

**REGULAR SESSION – JULY 6, 2009**

The Cape Girardeau City Council convened in regular session on Monday, July 6, 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.

City Attorney Eric Cunningham 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. Lanzotti's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the June 15, 2009, open and closed session 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 Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**COUNCIL COMMUNICATIONS**

Mayor Knudtson welcomed new City Manager Scott Meyer and thanked Assistant City Manager/ Development Services Director Ken Eftink for serving in the interim.

Mr. Lanzotti expressed appreciation to all the volunteers who assisted with the Joint Veteran's Council Independence Day celebration.

Mayor Knudtson commended the Dalhousie Golf Course on hosting a successful Rolex AJGA Golf Tournament.

**CITY MANAGER COMMUNICATIONS**

Mr. Meyer commented on his first days serving as City Manager.

Police Chief Carl Kinnison and Fire Chief Rick Ennis reported on activities that occurred over the 4<sup>th</sup> of July holiday weekend.

**PUBLIC HEARINGS**

This being the date set for a public hearing regarding the request of Mr. Eldon Nattier and Mr. James Coley to rezone the property located at 615-635 South Sprigg Street from R-3, Two-Family Residential District, to C-1, Local Commercial District, the hearing was opened by Mayor Knudtson. Mr. Nattier appeared in support of the rezoning request, and to answer questions. He gave the ownership history of the property, and spoke of their intentions to build a banquet facility. There being no further appearances, the hearing was closed.

BILL NO. 09-114 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 615, 623, 627, 631 AND 635 SOUTH SPRIGG STREET, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-3 TO C-1

The first reading of BILL NO. 09-114 was approved upon Mr. Herbst's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**APPEARANCES**

Ms. Marla Mills, Executive Director of Old Town Cape, presented a summary of the DREAM Strategic Plan for Downtown Cape. She introduced the partners participating in this program. Ms. Kim Martin of the Missouri Development Finance Board reported that Cape Girardeau is the first City to adopt a strategic plan under the DREAM program, and she looks forward to continuing to work with the City on implementation. Mr. Voss made a motion, seconded by Mr. Herbst, to approve the DREAM Strategic Plan prepared by PGAV. The motion was approved on the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**CONSENT ORDINANCES**

The following bills were given second and third readings:

- BILL NO. 09-102      AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR VETERANS MEMORIAL DRIVE BETWEEN KINGSHIGHWAY AND SCENIC DRIVE
  
- BILL NO. 09-103      AN ORDINANCE AMENDING SECTION 15-208 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU REGARDING TAXICABS
  
- BILL NO. 09-106      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
  
- BILL NO. 09-107      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
  
- BILL NO. 09-109      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

- BILL NO. 09-110 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
- BILL NO. 09-111 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
- BILL NO. 09-112 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
- BILL NO. 09-20 ORDINANCE APPROVING THE RECORD PLAT OF WALDEN PARK PHASE 2 - AMENDED

The second and third readings of BILL NOs. 09-102, 09-103, 09-106, 09-107, 09-109, 09-110, 09-111, 09-112, and 09-20 were approved and the Ordinances 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. Mayor Knudtson abstained for financial reasons on BILL NO. 09-20 because the developer has a financial relationship at the bank where he works. BILL NO. 09-102 is ORDINANCE NO. 4042; BILL NO. 09-103 is ORDINANCE NO. 4043; and BILL NO. 09-106 is ORDINANCE NO. 4044; BILL NO. 09-107 is ORDINANCE NO. 4045; BILL NO. 09-109 is ORDINANCE NO. 4046; BILL NO. 09-110 is ORDINANCE NO. 4047; BILL NO. 09-111 is ORDINANCE NO. 4048; BILL NO. 09-112 is ORDINANCE NO. 4049; BILL NO. 09-20 is ORDINANCE NO. 4050.

**RESOLUTIONS**

BILL NO. 09-113 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WIT PENZEL CONSTRUCTION CO., INC., FOR THE NEW FAMILY AQUATIC CENTER AND RENOVATIONS FOR OSAGE COMMUNITY CENTRE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-113 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. 09-113 is RESOLUTION NO. 2459.

BILL NO. 09-115 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO THE ENGINEERING SERVICES CONTRACT WITH KOEHLER ENGINEERING AND LAND SURVEYING, INC., FOR PROFESSIONAL SERVICES FOR LEWIS AND CLARK PARKWAY, PHASE I, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-125 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. 09-125 is RESOLUTION NO. 2460. Following discussion, City staff was directed to review issues relating to naming this road Veterans' Memorial Drive to be consistent with other areas that have already been, or are being, constructed.

BILL NO. 09-117 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR LAND ACQUISITION, WATER BASIN CONSTRUCTION, DONATION AND FUTURE DEVELOPMENT WITH ST. FRANCIS MEDICAL CENTER, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-117 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. 09-117 is RESOLUTION NO. 2461. Upon questioning by Ms. Ritter, City Engineering Kelly Green explained that the stormwater mitigation plan proposed by the hospital will address its future stormwater needs.

BILL NO. 09-116 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 4 TO THE ENGINEERING SERVICES CONTRACT WITH BOWEN ENGINEERING AND SURVEYING, INC., FOR PROFESSIONAL SERVICES FOR THE WHITENER STREET DETENTION BASIN, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-116 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. 09-116 is RESOLUTION NO. 2462.

BILL NO. 09-118 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE GENERAL ENGINEERING SERVICES AGREEMENT WITH MORRIS AND MUNGLE ENGINEERS, LLC, FOR THE BRECKENRIDGE BRANCH STABILIZATION PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-118 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. 09-118 is RESOLUTION NO. 2463.

BILL NO. 09-120 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES WITH JACOBS ENGINEERING GROUP, INC., IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-120 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. 09-120 is RESOLUTION NO. 2464.

BILL NO. 09-122 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NUMBER 1 TO THE GENERAL SERVICES AGREEMENT WITH JACOBS ENGINEERING GROUP, INC., FOR THE WASTEWATER TREATMENT FACILITY PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-122 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. 09-122 is RESOLUTION NO. 2465. Mr. Jeff Gratzner of Jacobs Engineering appeared to answer questions regarding this project.

BILL NO. 09-119 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FRONABARGER CONCRETTERS, INC., FOR THE THEMIS AND WHITENER DRAINAGE IMPROVEMENT PROJECTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-119 was approved and the Resolution adopted upon Ms. Ritter's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-119 is RESOLUTION NO. 2466.

BILL NO. 09-123 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ADDENDUM NO. 1 TO AMENDMENT NO. 8 TO THE GENERAL AGREEMENT FOR ENGINEERING SERVICES WITH S. H. SMITH & CO., INC., FOR THEMIS STREET DRAINAGE IMPROVEMENTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-123 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. 09-123 is RESOLUTION NO. 2467.

BILL NO. 09-121 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ADDENDUM NO. 1 TO AMENDMENT NO. 1 TO THE ENGINEERING SERVICES CONTRACT WITH BOWEN ENGINEERING & SURVEYING, INC., FOR PARKS AND STORM WATER PROJECTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-121 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. 09-121 is RESOLUTION NO. 2468.

BILL NO. 09-124 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO THE ENGINEERING SERVICES CONTRACT WITH BOWEN ENGINEERING AND SURVEYING, INC., FOR THE SHAWNEE COMMUNITY CENTER AND SHAWNEE PARK IMPROVEMENT PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-124 was approved and the Resolution adopted upon Mr. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-124 is RESOLUTION NO. 2469.

BILL NO. 09-125 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH NIP KELLEY EQUIPMENT COMPANY, INC., FOR THE DOWNTOWN PARKING LOT RECONSTRUCTION PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-125 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. 09-125 is RESOLUTION NO. 2470.

### **APPOINTMENTS**

Mr. Ed Thompson was appointed to the Public Library Board for a term expiring June 30, 2012, upon Mayor Knudtson's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The following individuals were appointed to the Girardeau Goes Green Advisory Board upon Mrs. Schneider's motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

- Dru Reeves, term expiring July 1, 2010
- Ross McFerron, term expiring July 1, 2010
- Jerry Cooley, term expiring July 1, 2010
- Eric Redinger, term expiring July 1, 2011
- Shaun McClintock, term expiring July 1, 2011
- Ellen Dillon, term expiring July 1, 2012
- Doug Austin, term expiring July 1, 2012
- Kathleen Conway, ex-officio, term expiring July 1, 2012
- Stephen Overmann, ex-officio, term expiring July 1, 2012
- Debra Tracy, ex-officio, City Council representative

City Manager Scott Meyer was appointed to the Show Me Center Board of Managers for a term expiring December 1, 2010, upon Mrs. Schneider's motion, Mr. Voss's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

### **OTHER**

Mrs. Schneider made a motion, seconded by Ms. Ritter, transferring a Special Use Permit from William R. and Kathryn F. Swan to SBA Towers II, LLC, for purposes of constructing, maintaining and operating a 160 foot telecommunication tower at 1606 North Kingshighway, 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. Herbst made a motion, seconded by Mrs. Schneider, accepting into the City's street, stormwater, sanitary sewer and traffic signal systems the following improvements and authorizing final payment to Fronabarger Concreters, Inc.: Broadway widening Phase II between Park Street and Perry Avenue, Broadway and Clark intersection traffic signal modifications, overlay of Broadway from Clark Avenue to Kingshighway, modification of Lombardo Drive, and the Semo District Fair Drive. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The street, water lines, storm sewers and sanitary sewer improvements to serve Walden Park Subdivision Phase II were accepted into the City's system upon Mr. Herbst's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained for financial reasons because the developer has a financial relationship at the bank where he works.

The improvements completed on the South Ramsey lift station and sewer extension were accepted into the City's sanitary sewer system, and final payment to PR Developers, Inc., was authorized upon Mrs. Schneider's motion, Mr. Herbst's second, and 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, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

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Jay B. Knudtson, Mayor

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Gayle L. Conrad, City Clerk

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