

**REGULAR SESSION – JANUARY 20, 2009**

The Cape Girardeau City Council convened in regular session on Tuesday, January 20, 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 Barry Pfanstiel of Good Shepherd Church presented the invocation, and David Drury of the Boy Scouts of America Troop 8 led 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. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the January 5, 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 Mr. Lanzotti's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**COUNCIL COMMUNICATIONS**

Mr. Herbst welcomed members of Boy Scout Troop 8 present at the City Council meeting to work on earning a merit badge and first class rank.

Mayor Knudtson presented a plaque to Mr. Rick Wilson recognizing his retirement after 33 years of service as an employee of the City of Cape Girardeau.

Mr. Herbst announced that he attended a Neighborhood Connections meeting attended by business owners, churches, and residents of the downtown Cape Girardeau area. He said that the Comprehensive Plan process had been discussed at the meeting, and concerns had been expressed about certain issues, including nuisance abatement, the number of roomers in residential areas, and other zoning issues, as well as concerns about landlord/tenant issues. Mr. Herbst noted that the attendees wanted to see discussions about occupancy permits for rental property.

Mayor Knudtson remarked that he had attended two meetings with developers and discussed their concerns about landlord/tenant issues. He noted that their staff is working with the River Corridor Task Force on similar issues as well.

Mrs. Schneider announced that the Planning and Zoning Committee is holding a public meeting on Wednesday, February 11, 2009, to allow residents to express their concerns regarding rental property, roomers, and other zoning issues.

**CONSENT ORDINANCES**

The following bills were given second and third readings:

- BILL NO. 09-01      AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE FOUNTAIN STREET II IMPROVEMENTS
- BILL NO. 09-08      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
- BILL NO. 09-11      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
- BILL NO. 09-09      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
- BILL NO. 09-10      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
- BILL NO. 09-13      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 second and third readings of BILL NOs. 09-01, 09-08, 09-11, 09-09, 09-10 and 09-13 were approved and the ordinances adopted upon Ms. Ritter's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-01 is ORDINANCE NO. 3995; BILL NO. 09-08 is ORDINANCE NO. 3996; BILL NO. 09-11 is ORDINANCE NO. 3997; BILL NO. 09-09 is ORDINANCE NO. 3998; BILL NO. 09-10 is ORDINANCE NO. 3999; and BILL NO. 09-13 is ORDINANCE NO. 4000.

**NEW ORDINANCES**

BILL NO. 09-19 was given first reading as follows:

**AN ORDINANCE APPROVING THE RECORD PLAT OF CROWN SUBDIVISION**

The first reading of BILL NO. 09-19 was approved 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. 09-20 was given first reading as follows:

**AN ORDINANCE APPROVING THE RECORD PLAT OF WALDEN PARK PHASE 2 – AMENDED**

The first reading of BILL NO. 09-20 was approved 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 from voting on BILL NO. 09-20 for financial reasons because the applicant has a financial interest at the bank where he works.

BILL NO. 09-21 was given first reading as follows:

**AN ORDINANCE APPROVING THE RECORD PLAT OF WALDEN PARK PHASE 3**

The first reading of BILL NO. 09-21 was approved upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained from voting on BILL NO. 09-21 for financial reasons because the applicant has a financial interest at the bank where he works.

BILL NO. 09-22 was given first reading as follows:

**AN ORDINANCE AMENDING SCHEDULE C OF SECTION 26-121 BY PLACING STOP SIGNS ON THEMIS STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI**

The first reading of BILL NO. 09-22 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. 09-23 was given first reading as follows:

**AN ORDINANCE AMENDING SCHEDULE F OF SECTION 26-247 OF THE CITY CODE, BY ESTABLISHING A NO PARKING ZONE ON THOMAS DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI**

The first reading of BILL NO. 09-23 was approved upon Mr. Lanzotti's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mr. Lanzotti remarked that a citizen had brought this issue to him and that this Ordinance would address safety concerns.

BILL NO. 09-24 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF LEASEHOLD REVENUE BONDS, SERIES 2009 (CITY OF CAPE GIRARDEAU, MISSOURI, LESSEE), BY THE CAPE GIRARDEAU (MISSOURI) PUBLIC FACILITIES AUTHORITY, FOR PARKS AND RECREATION FACILITIES, STORM WATER FACILITIES AND OTHER CAPITAL IMPROVEMENTS AND FACILITIES; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS

The first reading of BILL NO. 09-24 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. Mayor Knudtson noted that Mr. Danny Essner of the Parks Advisory Board was present at the study session and spoke in support of this bill. He remarked that interest rates are low and construction costs are down, and those are positive factors for these projects.

Upon questioning by Mrs. Tracy, Mr. Tim Gramling, Director of Public Works, addressed the council and noted that state-wide voters had approved Amendment 4 to release funds for stormwater issues, but details have not yet been received from the State. He said that he will follow up on this issue.

**RESOLUTIONS**

BILL NO. 09-14 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEMOLITION CONTRACT WITH JIM GOGGIN EXCAVATING, INC.

The reading of BILL NO. 09-14 was approved and the Resolution adopted upon Mr. Lanzotti's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-14 is RESOLUTION NO. 2414.

BILL NO. 09-15 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEMOLITION CONTRACT WITH KEVIN WILLIAMS EXCAVATING AND DEMOLITION, LLC

The reading of BILL NO. 09-15 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. 09-15 is RESOLUTION NO. 2415.

BILL NO. 09-16 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AVIATION PROJECT CONSULTANT AGREEMENT WITH CRAWFORD, MURPHY AND TILLEY, INC., FOR APRON REHABILITATION AND OTHER PROJECTS, AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The reading of BILL NO. 09-16 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. 09-16 is RESOLUTION NO. 2416.

City Manager Doug Leslie remarked that this Resolution is in preparation for economic stimulus funds, if they should come available.

BILL NO. 09-17 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FRONABARGER CONCRETTERS, INC., FOR THE PLACEMENT OF TRAFFIC SIGNALS AT THE INTERSECTION OF MT. AUBURN ROAD AND HOPPER ROAD AND OTHER IMPROVEMENTS TO THAT INTERSECTION, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-17 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. 09-17 is RESOLUTION NO. 2417. Mayor Knudtson remarked that this project would expedite portions of the Mt. Auburn project, and Mt. Auburn will be widened to five lanes between Independence Street and Kingshighway. Mrs. Tracy noted that the intersection is close to Clippard Elementary School and questioned if signals would be installed for pedestrians. City Engineer Kelly Green stated that there will be push button signals for pedestrians.

BILL NO. 09-18 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 WITH CRAWFORD, MURPHY AND TILLEY, INC., FOR THE IMPROVEMENTS TO THE GENERAL AVIATION TERMINAL AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The reading of BILL NO. 09-18 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. 09-18 is RESOLUTION NO. 2418.

BILL NO. 09-25 was presented as follows:

A RESOLUTION DETERMINING THE INTENT OF THE CITY OF CAPE GIRARDEAU, MISSOURI, TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES FOR PARKS AND RECREATION FACILITIES, STORM WATER FACILITIES AND OTHER CAPITAL IMPROVEMENTS AND FACILITIES

The reading of BILL NO. 09-25 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. 09-25 is RESOLUTION NO. 2419.

**APPOINTMENTS**

Mr. Tom Foote, Mr. Chris Buehrle, and Mr. Bill Zellner were reappointed to the Town Plaza Community Improvement District Board of Directors for terms expiring April 12, 2013, upon Mayor Pro Tempore Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained from voting for financial reasons because one of the applicants has a financial interest at the bank where he works.

**OTHER**

A motion accepting the annual audit report for the fiscal year ending June 30, 2008, prepared by Beussink, Hey, Roe, Seabaugh and Stroder, L.L.C. was approved upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson remarked that Mr. Seabaugh, of Beussink, Hey, Roe, Seabaugh and Stroder, L.L.C., presented a report at the study session stating that the City has improved its bond rating to A+.

A motion accepting the improvements completed under the 2008 Street Overlay Program and authorizing final payment to ASA Asphalt, Inc. 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.

A motion accepting renovation improvements to the Cape Aviation General Aviation Terminal and authorizing final payment to Kiefner Brothers, Inc. was approved upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

A motion accepting the El Rio Drive and Linden Street storm water improvements, and authorizing final payment to Fronabarger Concreters, Inc. 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.

The council adjourned to closed session for the purpose of discussing personnel issues pursuant to RSMo. Section 610.021 (3) upon Mrs. Tracy's motion, Ms. Ritter's 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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