

REGULAR SESSION – SEPTEMBER 21, 2009

The Cape Girardeau City Council convened in regular session on Monday, September 21, 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 Short of 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 property acquisition, litigation, personnel and confidential communications with the City Attorney pursuant to RSMo. Sections 610.021(1), (2) and (3) upon Mrs. Tracy's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the August 31, 2009, regular and closed sessions, and the September 15, 2009, special 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.

Mr. Lanzotti made a motion, seconded by Mrs. Schneider, to adopt the agenda as amended to remove Agenda Item No. 3, a public hearing regarding a petition for voluntary annexation from Norwald, Inc. for property located north of LaSalle Avenue to the east of the Southeast Missouri State University Technology Park. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mayor Knudtson noted that the public hearing regarding Norwald, Inc.'s annexation petition will be on the agenda for the October 5, 2009, City Council meeting. It was removed from this agenda because of a clerical error contained in the notice of the public hearing.

CITY MANAGER COMMUNICATIONS

City Manager Scott Meyer reported that Public Works staff had spent a day using the automated solid waste collection equipment. A video of the equipment in action is being shown on cable Channel 5, and a link to the video has been placed on the City's web site. A public meeting was held, demonstrations of the equipment were shown at the Osage Centre, containers and teaching demonstrations were shown at the Senior Center, and the equipment was shown during the week of the SEMO District Fair. Mr. Meyer stated that the most frequently asked questions received by City staffers concerned when the new equipment would begin to be used, and that most of the negative comments were about the size of the containers, and whether a smaller size container would be available for the same price. City staff have also made comparisons on privatized service, and the closest comparable plan is approximately equal in cost, but with fewer services.

Mr. Lanzotti commended City staff for the public awareness campaign and said that he felt the Council should make the decision on the size of the refuse and recycling containers, as well as the container colors. Mrs. Schneider stated that most of the comments she received stated that this proposal would not be cost-effective for the City.

Mr. Tim Gramling, Public Works Department Director, discussed having multiple sizes of containers available and determining how to order the containers needed. Ms. Ritter asked how the new automated solid waste system would be implemented. Mr. Gramling replied that the

trucks would be ordered at the same time, but delivery times could vary, so the new system might be implemented in staggered intervals throughout the City, until all the new trucks arrived.

Mrs. Tracy said that most of the comments she received indicated that residents want smaller receptacles. Mr. Lanzotti remarked that the City needed to figure out how to dispose of all the old refuse cans.

Mr. Gramling replied that he understood the concern over the receptacle size centered on the recyclables container, and that a smaller recyclable container would be acceptable. He said that the City is still investigating ways to address glass recycling, possibly by adding receptacles for glass recycling collection throughout the City, such as at City facilities and in neighborhoods.

Mayor Knudtson noted that the next steps would be to determine the size of the containers, the frequency of collection, and how to handle glass recycling.

PUBLIC HEARINGS

This being the date set for a public hearing regarding a petition for voluntary annexation from Meyr Properties, L.P. for property located south of LaSalle Avenue to the east of the Southeast Missouri University Technology Park, the hearing was opened. There being no appearances, the hearing was closed. Mayor Knudtson noted that the first reading of the Ordinance will be on the October 19, 2009, City Council meeting agenda.

This being the date set for a public hearing regarding a petition for voluntary annexation from D-7 Holdings, LLC, and Cape Properties, LLC, for property located on the east side of Lampe Road (County Road 313) north of Deerfield, the hearing was opened. There being no appearances, the hearing was closed. Mayor Knudtson stated that the first reading of the Ordinance will be on the October 5, 2009, City Council meeting agenda.

APPEARANCES

Mr. Don Howard, 1100 Ranney, addressed the Council and stated that there is a tree on Sprigg Street at Linden that hangs over the City's right-of-way and onto other property. The tree is about to fall and needs to be addressed by the City. Mr. Howard stated that the Tree Board will be meeting on October 6, 2009, to discuss the tree, and he asked how long after their meeting it would take for something to be done. He requested that the City order for the tree to be removed immediately.

Mr. Meyer stated that City Ordinance requires the Tree Board to address the situation and begin the process by notifying the property owner. Mr. Dan Muser, Director of the Parks and Recreation Department, noted that the Tree Board has looked at the tree, and there are issues because a portion of the tree is on private property. He further discussed the process of the Tree Board's review.

Mr. Howard stated that the house that caught fire at 1003 Ranney is now boarded up and will become an issue if the City doesn't do something. He said the City needs to make landlords more responsible for who they rent property to and asked when this issue would be addressed by the City. Mayor Knudtson responded that a meeting with landlords had been held, discussing their rights, and the issue may be revisited within six months.

Mr. Chuck DiStefano, 316 North Park Avenue, addressed the Council in support of the Boulevard Local Historic District, and said he is working on posting the District guidelines online through a Boulevard Historic District Facebook page. Mrs. Schneider suggested he work with real estate agents to get them copies of the guidelines for use when selling property in the District. Mr. DiStefano asked whose responsibility it was to distribute the guidelines. Mr. Ken Eftink, Director of Development Services, suggested a Neighborhood Association should distribute information to the neighborhood.

The following bill was given second and third readings:

BILL NO. 09-147 AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ESTABLISHING THE BOULEVARD LOCAL HISTORIC DISTRICT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The second and third readings of BILL NO. 09-147 were approved and the Ordinance adopted upon Mr. Lanzotti's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none. BILL NO. 09-147 is ORDINANCE NO. 4062. Mrs. Tracy abstained from voting on BILL NO. 09-147 for financial reasons because she has a financial interest in the District.

Mr. Meyer stated that City staff is working to develop a brochure on Historic Districts in Cape Girardeau that can be available for the public, residents, and realtors. Mr. Eftink replied that the Historic Preservation Commission is looking at the idea of installing signage for the district and is obtaining pricing information on signage.

Mr. Lester Goodwin, 380 North Park Avenue, asked if the brochure would address the development guidelines. He said that the District would like to review the draft copy and suggest changes, if necessary.

Mrs. Tracy asked if a property owner would have to submit an application to the City for a Certificate of Appropriateness if they wanted to paint their home. Mr. Eric Cunningham, City Attorney, suggested that any questions be address to the Planning Services office.

Mr. Robert Tripp, 1825 Montgomery Street, commended City staff on the road work on Independence Street. He said that there is a large pothole on Montgomery Street between Lewis and Koch, and he asked when the City would address the issue. Mayor Knudtson replied that Public Works staff would contact him on Tuesday with an answer. Mr. Tripp also stated that the storm drain on the side of his house fell down and needs to be repaired.

Mr. Will Kinder, 2112 David, said that he was attending the City Council meeting to work toward earning a merit badge for Eagle Scout.

CONSENT ORDINANCES

The following bill was given second and third readings:

BILL NO. 09-146 AN ORDINANCE ACCEPTING A GENERAL WARRANTY DEED FROM JOHN R. ECK AND PATRICIA A. ECK, FOR PROPERTY LOCATED AT THE CORNER OF TIMON WAY AND HIGHWAY 177, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The second and third readings of BILL NO. 09-146 were approved and the Ordinance 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. 09-146 is ORDINANCE NO. 4063.

NEW ORDINANCES

BILL NO. 09-153 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR A WATER TRANSMISSION LINE TO CONNECT PUBLIC WATER WELLS TO THE CITY'S WATER TREATMENT PLANTS

The first reading of BILL NO. 09-153 was 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.

BILL NO. 09-154 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE A OF SECTION 26-228 OF THE CITY CODE BY ESTABLISHING A SPEED LIMIT ON LASALLE AVENUE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-154 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.

BILL NO. 09-155 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE C OF SECTION 26-121 OF THE CITY CODE BY PLACING STOP SIGNS AT THE INTERSECTIONS OF LASALLE AVENUE WITH INTERSTATE 55 AND ROUTE W, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-155 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.

BILL NO. 09-156 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE W OF SECTION 26-137 OF THE CITY CODE BY DESIGNATING LASALLE AVENUE AS A TRUCK ROUTE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-156 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.

BILL NO. 09-157 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE K OF SECTION 26-121 OF THE CITY CODE, BY PLACING YIELD SIGNS AT THE INTERSECTIONS OF LASALLE AVENUE WITH INTERSTATE 55 AND ROUTE W, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-157 was approved upon Mr. Lanzotti's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 09-158 was given first reading as follows:

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FROM THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE NATIONAL PARK SERVICE, FOR FEDERAL SURPLUS PROPERTY KNOWN AS THE MAY GREENE GARDEN PARK, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-158 was approved upon Mrs. Tracy's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

LIQUOR LICENSES

Mr. Voss made a motion, seconded by Mr. Lanzotti, to approve a temporary 5% beer by the drink license for Mary T. Ramsey, d/b/a City of Roses Music Heritage Association for an event to be held on Water Street in Downtown Cape Girardeau on September 25-26, 2009. The motion was approved on the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mrs. Schneider made a motion, seconded by Mr. Herbst, to conditionally approve an original package liquor license for The J. Thomas Group, LLC, d/b/a Ganix Market, 238 N. Fountain, James L. Thomas, Managing Officer. The motion was approved on the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

OTHER

Mrs. Tracy made a motion, seconded by Ms. Ritter, to accept into the City's system the storm sewer improvements completed by private contract with Saint Francis Medical Center within the City's right-of-way on Gordonville Road, 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. Lanzotti made a motion, seconded by Mr. Voss, to accept the improvements to Kingsway Drive and a parking lot for the Cape LaCroix Recreation Trail completed under a Development Agreement with Vernon E. Rhodes Family Partners, L.P. and Rhodes Development Company, L.L.C. The motion was approved upon the following vote: Ayes, Herbst, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained from voting for financial reasons, because the parties involved have a financial interest at the bank where he works.

Mrs. Tracy stated that she wanted to recognize the sponsors of Tunes at Twilight who made the series possible and to acknowledge their generosity.

Regular

September 21, 2009

GG-388

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.

Jay B. Knudtson, Mayor

Gayle L. Conrad, City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK.