

REGULAR SESSION – FEBRUARY 17, 2009

The Cape Girardeau City Council convened in regular session on Tuesday, February 17, 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.

City Attorney Eric Cunningham presented the invocation, and the Pledge of Allegiance was recited.

Prior to the regular session, the City Council convened in closed session for purposes of discussing personnel and confidential communications with the City Attorney pursuant to RSMo. Sections 610.021(1) 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 February 2, 2009, regular and closed sessions were approved upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Voss made a motion to adopt the agenda, excluding Item No. 7, Bill No. 09-24, an Ordinance relating to the issuance of bonds for parks and stormwater projects. The agenda was approved as amended upon Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

COUNCIL COMMUNICATIONS

The City Council Members thanked City Manager Doug Leslie for his service to the City of Cape Girardeau and his commitment to its citizens over the past 19 years. This is his last council meeting as he will be retiring March 1, 2009. Mr. Leslie gave final comments on working for the City, and thanked City staff for their hard work.

Mayor Knudtson announced that February 15-21, 2009, is National Engineers Week. He commended the City engineers and staff for their work on the City's projects.

Mayor Knudtson noted that he had received an e-mail from Assistant Fire Chief Robert Sperberg of Fort Leonard Wood complimenting Cape Girardeau firefighters who assisted the City of Kennett, Missouri, in responding to the recent ice storm.

Mr. Leslie remarked that he had received a letter from AmerenUE commending the City of Cape Girardeau Parks and Recreation Department for hosting AmerenUE employees at Arena Park during the area's recovery from the ice storm.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the proposed Capital Improvements Program for fiscal years 2009-2014, the hearing was opened. There being no appearances, the hearing was closed.

APPEARANCES

Mayor Knudtson noted that during the study session, the Southeast Missouri Climate Protection Initiative Group had recommended that the City develop a new advisory board. He remarked that

issues related to their recommendation include residency, cost to the City, and the terms “enhance its sustainability” and “reduce carbon dioxide emissions.”

Mr. Lanzotti stated that he had met with the group regarding their concerns. He had three issues: 1) the group’s recommendation removed his language about not increasing costs; (2) the group’s reference to reducing the City’s carbon footprint; and 3) the term “enhance its sustainability” is too vague. He discussed in detail his concerns with these three issues.

Mr. Alan Journet of Southeast Missouri Climate Protection Initiative addressed the Council and explained that the Initiative was established two years ago to help control the City’s impact on the environment and serve as a role model for the area. He discussed programs the Initiative is developing in the community to reduce climatic impact.

Ms. Ellen Dillon of the Southeast Missouri Climate Protection Initiative addressed the Council and stated that the Initiative has worked with City staff in presenting a proposal for the establishment of an advisory board that would develop projects the City organization could implement to reduce its environmental impact.

Ms. Kathy Conway of the Southeast Missouri Climate Protection Initiative addressed the Council and spoke about the objectives of the Initiative and the advisory board proposal.

Mr. Voss expressed his position that all members of the board should be residents of the City.

Mrs. Tracy stated that she wanted to eliminate any verbiage that changes the meaning and does not clearly state the objective of the Southeast Missouri Climate Protection Initiative’s proposal.

Mr. Herbst noted that the Council would have control over the costs of each project. He felt that residency requirements for the initial appointments to the advisory board should allow non-residents to be considered, based on expertise.

Ms. Ritter remarked that the costs of any recommendations by the advisory board should be considered relative to the importance of the projects. She suggested creating ex-officio positions for non-residents.

Mr. Knudtson remarked that he felt that Mr. Journet and Ms. Conway would be key to the success of the advisory board even though they do not live within the Cape Girardeau City limits.

Mrs. Schneider stated that she did not feel people who live outside the City limits should be precluded from serving if they have expertise.

The Council discussed at length the issues relating to the establishment of the Girardeau Goes Green advisory board.

Mayor Knudtson also directed City staff to draft an Ordinance creating a Girardeau Goes Green Advisory Board, with agreeable language regarding residency, and to present it to the City Council for consideration at a future meeting.

Mrs. Margaret Grant, 555 North Spring Street, Spring Street Trailer Court, addressed the Council, noting that the City of Cape Girardeau Public Works Department does not maintain the streets within the trailer court, even though they are located just off of a city street. She stated that most of their residents are senior citizens, and they want the Public Works Department to care for the

streets in the trailer court. In the alternative, Mrs. Grant asserted that she believed the City should require trailer park owners to maintain their access roads for their residents.

Mayor Knudtson noted that the Spring Street Trailer Court is private property, and the streets are maintained by the property owner. Mr. Leslie remarked that streets in such developments are private property, and the City does not have the ability to use Public Works Department equipment on private streets, due in part to liability issues.

Ms. Ritter stated that the Cape Girardeau County Health Department maintains a list of organizations that offer service and assistance to residents in emergency situations. She recommended that Mrs. Grant call the American Red Cross or the United Way's First Call for Help when she feels that she needs assistance.

Upon questioning by Mrs. Schneider, City Attorney Eric Cunningham noted that the owner of the right-of-way has the responsibility to maintain the streets on privately-owned property. He indicated that the Council could look into drafting an Ordinance addressing the adoption of maintenance standards for privately-owned streets, but stated there could be difficulty in the enforcement of those standards.

Ms. Ladure, appeared and also requested the Council adopt an Ordinance requiring landlords to clear privately-owned streets.

Mr. Felix Kinsley, of 25 North Sprigg Street, applauded the Council for their sensitivity and patience with the citizens of the community.

CONSENT ORDINANCES

The following bills were given second and third readings:

BILL NO. 09-28 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 second and third readings of BILL NO. 09-28 were approved and the Ordinance 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. 09-28 is ORDINANCE NO. 4004.

NEW ORDINANCES

BILL NO. 09-31 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION WITH THE UNITED STATES DEPARTMENT OF INTERIOR, THE GENERAL SERVICES ADMINISTRATION AND THE NATIONAL PARK SERVICE TO ACQUIRE SURPLUS FEDERAL PROPERTY KNOWN AS MAY GREENE GARDEN IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-31 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. Mr. Dan Muser, Parks and Recreation Department Director, noted that the Parks Department mows the Garden, and the May Greene Association tends the plantings.

BILL NO. 09-34 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF LYNWOOD HILLS NORTH SUBDIVISION

The first reading of BILL NO. 09-34 was 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.

RESOLUTIONS

BILL NO. 09-29 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF LIEN ON PROPERTY LOCATED AT 531 SOUTH HANOVER STREET FOR THE RENTAL REHABILITATION PROGRAM

The reading of BILL NO. 09-29 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. 09-29 is RESOLUTION NO. 2422.

BILL NO. 09-30 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICE AND SUPPORT AGREEMENT WITH SYNERGY BROADCAST SYSTEMS FOR CHANNEL 5 EQUIPMENT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-30 was approved and the Resolution adopted upon Mr. Herbst's motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-30 is RESOLUTION NO. 2423.

BILL NO. 09-32 was presented as follows:

A RESOLUTION ACKNOWLEDGING RECEIPT OF AN ANNEXATION PETITION FROM JOHN A. DRURY, TRUSTEE OF THE JOHN A. DRURY REVOCABLE TRUST AGREEMENT DATED JUNE 29, 2006, ANITA J. DRURY AND MIDAMERICA HOTELS CORPORATION, AND SETTING A PUBLIC HEARING REGARDING THE PROPOSED ANNEXATION

The reading of BILL NO. 09-32 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. 09-32 is RESOLUTION NO. 2424.

BILL NO. 09-33 was presented as follows:

A RESOLUTION ACKNOWLEDGING RECEIPT OF AN ANNEXATION PETITION FROM

BRYAN AND NANCY GREASER AND SETTING A PUBLIC HEARING REGARDING THE PROPOSED ANNEXATION

The reading of BILL NO. 09-33 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. 09-33 is RESOLUTION NO. 2425.

BILL NO. 09-35 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ENHANCEMENT MINI-GRANT FOR CAPE LACROIX TRAIL IMPROVEMENTS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

The reading of BILL NO. 09-35 was approved and the Resolution adopted upon Mrs. Tracy's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-35 is RESOLUTION NO. 2426. Mr. Leslie noted that the Missouri Department of Transportation has grants available for this district, and encourages cities to apply for funding of trail projects. The City will apply for these funds when design and cost projections are complete.

APPOINTMENTS

Mr. Dale Kester was reappointed to the Cape Girardeau County University of Missouri Extension Council for a term expiring February 28, 2011, upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

OTHER

A motion accepting the improvements completed for installation of un-interrupted power sources at various intersections on Kingshighway and Route K, and authorizing final payment to Schneider Electric Company was approved upon Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mr. Leslie stated that these improvements had been in the Capital Improvements Program for years, and they worked with the Missouri Department of Transportation on this project. All future traffic signals installed will have back-up power.

A motion rejecting the bids for the Jaycee Municipal Golf Course renovation and authorizing the Parks and Recreation Department to revise the plans and rebid the project 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. Dan Muser, Director of the Parks and Recreation Department, remarked that the budget for this project was originally only to renovate the greens and irrigation system. The architects had developed future improvement plans to replace five of the back nine holes, and the extra cost for the project was attributed to replacing the fairways for those five holes. When the project is rebid, moving the five holes will still be included. However, City staff will now be used to replace the fairways and install the cart paths.

Mayor Knudtson wished Doug Leslie well in his retirement and congratulated him on 35 years of municipal service.

There being no further business, the City Council adjourned upon Mr. Voss' motion, Mr. Lanzotti's 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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