

REGULAR SESSION – MARCH 2, 2009

The Cape Girardeau City Council convened in regular session on Monday, March 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.

Council Member Debra Tracy 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 property acquisition, litigation, personnel and confidential communications with the City Attorney 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 February 17, 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.

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

Mr. Ben Robinson, of the Boy Scouts of America, Pack 21, was present at the City Council meeting to earn a Merit Badge.

Mr. Mitch Robinson, Executive Director of the Cape Girardeau Area MAGNET, presented a plaque to Council Member John Voss for his service on the Cape Girardeau Area MAGNET Board of Directors.

Mayor Knudtson discussed the Green Dot Program being co-sponsored by the Cape Girardeau Police Department and Southeast Missouri State University to promote awareness of positive activities in the community to help alleviate criminal activity.

CITY MANAGER COMMUNICATIONS

Police Chief Carl Kinnison addressed the Council and spoke about the concerns following numerous burglaries that had occurred in the City, including 55 residential burglaries since October of 2008. Numerous agencies in the County are investigating these crimes, and he urged citizens to be aware of their neighborhoods and surroundings and to take proper safety precautions.

Mr. Bruce Loy, Manager of the Cape Girardeau Regional Airport, discussed the economic stimulus projects that will affect the airport, including ramp rehabilitation projects and repainting the airfield for \$1.6 million. He said the Federal Aviation Administration (FAA) is determining the priorities of the City's proposals, and he hoped to hear from them within a week.

Mrs. Kelly Green, City Engineer, stated that the Missouri Department of Transportation (MoDOT) will be funding three projects through the economic stimulus package, including: (1) overlay William Street from Kingshighway to Siemers Drive, including striping and rumble strips, for \$500,000; (2) widen Route W between Lexington Avenue and LaSalle Boulevard within existing

right-of-way for \$2.3 million; and (3) re-deck the southbound bridge over Ramsey Creek on Highway 61 through the Safe and Sound Bridges Project.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the request of Cape Special Road District to rezone property located at 120 Warson Street from R-1, Single-Family Residential District to M-1, Light-Industrial District, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 09-36 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 120 WARSON STREET, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-1 TO M-1

The first reading of BILL NO. 09-36 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.

Mr. Lanzotti questioned whether a special use permit would be better than rezoning under the City's Comprehensive Plan. He stated that he understood that the City's Planning Services staff was working to revise the zoning codes, and he felt the Road District should be notified of the possibility of changes to the definition of an M-1 zoning district.

Mrs. Tracy asked what would happen when the definitions of M-1 and M-2 zoning districts change. Mrs. Sarah Wallace, City Community Planner, responded that currently allowed property usage, that is disallowed under the new zoning district definitions, would be grandfathered and permitted to continue. Mrs. Wallace said that the zoning codes will be reviewed city-wide, and property owners will be given the opportunity to review the zoning definitions.

APPEARANCES

Ms. Shannon Toombs, 1900 Good Hope Street, addressed the Council stating she had appeared previously asking that the speed limit be reduced where she used to live on South Sprigg Street, and it had taken ten days for her to receive a phone call back from the City. She stated that she now wanted a sign installed in front of her new address on Good Hope Street indicating that a handicapped child lives there. Ms. Toombs remarked that traffic flow on Good Hope and Koch Streets well exceed the posted speed limit, and she wanted the Cape Girardeau Police Department to enforce the speed limits. She also told the Council that her home had been burglarized. She said that she felt it had occurred because her rental property did not have locks installed on the windows, and she asserted that such locks should be required by the City.

Mayor Knudtson told her that he had reviewed staff follow-ups on the traffic monitoring of South Sprigg Street and was confident the report was thorough. He said the report had included data from different days and different times of day to get an accurate assessment of the speeds travelled on the road, and the report had concluded that there was no significant speeding issue on South Sprigg Street.

Mr. Willy Charles Hammonds addressed the Council and stated that he was attempting to open a nightclub at the old Cape Club Complex on South Sprigg Street for people age 30 and over, called "Alexander's of Cape". He said he had requested a background check but had not received it back in time to include his application on the March 2, 2009 City Council agenda. Mayor Knudtson stated that the application would be reviewed when the Council received it.

CONSENT ORDINANCES

The following bills were given second and third readings:

BILL NO. 09-31 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

BILL NO. 09-34 AN ORDINANCE APPROVING THE RECORD PLAT OF LYNWOOD HILLS NORTH SUBDIVISION

The second and third readings of BILL NOs. 09-31 and 09-34 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. 09-31 is ORDINANCE NO. 4007; BILL NO. 09-34 is ORDINANCE NO. 4006.

NEW ORDINANCES

BILL NO. 09-42 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 24 OF THE CITY CODE RELATING TO PUBLIC TREES

The first reading of BILL NO. 09-42 was approved upon Mrs. Tracy's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson remarked that this Ordinance had been discussed during the Study Session with Mr. John Layton, Chairman of the Tree Board. Mr. Lanzotti noted that the Board would like to modify the list of trees approved for planting in public areas in Cape Girardeau. Mr. Dan Muser, Parks and Recreation Department Director, said that he had reviewed the proposed changes to Chapter 24 of the City Code.

RESOLUTIONS

BILL NO. 09-38 was presented as follows:

A RESOLUTION ADOPTING THE FISCAL 2009-2014 CAPITAL IMPROVEMENTS PROGRAM

The reading of BILL NO. 09-38 was approved and the Resolution adopted 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. 09-38 is RESOLUTION NO. 2427.

Mr. Lanzotti asked Mr. Ken Eftink, Interim City Manager, about making changes to TTF 4 (Transportation Trust Fund) projects. Mr. Eftink responded that all of North and South Sprigg Street will be noted under TTF 4, and they will be included on page 82 of the Capital Improvements Program in the “unfunded needs” list.

BILL NO. 09-39 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF AGREEMENT WITH SOUTHEAST MISSOURI STATE UNIVERSITY FOR AN HISTORIC RESOURCE SURVEY, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-39 was approved and the Resolution adopted 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. 09-39 is RESOLUTION NO. 2428.

Mayor Knudtson remarked that he had spoken with the former City Manager Doug Leslie and Interim City Manager Ken Eftink about the proposed changes to Southeast Missouri State University property on Broadway, and they have asked that copies of the proposal be prepared for Council members. Mr. Eftink noted that he had spoken with Mr. Scott Meyer, Southeast Missouri State University Director of Facilities Management, about improvements on Broadway and Henderson Street and landscaping on Broadway. He said that he would review the plans with Mrs. Tracy and Mr. Voss when they are received. Mayor Knudtson remarked that he would like more information from the University about the proposed gravel parking lot. He said that if there are no intentions to pave the lot for an extended period, he would like the Council to have an opportunity to review and reconsider the plans.

BILL NO. 09-40 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL ENGINEERING SERVICES CONTRACT WITH KOEHLER ENGINEERING AND LAND SURVEYING, INC., IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-40 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. 09-40 is RESOLUTION NO. 2429.

BILL NO. 09-41 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE ENGINEERING SERVICES CONTRACT WITH KOEHLER ENGINEERING, INC., FOR THE BLOOMFIELD ROAD PHASE IV IMPROVEMENTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-41 was approved and the Resolution 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. 09-41 is RESOLUTION NO. 2430. Ms. Ritter asked how far improvements will be made beyond the intersection of Bloomfield and Benton Hill Roads. Mrs. Green answered that lowering the grade of the intersection is included in the Bloomfield Road Phase IV Improvements, and the level of the grade of the intersection will determine the length of the project.

BILL NO. 09-43 was presented as follows:

A RESOLUTION AUTHORIZING THE FILING OF ALL NECESSARY DOCUMENTS WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, STATE REVOLVING FUND PROGRAM FOR LOANS UNDER THE MISSOURI SAFE DRINKING WATER LAW (SECTION 640, RSMO.) AND THE MISSOURI CLEAN WATER LAW (SECTION 644.006 THROUGH 644.141, RSMO.) REGARDING THE EXPANSION OF WATER PLANT NO. 1 AND VARIOUS OTHER WATER PROJECTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-43 was approved and the Resolution 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. 09-43 is RESOLUTION NO. 2431.

APPOINTMENTS

Mr. George Peo was reappointed to the Board of Adjustment for a term expiring March 6, 2014, upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Kevin A. Govero was appointed to the Tree Board for a term expiring February 1, 2012, upon Mrs. Schneider's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

LIQUOR LICENSES

Mr. Lanzotti made a motion, seconded by Mrs. Schneider, to approve a change in type of liquor license to a wholesalers of intoxicating liquor-all kinds, for Thilenius Distributing, Inc., d/b/a River Eagle Districting, 2346 Rust Avenue, Gene Patterson, Managing Officer. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Herbst made a motion, seconded by Mrs. Schneider, to conditionally approve a retail liquor by the drink and Sunday sales license for Amanda R. Hasting, d/b/a The Billiard Center, 26 N. Main St., Amanda R. Hasting, 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 improvements completed at the intersection of William Street and Leming Lane 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.

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.

Regular

March 2, 2009

GG-270

Jay B. Knudtson, Mayor

Gayle L. Conrad, City Clerk