

**REGULAR SESSION – NOVEMBER 3, 2008**

The Cape Girardeau City Council convened in regular session on Monday, November 3, 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 Scott Moon of the Grace United Methodist Church presented the invocation, and then the Pledge of Allegiance was recited.

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. Lanzotti's motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The Minutes of the October 20, 2008, regular and closed sessions were approved upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**COUNCIL COMMUNICATIONS**

Mrs. Tracy reminded the Council of the Parks and Recreation Spaghetti Day, to be held on Wednesday, November 12, 2008, at the A.C. Brase Arena Building, with proceeds to benefit park projects for the City.

Mr. Voss said that Republican Vice-Presidential Candidate, Governor Sarah Palin's visit last week was great for Cape Girardeau. He noted that the City had welcomed and shared hospitality with visitors, and he reminded everyone to vote on Tuesday, November 4, 2008.

Mrs. Tracy remarked that the Independence Street and West End Boulevard street repairs had turned out well, and she thanked the contractor and staff for their work on this project.

Mrs. Schneider asked about the status of the City's recycling program. City Manager Doug Leslie answered that the City had received four proposals to handle the City's recycled materials and selected a vendor from St. Louis, Missouri. The vendor started today, providing trailers for loading the recyclable material. He noted that the City would continue to collect the same products from the citizens.

Mayor Knudtson told the Council that he, Mr. Leslie, and Mrs. Schneider had attended the final voyage of the M/V DELTA QUEEN at Cape Girardeau, because the vessel had not been able to acquire a federal exemption to continue to operate on the Mississippi River. He noted that the M/V DELTA QUEEN has been coming to Cape Girardeau since 1950, and the vessel's operators will continue to work at obtaining a federal exemption in the future.

Mayor Knudtson congratulated City employees for their efforts on the 2008 United Way Campaign. Mr. Leslie noted that during these strained economic times, City employees had increased giving by 8%, totaling over \$25,000 in donations. He thanked Mrs. Heather Brooks, Assistant to the City Manager, for coordinating the City's 2008 United Way Campaign.

Mayor Knudtson discussed Council Memorandum No. 08-51 regarding the quarterly revenue and expense summaries, and the end of year analysis. Finance Director John Richbourg summarized the memos for the Council, and he also discussed operations for the last fiscal year. He noted that

the City of Cape Girardeau had ended the June 30, 2008 fiscal year with a \$416,288.65 unreserved fund balance. Mr. Richbourg presented information on the 15% emergency reserve requirement under the City's charter.

Mayor Knudtson noted that municipal court citations were down 24% from last year. Mr. Leslie answered that two traffic officers were on military leave during that time.

### **PUBLIC HEARINGS**

This being the date set for a public hearing regarding a petition for annexation from RiverWest Partners, L.C. for a 60.33 acre tract located adjacent to the Northern City limits West of Cape La Croix Road, the hearing was opened by Mayor Pro Tempore Charles Herbst. There being no further appearances, the hearing was closed.

This being the date set for a public hearing regarding a request for a special use permit by Mayson Investments, LLC for a fourth floor on a building in the C-2, general commercial district, on Lot A in Cape West Crossings Subdivision, Phase I, the hearing was opened by Mayor Pro Tempore Charles Herbst. The City Planner's Council Letter in the agenda packet presented for the record a certified copy of the following items: (1) Section 30-39 entitled "Special Use Regulations" from the City Code; (2) the application for special use permit; and (3) the application file. Mr. Jerry Campbell appeared on behalf of his client, Mayson Investments, LLC, in favor of the request and to answer questions. Mayson Investments, LLC is requesting this special use permit to allow a four-story hotel with a height of 53'8". There being no further appearances, the hearing was closed.

BILL NO. 08-177 was given first reading as follows:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MAYSON INVESTMENTS, LLC, AND ARV GROUP, LLC, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING A FOUR-STORY COMMERCIAL BUILDING ON THE CORNER OF BLOOMFIELD ROAD AND MT. AUBURN ROAD, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

Mrs. Schneider made a motion, seconded by Mr. Lanzotti, to approve the first reading of BILL NO. 08-177. The motion was approved upon the following vote: Ayes, Herbst, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained for financial reasons because the applicant has a financial interest at the bank where he works.

### **APPEARANCES**

Mr. Mike Deimund appeared in support of the record plat for the Commerce Bank Subdivision. He stated that the property owners want to subdivide the property to sell the property.

BILL NO. 08-178 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF RE-SUBDIVISION OF LOT 2 OF COMMERCE BANK SUBDIVISION

Mr. Voss made a motion, seconded by Ms. Ritter, to approve the first reading of BILL NO. 08-178. The motion was approved upon the following vote: Ayes, Herbst, Ritter, Schneider, Tracy

and Voss. Nays, none. Mayor Knudtson and Mr. Lanzotti abstained for financial reasons because the applicant has a financial interest at the bank and the law firm where they work, respectively.

Mr. Don Howard, Jr., of 1100 Ranney, appeared before the Council to express his concerns about conditions on South Ranney Avenue. He told the Council of weapons being discharged, loud music and raucous parties. Mr. Howard presented a petition to the Council, signed by fourteen residents of Ranney Avenue, demanding action from the Council to remove people from the street, enforce the 8:00 p.m. "curfew" at the Old May Greene School, and enforce the city curfew on all streets. He told the Council that Fort D was being used by gangs and for illicit drug sales. Mr. Howard said that he, and the signers of the petition, want a roof put on Fort D.

Mrs. Schneider remarked that she thought that the Historical Association was working on having a roof installed. Cape Girardeau Police Chief Carl Kinnison stated that police officers have been working with Mr. Howard and have issued citations and made arrests. He noted that South Ranney Avenue is an area that police officers patrol and pay attention to.

Mr. Howard remarked that the area needs more patrols than are being provided, but area residents do not have much confidence in the Police Department. Mrs. Tracy asked if there was a curfew at Fort D and was answered by Chief Kinnison that all parks have a curfew of 11:00 p.m.

### **CONSENT ORDINANCES**

The following bills were given second and third readings as follows:

BILL NO. 08-167      AN ORDINANCE APPROVING THE RECORD PLAT OF A  
RESUBDIVISION OF LOTS 2 AND 3 OF NEW RIVER  
DEVELOPMENT SUBDIVISION

BILL NO. 08-168      AN ORDINANCE APPROVING THE RECORD PLAT OF  
HENDRICKS COMMERCIAL PROPERTIES SUBDIVISION

The second and third readings of BILL NOs. 08-167 and 08-168 were approved and the Ordinances adopted upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 08-167 is ORDINANCE NO. 3975; and BILL NO. 08-168 is ORDINANCE NO. 3976.

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

BILL NO. 08-170      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

Ms. Herbst made a motion, seconded by Mrs. Schneider, to approve the second and third readings of BILL NO. 08-170. Mrs. Schneider made a motion, seconded by Mr. Voss, to amend the Ordinance by changing the named property owners for Tract 4 to Donald M. and Jon M. Sander. 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. BILL NO. 08-170 is ORDINANCE NO. 3977.

**NEW ORDINANCES**

BILL NO. 08-171 was given first reading as follows:

AN ORDINANCE AUTHORIZING ACCEPTANCE OF FEE SIMPLE INTEREST FROM RUTH CAMPBELL EVANS, TRUSTEE OF THE RUTH CAMPBELL EVANS REVOCABLE TRUST INDENTURE DATED AUGUST 6, 1992, JANET ANN CAMPBELL DAME, TERRY DAME, MARY ROSE CAMPBELL KEILBACH AND JOHN KEILBACH, FOR WATER SYSTEM IMPROVEMENTS ADJACENT TO WATER PLANT NO. 2

The first reading of BILL NO. 08-171 was approved upon Mrs. Tracy's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**RESOLUTIONS**

BILL NO. 08-172 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LAPPE CEMENT FINISHING, INC. FOR THE RIVER WALK IMPROVEMENT PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 08-172 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 08-172 is RESOLUTION NO. 2395. Mr. Leslie noted that the project was funded by the Missouri Department of Transportation's Enhancement Grant. City Engineer Kelly Green stated that construction would begin in thirty to forty-five days, depending upon the weather.

BILL NO. 08-173 was presented as follows:

A RESOLUTION IN SUPPORT OF THE SOUTHEAST MISSOURI REGIONAL PLANNING AND ECONOMIC DEVELOPMENT COMMISSION RECOMMENDATIONS TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES REGARDING GROUND LEVEL OZONE STANDARDS RELEASED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

The reading of BILL NO. 08-173 was approved and the Resolution adopted upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 08-173 is RESOLUTION NO. 2396. Mr. Voss remarked that the United States Environmental Protection Agency's ground level ozone standards have tremendous potential to impact economic development in Cape Girardeau. Mr. Lanzotti noted that a meeting is scheduled to be held on Thursday, November 13, 2008 at 11:30 a.m. at the Show Me Center to discuss this issue, and the public is welcome to attend.

BILL NO. 08-174 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF LIEN ON PROPERTY LOCATED AT 621 GOOD HOPE STREET FOR THE RENTAL REHABILITATION PROGRAM

The reading of BILL NO. 08-174 was approved and the Resolution adopted upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 08-174 is RESOLUTION NO. 2397.

BILL NO. 08-175 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DELTA DENTAL FOR EMPLOYEE DENTAL INSURANCE SERVICES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 08-175 was approved and the Resolution adopted upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 08-175 is RESOLUTION NO. 2398.

BILL NO. 08-176 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ANTHEM BLUE CROSS FOR EMPLOYEE HEALTH INSURANCE SERVICES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 08-176 was approved and the Resolution adopted upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 08-176 is RESOLUTION NO. 2399. Mr. Leslie stated that the overall increase for the renewal of City of Cape Girardeau employees' benefits is 6%, which fits within the City's budget. He noted that the cost to and coverage of employees would be unchanged.

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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