

**REGULAR SESSION – AUGUST 1, 2011**

The Cape Girardeau City Council convened in regular session on Monday, August 1, 2011, at 7:00 p.m., with Mayor Harry Rediger presiding and Council Members Mark Lanzotti, Meg Proffer, Loretta Schneider, Kathy Swan and John Voss present. Council Member Debra Tracy was absent.

Mr. Leonard Cook, of St. John the Theologian Orthodox 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 property acquisition, confidential communications with legal counsel, and personnel pursuant to Section RSMo. 610.021(1), (2) and (3) upon Mrs. Swan's motion, Mrs. Schneider's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

Mr. Voss made a motion, seconded by Mrs. Schneider, to remove the Resolution authorizing an application to the Delta Regional Authority to assist in flood recovery efforts from the Consent Agenda, and approve the Agenda as amended. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

**PRESENTATIONS**

Mayor Rediger presented a Proclamation to Dr. Mike Cowan, Cape Central High School Principal, and Ms. Julia Jorgensen, Librarian, honoring the 2011-2012 academic year as Cape Central High School's centennial year.

The Mayor also presented a Proclamation to Mr. Richard Withers, with the Historic Preservation Commission, declaring August 2011 to be "Fort D Month."

**COMMUNICATIONS/REPORTS**

Mayor Rediger said that he had taken three tours through manufacturing facilities that are adding employees: Blair Best Box, Nordenia USA Inc. and Spartec Plastics.

The Mayor announced the Special Olympics State Outdoor Championships will be held at the Shawnee Park Sports Complex from August 12-14, 2011.

Mr. Voss said that he and Mrs. Swan had participated in a neighborhood meeting regarding the nuisance party ordinance. The neighborhood meeting provided education on how to utilize the Ordinance. Mrs. Swan said that a form was posted on the Cape Girardeau Police Department web site with step-by-step directions for filing a nuisance party complaint.

Mrs. Swan said that the Shawnee Park Concession Stand's ribbon cutting ceremony had been held last week. City Manager Scott Meyer announced that Parks and Recreation Director Julia Thompson presented a report during the study session regarding the Shawnee Park Community Center.

**PUBLIC HEARINGS**

This being the date set for a public hearing regarding the property tax rates proposed to be set by the City of Cape Girardeau for the fiscal year beginning July 1, 2011, and the real property tax rate

proposed to be set for the Special Business District No. 2 for the fiscal year beginning July 1, 2011, the hearing was opened. There being no appearances, the hearing was closed.

**CONSENT AGENDA**

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

City Council July 18, 2011, regular and closed session minutes.

BILL NO. 11-110, AN ORDINANCE ACCEPTING PERMANENT SANITARY SEWER EASEMENTS, PERMANENT ACCESS EASEMENTS AND PERMANENT UTILITY EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE COUNTY ROAD 618 SEWER PROJECT. Second and third readings.

BILL NO. 11-112, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR FIXED ROUTE BUS SERVICES WITH THE CAPE GIRARDEAU COUNTY TRANSIT AUTHORITY, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-113, AN ORDINANCE APPROVING THE RECORD PLAT OF LOTS 7, 8, 9 AND 10 OF A RESUBDIVISION OF DOCTORS' PARK THIRD. Second and third readings.

BILL NO. 11-115, AN ORDINANCE AMENDING SCHEDULE F OF SECTION 26-247 OF THE CITY CODE, BY REPEALING NO PARKING ZONES ON BROADWAY AND FOUNTAIN STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-124, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF LIEN FOR PROPERTY LOCATED AT 306 SOUTH BENTON STREET UNDER THE JEFFERSON/BLOOMFIELD NEIGHBORHOOD RESTORATION PROGRAM (HERO PROJECT). Reading and passage.

BILL NO. 11-125, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF LIEN FOR PROPERTY LOCATED AT 306 SOUTH BENTON STREET UNDER THE GOOD HOPE/BLOOMFIELD NEIGHBORHOOD RESTORATION PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none. BILL NO. 11-110 is ORDINANCE NO. 4249; BILL NO. 11-112 is ORDINANCE NO. 4250; BILL NO. 11-113 is ORDINANCE NO. 4251; BILL NO. 11-115 is ORDINANCE NO. 4252; BILL NO. 11-124 is RESOLUTION NO. 2634; and BILL NO. 11-125 is RESOLUTION NO. 2635.

**ITEMS REMOVED FROM CONSENT AGENDA**

BILL NO. 11-129 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY OF CAPE GIRARDEAU, MISSOURI, TO PREPARE AND SUBMIT AN APPLICATION TO THE DELTA REGIONAL AUTHORITY TO ASSIST IN FLOOD RECOVERY EFFORTS AND TO PREVENT FURTHER DETERIORATION OF INFRASTRUCTURE AND BUSINESS IN THE COMMUNITY

Mayor Rediger said that this application was for funding to help pay for sinkhole repair and recovery. Mr. Mitch Robinson, with the Cape Girardeau Area MAGNET, thanked City staff for their efforts. He summarized the study's findings and outlined the two options. Mr. Robinson said that with the grant from Delta Regional Authority and a possible Community Development Block Grant, they hope to get \$1 million in assistance. Next, they will talk to the Federal Emergency Management Agency for grant consideration.

The reading of BILL NO. 11-129 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mr. Lanzotti's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none. BILL NO. 11-129 is RESOLUTION NO. 2636.

**NEW ORDINANCES**

BILL NO. 11-117 was given first reading as follows:

AN ORDINANCE REPEALING CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU AND ENACTING A NEW CHAPTER 23 RELATING TO STORMWATER MANAGEMENT REGULATIONS

The first reading of BILL NO. 11-117 was approved upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-118 was given first reading as follows:

AN ORDINANCE REPEALING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU AND ENACTING A NEW CHAPTER 12 RELATING TO FLOOD PLAIN MANAGEMENT REGULATIONS

The first reading of BILL NO. 11-118 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-119 was given first reading as follows:

AN ORDINANCE REPEALING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AND ENACTING A NEW CHAPTER 29 REGARDING WATER AND SEWERS

The first reading of BILL NO. 11-119 was approved upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-120 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 25-114 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI REGARDING FEES

The first reading of BILL NO. 11-120 was approved upon Mrs. Schneider's motion, Mr. Voss' second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-121 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 5-12(B) OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING INTOXICATING LIQUOR AND POSSESSION OF INTOXICATING LIQUOR BY A MINOR

The first reading of BILL NO. 11-121 was approved upon Mr. Voss' motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-122 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 1-14 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING WARD BOUNDARIES

The first reading of BILL NO. 11-122 was approved upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-123 was given first reading as follows:

AN ORDINANCE PROVIDING FOR THE LEVYING OF THE ANNUAL CITY REVENUE TAX; PUBLIC HEALTH TAX; SPECIAL BUSINESS DISTRICT NO. 2 TAX; FOR THE FISCAL YEAR ENDING ON THE 30<sup>TH</sup> DAY OF JUNE, 2012

The first reading of BILL NO. 11-123 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-126 was given first reading as follows:

AN ORDINANCE ANNEXING LAND ON COUGAR RUN TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF MATTHEW AND MICHELE RUBEL AND TERRY AND MARLA MILLS

The first reading of BILL NO. 11-126 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-127 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ZONING 155 AND 181 COUGAR RUN, LOCATED IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, AS R-1

The first reading of BILL NO. 11-127 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-128 was given first reading as follows:

AN ORDINANCE AMENDING THE BOUNDARIES OF WARD 6 TO INCLUDE PROPERTY ANNEXED BY THE CITY OF CAPE GIRARDEAU LOCATED AT 155 AND 181 COUGAR RUN, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-128 was approved upon Mrs. Swan's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-130 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE P OF SECTION 26-248 OF THE CITY CODE, ESTABLISHING LIMITED PARKING ON PARK AVENUE, NORMAL AVENUE, WEST END BOULEVARD AND HIGHLAND DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mr. Voss made a motion, seconded by Mrs. Swan, to approve the first reading of BILL NO. 11-130. Mr. Voss commented that he felt the Council should approve the first reading of the ordinance and make any amendments for Highland Drive, if necessary, at the next Council meeting. He said that he wanted Mrs. Tracy to have the opportunity to be a part of the discussion. Mrs. Swan stated that the City needs to communicate with the residents from Highland Drive. Mr. Lanzotti said that the impression was that parking revisions on Highland Drive were removed, so the City should proactively reach out to those residents. Mayor Rediger agreed that they should be contacted as soon as possible, and Mr. Voss indicated he would contact them. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-131 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE F OF SECTION 26-247 OF THE CITY CODE BY ESTABLISHING NO PARKING ON WEST END BOULEVARD, NORMAL AVENUE AND ROCKWOOD DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-131 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

**APPOINTMENTS**

Mrs. Swan made a motion, seconded by Mrs. Schneider, to remove the appointments to the Airport Advisory Board from the agenda until the next City Council meeting on August 15, 2011. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

**OTHER BUSINESS**

Mr. Bryan Criddle, of 1823 Dixie Boulevard, said that he had received a sewer bill from the City, although his home had a septic system installed. He said a sewer connection to his property would have to cross a neighbor's property and have a pump station to connect to the City's sewer line. The line would need a gravity system to connect, and he did not have an easement to cross his neighbor's property. Mrs. Swan said that the City's Engineering Department should look into this matter, and Mr. Voss stated that the City Manager has the authority to work out a solution to this issue.

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 and Voss. Nays, none.

---

Harry E. Rediger, Mayor

---

Gayle L. Conrad, City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK.