

REGULAR SESSION – APRIL 20, 2009

The Cape Girardeau City Council convened in regular session on Monday, April 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 Scott Moon of the Grace United Methodist 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 Mrs. Schneider’s motion, Mrs. Tracy’s second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the March 27 closed session, and April 6, 2009, regular and closed sessions were approved upon Mrs. Schneider’s motion, Mr. Voss’ second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The agenda was approved with the removal of Agenda Item No. 11 referring to a quit claim deed from the Missouri Department of Transportation for real property located along Route 74, 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

Mrs. Tracy expressed gratitude to all who assisted with the Friends of the Park Day on Saturday, April 18, 2009.

CITY MANAGER COMMUNICATIONS

Mrs. Kelly Green, City Engineer, presented an update of the Independence Street, Mt. Auburn Road, and LaSalle Avenue projects. Mr. Tim Gramling, Public Works Director, presented an update on the Lexington Avenue diamond grinding project and the Perryville Road concrete repairs.

APPEARANCES

Mr. Allen Journet, of 2812 Oakshire Circle, appeared before the Council in support of the ordinance creating the Girardeau Goes Green Advisory Board. Mr. Journet thanked City staff for their work on the issue.

The following bill was given second and third reading:

BILL NO. 09-66 AN ORDINANCE ADOPTING A NEW SECTION 2-144 OF THE CODE OF ORDINANCES FOR THE CITY OF CAPE GIRARDEAU ENTITLED “GIRARDEAU GOES GREEN ADVISORY BOARD”

Mr. Herbst made a motion, seconded by Mrs. Tracy, to approve the second and third readings of BILL NO. 09-66 and to adopt the ordinance. Mr. Voss stated that he had met with Mr. Journet, Ms. Kathy Conway and Ms. Ellen Dillon regarding this ordinance. Mr. Voss had proposed

changes limiting the Board's scope that were approved in the first reading of the bill at the April 6, 2009 City Council meeting. He expressed concern that the issues raised by the Council are still not addressed in this Ordinance, and referenced an Appendix 1 originally submitted to the Council, which is a list of the efforts being done by the City regarding this initiative. He stated the proponents of this Board are focused on carbon dioxide emission reduction, which was not the original focus of Appendix 1, and he would not support this ordinance as it is written. He expressed concerns with paragraph (g)(4) of the ordinance, and he said that if it were stricken from the Ordinance, and if the referenced Appendix 1 were included instead, he felt the Ordinance would receive more public support.

Ms. Ritter said that she had received feedback on this ordinance and agreed with the comments made by Mr. Voss. Mrs. Schneider also expressed her support for such a change. In addition, Mr. Lanzotti stated that it should be possible to remove paragraph (g)(4) and include Appendix 1. The Council discussed this issue as well as the roll of this advisory Board.

Mr. Voss presented a motion, seconded by Ms. Ritter, to amend BILL NO. 09-66 by striking paragraph (g)(4) and inserting a reference to the items listed in Appendix 1 of the original proposal submitted to the City Council. Mr. Voss recounted his discussions with the representatives of the Climate Protection Initiative. They had indicated to him that they would not participate in the Girardeau Goes Green Advisory Board if paragraph (g)(4) is removed from the ordinance.

Mr. Journet again appeared and presented the views of the Climate Protection Initiative. He stated that the Girardeau Goes Green Advisory Board Ordinance would only address what the City government does. Mr. Journet asserted that, with the amendment proposed, he was concerned with the Advisory Board's direction, and he felt it undercuts the desires of the Climate Protection Initiative and the issues the Initiative wants the City to address.

Following additional discussion, the amendment to BILL NO. 09-66 was approved by the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, and Voss. Nays, Tracy. The original motion was approved as amended upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-66 is ORDINANCE NO. 4014.

Mr. Lanzotti noted that applications for the Girardeau Goes Green Advisory Board are available on the City's website and through the City Manager's office.

Mr. Mike Sheehan, of 510 North West End Boulevard, appeared before the Council to discuss and express concerns regarding the progress of the Boulevard Historic District. He felt the staff and the Historic Preservation Commission are not addressing the real concerns of the citizens, especially those relating to parking and zoning. He expressed concerns relating to single and multi-family residential zoning and Southeast Missouri State University students parking along the Boulevard streets, and he said he wants special consideration to be given for parking. Mr. Sheehan said that he had been told that staff would decide the final zoning of the neighborhoods. He stated that the neighborhood should be given a moratorium on rezoning until the final zoning issues can be resolved by City staff.

Mr. Eftink said that the purpose of a local historic district designation is for all neighborhoods to develop their own design guidelines. He said that there have been changes to the Boulevard District guidelines since the original petition, so staff is asking residents to re-sign the petition to ascertain that people are still in favor of the proposal. The new petition will then be resubmitted to

the Historic Preservation Commission, the Planning and Zoning Commission, and the City Council.

Mrs. Sarah Wallace, Community Planner, noted that the historic districts do not resolve the issues of concern to Mr. Sheehan. For that reason she has been meeting with the Parking Task Force regarding parking issues in the district. She said that there are other avenues to address zoning and parking issues, other than through the Historic District. Mayor Knudtson remarked that the Historic District addresses architectural issues and it is up to citizens to bring zoning and parking issues to the attention of the Planning and Zoning Commission and the Parking Task Force.

Ms. Nicki Russell, 1003 Ranney Street, addressed the Council and said that her family was being harassed by a neighbor, Mr. Don Howard, who she said was videotaping the neighborhood. She asserted that she has a right to privacy, asked if anything could be done about this. Ms. Russell said that Mr. Howard is constantly calling the Cape Girardeau Police Department, and officers are repeatedly at her home.

Ms. Carrin White, 1015 Ranney Street, addressed the Council and said that the Police Department is at her house daily because of Mr. Howard's complaints.

Mr. Eric Russell, of 1003 Ranney Street, addressed the Council and said that Mr. Howard is videotaping the children in the neighborhood, and he asserted that this is unacceptable.

Assistant Chief of Police Roger Fields noted that he had reviewed the incidents reported on that block of Ranney Street and found that there is nothing that Mr. Howard is doing that is illegal, when videotaping his neighbors.

Mayor Knudtson encouraged the neighborhood residents to contact the Police Department if they have concerns. City Attorney Eric Cunningham stated that instead of only considering possible criminal actions, the residents should consult a private attorney to see what civil remedies they may have for privacy violations or other issues.

Mr. Don Howard, of 1100 Ranney Street, addressed the Council and expressed concerns about his neighbors. He stated that they had assaulted another neighbor, and that they should be prosecuted. He said that in the neighborhood, they have issues with kids not staying in their yards and with others dealing drugs. He asserted that landlords should be responsible for who they rent to, noting that there are only three residents that are causing trouble in the neighborhood.

CONSENT ORDINANCES

The following bills were given second and third readings:

BILL NO. 09-58 AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO SOUTHEAST MISSOURI HOSPITAL ASSOCIATION FOR PURPOSES OF CONSTRUCTING, MAINTAINING AND OPERATING A PARKING LOT ON THE SOUTHWEST CORNER OF SUNSET BOULEVARD AND BROADWAY, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

- BILL NO. 09-65 AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALFRED FARRAR FOR PURPOSES OF CONSTRUCTING AND MAINTAINING A MANUFACTURED HOME AT 804 NORTH FOUNTAIN STREET, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI
- BILL NO. 09-56 AN ORDINANCE AUTHORIZING ACCEPTANCE OF FEE SIMPLE INTEREST, PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE IMPROVEMENT OF MT. AUBURN ROAD BETWEEN INDEPENDENCE STREET AND KINGSHIGHWAY
- BILL NO. 09-57 AN ORDINANCE ACCEPTING A PERMANENT GRANT OF EASEMENT FROM MAYSON INVESTMENTS, LLC, FOR SANITARY SEWER SERVICES TO SERVE CAPE WEST CROSSINGS SUBDIVISION PHASE I, IN THE CITY OF CAPE GIRARDEAU, MISSOURI
- BILL NO. 09-63 AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN EMERGENCY RELIEF PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

The second and third readings of BILL NOs. 09-58, 09-65, 09-56, 09-57, and 09-63 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. Mayor Knudtson abstained from voting on BILL NO. 09-58 for financial reasons because he is a member of the Board of Directors of the hospital. BILL NO. 09-58 is ORDINANCE NO. 4015; BILL NO. 09-65 is ORDINANCE NO. 4016; BILL NO. 09-56 is ORDINANCE NO. 4017; BILL NO. 09-57 is ORDINANCE NO. 4018; and BILL NO. 09-63 is ORDINANCE NO. 4019.

NEW ORDINANCES

BILL NO. 09-59 was given first reading as follows:

AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF JOHN A. DRURY, TRUSTEE OF THE JOHN A. DRURY REVOCABLE TRUST AGREEMENT DATED JUNE 29, 2009, ANITA DRURY AND MIDAMERICA HOTELS CORPORATION

The first reading of BILL NO. 09-59 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. 09-60 was given first reading as follows:

AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF BRYAN AND NANCY GREASER

The first reading of BILL NO. 09-60 was approved 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. 09-68 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR THE BEND ROAD – MASON STREET – MAIN STREET IMPROVEMENT PROJECT

The first reading of BILL NO. 09-68 was approved upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 09-69 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED FOR A SECTION OF A RAIL SPUR IN THE NASH ROAD INDUSTRIAL PARK TO BIOKYOWA, INC., IN THE COUNTY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-69 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. Mayor Knudtson asked if a new development went into the area, would this hinder their access to the railroad. Mr. Eftink responded that new development in the area would still have adequate railroad right-of-way because of land to the South.

BILL NO. 09-72 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A STATE BLOCK GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE PURPOSE OF ACCEPTING A GRANT FOR PAVEMENT REHABILITATION AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The first reading of BILL NO. 09-72 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.

RESOLUTIONS

BILL NO. 09-70 was presented as follows:

A RESOLUTION AUTHORIZING APPLICATIONS TO THE MISSOURI DEPARTMENT OF SOCIAL SERVICES UNDER THE EMERGENCY SHELTER GRANT PROGRAM, FOR SAFE HOUSE FOR WOMEN, INC., AND THE SALVATION ARMY, AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

The reading of BILL NO. 09-70 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. 09-70 is RESOLUTION NO. 2444.

BILL NO. 09-71 was presented as follows:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ADDENDUM NO. 1 TO AMENDMENT NO. 1 TO THE GENERAL AGREEMENT FOR ENGINEERING SERVICES WITH CRAWFORD, BUNTE AND BRAMMEIER FOR THE ARMSTRONG DRIVE PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-71 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. 09-71 is RESOLUTION NO. 2445.

APPOINTMENTS

Mr. Fred Eggle, Mr. Robby Rollins and Mr. Gerry Keene were appointed to the Airport Advisory Board for terms expiring April 30, 2012, upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

LIQUOR LICENSES

Mrs. Schneider made a motion, seconded by Mrs. Tracy, to conditionally approve a temporary 5% beer by the drink liquor license for John J. Yallaly, d/b/a the American Legion Post 63, for an event to be held June 5-7, 2009, at the A.C. Brase Arena Building. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Lanzotti made a motion, seconded by Mr. Herbst, to conditionally approve an original package liquor and Sunday sales license for Key Largo Co., LLC, d/b/a The Keg Shop, 1803 Independence, Charlotte Meador, Managing Officer. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

OTHER

A motion authorizing the Interim City Manager to submit a letter of support for an application submitted by Cape Girardeau County to the General Services Administration to transfer the U.S. Federal Building/Courthouse at 339 Broadway to Cape Girardeau County for use as a Consolidated Justice Center was approved upon Mr. Herbst's motion, Mr. Voss' 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, Mrs. Schneider'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

Regular

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