

REGULAR SESSION – JUNE 1, 2009

The Cape Girardeau City Council convened in regular session on Monday, June 1, 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. Andrews 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 litigation, personnel and confidential communications with the City Attorney pursuant to RSMo. Sections 610.021(1) and (3) upon Mr. Herbst'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 May 18, 2009, regular and closed sessions were 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.

The agenda was approved as distributed upon Mrs. Tracy's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

COUNCIL COMMUNICATIONS

Mayor Knudtson stated that the U.S. Health and Human Services Division denied Jerry Rice's application to take ownership of the old Federal building at 339 Broadway for use as a homeless shelter. He said that Cape Girardeau will continue to work hard to address the needs of the homeless in the area.

Mayor Knudtson also shared that he had attended a ceremony recognizing Jess Bolen on the beginning of his 43rd year managing the Capaha Amateur Baseball Team.

Ms. Ritter noted that the Council has appointed Mr. Scott Meyer as Cape Girardeau's new City Manager. She thanked everyone who participated in the search for their assistance and thanked the media for respecting the candidates' confidentiality. Mayor Knudtson stated that Mr. Meyer will begin on July 1, 2009, and thanked City staff for their assistance and Mr. Eftink for serving as Interim City Manager.

CITY MANAGER COMMUNICATIONS

Mr. Ken Eftink, Interim City Manager, remarked that the City is in the process of testing all the fire hydrants in Cape Girardeau. He expected the testing to be completed by June 13, 2009.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the annual operating budget for fiscal year 2009-2010, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 09-101 was given first reading as follows:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING BUDGET FOR THE CITY OF CAPE GIRARDEAU, MISSOURI, FOR THE FISCAL YEAR BEGINNING JULY 1, 2009

The first reading of BILL NO. 09-101 was approved upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Herbst stated that City staff has developed budgeting projections for the remainder of 2009 and for 2010 to maintain a balanced budget. Mr. Lanzotti noted that each City department has been asked to cut their operating budget by 3 percent, and the balanced budget has been achieved without reducing staffing or services. Mayor Knudtson said that they need to continue to review the budget on a regular basis to find inefficiencies in operations and to better manage the budget.

APPEARANCES

Mayor Knudtson stated that Mr. Bill Vickery, Director of the Small Business Development Center, appeared at the Council's Study Session, discussed the operations of the Development Center, and thanked the Council for its continued support.

Mr. Chad Hartle, owner of Victorian Estates Subdivision, appeared before the Council in support of the preliminary plat of a re-plat of Victorian Estates, and to answer any questions.

Mr. Herbst made a motion, seconded by Mr. Voss, to renew the approval of the preliminary plat of a re-plat of Victorian Estates. The motion was approved upon the following vote: Ayes, Herbst, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained for financial reasons because the investor has a financial interest in the bank where he works.

Mr. Rodger Brown, of the Vietnow, Trail of Tears Chapter, appeared before the Council in support of Vietnow's request for a temporary liquor license for an event to be held on the 4th of July. Mr. Brown reviewed the activities planned for this event.

Mr. Lanzotti made a motion, seconded by Mr. Herbst, to conditionally approve two (2) temporary 5% beer by the drink liquor licenses for Rodger Brown d/b/a Trail of Tears Chapter, Vietnow, for an event to be held July 3-5, 2009, at Arena Park, contingent upon approval of the location of the stands by the Parks and Recreation Director. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Don Howard, of 1100 Ranney, appeared before the Council in opposition to the proposed ordinance opting out of the State imposed Sales Tax Holiday, saying that it would negatively impact many citizens. Mr. Howard also express opposition to the proposed ordinance increasing water, sewer, solid waste and transfer station rates.

CONSENT ORDINANCES

The following bills were given second and third readings:

BILL NO. 09-74 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A GENERAL WARRANTY DEED FOR TWO (2) TRACTS OF LAND, INCLUDING A GROUND-LEVEL WATER STORAGE TANK, PUMP HOUSE, AND APPURTENANCES, ALONG WITH AN ACCESS AND UTILITY EASEMENT, TO RHODES DEVELOPMENT COMPANY, L.L.C.

- BILL NO. 09-86 AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR A WATER TRANSMISSION LINE TO CONNECT PUBLIC WATER WELLS TO THE CITY'S WATER TREATMENT PLANTS
- BILL NO. 09-87 AN ORDINANCE OPTING OUT OF THE STATE IMPOSED SALES TAX HOLIDAY
- BILL NO. 09-88 AN ORDINANCE AUTHORIZING ACCEPTANCE OF FEE SIMPLE INTERESTS, PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE IMPROVEMENT OF MT. AUBURN ROAD BETWEEN INDEPENDENCE STREET AND KINGSHIGHWAY
- BILL NO. 09-89 AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGENCY AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR AIR SERVICE STUDY AT THE CAPE GIRARDEAU REGIONAL AIRPORT
- BILL NO. 09-91 AN ORDINANCE AMENDING SCHEDULE E OF SECTION 26-283 OF THE CITY CODE, BY REPEALING STOP SIGNS AT MT. AUBURN ROAD AND HOPPER ROAD, AND AMENDING SCHEDULE H OF SECTION 26-126 BY PLACING ELECTRIC TRAFFIC CONTROL SIGNALS AT THE INTERSECTION OF MT. AUBURN ROAD AND HOPPER ROAD, IN THE CITY OF CAPE GIRARDEAU, MISSOURI
- BILL NO. 09-95 AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR THE BEND ROAD – MASON STREET – MAIN STREET IMPROVEMENT PROJECT

The second and third readings of BILL NOs. 09-74, 09-86, 09-87, 09-88, 09-89, 09-91, and 09-95 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. 09-74 is ORDINANCE NO. 4030; BILL NO. 09-86 is ORDINANCE NO. 4031; BILL NO. 09-87 is ORDINANCE NO. 4032; BILL NO. 09-88 is ORDINANCE NO. 4033; BILL NO. 09-89 is ORDINANCE NO. 4034; BILL NO. 09-91 is ORDINANCE NO. 4035; and BILL NO. 09-95 is ORDINANCE NO. 4036.

NEW ORDINANCES

BILL NO. 09-96 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE CAPE GIRARDEAU COUNTY COMMISSION FOR PROPERTY NEEDED FOR THE NORTH PARK TRAIL PROJECT

The first reading of BILL NO. 09-96 was approved upon Mrs. Tracy's motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 09-99 was given first, second and third reading as follows:

AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A STATE BLOCK GRANT AGREEMENT FOR ENTITLEMENT FUNDS, WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FOR APRON REHABILITATION, AND MISCELLANEOUS REPAIRS AND IMPROVEMENTS, AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The first, second and third readings of BILL NO. 09-99 were approved and the Ordinance adopted upon Mr. Herbst's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-99 is ORDINANCE NO. 4037. Mr. Eftink gave the Council a summary of the apron rehabilitation and airport repairs and their costs.

BILL NO. 09-100 was given first, second and third reading as follows:

AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A STATE BLOCK GRANT AGREEMENT, AND ALL OTHER NECESSARY GRANT DOCUMENTS, WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT, FOR APRON REHABILITATION AND MISCELLANEOUS REPAIRS AND IMPROVEMENTS, AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The first, second and third readings of BILL NO. 09-100 were approved and the Ordinance 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. 09-100 is ORDINANCE NO. 4038.

BILL NO. 09-98 was given first reading as follows:

AN ORDINANCE ESTABLISHING UTILITY RATES FOR THE CITY OF CAPE GIRARDEAU, MISSOURI, BY AMENDING CHAPTER 22 RELATING TO SOLID WASTE FEES, AND CHAPTER 29 OF THE CITY CODE RELATING TO WATER RATES AND SEWER SERVICE CHARGES

The first reading of BILL NO. 09-98 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. Voss noted that this Ordinance will establish a new \$10 minimum charge at the transfer station for dumping solid waste.

RESOLUTIONS

BILL NO. 09-97 was presented as follows:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A HOUSING AGREEMENT WITH THE HUMANE SOCIETY OF SOUTHEAST MISSOURI, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-97 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. 09-97 is RESOLUTION NO. 2455.

LIQUOR LICENSES

Mr. Lanzotti made a motion, seconded by Mrs. Schneider, to conditionally approve the listed liquor license renewals. The motion was approved on the following vote: Aye, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained from voting on the Liquor license renewal for Club Moxy for financial reasons because an investor in Club Moxy does business with the bank where he works.

Retail Liquor by the Drink:

Josh Penfield d/b/a Club Moxy, 107 N. Main, Josh Penfield, Managing Officer

Jerel Lichtenegger d/b/a Global Café, 1315 Broadway, Jerel Lichtenegger, Managing Officer

Tamara Z. Buck d/b/a The Phat Cat, 731 Broadway, Tamara Buck, Managing Officer

Misty Thrower d/b/a Bel Air Grill, 24 S. Spanish, Misty Thrower, Managing Officer

Retail Liquor by the Drink and Sunday Sales:

Cape Girardeau Brewing Co. d/b/a Buckner Brewing Co., 132 N. Main, Phillip Brinson, Managing Officer

Texas Roadhouse Holdings, LLC d/b/a Texas Roadhouse, 13 Doctors Park, George Beam, Managing Officer

Somchai Prasanphanich d/b/a Pagoda Gardens, 329 S. Kingshighway, Somchai Prasanphanich, Managing Officer

Dalhousie Golf Club, LLC d/b/a Dalhousie Golf Club, 4700 Cords' Way, Cord Dombrowski, Managing Officer

5% Beer By the Drink and Sunday Sales:

Kimberly D. Robinson d/a/a Cup 'N' Cork, 46 N. Main, Kimberly Robinson, Managing Officer

Manufacturers of Beer:

Cape Girardeau Brewing Company d/b/a Buckner Brewing Co., 132 N. Main Street, Phillip Brinson, Managing Officer

Mrs. Tracy made a motion, seconded by Mr. Herbst, to approve the listed liquor license renewals. The motion was approved on the following vote: Aye, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mr. Lanzotti abstained from voting on the renewal of Midwest Energy, Inc.'s liquor licenses due to his firm having a financial relationship with those businesses.

Retail Liquor by the Drink:

Henry A. Carter d/b/a Alexander's, 433 S. Sprigg, James Hudson, Managing Officer

NRG Entertainment, LLC de/b/a Slingers Nightclub & Lounge, Brian Williams, Managing Officer

Craig C. Horky d/b/a Daytimers Lounge, 829 S. Kingshighway, Craig Horky, Managing Officer

Hardco, LLC d/b/a Brothers Lounge, 2023 Independence, Robert Hardy, Managing Officer

Whiskey Business, LLC d/b/a Last Call, 632 Broadway, Robert Schloss, Managing Officer

Retail Liquor by the Drink and Sunday Sales:

Drury Hotels Company, LLC d/b/a Drury Suites, 3303 Campster Drive, Sara Heuer, Managing Officer

Drury Hotels Company, LLC d/b/a Drury Lodge, 104 S. Vantage Drive, Sara Heuer, Managing Officer

Zellmer, LLC d/b/a Buffalo Wild Wings Grill & Bar, 2136 William Suite 120, Bill Zellmer, Managing Officer

Hill-Mac, Inc. d/b/a Beef 'O' Brady's, 1812 Carondelet Suite 101, William Hillman, Managing Officer

T.W.O. Lexandus, LLC d/b/a Broussard's Cajun Cuisine, 120 N. Main, Michael Clark, Managing Officer

Gregory Castorena d/b/a El Torero Mexican Restaurant, 1740 Broadway, Gregory Castorena, Managing Officer

El Torero d/b/a El Torero, 2120 William, Delia Trejo, Managing Officer

Original Package Liquor and Sunday Sales:

Midwest Energy, Inc. d/b/a Amerimart #7, 1320 W. Cape Rock Drive, Laura Younghouse, Managing Officer

Midwest Energy, Inc. d/b/a Amerimart #5, 865 N. Kingshighway, Laura Younghouse, Managing Officer

5% Beer By the Drink:

Semo Pizza, Inc. d/b/a Imo's Pizza, 1201 Broadway, Scott Bucher, Managing Officer

OTHER

Mrs. Schneider made a motion, seconded by Mr. Herbst, to establish a Complete Count Committee for the 2010 Census in the City of Cape Girardeau, Missouri. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mr. Eftink spoke about the Committee and its goal to encourage citizens to participate in the 2010 Census.

Mayor Knudtson stated that City staff has submitted two options on how to proceed with the Shawnee Sports Complex projects. Mr. Lanzotti made a motion, seconded by Mr. Voss, to reject the bids for the improvements at the Shawnee Park Sports Complex and a new Community Center at Shawnee Park, and to resubmit the project for bid by revising and redefining the scope of the project to attempt to bring it within budget. The motion was approved upon 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. Tracy'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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