

**REGULAR SESSION – MARCH 16, 2009**

The Cape Girardeau City Council convened in regular session on Monday, March 16, 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 Martin of St. Andrew Lutheran Church, 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 Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the March 2, 2009, 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 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**

Mayor Knudtson presented a Proclamation to Ms. Tina Dohogne, recognizing April 19–25, 2009, as National Volunteer Week. Ms. Dohogne stated that there are 31 projects scheduled during the week, and urged the public to volunteer their time to one of them.

Mr. Voss commended the City's Parks and Recreation Department staff for their work on the father/daughter dance hosted at the A.C. Brase Arena Building in February.

Mayor Knudtson announced that he had received a letter from the Mayor of Kennett, Missouri, commending Cape Girardeau firefighters for their service in the Kennett community during the February ice storm.

Mrs. Schneider thanked the Public Works Department staff for all of the stormwater projects that are beginning.

Mrs. Tracy expressed sympathy, on behalf of the entire Council, to Mayor Knudtson on the loss of his father-in-law.

**APPEARANCES**

Mr. Alfred Farrar, of 804 North Fountain Street, requested the Council set a public hearing regarding his request for a special use permit for a manufactured home on a full basement at 804 North Fountain Street in an R-2, single family residential district. A motion setting a public hearing on April 6, 2009, regarding Mr. Farrar's request 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. Mayor Knudtson requested that City staff provide the Council with information defining the difference between manufactured and modular buildings.

Mr. Don Howard, of 1100 Ranney Avenue, addressed the Council and said that more patrol officers were needed on the south side of Cape Girardeau. The previous Saturday, three parties were hosted in his neighborhood with loud music and a large number of people. Mr. Howard stated that he had called the Cape Girardeau Police Department, and they would not assist him. He asserted that the City should hold property owners more responsible for the actions of their tenants. He said that in his neighborhood, two or three families are living in some single family homes, and very loud cars drive the street. Mayor Knudtson noted that City staff will be meeting to discuss many of these same issues. Mr. Carl Kinnison, Cape Girardeau Chief of Police, said that following the incident, police officers gave a report to the prosecuting attorney's office, and summons are issued at her discretion.

**CONSENT ORDINANCES**

The following bills were given second and third readings:

BILL NO. 09-36            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

BILL NO. 09-42            AN ORDINANCE AMENDING CHAPTER 24 OF THE CITY CODE RELATING TO PUBLIC TREES

The second and third readings of BILL NOs. 09-36 and 09-42 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. 09-36 is ORDINANCE NO. 4008; BILL NO. 09-42 is ORDINANCE NO. 4009.

**NEW ORDINANCES**

BILL NO. 09-52 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 26-246 OF THE CITY CODE, REGARDING PARKING NEAR SIGNALIZED INTERSECTIONS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-52 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. Voss noted that BILL NO. 09-52 was developed as the result of an inquiry he had made to Mr. Doug Leslie, the previous City Manager.

BILL NO. 09-53 was given first reading as follows:

AN ORDINANCE ACCEPTING PERMANENT STORMWATER EASEMENTS FROM ROBERT W. GUM, JR., GLENDA D. GUM, CLYDE E. CLIPPARD AND DAVID WAYNE WILDE, FOR MAINTENANCE OF AN EXISTING DRAINAGE DITCH, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-53 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. Mr. Tim Gramling, Public Works Director, stated that the drainage ditch is located behind Trees and Trends off of Broadview Street.

BILL NO. 09-54 was given first reading as follows:

**AN ORDINANCE APPROVING THE RECORD PLAT OF LAUREL GROVE SECOND SUBDIVISION**

The first reading of BILL NO. 09-54 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. 09-54 for financial reasons because of a possible conflict of interest with the law firm where he works.

BILL NO. 09-55 was given first reading as follows:

**AN ORDINANCE APPROVING THE RECORD PLAT OF A RESUBDIVISION OF GARRETT SUBDIVISION**

The first reading of BILL NO. 09-55 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.

**RESOLUTIONS**

BILL NO. 09-37 was presented as follows:

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT WITH QRS RECYCLING FOR RECYCLING SERVICES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI**

The reading of BILL NO. 09-37 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. 09-37 is RESOLUTION NO. 2432. Mr. Voss asked if QRS Recycling will accept all recyclables except glass. Mr. Gramling stated that the City's Public Works Department will continue to transport glass collected for recycling to a company in St. Louis. He said that the prices the City had received for selling recycled materials has fallen. Mrs. Schneider noted that the City was in a position to encourage more recycling. Mr. Gramling stated that the City transports glass recyclables to St. Louis to continue service previously provided by a different recycling company. Mrs. Schneider said that she felt the City should create more incentives for residents to recycle.

BILL NO. 09-44 was presented as follows:

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT WITH ZOELLNER CONSTRUCTION, INC., FOR RENOVATION OF FIRE STATION NO. 1, IN THE CITY OF CAPE GIRARDEAU, MISSOURI**

The reading of BILL NO. 09-44 was approved and the Resolution adopted upon Mrs. Tracy's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-44 is RESOLUTION NO. 2433. Cape

Girardeau Fire Chief Rick Ennis said that they were renovating an office and storage area into one larger office for Fire Prevention Services.

BILL NO. 09-45 was presented as follows:

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CAPE GIRARDEAU, MISSOURI, TO EXECUTE CONSENTS TO TRANSFER OF PROPERTY AND DEVELOPMENT RIGHTS TO GREAT SOUTHERN BANK AND G&S HOLDINGS, L.L.C., WITH REGARD TO THE PURCHASE OF THE MARQUETTE PLAZA, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-45 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. 09-45 is RESOLUTION NO. 2434.

BILL NO. 09-46 was presented as follows:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ACCEPT A BID PROPOSAL FROM SAFETY GROOVING AND GRINDING, L.P., FOR DIAMOND GRINDING ON SOUTHERN EXPRESSWAY AND LEXINGTON AVENUE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-46 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. 09-46 is RESOLUTION NO. 2435. Mr. Ken Eftink, Interim City Manager, explained to the Council the process of diamond grinding concrete streets.

BILL NO. 09-47 was presented as follows:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH MORRIS AND MUNGER ENGINEERS, L.L.C., FOR GENERAL ENGINEERING SERVICES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-47 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. 09-47 is RESOLUTION NO. 2436.

BILL NO. 09-48 was presented as follows:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE GENERAL SERVICES AGREEMENT WITH MORRIS AND MUNGER ENGINEERS, L.L.C., FOR THE BRECKENRIDGE BANK AND THE BEAVERCREEK STORMWATER PROJECTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-48 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. 09-48 is RESOLUTION NO. 2437.

BILL NO. 09-49 was presented as follows:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ADDENDUM NO. 2 TO THE 2007 GENERAL ENGINEERING SERVICES AGREEMENT WITH WATERS ENGINEERING, INC., FOR THE ARENA CREEK DRAINAGE IMPROVEMENTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-49 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. 09-49 is RESOLUTION NO. 2438.

BILL NO. 09-50 was presented as follows:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ADDENDUM NO. 3 TO THE 2007 GENERAL ENGINEERING SERVICES AGREEMENT WITH WATERS ENGINEERING FOR THE HOWELL STREET AND CAPE ROCK DRIVE BOX CULVERT REPLACEMENT PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-50 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. 09-50 is RESOLUTION NO. 2439. Mayor Knudtson remarked that a resident in the area spoke with him and claimed that the diameter of the lines is too small. Mr. Gramling replied that there were sanitary sewer issues in the area, and City workers have repaired several broken places in that line. He continued that the box culvert replacement project will address the low water crossing and drainage in the area as well. Mayor Knudtson stated that City staff needs to contact Mr. Ben Lewis and explain how the project will impact him.

BILL NO. 09-51 was presented as follows:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AMENDMENT NO. 8 TO THE GENERAL AGREEMENT FOR ENGINEERING SERVICES WITH S.H. SMITH & CO., INC., FOR THEMIS STREET DRAINAGE IMPROVEMENTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-51 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. 09-51 is RESOLUTION NO. 2440.

### **LIQUOR LICENSES**

Mr. Herbst made a motion, seconded by Mrs. Schneider, to conditionally approve a retail liquor by the drink license for Henry A. Carter, d/b/a Alexander's of Cape, 433 South Sprigg Street, Willie C. Hammonds, 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 license for Catherine A. Thompson, d/b/a The Library, 10 S. Spanish, Catherine A. Thompson, Managing Officer. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Voss made a motion, seconded by Mr. Herbst, to conditionally approve a retail liquor by the drink and Sunday sales license for Jonathan B. Pool, d/b/a Lodo, 33 North Main, Jonathan B. Pool, 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 waterlines and sanitary sewer improvements for Cape West Crossings Phase I Subdivision was approved upon Mrs. Schneider's motion, Mrs. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mrs. Tracy questioned what has been done regarding the concerns expressed by Mrs. Toombs at the March 2, 2009, City Council meeting, and her request for signage to be installed on the street outside her home on Good Hope Street, to indicate that a handicapped child is in the residence. Mr. Gramling stated that the City does not install "handicap child" signs; it only installs "children at play" signs for streets near a park. Mrs. Tracy noted that she had seen signage in communities for deaf and blind children. Ms. Ritter asked if the City had made a decision not to install that type of signage. Mr. Gramling replied that the City has received requests from other citizens and has encouraged them to install their own signs in their yard. He said that there are vendors in Cape Girardeau that can make signs such as those requested by Mrs. Toombs. Mrs. Tracy asked that City staff contact Mrs. Toombs with this information.

Mrs. Schneider remarked that it had been requested that a "children at play" sign be installed in a cul-de-sac in her neighborhood. Mr. Gramling noted that it would cost the City \$100 per sign to install. Mrs. Schneider asked if the speed limit would be lowered with the installation of this signage. Mr. Gramling responded that lowering the speed limit would not necessarily slow traffic.

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.

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Jay B. Knudtson, Mayor

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Gayle L. Conrad, City Clerk

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