

REGULAR SESSION – MAY 2, 2011

The Cape Girardeau City Council convened in regular session on Monday, May 2, 2011, at 7:00 p.m., with Mayor Harry E. Rediger presiding and Council Members Mark Lanzotti, Meg Proffer, Kathy Swan, Debra Tracy and John Voss present. Council Member Loretta Schneider was absent.

Prior to the regular session, the City Council convened in closed session for purposes of discussing property acquisition and personnel matters, pursuant to Section RSMO. 610.021(2) and (3) upon Mrs. Tracy's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

Father David Hulshof, of St. Vincent de Paul Catholic Church, presented the invocation, and the Pledge of Allegiance was recited.

Mr. Voss made a motion, seconded by Mrs. Swan, to remove Item No. 7, an Ordinance relating to Outdoor Music Venue Permits, from the Consent Agenda for discussion, to move Item No. 4, the St. Vincent de Paul Catholic School Subdivision record plat, to the Council Communications segment, and to approve the Agenda as amended. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

PRESENTATIONS

Mayor Rediger presented a plaque to Ms. Marilyn Klipfel, honoring her retirement after more than 25 years of service to the City of Cape Girardeau in the 9-1-1 Communications Center. The Mayor also announced Municipal Clerks Week, May 1-8 and presented City Clerk Gayle Conrad with a Resolution from Representative Wayne Wallingford honoring her accomplishments.

COMMUNICATIONS/REPORTS

Mayor Rediger announced that Wednesday is Optimist Club Youth in Government Day where high school students will shadow City staff, learn how City government functions and conduct a mock city council meeting.

The Mayor spoke about the work done on the Cape La Croix flood control project in the 1980's and 1990's and how many times over the years that project has saved Cape Girardeau from flooding. He said that the flood control project cost approximately \$30 million, and the foresight of the citizens was a great investment in Cape Girardeau. Mayor Rediger said he was very proud of the City's flood control efforts along the riverfront and the flood buyout program after the 1993 flood.

Mrs. Tracy said she had returned from Poplar Bluff today, and she remarked about the amount of water in the area. She said that she, too, is grateful for the flood control projects the City had completed. She said that the best way for Cape Girardeau to help its neighbors is to donate to the Red Cross, because they can manage the needs of the people.

Mrs. Proffer announced the Downtown Historic Home and Garden Tour on Saturday, May 7, 2011.

Mr. Lanzotti introduced Father David Hulshof, Pastor of St. Vincent de Paul Catholic Church. Father Hulshof addressed the Council in support of the St. Vincent Catholic School expansion

plans. He said the church and school were celebrating 150 years in Cape Girardeau, and he reviewed the proposed expansion project with groundbreaking on May 23, 2011.

The following bill was given second and third readings:

BILL NO. 11-58 AN ORDINANCE APPROVING THE RECORD PLAT OF ST.
VINCENT DE PAUL CATHOLIC SCHOOL SUBDIVISION

The second and third readings of BILL NO. 11-58 were approved and the Ordinance adopted upon Mrs. Swan's motion, Mr. Lanzotti's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none. BILL NO. 11-58 is ORDINANCE NO. 4220.

City Manager Scott Meyer announced that the week of May 1st through the 7th is Missouri Local Government Week. It is a week to increase citizen awareness about municipal services. He also announced that May 25, 2011, is the United Way annual meeting, and the Council is invited to the luncheon at the Drury Lodge.

Mr. Meyer commended the outstanding work of City employees in emergency operations due to weather conditions in the last weeks. He said that additional sinkholes had opened on South Sprigg Street and that the street is closed. City employees were manning the pump stations downtown 24/7 and were working with emergency operation centers in the southeast region. Several City employees are in the southern areas of the state on rescue missions, and emergency housing has been set up at the Osage Centre with pet housing at the 4-H building at Arena Park. Through mutual aid agreements with St. Louis, their firemen are manning our firehouses while members of the Cape Girardeau Fire Department have been deployed farther south.

PUBLIC HEARINGS

This being the date set for a public hearing to consider the request of Drury Southwest Signs and First Missouri State Bank of Cape County for a Special Use Permit for a billboard to be located on the property at 800 North Kingshighway, the hearing was opened.

Mr. Jeff Bohnert, of Drury Southwest Signs, appeared before the Council in support of the request. Mr. Lanzotti said that the Council had reviewed the size of the sign at the study session, and they understood that the applicants will make efforts to beautify the base of the sign due to its location in the center of town across from Arena Park. Mayor Rediger noted that the sign would be located on the north side of the property. There being no further appearances, the hearing was closed.

BILL NO. 11-72 was given first reading as follows:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO FIRST MISSOURI STATE BANK OF CAPE COUNTY AND DRURY SOUTHWEST SIGNS, INC., FOR PURPOSES OF CONSTRUCTING, MAINTAINING AND OPERATING A BILLBOARD SIGN AT 800 NORTH KINGSHIGHWAY, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-72 was approved upon Mr. Voss' motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

CONSENT AGENDA

A motion was made by Mrs. Tracy, seconded by Mrs. Swan, to approve the following items on the Consent Agenda:

City Council April 18, 2011, regular and closed sessions minutes, and April 20, 2011, closed session minutes.

BILL NO. 11-57, AN ORDINANCE ACCEPTING PERMANENT UTILITY EASEMENTS AND A PERMANENT UTILITY AND ACCESS EASEMENT FROM VARIOUS PROPERTY OWNERS FOR THE COUGAR RUN WATER LINE PROJECT. Second and third readings.

BILL NO. 11-59, AN ORDINANCE APPROVING THE RECORD PLAT OF CYPRESS VALLEY ESTATES SUBDIVISION. Second and third readings.

BILL NO. 11-61, AN ORDINANCE APPROVING THE RECORD PLAT OF TIPTON SUBDIVISION. Second and third readings.

BILL NO. 11-76, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIRPORT GROUND LEASE WITH FIRST MISSOURI TERMINALS AT THE CAPE GIRARDEAU REGIONAL AIRPORT. Reading and passage.

BILL NO. 11-80, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH IOC CAPE GIRARDEAU, LLC, FOR THE INSTALLATION OF A VIDEO CAMERA, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-77, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO AN AGREEMENT FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES WITH MARKEY & ASSOCIATES, INC., FOR THE CAPAHA PARK MASTER PLAN, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

A motion accepting the Fire Station No. 1 roof improvements and authorizing final payment to Drury Company.

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none. BILL NO. 11-57 is ORDINANCE NO. 4221; BILL NO. 11-59 is ORDINANCE NO. 4222; BILL NO. 11-61 is ORDINANCE NO. 4223; BILL NO. 11-76 is RESOLUTION NO. 2615; BILL NO. 11-80 is RESOLUTION NO. 2616; and BILL NO. 11-77 is RESOLUTION NO. 2617.

Mr. Voss noted that BILL NO. 11-80 will allow IOC Cape Girardeau, LLC to install a web-based video camera on the City's downtown pump station and allow for Cape Girardeau residents to watch the progress of the casino project. Mr. Lanzotti encouraged the City to link to the camera feed on the City website. Mr. Voss said that the agreement with Markey & Associates, Inc. is to develop a master plan for Capaha Park after the pool's removal.

ITEMS REMOVED FROM CONSENT AGENDA

The following bill was given second and third readings:

BILL NO. 11-66 AN ORDINANCE AMENDING SECTION 17-158 OF THE CODE OF ORDINANCES RELATING TO OUTDOOR MUSIC VENUE PERMITS, AND EXCEPTIONS TO SECTION 17-156, NOISE CONTROL; DEFINITIONS, AND SECTION 17-157, PROHIBITED ACTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mr. Meyer presented an update on the meeting of City staff with the owners of the Bel Air Grill. They proposed ways of monitoring the noise levels within their venue so that the bands can have immediate feedback on noise level. They discussed litter pickup, security, and noise deadening to control where the sound goes. He also met with local residents last week and heard their concerns about noise control. The City will be meeting with them again in July to further discuss the issue.

The second and third readings of BILL NO. 11-66 were approved and the Ordinance adopted upon Mrs. Proffer's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none. BILL NO. 11-66 is ORDINANCE NO. 4224.

NEW ORDINANCES

BILL NO. 11-68 was given first reading as follows:

AN ORDINANCE REPEALING AND ENACTING NEW SECTIONS OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING STREETS, ACCESS MANAGEMENT, UTILITIES, SUBDIVISIONS, SITE PLANS AND IMPROVEMENTS PLANS

The first reading of BILL NO. 11-68 was approved upon Mrs. Tracy's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-69 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED TO RAD PROPERTIES, LLC, TRANSFERRING EXCESS RIGHT-OF-WAY FOR ARMSTRONG DRIVE LOCATED IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-69 was approved upon Mr. Lanzotti's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-70 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF PLAZA ACRES SECOND SUBDIVISION

The first reading of BILL NO. 11-70 was approved upon Mrs. Proffer's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-71 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE F OF SECTION 26-247 OF THE CITY CODE, BY ESTABLISHING A NO PARKING ZONE ON INDEPENDENCE STREET FROM FREDERICK STREET TO MIDDLE STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-71 was approved upon Mrs. Tracy's motion, Mr. Voss' second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-73 was given first reading as follows:

AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST FROM SAINT FRANCIS MEDICAL CENTER AND SAINT FRANCIS HEALTH CARE SYSTEM FOR FRANCISCAN WAY ENTRANCE IMPROVEMENTS AT MT. AUBURN ROAD

The first reading of BILL NO. 11-73 was approved upon Mrs. Tracy's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-74 was given first reading as follows:

AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST, PERMANENT UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE RE-ALIGNMENT OF NORTH MAIN STREET

The first reading of BILL NO. 11-74 was approved upon Mr. Voss' motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-75 was given first reading as follows:

AN ORDINANCE PROVIDING FOR THE VACATION OF PORTIONS OF MAIN STREET, MILL STREET, AND MASON STREET RIGHTS-OF-WAY WITHIN THE IOC DEVELOPMENT DISTRICT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-75 was approved upon Mr. Voss' motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-78 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING LIQUOR LICENSES

The first reading of BILL NO. 11-78 was approved upon Mrs. Proffer's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-79 was given first reading as follows:

AN ORDINANCE VACATING THE CITY'S INTEREST IN A PORTION OF UNIMPROVED STREET RIGHT-OF-WAY, LOCATED ON FREDERICK STREET, BETWEEN MASON STREET AND OLIVE STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mr. Lanzotti made a motion, seconded by Mrs. Proffer, to postpone the first reading of BILL NO. 11-79 to a later Council meeting. Mr. Voss stated that this request was submitted last October. At that time the Council postponed the issue until staff studied the potential routes to and from the casino. The applicant has again asked that the Council make a decision, but Isle of Capri does not oppose this vacation. He requested staff further review options for additional ingress and egress for the casino site and bring this information back to the Council before a decision is made on this vacation. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

There being no further business, the City Council adjourned to closed session for purposes of discussing personnel matters, pursuant to Section RSMO. 610.021(3) upon Mr. Lanzotti's motion, Mr. Voss' second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

Harry E. Rediger, Mayor

Gayle L. Conrad, City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK.