

REGULAR SESSION – JANUARY 5, 2009

The Cape Girardeau City Council convened in regular session on Monday, January 5, 2009, 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 Bob Towner, of Christ Episcopal Church, presented the invocation, and Jack Webb, of the Boy Scouts of America Troop A, led the recitation of the Pledge of Allegiance.

Prior to the regular session, the City Council convened in closed session for purposes of discussing personnel, confidential communications with the City Attorney, litigation and property acquisition pursuant to RSMo. Sections 610.021(1), (2) and (3) upon Mrs. Tracy's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the December 15, 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.

The agenda was approved as distributed upon Ms. Ritter's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

COUNCIL COMMUNICATIONS

Ms. Ritter expressed the appreciation of the citizens of Cape Girardeau to City workers and road crews for their response to the hazardous ice conditions created by recent weather.

Mayor Knudtson announced the retirement of Cape Girardeau Assistant Police Chief Randy Roddy after 30 years of service.

Mayor Knudtson also announced that Schaefer's Electrical Enclosures had reached an agreement to move to a facility on Nash Road and retain their current employees.

Mr. Doug Leslie, City Manager, noted that Public Works Department crews were still working on leaf pick-up, but progress had been interrupted by recent rain and ice conditions. Public Works Director Tim Gramling remarked that the volume of leaves to be picked up in Zones B and D had been especially heavy, and preparing the equipment for icy conditions had further slowed pick-up.

PUBLIC HEARINGS

This being the date set for a public hearing to discuss past performance in carrying out the 2002 Neighborhood Development Grant under the Community Development Block Grant Program, including housing rehabilitation, street, curb and gutter, sidewalk and water line improvements completed under the Good Hope/Bloomfield Neighborhood Restoration Project #2002-ND-04, the hearing was opened by Mayor Knudtson. Mr. Stephen Williams, Planning Services' Housing Assistance Coordinator, presented a progress report to the Council. The Block Grant Program is one of nine programs completed in Cape Girardeau, and with the closing of this program, the City has completed the following improvements:

CDBG Funds –

Housing Rehab – 22 Houses	\$458,671.00
Lead Abatement – 22 Houses	6,542.00
Homeownership Assistance – 11 Families	34,187.00
Housing Counseling – 6 Classes	<u>600.00</u>
Total CDBG Cost	\$500,000.00

Housing Rehabilitation –

East Missouri Action Agency, HERO Program – 9 Houses	\$140,632.00
Program Income – 10 Houses	20,642.00
Downpayment – 10 Families	
United Way of Southeast Missouri	12,458.00
Bank Loans:	
Wood & Huston Bank – 9 Families	309,589.00
Bank of Missouri – 1 Family	<u>23,000.00</u>
Total Rehab Cost	\$506,321.00
<u>Grand Total for Housing Rehabilitation</u>	<u>\$1,006,321.00</u>

City In-Kind Match –

Water Line Improvements – 665 Lineal Feet	\$21,240.00
Street Overlay (980 ft.), Sidewalks (832 ft.), Curb & Gutter (642 ft.), 10 Handicapped Ramps, Alley Entrances (42 ft.)	64,251.00
Administration (Engineering Department, Planning Department)	<u>129,030.00</u>
<u>Total In-Kind Match</u>	<u>\$214,521.00</u>

GRAND TOTAL PROJECT COST**\$1,220,842.00**

There being no further appearances, the hearing was closed.

This being the date set for a public hearing regarding the request of NAB Automation to rezone the property at 126 Airport Road to the M-1 (Light Manufacturing) District, the hearing was opened by Mayor Knudtson. Mr. Justin Albright, Vice President of NAB Automation, appeared in support of the request. Mr. Mitch Robinson, Executive Director of the Cape Girardeau Area MAGNET Association, appeared in support of annexation of NAB Automation, as well as the rezoning request. There being no further appearances, the hearing was closed.

BILL NO. 09-08 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF PROPERTY LOCATED AT 126 AIRPORT ROAD, IN THE CITY OF CAPE GIRARDEAU, MISSOURI, FROM R-1 TO M-1

Mr. Voss made a motion, seconded by Mr. Lanzotti, to approve the first reading of BILL NO. 09-08. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

This being the date set for a public hearing regarding the request of Mr. Thomas H. Armbruster and Mrs. M. Juan Crites to rezone the property at the northeast corner of Mount Auburn and Hopper Road from the C-1 (Local Commercial) District and the R-4 (Multi-Family Residential) District to the C-1 (Local Commercial) District, the hearing was opened by Mayor Knudtson. Mr.

Tom Armbruster appeared in support of the request to make the zoning on his property consistent. There being no further appearances, the hearing was closed.

BILL NO. 09-11 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF MOUNT AUBURN ROAD AND HOPPER ROAD, FROM C-1, LOCAL COMMERCIAL DISTRICT, AND R-4, MULTI-FAMILY DWELLING DISTRICT, TO C-1, LOCAL COMMERCIAL DISTRICT, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

Mr. Herbst made a motion, seconded by Mrs. Tracy, to approve the first reading of BILL NO. 09-11. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

APPEARANCES

Ms. Shannon Toombs, of 1101 South Sprigg Street, appeared before the Council to express concern about traffic conditions on South Sprigg Street. She asserted that motorists travel well in excess of the thirty miles-per-hour posted speed. Ms. Toombs remarked that she would like for a “stop” sign to be installed at the intersection of Linden and South Sprigg Streets to slow traffic speeds, as well as a new “handicapped child” sign installed on the street where she lives. Ms. Toombs said that she had spoken with three officers at the Cape Girardeau Police Department, and she felt that her concerns had not been addressed.

Mayor Knudtson told her that he would refer the situation to City staff and would have them research the situation and contact her.

Mr. Patrick Lynch, representing the Operating Engineers Union Local 148, appeared before the Council to present concerns of that Union’s employees of the City of Cape Girardeau Public Works Department. He said that Union representatives had exchanged letters with the City Manager. Mr. Lynch referred to a memorandum from the Office of the City Manager dated in May of 2008, explaining a possible salary increase that was later cancelled for the majority of employees. He stated that he felt there was a lack of fairness and openness by City management in dealing with those Public Works Department employees, and those employees want what other City employees are receiving, regarding salary increases. Mr. Lynch noted that the City Manager had stated that he would meet with those Public Works Department employees, and that he was a representative of those employees.

Mayor Knudtson encouraged Mr. Lynch to schedule a meeting with the City Manager to discuss those issues.

Mr. Clint Tracy appeared and addressed the Council, stating that on Wednesday, January 07, 2009, he would be assuming his duties as State Representative of District 158. He gave his office telephone number: (573) 522-0000, Room 405A in the Missouri Capital Building, and the name of his assistant, Mr. Shawn Grove.

CONSENT ORDINANCES

The following bills were given second and third readings:

- BILL NO. 08-191 AN ORDINANCE AUTHORIZING ACCEPTANCE OF FEE SIMPLE INTEREST, PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE IMPROVEMENT OF THE MT. AUBURN ROAD/HOPPER ROAD INTERSECTION
- BILL NO. 08-192 AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF MIDAMERICA HOTELS CORPORATION
- BILL NO. 08-193 AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF NAB AUTOMATION, INC.
- BILL NO. 08-196 AN ORDINANCE AUTHORIZING ACCEPTANCE OF TEMPORARY CONSTRUCTION EASEMENTS AND PERMANENT EASEMENTS FROM JOSEPH R. AND KIMBERLY M. BAKER, S&H APARTMENTS, LLC, KERMAT ENTERPRISES, LLC, AND ELITE DEVELOPMENT, LLC, FOR THE LISA STREET DETENTION BASIN MODIFICATIONS
- BILL NO. 08-197 AN ORDINANCE APPROVING THE RECORD PLAT OF WINDRIDGE PROPERTIES II
- BILL NO. 08-199 AN ORDINANCE APPROVING THE RECORD PLAT OF WALDEN PARK CONDOMINIUMS – TREMONT
- BILL NO. 08-200 AN ORDINANCE APPROVING THE RECORD PLAT OF WALDEN PARK PHASE I – AMENDED

The second and third readings of BILL NOs. 08-191, 08-192, 08-193, 08-196, 08-197, 08-199 and 08-200 were approved and the ordinances 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. Mayor Knudtson abstained from voting on Bill Nos. 08-199 and 08-200 for financial reasons because the applicants have financial interests at the bank where he works. BILL NO. 08-191 is ORDINANCE NO. 3988; BILL NO. 08-192 is ORDINANCE NO. 3989; BILL NO. 08-193 is ORDINANCE NO.3990; BILL NO. 08-196 is ORDINANCE NO. 3991; BILL NO. 08-197 is ORDINANCE NO. 3992; BILL NO. 08-199 is ORDINANCE NO. 3993; and BILL NO. 08-200 is ORDINANCE NO. 3994.

NEW ORDINANCES

BILL NO. 09-01 was given first reading as follows:

AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE FOUNTAIN STREET II IMPROVEMENTS

The first reading of BILL NO. 09-01 was approved upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and

Voss. Nays, none.

BILL NO. 09-09 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIRPORT AID AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE PURPOSE OF ACCEPTING A GRANT FOR LAND ACQUISITION AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The first reading of BILL NO. 09-09 was 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.

BILL NO. 09-10 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A UTILITY EASEMENT TO UNION ELECTRIC COMPANY, A MISSOURI CORPORATION, D/B/A AMERENUE, ALONG WATER STREET IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-10 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.

BILL NO. 09-13 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIRPORT AID AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE PURPOSE OF ACCEPTING A GRANT FOR PROMOTION OF SCHEDULED AIR SERVICE AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The first reading of BILL NO. 09-13 was approved upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mr. Leslie remarked that most of the promotion will take place when the City receives the additional flight out of the Cape Girardeau Regional Airport.

RESOLUTIONS

BILL NO. 09-02 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE ENGINEERING SERVICES CONTRACT WITH BOWEN ENGINEERING AND SURVEYING, INC., FOR THE MELROSE DRAINAGE IMPROVEMENT PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-02 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-02 is RESOLUTION NO. 2407. Mayor Knudtson noted that the Melrose Drainage Improvement Project was made possible with the Parks/Stormwater Sales Tax.

BILL NO. 09-03 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ADDENDUM NO. 1 TO THE 2007 GENERAL ENGINEERING SERVICES AGREEMENT WITH WATERS ENGINEERING, INC., FOR THE MARGARET STREET AND JANET DRIVE DRAINAGE IMPROVEMENT PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-03 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-03 is RESOLUTION NO. 2408.

BILL NO. 09-04 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL SUBMITTED BY RON DUFF VIDEO PRODUCTIONS TO BROADCAST AND RECORD CAPE GIRARDEAU CITY COUNCIL MEETINGS, AND TO EXECUTE ALL NECESSARY CONTRACT DOCUMENTS

The reading of BILL NO. 09-04 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-04 is RESOLUTION NO. 2409. Mayor Knudtson remarked that Channel 5 is a great tool to communicate with the citizens of Cape Girardeau, and he thanked the Public Information office staff for their work to improve the channel.

BILL NO. 09-05 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO AGREEMENT BETWEEN OWNER AND ARCHITECT FOR PROFESSIONAL SERVICES WITH GROJEAN ARCHITECTS FOR THE PUBLIC INFORMATION KIOSK AND REST ROOM BUILDING TO BE LOCATED ON THE PARKING LOT AT BROADWAY, MAIN STREET AND WATER STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-05 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-05 is RESOLUTION NO. 2410. Mr. Leslie noted that construction of the public information kiosk and rest room should begin within two months when the grant is funded, and it will be located on the Broadway side of the lot.

BILL NO. 09-06 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR SOLID WASTE DISPOSAL RATE FOR REPUBLIC SERVICES, INC., D/B/A ALLIED WASTE SERVICES AND CWI OF MISSOURI, FOR USE OF THE CITY TRANSFER STATION, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-06 was approved and the Resolution 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. 09-06 is RESOLUTION NO. 2411.

BILL NO. 09-07 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR SOLID WASTE DISPOSAL RATE FOR BEASLEY WASTE, INC. FOR USE OF THE CITY TRANSFER STATION, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-07 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. 09-07 is RESOLUTION NO. 2412.

BILL NO. 09-12 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY OF CAPE GIRARDEAU TO ACCEPT THE 2008 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

The reading of BILL NO. 09-12 was approved and the Resolution adopted upon Mrs. Tracy's motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-12 is RESOLUTION NO. 2413. City Manager Doug Leslie reported that the City has received over \$1 million of equipment through grants for public safety equipment, and that this grant will provide communication equipment to be used by all public safety divisions.

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.

Jay B. Knudtson, Mayor

Gayle L. Conrad, City Clerk

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