

REGULAR SESSION – AUGUST 17, 2009

The Cape Girardeau City Council convened in regular session on Monday, August 17, 2009, at 7:00 p.m., with Mayor Jay B. Knudtson presiding and Council Members Mark Lanzotti, Marcia Ritter, Loretta Schneider, Debra Tracy and John Voss present. Council Member Charlie Herbst was absent.

Reverend Mark Martin, of the St. Andrew Lutheran 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. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the August 3, 2009, regular and closed sessions were approved upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The agenda was approved as distributed upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

COUNCIL COMMUNICATIONS

Mayor Knudtson noted that he and City Manager Scott Meyer attended a ribbon cutting ceremony for the Missouri Department of Transportation's Route K overlay project.

Mrs. Schneider announced that the Wind Symphony Orchestra's final performance will be on Tuesday, August 19, 2009, at the riverfront in downtown Cape Girardeau.

Mrs. Tracy asked for an update on the need for volunteers for the Tour of Missouri Pro Cycling Race. Assistant to City Manager, Heather Brooks, responded that volunteers were still needed and invited anyone interested to contact the Cape Girardeau Area Chamber of Commerce Vice President Tracey Glenn or sign up on their web site.

Mrs. Schneider noted that the next City Council meeting will be held on Monday, August 31, 2009, instead of during the first week in September.

CITY MANAGER COMMUNICATIONS

City Engineer Kelly Green presented an update on major street construction projects, including Independence, LaSalle, Mt. Auburn Road, Riverwalk Trail, Fountain Street, the downtown parking lot, the overlay program, and the water line to Water Plant 1.

APPEARANCES

Mr. Jeff Jackson, 1223 North Kingshighway, appeared before the Council in support of the proposed Jeff Jackson Subdivision record plat and to answer questions. He noted that nothing additional will be built other than the current home under construction. The lot is being split in half, with one-half being sold to the adjoining property owner.

BILL NO. 09-144 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF JEFF JACKSON SUBDIVISION

The first reading of BILL NO. 09-144 was approved upon Mr. Lanzotti's motion, Mrs. Schneider's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss.

Mr. Vince Brown of KZIM News Radio 960 appeared before the Council and spoke of his recent interview of Mrs. Betty Sue Hearnese, wife of former Governor Warren Hearnese, who passed away on August 16, 2009. He spoke about Governor Hearnese and his contributions to the Southeast Missouri area. Mr. Brown also spoke of his meeting with Mr. Lloyd Marcus, conservative entertainer, speaker, and songwriter of "The American Tea Party Anthem". He said that Mr. Marcus was assaulted for expressing his opinions on the proposed health care plan, and that he was concerned with freedom of speech issues.

CONSENT ORDINANCES

The following bills were given second and third readings:

- BILL NO. 09-133 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

- BILL NO. 09-134 AN ORDINANCE AMENDING SECTION 18-5 OF THE CITY CODE RELATING TO CAMPING ON PUBLIC PROPERTY

- BILL NO. 09-135 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

- BILL NO. 09-136 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

- BILL NO. 09-137 AN ORDINANCE AMENDING THE BOUNDARIES OF WARDS 4 AND 6 TO INCLUDE PROPERTIES ANNEXED BY THE CITY OF CAPE GIRARDEAU, MISSOURI

- BILL NO. 09-138 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 second and third readings of BILL NOs. 09-133, 09-134, 09-135, 09-136, 09-137, and 09-138 were approved and the Ordinances adopted upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-133 is ORDINANCE NO. 4053; BILL NO. 09-134 is ORDINANCE NO. 4054; BILL NO. 09-135 is ORDINANCE NO. 4055; BILL NO. 09-136 is ORDINANCE NO. 4056; BILL NO. 09-137 is ORDINANCE NO. 4057; and BILL NO. 09-138 is ORDINANCE NO. 4058.

NEW ORDINANCES

BILL NO. 09-141 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 2-144 OF THE CITY CODE RELATING TO THE TERMS OF OFFICE FOR THE GIRARDEAU GOES GREEN ADVISORY BOARD

The first reading of BILL NO. 09-141 was approved upon Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 09-145 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF CAPE WEST CROSSINGS - PHASE II

The first reading of BILL NO. 09-145 was approved upon Mr. Lanzotti's motion, Mrs. Schneider's second, and the following vote: Ayes, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained from voting on BILL NO. 09-145 for financial reasons because the applicant has a financial relationship at the bank where he works.

RESOLUTIONS

BILL NO. 09-139 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SAFE HOUSE FOR WOMEN, INC. FOR EMERGENCY SHELTER GRANT FUNDS FROM THE MISSOURI DEPARTMENT OF SOCIAL SERVICES – DIVISION OF FAMILY SERVICES

The reading of BILL NO. 09-139 was approved and the Resolution adopted upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-139 is RESOLUTION NO. 2477.

BILL NO. 09-140 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SALVATION ARMY OF CAPE GIRARDEAU FOR EMERGENCY SHELTER GRANT FUNDS FROM THE MISSOURI DEPARTMENT OF SOCIAL SERVICES – DIVISION OF FAMILY SERVICES

The reading of BILL NO. 09-140 was approved and the Resolution adopted upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-140 is RESOLUTION NO. 2478.

BILL NO. 09-142 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A NEIGHBORHOOD STABILIZATION PROGRAM GRANT, PHASE II, FROM THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT TO ACQUIRE, REHABILITATE AND RE-SELL FORECLOSED HOMES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI, AND TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

The reading of BILL NO. 09-142 was approved and the Resolution adopted upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-142 is RESOLUTION NO. 2479.

BILL NO. 09-143 was presented as follows:

A RESOLUTION ACKNOWLEDGING RECEIPT OF AN ANNEXATION PETITION FROM D-7 HOLDINGS, LLC AND CAPE PROPERTIES, LLC AND SETTING A PUBLIC HEARING REGARDING THE PROPOSED ANNEXATION

The reading of BILL NO. 09-143 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mr. Lanzotti's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-143 is RESOLUTION NO. 2480.

LIQUOR LICENSES

Mr. Lanzotti made a motion, seconded by Mrs. Tracy, to conditionally approve a retail liquor by the drink license for Benjamin Burch, d/b/a Margarita Mama's, 701 North Main, Benjamin Burch, Managing Officer. The motion was approved on the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Lanzotti made a motion, seconded by Mr. Voss, to approve 5% beer by the drink temporary liquor licenses for Fred Higdon, d/b/a Southeast Missouri District Fair, for an event to be held September 10-19, 2009, in Arena Park. The motion was approved on the following vote: Ayes, 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, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Jay B. Knudtson, Mayor

Gayle L. Conrad, City Clerk

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