

**REGULAR SESSION – OCTOBER 20, 2008**

The Cape Girardeau City Council convened in regular session on Monday, October 20, 2008, at 7:00 p.m., with Mayor Jay B. Knudtson presiding and Council Members Charlie Herbst, Mark Lanzotti, Marcia Ritter, Loretta Schneider, Debra Tracy and John Voss present.

Reverend Phil Roop of the Bethel Assembly Church presented the invocation. Zac Glenn of the Cub Scouts of America Webelo Den Pack 21, sponsored by the VFW Post 3838, led the Pledge of Allegiance.

The Minutes of the October 6, 2008, regular and closed sessions were approved upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Prior to the regular session, the City Council convened in closed session for purposes of discussing confidential communications with the City Attorney and litigation pursuant to RSMo. Section 610.021(1) upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mrs. Schneider made a motion, seconded by Mrs. Tracy, to approve the agenda. Mr. Voss made a motion, seconded by Mr. Lanzotti, to amend the agenda by withdrawing Agenda Item No. 14, relating to a liquor license for Wehrenberg, Inc., d/b/a Cape West 14 Cine, noting that the applicant had withdrawn the request because City ordinances do not allow theatres to have a liquor license. The amending motion was approved on the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. The original motion was approved as amended upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**APPEARANCES**

Mr. Jeff Glenn appeared before the Council and stated that members of his Cub Scout Troop are working toward earning their Citizenship Badge, and they are attending this City Council meeting toward that end.

**CITY MANAGER COMMUNICATIONS**

City Manager Doug Leslie stated that staff presented an update to the Council in the study session on proposed Constitutional Amendment 4 relating to stormwater funding. Mr. Tim Gramling, Public Works Director, reported that he had spoken with the Department of Natural Resources and had concluded that this Amendment would benefit the City. He gave a history of the bond programs available to first class counties. He noted, however, that IRS regulations prohibited distribution of these funds. Constitutional Amendment 4 will bring the stormwater funding programs into compliance with IRS regulations and allow this funding to be released for stormwater projects in first class counties.

**COUNCIL COMMUNICATIONS**

Mrs. Tracy said that she attended the Parks and Recreation Advisory Board meeting this week. Spaghetti Day is scheduled for November 12, 2008, at the A.C. Brase Arena Building with proceeds to benefit park projects for the City. She reported that the Parks and Recreation Advisory

Board had discussed plans for new projects funded by the Parks/Stormwater Sales Tax approved in April.

**APPEARANCES**

Mr. Vince Brown addressed the Council about Vice President Dick Cheney's visit to Cape Girardeau on October 20, 2008. He told the Council that he had met Vice President Cheney at the Cape Girardeau Regional Airport. He commended the Council for improvements made to the airport that would allow distinguished visits such as this.

**CONSENT ORDINANCES**

The following bill was given second and third readings as follows:

BILL NO. 08-160      AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI UPON THE REQUEST OF RIVERWEST PARTNERS, L.C.

The second and third readings of BILL NO. 08-160 were approved and the ordinance adopted upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained for financial reasons on BILL NO. 08-160 due to the developer having a financial relationship at the bank where he works. BILL NO. 08-160 is ORDINANCE NO. 3974.

**NEW ORDINANCES**

BILL NO. 08-166 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF LEGRAND'S 2<sup>ND</sup> SUBDIVISION

Mrs. Schneider made a motion, and Mr. Herbst seconded, to approve the first reading of BILL NO. 08-166. Mayor Knudtson noted that the Planning and Zoning Commission disapproved the request since it does not meet the requirements for a new subdivision. Mr. Lanzotti agreed, stating that the proposed plat does not meet the required subdivision regulation. The first reading of BILL NO. 08-166 failed upon the following vote: Ayes, none. Nays, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss.

BILL NO. 08-167 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF A RESUBDIVISION OF LOTS 2 AND 3 OF NEW RIVER DEVELOPMENT SUBDIVISION

The first reading of BILL NO. 08-167 was approved upon Mr. Herbst's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 08-168 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF HENDRICKS COMMERCIAL PROPERTIES SUBDIVISION

The first reading of BILL NO. 08-168 was approved upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mrs. Tracy questioned whether City staff knew the developer's plans for the land.

BILL NO. 08-170 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE QUIT CLAIM DEEDS CONVEYING EXCESS RIGHT-OF-WAY ON GORDONVILLE ROAD, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 08-170 was approved upon Ms. Ritter's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none. Mrs. Tracy abstained for financial reasons on BILL NO. 08-170 because a relative has a financial interest in the property.

### **RESOLUTIONS**

BILL NO. 08-169 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND TO EXECUTE AN AGREEMENT WITH CONTROL SYSTEM INTEGRATION, INC., FOR THE INSTALLATION OF A FLOOD MONITORING SYSTEM AT THE LASALLE DETENTION BASIN, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 08-169 was approved and the resolution adopted upon Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 08-169 is RESOLUTION NO. 2394. Mr. Voss stated that the flood monitoring system project is possible due to the Parks/Stormwater Sales Tax approved in April.

### **APPOINTMENTS**

Mr. Jeff Long was appointed to the Public Library Board for a term expiring June 30, 2011, upon Mayor Knudtson's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Scott Blank, Mr. Danny Essner, and Mr. Troy Vaughn were appointed to the Parks and Recreation Advisory Board for terms expiring October 29, 2011, upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Ray Buhs, Mr. Bill Hinckley, and Ms. Patricia Mothershead were appointed to the Planning and Zoning Commission for terms expiring November 1, 2012, upon Mr. Herbst's motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**LIQUOR LICENSES**

Mr. Voss made a motion, seconded by Mrs. Schneider, to approve a temporary 5% beer by the drink license for Mary E. Burton-Hitt, d/b/a Southeast Missouri Hospital Foundation, for an event to be held at the Show Me Center on October 30, 2008. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**OTHER**

Mrs. Schneider made a motion, seconded by Ms. Tracy, to approve the amended preliminary plat for Boulder Crest Estates. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Herbst made a motion, seconded by Ms. Tracy, to accept the improvement to the Mid-States Hangar located at the Cape Girardeau Regional Airport, and authorizing final payment to Stockade Construction Company, Inc., in the amount of \$59,790.84. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Ms. Tracy made a motion, seconded by Mrs. Schneider, to approve changes to the City Council meeting dates for 2009 as follows: the meeting scheduled for Monday, January 19, 2009, to be changed to Tuesday, January 20, 2009; the meeting scheduled for Monday, February 16, 2009, to be changed to Tuesday, February 17, 2009; and the meeting scheduled for Monday, September 7, 2009, to be changed to Tuesday, September 8, 2009. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mayor Knudtson commented on Mr. Keith Diebold's request that the City vacate street right-of-way on a portion of North Spanish Street to allow for additional improvements at 120 Broadway. He noted that Mr. Diebold currently has a license and indemnity agreement, and there is not unanimous participation from all adjoining property owners.

Mr. Eric Cunningham remarked that if all adjoining property owners supported vacation, then the City Council must hold a public hearing on the matter. However, since one property owner is requesting right-of-way vacation, the Council may have a public hearing, but it is not required to do so.

Mr. Lanzotti asked if the Council denied the request at this time, could Mr. Diebold make the request again if all adjoining property owners agree? Mr. Cunningham responded that Mr. Diebold could make the request that the City vacate street right-of-way on a portion of North Spanish Street again at that time.

Mr. Lanzotti made a motion, seconded by Mr. Voss, to deny the request of Mr. and Mrs. Diebold to vacate street right-of-way on a portion of North Spanish Street. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mayor Knudtson remarked that the Council applauds the work that the Diebolds have done to improve the property, and it supports their efforts. Ms. Tracy stated that Mr. and Mrs. Diebold can proceed with improvements under the current license and indemnity agreement.

**Regular**

**October 20, 2008**

**GG-201**

There being no further business, the City Council adjourned upon Mr. Lanzotti's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

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Jay B. Knudtson, Mayor

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Gayle L. Conrad, City Clerk

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