

REGULAR SESSION – FEBRUARY 2, 2009

The Cape Girardeau City Council convened in regular session on Monday, February 2, 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 Mark Anderson of Lynwood Baptist Church presented the invocation, and Chad Ziegler of Boy Scout Troop 16 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. Tracy's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the January 20, 2009, regular and closed sessions were approved upon Mr. Herbst'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 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

Ms. Ritter, local Red Cross Board of Directors President, gave an update of the organization's efforts in response to the recent snow and ice conditions, including establishing shelters and meal service. More than 900 people were being housed in the warming shelters each night, and over 18,000 meals had been served during the week, with 51 Red Cross volunteers involved. She announced that the Red Cross was asking for donations to the Emergency Relief Fund to cover the costs of the response to this disaster, and the telephone number to call for assistance is 1-800-get-info. Ms. Ritter also expressed her appreciation to the City of Cape Girardeau for their joint relief efforts.

Fire Chief Rick Ennis updated the Council about the Cape Girardeau Fire Department's response to the snow and ice. Some areas in the South side of Cape Girardeau had experienced power outages for between two and three days, and a warming shelter had been set up at the Salvation Army facility on Sprigg Street. Crews had worked on several collapsed buildings, and upon the request of Sikeston's Mayor, a fire crew had been dispatched to assist in the response by the Sikeston Department of Public Safety. In addition, he noted that a crew was working in Kennett through the week to relieve their fire crews.

Mr. Dan Muser, Director of the Parks and Recreation Department, addressed the Council, noting that his department handles the logistics for City emergency situations. He reported that a warming center had been opened at the Osage Center and that Arena Park had served as a housing and command center for AmerenUE services. AmerenUE brought in housing, shower, and food trailers for their employees' use, and they anticipated that they would begin moving out the equipment by the end of the week.

Mr. Bruce Loy, Cape Girardeau Regional Airport Manager, told the Council that the airport had housed the Air Evac Lifeteam out of Sikeston. Airport crews had worked for three days to open one runway for regional air traffic, and that airfield lights, the airport terminal and the air traffic control tower could be operated by back-up generators, if necessary.

Public Works Director Mr. Tim Gramling reported that Bob Kutak, Traffic Operations Engineer, managed the Public Works Department's response to the storm, exceeding 98 hours of operation in the last week. He said that the 5-6" of accumulated ice was very difficult to handle and had severely damaged equipment. He noted that 500 tons of salt had been used during the storm, and an additional 500 tons of salt had been delivered late in the week. Mr. Gramling suggested that the Council consider a snow-route program or ordinance limiting the number of cars permitted to park on City streets, as it would aid in efforts to clear the roads.

Mr. Leslie noted that the Public Works Department operated on generator power on the first day of the storm. He also complimented AmerenUE on their response to the power outages in Cape Girardeau and throughout Southeast Missouri. Mr. Gramling stated that limb removal will begin Tuesday, February 3, 2009, on a limited basis.

Mrs. Tracy commended Public Works Department staff on their response to the situation.

Mr. Leslie then announced that Michelle Hahn, Public Information Officer for the City, would be resigning her position effective Friday, February 6, 2009. She has accepted a position at KFVS Channel 12.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the request of Kelli Seabaugh for a Special Use Permit to operate a business for sign design and retail sales and to install a sign on an existing sign post on the property at 401 S. West End Boulevard, the hearing was opened. 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. Steve Rector appeared before the Council in support of the request and to answer questions. Ms. Ritter asked him if parking would be an issue at the proposed location. Mr. Rector replied that the business would not have a lot of walk-in traffic, because he usually meets with customers at their businesses. Deliveries will be accepted on Tuesdays and Thursdays only.

There being no further appearances, the hearing was closed.

BILL NO. 09-28 was given first reading as follows:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO KELLI R. SEABAUGH, STEVE RECTOR, TERRY W. LYNCH AND BETTY C. LYNCH FOR PURPOSES OF MAINTAINING AND OPERATING A SIGN DESIGN AND RETAIL BUSINESS AT 401 SOUTH WEST END BOULEVARD, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-28 was approved upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Ritter, Schneider, Tracy and Voss. Nays, none. Mr. Lanzotti abstained from voting on BILL NO. 09-28 for financial reasons because the law firm where he works may be instituting adverse legal action against the applicants.

APPEARANCES

Mr. Felix Kinsley, 325 North Sprigg Street, addressed the Council and commended City staff for their response to the recent snow event.

CONSENT ORDINANCES

The following bills were given second and third readings:

- BILL NO. 09-19 AN ORDINANCE APPROVING THE RECORD PLAT OF CROWN SUBDIVISION

- BILL NO. 09-22 AN ORDINANCE AMENDING SCHEDULE C OF SECTION 26-121 BY PLACING STOP SIGNS ON THEMIS STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

- BILL NO. 09-23 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 second and third readings of BILL NOs. 09-19, 09-22, and 09-23 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. BILL NO. 09-19 is ORDINANCE NO. 4001; BILL NO. 09-22 is ORDINANCE NO. 4002; and BILL NO. 09-23 is ORDINANCE NO. 4003.

RESOLUTIONS

BILL NO. 09-26 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF AGREEMENT AND REQUEST FOR PROVISIONALLY ACCREDITED LEVEE DESIGNATION AND AGREEMENT TO PROVIDE ADEQUATE COMPLIANCE WITH THE CODE OF FEDERAL REGULATIONS FOR THE DOWNTOWN CAPE GIRARDEAU LEVEE SYSTEM WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY

The reading of BILL NO. 09-26 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. 09-26 is RESOLUTION NO. 2420. Mr. Leslie remarked that BILL NO. 09-26 relates to the downtown floodwall and pumping stations. The agreements referred to in this Bill and in Bill No. 09-27 give the City time for the accreditation process with the Federal Emergency Management Agency while improvements are being completed over the next two years.

BILL NO. 09-27 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF AGREEMENT AND REQUEST FOR PROVISIONALLY ACCREDITED LEVEE DESIGNATION AND AGREEMENT TO PROVIDE ADEQUATE COMPLIANCE WITH THE CODE OF FEDERAL REGULATIONS FOR THE LITTLE RIVER HEADWATER DIVERSION LEVEE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE LITTLE RIVER DRAINAGE DISTRICT

The reading of BILL NO. 09-27 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. 09-27 is RESOLUTION NO. 2421.

LIQUOR LICENSES

Mr. Voss made a motion, seconded by Mr. Herbst, to conditionally approve a retail liquor by the drink license for Patricia A. Allen, d/b/a Celebrations – Downtown, 19 S. Spanish, Patricia A. Allen, Managing Officer. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

OTHER

A motion accepting the overlay improvements on Morgan Oak Street, and authorizing final payment to ASA Asphalt, Inc. 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.

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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