY OF**

PRACTICE (ALCP) PROGRAM FOR POPLAR BLUFF, 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 Smith asked if there was any discussion of this resolution. There being none, motion was made by Councilman Black and seconded by Mayor Pro Tem Davis that Resolution No. 1922 be adopted. A roll call vote was as follows: Yes: Cornman, Black, Parson, DeGaris, Horton, Davis, Smith; 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. 1922 and was thereupon duly signed and approved by the Mayor and attested to by the City Clerk.

Annexation of Property Located at 461 Highway W

The City Council took action on a resolution authorizing the Mayor to submit a grant application to the Department of Health and Senior Services. Motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis, that Resolution No. 1922, **A RESOLUTION OF THE CITY OF POPLAR BLUFF, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR A GRANT FROM THE MISSOURI DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATING TO THE CREATION OF AN ACTIVE LIVING COMMUNITY OF PRACTICE (ALCP) PROGRAM FOR POPLAR BLUFF,** 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 Smith asked if there was any discussion of this resolution. There being none, motion was made by Councilman Black and seconded by Mayor Pro Tem Davis that Resolution No. 1922 be adopted. A roll call vote was as follows: Yes: Cornman, Black, Parson, DeGaris, Horton, Davis, Smith; 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. 1922 and was thereupon duly signed and approved by the Mayor and attested to by the City Clerk.

Annexation of Property Located at 465 Highway W

The City Council took action on a resolution with respect to the annexation of a certain unincorporated area to the City of Poplar Bluff, such property being located at 481 Highway W, Poplar Bluff, MO, owned by Joe and Karen Knuckles. Motion was made by Mayor Pro Tem Davis and seconded by Councilman Black, that Resolution No. 1923, **A RESOLUTION WITH RESPECT TO THE ANNEXATION OF A CERTAIN UNINCORPORATED AREA TO THE CITY OF POPLAR BLUFF, MISSOURI, SUCH PROPERTY BEING LOCATED AT 481 HIGHWAY W IN BUTLER COUNTY, MISSOURI AND OWNED BY JOE AND KAREN KNUCKLES,** 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 Smith asked if there was any discussion of this resolution. There being none, motion was made by Councilman Black and seconded by Councilwoman Horton that Resolution No. 1923 be adopted. A roll call vote was as follows: Yes: Black, Parson, DeGaris, Horton, Cornman, Davis, Smith; 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. 1923 and was thereupon duly signed and approved by the Mayor and attested to by the City Clerk.

The City Council took action on a resolution with respect to the annexation of a certain unincorporated area to the City of Poplar Bluff, such property being located at 465 Highway W, Poplar Bluff, MO, owned by Kathy Ledwidge. Motion was made by Councilman Black and seconded by Mayor Pro Tem Davis, that Resolution No. 1924, **A RESOLUTION WITH RESPECT TO THE ANNEXATION OF A CERTAIN UNINCORPORATED AREA TO THE CITY OF POPLAR BLUFF, MISSOURI, SUCH PROPERTY BEING LOCATED AT 465 HIGHWAY W IN BUTLER COUNTY, MISSOURI AND OWNED BY KATHY LEDWIDGE,** 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 Smith asked if there was any discussion of this resolution. There being none, motion was made by Councilman Black and seconded by Councilman DeGaris that Resolution No. 1924 be adopted. A roll call vote was as follows: Yes: Parson, DeGaris, Horton, Cornman, Black, Davis, Smith; 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. 1924 and was thereupon duly signed and approved by the Mayor and attested to by the City Clerk.

Call For a Closed Session

Mayor Smith stated there is no need for a Closed Session tonight.

City Manager's Report

City Manager Massingham addressed the Council and stated two grants were awarded for the Highway 67 South four mile four-lane project which begins at the Highway 160 interchange. He stated we are currently in the process of the environmental impact study which goes within 2 miles of the Arkansas State line. He stated that should be completed within a couple of months and will be paid for out of the 67 Sales Tax Fund which was passed by voters last August. Mr. Massingham stated sales tax was down four percent January thru March. He stated an increase of three percent was in the budget. He stated sales tax received in April was up three percent which puts us down overall two percent. He stated we are anxiously waiting the sales tax numbers for May and June which will reflect March and April sales in the City which were impacted by the COVID-19 pandemic. Mr. Massingham stated the top ten retailers in Poplar Bluff didn't shut down and he is cautiously optimistic about these numbers. He stated the Black River Coliseum Pool and Fitness Center is open which social distancing in place. He stated the lobby at City Hall is still currently closed as there is limited room making social distancing difficult. Mr. Massingham stated City Planner Matt Winters and Fire Chief Ralph Stucker are currently working on a grant which would provide 35 percent funding along with a low-interest loan for a new ladder truck for the Fire Department which is desperately needed.

There being no further business to come before this meeting of the City Council, motion was made by Mayor Pro Tem Davis, seconded by Councilman Cornman and carried to adjourn this regular session of the City Council.

Mayor Smith declared the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Nevada J. Young

Nevada J. Young
City Clerk

APPROVED BY THE CITY COUNCIL

OF THE CITY OF POPLAR BLUFF,

MISSOURI, THIS 15th **DAY**

OF June **, 2020.**