

REGULAR SESSION – AUGUST 3, 2009

The Cape Girardeau City Council convened in regular session on Monday, August 3, 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 Paul Kabo, of the First Presbyterian 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 Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the July 20, 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 Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

CITY MANAGER COMMUNICATIONS

Mr. Scott Meyer, City Manager, updated the Council on the transition to automated trucks for solid waste collection and single stream recycling. He told the Council about the public input form being developed for the City of Cape Girardeau web site.

COUNCIL COMMUNICATIONS

Mrs. Tracy spoke about her visit to the Discovery Playhouse, Southeast Missouri Children's Museum. She said the facility will open soon and excitement is building.

Mayor Knudtson presented a Proclamation to Mr. Robert Gifford, of the American Wind Symphony Orchestra, to honor their 52-year history and their final concert in Cape Girardeau on August 18, 2009.

Mayor Knudtson presented Proclamations to Mr. Mike Backfisch, Mr. Randall Strong, and Mr. Patrick Swift for their roles in the rescue of Stormwater Maintenance Supervisor Stacey Beasley during a recent accident while working in Cape LaCroix Creek.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the request of Mr. Jason Coalter, of 112 South Broadview, for a Special Use Permit for purposes of operating a marketing business located at 232 Good Hope Street in an R-4, multi-family residential district, 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. Mr. Coalter and Mr. Roy Felty, of 807 William Street, were present in support of the Special Use Permit request. There being no further appearances, the hearing was closed.

BILL NO. 09-136 was given first reading as follows:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO JASON S. COALTER FOR THE PURPOSE OF MAINTAINING AND OPERATING A MARKETING BUSINESS AT 232 GOOD HOPE STREET, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-136 was approved upon Mr. Lanzotti's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

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, 2009, and the real property tax rate proposed to be set for the Special Business District No. 2 for the fiscal year beginning July 1, 2009, the hearing was opened by Mayor Knudtson. Mrs. Betty Martin, Director of the Cape Girardeau Public Library was present in support of BILL NO. 09-138, and she welcomed residents' comments on the Library District. There being no further appearances, the hearing was closed.

BILL NO. 09-138 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 30TH DAY OF JUNE, 2010

The first reading of BILL NO. 09-138 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. Mrs. Tracy remarked that Cape Girardeau had a wonderful Public Library.

CONSENT ORDINANCES

The following bill was given second and third readings:

BILL NO. 09-126 AN ORDINANCE AMENDING SECTION 2-96 OF THE CITY CODE RELATING TO THE GIRARDEAU GOES GREEN ADVISORY BOARD

The second and third readings of BILL NO. 09-126 were approved and the Ordinance adopted 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. 09-126 is ORDINANCE NO. 4052.

NEW ORDINANCES

BILL NO. 09-133 was given first reading as follows:

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT AND BINDING UNILATERAL AGREEMENT WITH SOUTHWESTERN BELL TELEPHONE COMPANY AND RELATED ENTITIES RELATING TO PAYMENT OF BUSINESS LICENSE TAXES

The first reading of BILL NO. 09-133 was approved upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and

Voss. City Attorney Mr. Eric Cunningham provided the Council with a summary of the class action lawsuit and the terms of this settlement.

BILL NO. 09-134 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 18-5 OF THE CITY CODE RELATING TO CAMPING ON PUBLIC PROPERTY

The first reading of BILL NO. 09-134 was approved upon Mr. Herbst's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Mayor Knudtson stated that the previous procedure for obtaining a camping permit on public property required City Council approval. This amendment of the City Code will put it under the authority of the Parks Superintendent for events on park property and under the special event permit procedures for events on other City property.

BILL NO. 09-135 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, 2010, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-135 was approved upon Mrs. Tracy's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Mayor Knudtson noted that these monies are different than General Revenue funds; they can only be used for the purposes set out in the hotel/motel/restaurant tax ordinance.

BILL NO. 09-137 was given first reading as follows:

AN ORDINANCE AMENDING THE BOUNDARIES OF WARDS 4 AND 6 TO INCLUDE PROPERTIES ANNEXED BY THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-137 was approved upon Mrs. Schneider's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss.

Mr. Ken Eftink, Assistant City Manager/Development Services Director, remarked that the 2010 Census could impact boundaries, noting that there has been growth in Ward 6. Ms. Ritter asked when the last changes of boundaries were made. Mr. Eftink answered that the last change was in March of 2007.

OTHER

Mrs. Schneider made a motion, seconded by Mrs. Tracy, accepting into the City's water supply system the raw water supply wells and authorizing final payment to Layne-Western in the amount of \$32,110.43. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Lanzotti made a motion, seconded by Mr. Voss, to move the September 8, 2009 City Council Meeting to August 31, 2009. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

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There being no further business, the City Council adjourned upon Mr. Voss' motion, Mr. Lanzotti'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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