

REGULAR SESSION – JUNE 15, 2009

The Cape Girardeau City Council convened in regular session on Monday, June 15, 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 Bob Towner, of Christ Episcopal 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. Voss' 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 28, 2009, closed session, and June 1, 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 Ms. Ritter'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 said that she had attended the celebration at the Rose Garden, and she expressed appreciation for those who maintain it.

Mayor Knudtson stated that he had attended the golf course improvements groundbreaking at the Jaycee Municipal Golf Course, and he commended the City's Parks and Recreation staff on their efforts.

Mrs. Heather Brooks, Assistant to City Manager, introduced Mrs. Barbara Machi who is completing a Masters Degree in Public Administration at Southeast Missouri State University and will be interning in the City Manager's office.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the request of Mr. and Mrs. Ken and Carol Oberlohr to rezone the property located at 2254 Kingsway Drive from R-1, Single-Family Residential District, to C-2, General Commercial District, the hearing was opened. Mr. Oberlohr appeared in support of the rezoning request, and to answer questions. There being no further appearances, the hearing was closed.

BILL NO. 09-106 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF 2254 KINGSWAY DRIVE, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-1 TO C-2

The first reading of BILL NO. 09-106 was approved upon Mrs. Schneider's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and

Voss. Nays, none. Ms. Ritter asked if the request was made by the residents, or by the Planning and Zoning Commission. Mr. Ken Eftink, Interim City Manager, answered that the rezoning request was made by the residents, Mr. and Mrs. Oberlohr.

This being the date set for a public hearing regarding the Request of Wireless Asset Group, LLC, for a Special Use Permit to construct a 180-foot monopole telecommunication tower and fenced compound on the property at 813 Southern Expressway, the hearing was opened by Mayor Knudtson. The City Planner's Council Letter in the agenda packet presented for the record a certified copy of the following items: (1) Section 30-39 entitled "Special Use Regulations" from the City Code; (2) the application for special use permit; and (3) the application file. Ms. Nancy Browne, an attorney for Wireless Asset Group, LLC, appeared before the Council in support of the request, and to answer questions. There being no further appearances, the hearing was closed.

BILL NO. 09-107 was given first reading as follows:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO GEORGE H. WRAPE, JR., TRUSTEE OF THE GEORGE H. WRAPE, JR., REVOCABLE TRUST, JERAD BUSCH, AND WIRELESS ASSET GROUP, LLC, FOR PURPOSES OF CONSTRUCTING, MAINTAINING AND OPERATING A TELECOMMUNICATION TOWER AND FENCED COMPOUND AT 813 SOUTHERN EXPRESSWAY, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-107 was approved upon Mrs. Tracy's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

APPEARANCES

Mrs. Marla Mills, Executive Director of Old Town Cape, and Mr. Lee Schlitt, President of the Old Town Cape Board, appeared before the Council and gave a report on their activities over the last year and services to be provided over the next year under the proposed contract with the City of Cape Girardeau.

BILL NO. 09-108 was presented as follows:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH OLD TOWN CAPE, INC., FOR THE MAIN STREET PROGRAM, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-108 was approved and the Resolution adopted 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. 09-108 is RESOLUTION NO. 2456.

Mr. Bryan Crain of Crain Funeral Home appeared before the Council in support of the motion to transfer ownership of a Special Use Permit for a funeral home on West End Boulevard.

The transfer of ownership of a Special Use Permit from William and Betty Kuss of the First Christian Church (Disciples of Christ) and Memorial Funeral Chapel of Cape Girardeau, Inc. to Bryan A. Crain, Crain Funeral Home, for a funeral chapel at 829 North West End Boulevard, was 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.

Mr. Felix Kinsley, of 325 North Sprigg, appeared before the Council to commend the City of Cape Girardeau bus system and to support the City's contract with Cape Girardeau County Transit Authority to manage it.

Ms. Coby Cuzzocrea of 1105 Linden appeared to express her concern that Cape Girardeau Police officers are abusing their powers. She asserted that an officer had stopped her and her nephew as she was traveling on the street in her powered mobility chair, due to his alleged concern about her nephew's behavior. Ms. Cuzzocrea said that the officer then followed her to her home, and later, the Department of Family Services was contacted by the Police Department to investigate her nephew's care. She stated that she was very upset and wanted that police officer to apologize for his behavior. She said that she was also concerned that the electronic pedestrian crossings do not allow enough time for pedestrians to cross the streets.

Mayor Knudtson responded that City staff will look into the stop light pedestrian crossing issue she addressed, and Police Chief Kinnison will check into her concerns about the police officer.

CONSENT ORDINANCES

The following bills were given second and third readings:

BILL NO. 09-96 AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE CAPE GIRARDEAU COUNTY COMMISSION FOR PROPERTY NEEDED FOR THE NORTH PARK TRAIL PROJECT

BILL NO. 09-98 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

BILL NO. 09-101 AN ORDINANCE ADOPTING THE ANNUAL OPERATING BUDGET FOR THE CITY OF CAPE GIRARDEAU, MISSOURI, FOR THE FISCAL YEAR BEGINNING JULY 1, 2009

Mr. Herbst made a motion, seconded by Mrs. Schneider, to approve the second and third readings of BILL NOs. 09-96, 09-98, and 09-101, and adopt the Ordinances. A motion was made by Mr. Voss, and seconded by Mr. Lanzotti, to amend BILL NO. 09-98 to remove the proposed \$10.00 minimum fee at the transfer station. The amending motion was approved with the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. The original motion as amended was approved with the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-96 is ORDINANCE NO. 4039; BILL NO. 09-98 is ORDINANCE NO. 4040; and BILL NO. 09-101 is ORDINANCE NO. 4041.

NEW ORDINANCES

BILL NO. 09-102 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR VETERANS MEMORIAL DRIVE BETWEEN KINGSHIGHWAY AND SCENIC DRIVE

The first reading of BILL NO. 09-102 was approved upon Mrs. Schneider's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Ms. Ritter asked where the funding for the property acquisition would come from. Mr. Eftink answered that the funding would come through the Transportation Trust Fund 3.

BILL NO. 09-103 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 15-208 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU REGARDING TAXICABS

The first reading of BILL NO. 09-103 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.

BILL NO. 09-109 was given first reading as follows:

AN ORDINANCE ACCEPTING A GENERAL WARRANTY DEED FROM THE LOHMANN FAMILY TRUST, FOR PROPERTY LOCATED AT 2200 SOUTH SPRIGG STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-109 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. Eftink stated that this is the last privately-owned property in the floodplain in the Smeltonville area, and that the Cape Girardeau Fire Department may use the building for training.

BILL NO. 09-110 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE T OF SECTION 26-260 OF THE CITY CODE BY ESTABLISHING HANDICAP PARKING IN THE 100 BLOCK OF LORIMIER STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-110 was 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.

BILL NO. 09-111 was given first reading as follows:

AN ORDINANCE APPROPRIATING FUNDS FOR OPERATING EXPENDITURES, DEBT SERVICE PAYMENTS, CAPITAL EXPENDITURES, AND TRANSFERS FOR THE FISCAL YEAR ENDING JUNE 30, 2009, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-111 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.

Ms. Ritter asked for an explanation of Article 2 regarding the debt service on the sewer SRF State Revolving Fund bonds. Mr. John Richbourg, Finance Director, explained that SRF State Revolving Funds offer a subsidy on interest. The deferred interest is then used instead of the State interest subsidy to pay the bonds. The unused interest subsidy will be used later to make future payments.

BILL NO. 09-112 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE CAPE GIRARDEAU COUNTY TRANSIT AUTHORITY FOR PUBLIC TRANSPORTATION SERVICES IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-112 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. Mayor Knudtson remarked that Mr. Tom Mogelnicki, Executive Director of Cape County Transit, had discussed this service during the Council's study session.

RESOLUTIONS

BILL NO. 09-104 was presented as follows:

A RESOLUTION AUTHORIZING APPLICATION TO THE U.S. DEPARTMENT OF ENERGY TO RECEIVE FUNDING UNDER THE 2009 RECOVERY ACT - ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

The reading of BILL NO. 09-104 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. 09-104 is RESOLUTION NO. 2457.

BILL NO. 09-105 was presented as follows:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT WITH HD SUPPLY WATERWORKS FOR PURCHASE OF MATERIALS FOR THE RAW WATER TRANSMISSION MAIN PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-105 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. 09-105 is RESOLUTION NO. 2458.

APPOINTMENTS

Mr. Stan Irwin and Ms. Joan Slaughter were reappointed to the Public Library Board for terms expiring June 30, 2012, upon Mrs. Schneider's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Phillip Brinson and Mr. Frank Kinder were reappointed to the Special Business District Advisory Commission for terms expiring June 30, 2012, upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

LIQUOR LICENSES

Mrs. Tracy made a motion, seconded by Mr. Lanzotti, to approve the following liquor licenses and renewals. The motion was approved on the following vote: Aye, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

A temporary 30-day retail liquor by the drink license for Merriwether Investments, Inc. d/b/a Mollie's Café and Bar, John Wyman, Managing Officer.

Conditional approval of the following new liquor licenses:

Retail Liquor by the Drink:

Doc Cain, Inc. d/b/a Cain, 31 N. Main, Dennis R. Cain, Managing Officer

Retail Liquor by the Drink and Sunday Sales:

El Durango #2, 3049 William, Ricky Draughon, Managing Officer

Original Package Liquor and Sunday Sales:

Super Target Liquor of Missouri, Inc. d/b/a Target Store T-0992, 202 Siemers Drive, Daniel Fogt, Managing Officer

Narayan of Cape, LLC d/b/a Semo Gas, 40 N. Sprigg, Bharat Patel, Managing Officer

5% Beer By the Drink and Sunday Sales:

Raguram of Cape, LLC d/b/a Steve's Burger, 600 Broadway, Bharat Patel, Managing Officer

Conditional renewal of the following liquor licenses:

Retail Liquor by the Drink:

Rodney Pobst d/b/a Pour House Pub, 113 Broadway, Rodney Pobst, Managing Officer
Independence Place, Inc. d/b/a Independence Place, 5 S. Henderson, Ricky Werner, Managing Officer

Independence Place, Inc. d/b/a Main Street Bar, 701 N. Main, Ricky Werner, Managing Officer

Retail Liquor by the Drink and Sunday Sales:

Randy Entertainment, LLC d/b/a Show-Me's, 1751 Independence, Randall Palen, Managing Officer

Renewal of the following liquor licenses:

Retail Liquor by the Drink:

Raymond Rhymer d/b/a/ Rhymer's, 10 S. S. Plaza Way, Raymond Rhymer, Managing Officer

Retail Liquor by the Drink and Sunday Sales:

Amanda Hasting d/b/a The Billiard Center, 26 N. Main, Amanda Hasting, Managing Officer

5% Beer By the Drink:

Ruben Quesada d/b/a Muy Bueno Authentic Mexican Restaurant, 2007 Independence, Ruben Quesada, Managing Officer

Mr. Voss made a motion, seconded by Mr. Lanzotti, to conditionally approve a retail liquor by the drink license for Miller Restaurants, LLC d/b/a Royal N'Orleans Restaurant, 300 Broadway, Brian D. Miller, Managing Officer. The motion was approved on the following vote: Aye, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Regular

June 15, 2009

GG-341

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

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