

REGULAR SESSION – JUNE 20, 2011

The Cape Girardeau City Council convened in regular session on Monday, June 20, 2011, at 7:00 p.m., with Mayor Harry Rediger presiding and Council Members Meg Proffer, Loretta Schneider, Kathy Swan, Debra Tracy and John Voss present. Council Member Mark Lanzotti was absent.

Reverend Dan Johnson, of the Evangelical United Church of Christ, presented the invocation, and the Pledge of Allegiance was recited.

Mr. Voss made a motion, seconded by Mrs. Swan, to remove Item Nos. 4, 6, 10 and 11 from the Consent Agenda. The motion was approved upon the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. Mr. Voss made a motion, seconded by Mrs. Swan, to amend the agenda to add BILL NO. 11-106, relating to the Cape Centre Development. The motion was approved upon the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. Mrs. Swan made a motion, seconded by Mrs. Schneider, to adopt the Agenda as amended. The motion was approved upon the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-139 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A DECLARATION OF RESTRICTIVE COVENANTS WITH VARIOUS PROPERTY OWNERS PERTAINING TO THE CAPE CENTRE DEVELOPMENT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-139 was approved upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. City Manager Scott Meyer noted that this is a minor amendment to a previously approved Ordinance, including changes to the title and property owners.

COMMUNICATIONS/REPORTS

Mayor Rediger said that he had attended the opening of the new daycare center and playground at the National Asset Recovery Services (NARS) facility. He toured the NARS daycare, which is doubling in size and open to the public. NARS also announced that it is adding 100 jobs to the facility.

Mayor Rediger said that Mr. Kevin Cantwell, President of Big River Telephone, gave a presentation at the Council study session announcing the addition of up to 74 new jobs. In the last month, Nordenia USA also expanded its plant and added 50 new jobs.

The Mayor reminded everyone about the landlord/tenant meeting Thursday at the Osage Centre at 7:00 p.m. regarding the Neighborhood Stabilization Program/Rental Inspection Program.

Mayor Rediger said that he had written about City beautification in his monthly article in the Southeast Missourian, and it had sparked a lot of interest in the community. He said that there are nuisances and litter that should not be, and there are a lot of things that can be done by schools and the inspection program through City staff to enhance beautification in the City and set a good example.

Mrs. Schneider said that she agreed that litter should be addressed. She said that it bothers her that some 24-hour businesses are in bad shape, and it appears that nothing is ever done. Mrs. Schneider said that many years ago, it started with "Keep Southeast Missouri Beautiful" and the Cape Girardeau Area Chamber of Commerce got involved. There were good projects going for quite some time. She said she didn't know exactly what happened, but she hadn't heard much about it in a while. The Public Works Department had some good plans for some of these initiatives. She felt the City should look at these projects again. City visitors stop at convenience stores, and some are in really bad shape. They won't do anything until the City creates a program to reward them for cleaning up their premises. Mrs. Schneider said that she wanted to challenge the Chamber to recommit to "Keep Southeast Missouri Beautiful" and to continue to work on these projects.

Mrs. Tracy said that the Girardeau Goes Green Advisory Board Education Subcommittee was interested in hearing ideas others had for beautifying the City. Mrs. Schneider said that the Green Advisory Board should cooperate with the Cape Girardeau Area Chamber of Commerce and "Keep Southeast Missouri Beautiful."

Mr. Meyer reviewed the Council Memorandum regarding the upcoming 2012 Council elections. He also reviewed the Memorandum on Ward boundary changes. Mr. Meyer encouraged the Council to address any questions or concerns to Assistant City Manager/Development Services Director, Mr. Ken Eftink. Mr. Eftink will address the Council at a Council meeting in July. In addition, Mr. Meyer noted that Mrs. Tracy has requested a discussion of limiting the number of liquor licenses be placed on the next Council agenda, as well.

APPEARANCES

Mr. Dennis Meyer, President of the Old Town Cape Board, appeared before the Council to request that they renew the City's contract with Old Town Cape. He said that it is vitally important for implementation of the downtown improvement plans. Mr. Voss said that the contract calls for annual support of Old Town Cape and additional funding for the Downtown Strategic Plan. The City had committed to a three year funding of the DREAM Initiative, he said, and now Old Town Cape is requesting a fourth year of funding. He asked what Old Town Cape was using the DREAM Initiative funding for, now that those three years have passed.

Mr. Miller answered that during the first three years, the City and Old Town Cape laid out plans for downtown renovation identified by the DREAM Initiative, and it had become quite an enormous list, with approximately 80 or 90 initiatives. Old Town Cape had been involved in implementing approximately 60 to 75 of those, and it is in the middle of implementing more. The funding is helping to implement those items, and the funding is imperative.

Mr. Voss asked if Old Town Cape will continually be requesting annual funding for the DREAM Initiative from the City of Cape Girardeau. Mr. Miller answered that they may continue to ask the City for funding, or it may be a bridge until other funding is identified. Old Town Cape has a \$100,000 budget. They have a lot of work and everyone volunteers, except for the executive director. In order for Old Town Cape to implement the downtown improvement plans, it will need the funding for the next 2-3 years, while it is looking for other funding sources. He said that Old Town Cape continues to attempt to fundraise.

Mr. Voss said that he had reservations about funding beyond the City's annual support of Old Town Cape. When the Council was presented with the first application for the DREAM Initiative, he thought it was a three-year commitment. It is hard for him to vote for additional funding, when

Old Town Cape is saying it could be for several more years. Mr. Miller said that at the end of the three year commitment, the Council had agreed to support the implementation of the Downtown Strategic Plan.

Mrs. Tracy asked if the implementation of the Downtown Strategic Plan is coordinated with the City's Comprehensive Plan. Mr. Miller answered that Ms. Marla Mills, Old Town Cape Executive Director, has the details of the implementation.

Mrs. Proffer asked if the City relies on Old Town Cape to implement the City's Comprehensive Plan. Mr. Meyer answered that with the Dream Initiative especially and the Comprehensive Plan, the City has asked Old Town Cape to focus on certain things and they have agreed to do that. The City will continue to work with Old Town Cape.

Mr. Miller said that the DREAM Initiative set out a plan of all the things to get done. It would hinder that plan mid-stream, if funding is not continued, and really slow the process down. Old Town Cape wants to expand some projects and have more of an impact in this area, including the downtown CID development.

Mr. Meyer said that when he met with Mrs. Mills, they had prioritized items that come together with the Casino and the Comprehensive Plan. In doing the enhancements and trying to get the façade program ready for when the Broadway program is being done, they will compliment each other. Some of the programs were accelerated due to the Broadway improvements, and these funds will help to do this.

Mrs. Tracy said that in the past, the City has prioritized the downtown area. She asked if it was still a priority. Mr. Voss said that he would feel more comfortable if the agreement with Old Town Cape were modified to delay approval of DREAM Initiative funding.

Mr. Daniel DoGonia, with Waterworks Specialties, addressed the Council in support of the license and indemnity agreement to construct and maintain structures on Industrial Drive right-of-way. Waterworks Specialties had purchased property at 779 Commercial Street and is moving the business to that site. However, there are problems with access on the west side of the property. He requested use of 12' of right-of-way to allow access to get trucks into the rear of the property and to store outside materials. Mayor Rediger said that this agreement would give access to the rear of the property and allow the City to get the property back if the City chooses to develop the street for future improvements to the west.

Mrs. Tracy asked if Waterworks Specialties had gone to the Planning and Zoning Commission with this request. Mr. DoGonia replied that they had given site plans and grading plans to the City. Mr. Voss asked what materials would be used. Mr. DoGonia answered that upper end control valves and a 6' security roll-gate fence with three-string barbed wire would be installed.

Mr. Daniel Hazelwood, of 410 East Cape Rock Drive, addressed the Council regarding the record plat of J.D. Estates Subdivision. He said that in December of 2010, he had bought a house at 414 East Cape Rock Drive and invested in improvements to the property. The lot goes back to Vincent Park Drive, but it is hard to access the property because there is a drainage ditch between the properties. The owners of the property at 420 East Cape Rock Drive have agreed to sell 19' to him. Though the property is 10,000 square feet, the property does not have 80' frontage. Vincent Park has 19 lots on it, and 10 of those lots do not meet the 80' frontage requirement. Mr. Hazelwood said that he wants to build a house on Vincent Park and combine the two lots. There

are three lots within 500' of this lot that have less than 38' frontage. Without the ability to put these two lots together, the property is worthless.

Mayor Rediger asked what the Planning and Zoning Commission had said about the subdivision. Mr. Hazelwood replied that the Planning and Zoning Commission had been concerned with the type of house he could build.

CONSENT AGENDA

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

City Council June 6, 2011, regular and closed sessions minutes.

BILL NO. 11-35, AN ORDINANCE AMENDING SECTION 26-251 OF CHAPTER 26 OF THE CITY CODE RELATING TO PARKING. Second and third readings.

BILL NO. 11-90, AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST FROM MID-AMERICA TEEN CHALLENGE TRAINING CENTER, INC. FOR PROPERTY AT 610 MERRIWETHER STREET. Second and third readings.

BILL NO. 11-93, AN ORDINANCE ADDING A NEW SECTION 17-160 TO THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI REGARDING NUISANCE PARTIES. Second and third readings.

BILL NO. 11-99, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PREFERRED RESOURCE NETWORK, INC. D/B/A PERSONAL ASSISTANCE SERVICES FOR AN EMPLOYEE ASSISTANCE PROGRAM. Reading and passage.

BILL NO. 11-100, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH JOKERST, INC., FOR THE BRECKENRIDGE BRANCH STABILIZATION PROJECT IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-104, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR GENERAL ENGINEERING AND SURVEYING SERVICES WITH BOWEN ENGINEERING AND SURVEYING, INC., FOR GENERAL ENGINEERING SERVICES. Reading and passage.

A motion accepting the improvements to the Central Municipal Pool fabric structure replacement and authorizing final payment to Arizon Structures Worldwide, LLC.

A motion accepting the improvements to the Shawnee Park Center and Shawnee Park Sports Complex Concession Buildings, and authorizing final payment to Denali Construction Company, Inc., in the amount of \$185,941.50.

A motion accepting improvements to Fountain Street Phase II from Morgan Oak Street to William Street and authorizing final payment to Nip Kelley Equipment Company, Inc.

The motion was approved upon the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 11-35 is ORDINANCE NO. 4239; BILL NO. 11-90 is ORDINANCE NO. 4240; BILL NO. 11-93 is ORDINANCE NO. 4241; BILL NO. 11-99 is RESOLUTION NO. 2629; BILL NO. 11-100 is RESOLUTION NO. 2625; and BILL NO. 11-104 is RESOLUTION NO. 2626.

ITEMS REMOVED FROM CONSENT AGENDA

BILL NO. 11-91 was given second and third readings 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

Mr. Voss made a motion, seconded by Mrs. Tracy, to approve the second and third readings of BILL NO. 11-91 and adopt the ordinance. Mrs. Schneider spoke about beautification projects and projects to attract retirees to Cape Girardeau. She said that the City should partner with the Convention and Visitors Bureau and Chamber of Commerce to make our community more attractive. Mr. Voss asked when construction would begin on Melaina's Magical Playground. Mr. Meyer said that they were seeking more grants before beginning construction. Mrs. Swan asked if the City had made other funding commitments to the playground. Mr. Meyer responded that this is one of the casino funded projects approved by the City Council. Mr. Voss asked what commitment had been made by the County. Mr. Meyer said that he did not know what the County had donated. Mayor Rediger asked for an update on Melaina's Magical Playground. The motion was approved upon the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 11-91 is ORDINANCE NO. 4242.

BILL NO. 11-98 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH OLD TOWN CAPE, INC., FOR THE MAIN STREET PROGRAM AND FOR THE DOWNTOWN STRATEGIC PLAN CREATED THROUGH THE DREAM INITIATIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mrs. Tracy made a motion, seconded by Mrs. Proffer, to approve the reading of BILL NO. 11-98 and adopt the resolution. Mr. Voss made a motion, seconded by Mrs. Swan, to amend the Resolution by postponing the DREAM Initiative component of the contract and approving only the Old Town Cape funding for the Main Street Program. Mr. Voss said that he wanted clarity on the funding for the DREAM Initiative. [Mr. Lanzotti joined the Council meeting at this time.] The motion to amend was approved by the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. The reading of BILL NO. 11-98 was approved as amended and the Resolution adopted upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 11-98 is RESOLUTION NO. 2627.

BILL NO. 11-105 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH WATERWORK SPECIALTIES, INC., FOR IMPROVEMENTS ON INDUSTRIAL DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mrs. Schneider made a motion, seconded by Mrs. Tracy, to approve the reading of BILL NO. 11-105 and adopt the Resolution. Mrs. Swan said that she had requested Item Nos. 10 and 11 be removed from the Consent Agenda because these items had not been presented to the Planning and Zoning Commission as others are required to do. Mr. Voss noted that the City recently eliminated parking on right-of-ways, and this is a similar issue that allows a retailer to use City-owned property to merchandise or store their wares. He said that he had concerns about approving this license and indemnity agreement. Mayor Rediger said that he had toured the site of the new business, and the way the license and indemnity agreement was worded, the property would revert to the City if the street is ever opened. The motion was approved upon the following roll call vote: Swan, nay; Tracy, nay; Voss, nay; Lanzotti, aye; Proffer, aye; Rediger, aye; Schneider, aye. BILL NO. 11-105 is RESOLUTION NO. 2628.

Mr. Voss made a motion, seconded by Mrs. Schneider, to amend a Special Use Permit to Big River Telephone for the height of a microwave transmission tower at 24 S. Minnesota Avenue from 140 feet to 180 feet. Mrs. Swan said that the request had not been presented to the Planning and Zoning Commission, and the applicant should go through the proper avenues for approval. The motion was approved upon the following roll call vote: Tracy, nay; Voss, nay; Lanzotti, aye; Proffer, aye; Rediger, aye; Schneider, aye; Swan, nay.

BILL NO. 11-96 was given second and third readings 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

Mrs. Schneider made a motion, seconded by Mrs. Swan, to approve the second and third readings of BILL NO. 11-96 and adopt the Ordinance. A motion to amend the Ordinance by adding Article 5 relating to an emergency measure was made by Mrs. Tracy, seconded by Mrs. Schneider, and approved by the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. The original motion was approved as amended upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 11-96 is ORDINANCE NO. 4243.

BILL NO. 11-94 was given second and third readings 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 second and third readings of BILL NO. 11-94 were approved and the Ordinance adopted upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. Mayor Rediger complimented City staff for presenting a comprehensive balanced budget to the Council for approval. BILL NO. 11-94 is ORDINANCE NO. 4244.

NEW ORDINANCES

BILL NO. 11-102 was given first reading as follows:

AN ORDINANCE APPROPRIATING FUNDS FOR OPERATING EXPENDITURES, DEBT SERVICE PAYMENTS, CAPITAL EXPENDITURES, AND TRANSFERS FOR THE FISCAL ENDING JUNE 30, 2011, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-102 was approved upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-103 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF J.D. ESTATES SUBDIVISION

Mr. Voss made a motion, seconded by Mr. Lanzotti, to approve the first reading of BILL NO. 11-103. Mr. Voss said that if the subdivision were not approved, the property would be useless for development. Mayor Rediger noted that the Planning and Zoning Commission was concerned about front footage requirements not being met. Mrs. Tracy said that she felt it was important that the applicant discuss the subdivision plans with the Commission.

Mrs. Tracy made a motion, seconded by Mrs. Proffer, to refer this plat back to the Planning and Zoning Commission. The motion to refer back to the Planning and Zoning Commission failed upon the following roll call vote: Voss, nay; Lanzotti, nay; Proffer, aye; Rediger, aye; Schneider, nay; Swan, nay; Tracy, aye.

Mr. Voss reviewed the location of the proposed subdivision and the applicant's plans. He said that he felt that this subdivision would make the property developable and encourage investment in the area. The motion to approve the first reading of BILL NO. 11-103 was approved upon the following roll call vote: Lanzotti, aye; Proffer, nay; Rediger, nay; Schneider, aye; Swan, aye; Tracy, nay; Voss, aye.

APPOINTMENTS

Mr. George Reutzler was reappointed to the Board of Examiners for a term expiring July 1, 2014, upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Mr. Shaun McClintock and Mr. Eric Redinger were reappointed to the Girardeau Goes Green Advisory Board for terms expiring July 1, 2014, upon Mrs. Tracy's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Mr. Jeff Long, Ms. Jill Miller and Ms. Sheryl Smith were reappointed to the Public Library Board of Trustees for terms expiring June 30, 2014, upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Mr. David Hutson was reappointed to the Special Business District Advisory Commission for a term expiring June 30, 2014, upon Mr. Voss' motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Mr. Charles "Speedy" Wagoner was appointed to the Liquor License Review Board for a term expiring July 1, 2014, upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

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

Harry E. Rediger, Mayor

Gayle L. Conrad, City Clerk

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