

REGULAR SESSION – JUNE 6, 2011

The Cape Girardeau City Council convened in regular session on Monday, June 6, 2011, at 7:00 p.m., with Mayor Rediger presiding and Council Members Loretta Schneider, Kathy Swan and John Voss present. Council Members Mark Lanzotti, Meg Proffer and Debra Tracy were absent.

Reverend Mark Martin, of St. Andrew Lutheran Church, presented the invocation, and the Pledge of Allegiance was recited.

Mrs. Swan made a motion, seconded by Mr. Voss, to remove from the Consent Agenda Item No. 9, a Resolution authorizing the City Manager to execute an Amendment to Recycling Processing Agreement with Republic Services Environmental, LLC, and CWI of Missouri, Inc., for recycling services, and to adopt the Agenda as amended. The motion was approved upon the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none.

PRESENTATIONS

Ms. Charlotte Craig, Director of the Cape Girardeau County Health Department, and Assistant Director Jane Wernsman, addressed the Council. They commended the City and Mr. Scott Williams, Recreation Division Manager, for the City's response when the Health Department and the Humane Society called for assistance when the emergency animal clinic in the Bootheel was out of room after the flood event in April. Seven Disaster Animal Response trailers for companion animals from the Federal Emergency Management Agency (FEMA) were set up in Arena Park, and the Health Department registered as a Medical Corp Unit to volunteer in times of emergency. The Cape Girardeau County Health Department provides both human and veterinary response during emergency situations.

Ms. Wernsman presented pictures of the Arena Park shelters and showed how the 4-H building was used as an emergency animal shelter. She said that 165 individuals from the community volunteered at the shelter, over 50 animals were housed, and the shelter operated about 900 hours over 16 days. She thanked Mr. Williams and the Parks and Recreation Department staff for their assistance with the shelter. Ms. Craig said that if a place had not been provided for flood-displaced people to take their animals, a majority would not seek help.

Ms. Lori Kinder, Vice Chairperson of the Arts Council of Southeast Missouri, appeared to recognize the talented students in the area that participated in the 11th annual Children's Art Festival. She presented each Council member with a booklet on the festival. The Arts Council provides exhibit space for the showing in February with grades 3-8 participating. The show is competitive, and the artwork is judged by a panel of accredited art teachers and art patrons. She said that this is the third year that a collection of the children's art was presented to the State Legislature in Jefferson City, and it will be displayed in their offices and replaced after one year. This year, a piece of art will be presented to each of the City Council members. Each student presented their art work to the Council with an artwork book.

Mayor Rediger received artwork entitled "The Colorful Bee" from Allison McDonald, a fourth grader from Clippard Elementary School. Mr. Voss received artwork, entitled "Penguins in the Northern Lights", from Noel Friedrich, a fifth grader from Eagle Ridge Christian School. Mrs. Proffer received artwork from Destiny Minor, a sixth grader at Central Middle School. Mrs. Tracy received artwork from a third grader at Prodigy Leadership Academy, Miles Mueller. Mrs. Schneider received "The Giraffe" from Samantha Ratledge, a sixth grader at Nell Holcomb School. Mr. Lanzotti received artwork from Jordan Nelson, an eighth grader from St. Mary

Cathedral School. Mrs. Swan received artwork, "Banana Jealous", from Molly Phegley, a fourth grader at Nell Holcomb Elementary School. City Manager Mr. Scott Meyer received "Abstract Squares" from Ashton Mattingly, a fourth grader at Jefferson Elementary School.

Ms. Marla Mills, Executive Director of Old Town Cape, presented an annual update of their contract for services with the City. She introduced the Board Members present at the meeting and presented the accomplishments of Old Town Cape from July 1, 2010, through May 31, 2011. Ms. Mills gave an update on the implementation of the Downtown Strategic Plan and reviewed Old Town Cape's connection with the City's tangible results.

COMMUNICATIONS/REPORTS

Mayor Rediger said that he had awarded a plaque before the last Capaha baseball game to Coach Jess Bolen who was inducted into the Missouri Sports Hall of Fame, in his 45th year of coaching the Plaza Tire Capahas.

Mayor Rediger said that he and Mr. Meyer had an opportunity to ride the No. 844 steam train to Poplar Bluff. Over 2,000 people came downtown to view the steam engine and cars. He said that when they boarded the train this morning, there were people there to see the train off, and people lined the route to Poplar Bluff to wave at the train. The railroad has quite a history in Cape Girardeau, he said. Mr. Meyer said it was amazing how many people came to the railroad crossings just to see the train pass by. Mayor Rediger commended the Convention and Visitors Bureau and their staff for their work in welcoming the train to Cape Girardeau.

Mrs. Swan congratulated the City and staff for its recognition at the United Way Volunteer Recognition Luncheon. Assistant Chief of Police Roger Fields received the award given to the City for its support of the United Way.

Mrs. Swan also announced that due to a citizen request, Old Lorimier Cemetery will be open on Labor Day and Memorial Day for the public to visit. Mrs. Schneider said that she was privileged to remove the curtain on the plaque at the Old Common Pleas Courthouse noting the building's nomination to the National Register of Historic Places.

Mrs. Schneider requested an update on the Cape Splash Family Aquatic Center and Capaha Pool. Mr. Williams answered that the Central Pool bathhouse renovation was well underway and on schedule for completion in mid-June. The Capaha Pool basin has been removed and crews are working on clearing the site. Cape Splash has been very busy, he said. Mr. Williams continued that there will be green space at Capaha Park, and the new Director will meet with the Parks and Recreation Advisory Board to decide the new direction of the park.

Public Works Director Tim Gramling announced that the transfer station will be closed June 15-16, Thursday and Friday, for scale repairs and will open back up on a limited basis the following week. With South Sprigg Street closed, they are trying to get the word out that residents will have to use an alternate route to get there. Mr. Gramling also announced that limbs and storm debris will be accepted at the holding area on LaCruz Street, and an attendant will be available to help unload.

Mr. Meyer announced that Ms. Julia Thompson has accepted the position of Parks and Recreation Director. Ms. Thompson is currently working at Seminole County in Florida and has 30 years experience in the business with the City of Cape Coral, with Collier County, Florida, with the City of Kissimmee, Florida, and with Osceola County Parks and Recreation. He reviewed her

experience and education and announced that her first day will be July 11. Ms. Thompson's mother, Mrs. Marge Thompson, is a resident of Cape Girardeau, he said.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the proposed Operating Budget for the Fiscal Year beginning July 1, 2011, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 11-94 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, 2011

The first reading of BILL NO. 11-94 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none.

Mayor Rediger said that the Council had reviewed the budget in depth at the Council retreat on April 20, 2011. Mr. Voss commended Finance Director John Richbourg for putting a budget together with limited resources.

BILL NO. 11-96 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. 11-96 was approved upon Mrs. Schneider's motion, Mr. Voss' second, and the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none. Mayor Rediger said that this Ordinance would provide the City with sewer service on a pay-as-you-go basis for the new wastewater treatment plant.

APPEARANCES

Mr. Don Howard, of 1100 Ranney Avenue, addressed the Council and thanked Mr. Voss and Mr. Meyer for work done on some of the derelict buildings on the South side of Cape Girardeau. He then asked if the proposed Ordinance amending the solid waste, water rates and sewer service charge fees would raise utility rates. Mayor Rediger replied that the Ordinance allows for a fuel surcharge instead of a raise in rates, if the fuel rates climb high enough. The fuel surcharge could be added if needed and removed when not necessary. The Mayor said that the fuel surcharge would give the City the possibility of managing the anticipated increases in fuel costs without raising utility fees for the unknown fuel rate fluctuations. In addition, he said that the voters of Cape Girardeau had approved the wastewater treatment plant by 80%, and this fee will give the City funds to pay for the design as we go, rather than borrow funds for the design and pay interest.

Mr. Howard asked if the surcharge would be above the 5% increase the City levies every year. Mr. Meyer countered that the City is not raising the trash rate for the 2nd year in a row, and the only increase in fee will be the fuel surcharge.

Ms. Tamara Baremore, of Missouri Plastics and Recycling, appeared before the Council regarding Agenda Item No. 9, an amendment to Recycling Processing Agreement with Republic Services

Environmental and CWI of Missouri for recycling services, and presented documents to the Council. Ms. Baremore asked the Council to table the reading and passage of BILL NO. 11-95 and allow her company to meet with City staff about this recycling project. She said that Missouri Plastics and Recycling has a facility on Highway Y and offers this service to businesses now.

Mr. Gramling said that BILL NO. 11-95 was an amendment to an existing agreement the City has with Republic Services Environmental, which is under contract to bring recycled materials to the City facility for processing. This will be an agreement with the company that will contract their customers to haul their recyclables to the City's facility. Any company is welcome to haul materials to the City facility, and they will receive the same rates as are in this proposal.

Ms. Baremore said that Missouri Plastics and Recycling has a facility to process the materials and is a competitor to the City to process recyclable materials. She said that she wants to meet with the City to discuss what the City's plans are, and what her company's plans are. Mr. Meyer stated that nothing in the agreement prevents Missouri Plastics and Recycling from competing in the same business.

Ms. Baremore said that Missouri Plastics and Recycling provides processing. Republic Services Environmental brings materials to her facility now, but now they will be bringing recyclable materials to the City's facility, in direct competition with her company. She said that she knows the City operates the transfer station and the City wants to improve it to service the City, but there are other options that will not tie their hands to a 15-year contract to finance transfer station improvements.

Mr. Voss said that he did not see how the Council approving the agreement tonight would prevent Missouri Plastics and Recycling from providing the same business. Ms. Baremore said that an article she had read in the newspaper was misleading, because it said services were not offered in Cape Girardeau, but they are offered by her company. The newspaper article made it sound like there are no options for businesses in Cape Girardeau to recycle, when there are options with her company. Mr. Meyer said that the City is looking at all options to provide better services to our citizens at a more efficient price. He encouraged Ms. Baremore to meet with Mr. Gramling regarding ideas for the transfer station and other areas of recycling.

ITEMS REMOVED FROM CONSENT AGENDA

BILL NO. 11-95 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO RECYCLING PROCESSING AGREEMENT WITH REPUBLIC SERVICES ENVIRONMENTAL, LLC AND CWI OF MISSOURI, INC. FOR RECYCLING SERVICES IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mr. Randy Thompson, General Manager of Republic Services Environmental, and Mr. Brent Badliner, appeared in support and to answer questions. Mr. Voss asked why a 15-year term was necessary. Mr. Badliner answered that a long contract was required for them to cover capital asset costs. Republic Services Environmental will install a larger bailer and add onto the building. Mr. Voss asked how they came up with the revenue figures. Mr. Thompson explained that they had looked at surrounding markets for commercial trash, and they currently have 40% of the market share. They used the known volumes of collection and based their assumptions on those figures. They anticipated having 80% of the market by the 15th year.

Mr. Voss asked if revenue was tied to market pricing. Mr. Badliner said that Republic Services Environmental pays the City to process the materials they receive. There is a revenue sharing with a guaranteed floor rate. He said that they pay the City for the processing they do, and Republic Services Environmental takes the recyclables. Mr. Gramling said that the advantage with a flat rate is that since the recycling market is very volatile, a flat rate will span the low rate times.

The reading of BILL NO. 11-95 was approved and the Resolution adopted upon Mr. Voss' motion, Mrs. Swan's second, and the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none. BILL NO. 11-95 is RESOLUTION NO. 2622.

CONSENT AGENDA

A motion was made by Mrs. Schneider, seconded by Mr. Voss, to approve the following items on the Consent Agenda:

City Council May 16, 2011, regular and closed sessions minutes.

BILL NO. 11-81, AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING VARIANCES. Second and third readings.

BILL NO. 11-83, AN ORDINANCE AMENDING SCHEDULE F OF SECTION 26-247 OF THE CITY CODE, BY ESTABLISHING NO PARKING ZONES ON VARIOUS STREETS IN THE CITY OF CAPE GIRARDEAU, MISSOURI, FOR BICYCLE LANE STRIPING. Second and third readings.

BILL NO. 11-84, AN ORDINANCE APPROVING THE RECORD PLAT OF BROADVIEW ESTATES. Second and third readings.

BILL NO. 11-86, AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST FROM LORA LEE EAKER FOR THE PROPERTY AT 915 NORTH MAIN STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-89, A RESOLUTION ACKNOWLEDGING RECEIPT OF AN ANNEXATION PETITION FROM TERRY MILLS, MARLA MILLS, MATTHEW S. RUBEL AND MICHELE R. RUBEL AND SETTING A PUBLIC HEARING REGARDING THE PROPOSED ANNEXATION. Reading and passage.

BILL NO. 11-92, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH CAPE RIVERVIEW 2, LLC, FOR PARKING LOT IMPROVEMENTS ON A PORTION OF PARK DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

The motion was approved upon the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none. BILL NO. 11-81 is ORDINANCE NO. 4234; BILL NO. 11-83 is ORDINANCE NO. 4235; BILL NO. 11-84 is ORDINANCE NO. 4236; BILL NO. 11-86 is ORDINANCE NO. 4237; BILL NO. 11-89 is RESOLUTION NO. 2623; and BILL NO. 11-92 is RESOLUTION NO. 2624.

NEW ORDINANCES

BILL NO. 11-35 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 26-251 OF CHAPTER 26 OF THE CITY CODE RELATING TO PARKING

The first reading of BILL NO. 11-35 was approved upon Mrs. Schneider's motion, Mr. Voss' second, and the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-90 was given first reading as follows:

AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST FROM MID-AMERICA TEEN CHALLENGE TRAINING CENTER, INC. FOR PROPERTY AT 610 MERRIWETHER STREET

The first reading of BILL NO. 11-90 was approved upon Mr. Voss' motion, Mrs. Swan's second, and the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-91 was given first reading as follows:

AN ORDINANCE APPROPRIATING MONIES FOR OPERATING EXPENDITURES AND CAPITAL EXPENDITURES FROM THE CONVENTION AND TOURISM FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2011, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-91 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-93 was given first reading as follows:

AN ORDINANCE ADDING A NEW SECTION 17-160 TO THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI REGARDING NUISANCE PARTIES

The first reading of BILL NO. 11-93 was approved upon Mr. Voss's motion, Mrs. Schneider's second, and the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-97 was given first, second and third readings as follows:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A GENERAL WARRANTY DEED TO THE STATE OF MISSOURI, ACTING BY AND THROUGH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR VETERANS MEMORIAL DRIVE PHASE I BETWEEN LASALLE AND COUNTY ROAD 306 LOCATED IN THE COUNTY OF CAPE GIRARDEAU, MISSOURI

Mrs. Swan made a motion, seconded by Mrs. Schneider, to approve the emergency readings of BILL NO. 11-97 and to adopt the Ordinance. The motion was approved upon the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none. BILL NO. 11-97 is ORDINANCE NO. 4238.

Mayor Rediger said that an emergency reading of the Ordinance was necessary to get construction underway during this construction season. The property must be transferred to the Missouri

Department of Transportation for construction, and they will deed it back to the City, when improvements are complete. Mr. Meyer said that the Missouri Department of Transportation must take possession of the property to improve it and will deed it back to the City to maintain it. City Attorney Eric Cunningham clarified that Section 3.15 of the City Charter allowed four votes to pass this measure, since only four Council members are present – five votes are needed if more than a quorum is present.

There being no further business, the City Council adjourned upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Rediger, Schneider, Swan and Voss. Nays, none.

Harry E. Rediger, Mayor

Gayle L. Conrad, City Clerk

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