

REGULAR SESSION – OCTOBER 19, 2009

The Cape Girardeau City Council convened in regular session on Monday, October 19, 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 Barry Pfanstiel, of Good Shepherd Lutheran Chapel, presented the invocation, and the Pledge of Allegiance was led by Elwood Voss and Alex Malden, of the Boy Scouts of America Troop 8.

Prior to the regular session, the City Council convened in closed session for purposes of discussing litigation and confidential communications with the City Attorney pursuant to RSMo. Sections 610.021(1) and (2) 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 October 5, 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 Mrs. Schneider's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

COUNCIL COMMUNICATIONS

Mayor Knudtson announced that on Thursday, October 22, 2009, the Cape Girardeau Police Department would be celebrating its 150th anniversary. Events are scheduled at the River Campus including appearances by all living former Police Chiefs and a historic display on Saturday, October 24, 2009, at the River Heritage Museum. Ms. Ritter remarked on the Domestic Violence Awareness Day Proclamation and candlelight vigil service she attended. Mrs. Tracy announced the Parks and Recreation Department's Annual Spaghetti Day at the A. C. Brase Arena Building on Wednesday, November 18, 2009.

CITY MANAGER COMMUNICATIONS

City Manager Scott Meyer said that Ms. Debra Young spoke at the last City Council meeting, on October 5, 2009, about street lights, and he said that City staff will be installing street lights in those areas and trimming trees around obstructed lights. Mr. Meyer also spoke about the high school dropout rate in Cape Girardeau, which was a concern raised by Mr. Terrance Lane at that same meeting. He said that a major focus of the current United Way campaign was directed at studying dropout rates at Central High School. The United Way is working to recruit employers to volunteer time to the United Way, and over the next year, work with programs aimed at reducing the dropout rate.

PUBLIC HEARINGS

This being the date set for a public hearing to consider vacating the City's interest in a waterline easement west of Cape Girardeau County Park North and east of Limbaugh Lane, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 09-165 was given first reading as follows:

AN ORDINANCE VACATING THE CITY'S INTEREST IN A WATERLINE EASEMENT WEST OF CAPE GIRARDEAU COUNTY PARK NORTH AND EAST OF LIMBAUGH LANE, LOCATED IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-165 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.

This being the date set for a public hearing regarding the request of Cape Properties, LLC and D-7 Holdings, LLC to rezone Lot 1, part of Lot 2, part of Lot 3 of Kensington Place Phase One, and part of the northwest quarter of section 27, township 31 north, range 13 east, in the City and County of Cape Girardeau, from R-1, residential district, to C-2, general commercial district, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 09-166 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 LOT 1, PART OF LOT 2 AND PART OF LOT 3 OF KENSINGTON PLACE PHASE ONE, AND PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-1 TO C-2

The first reading of BILL NO. 09-166 was approved upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Development Services Director Ken Eftink stated that this area is off of Lampe Road, South of Klaus Park, and the developer is proposing to construct an assisted living center.

APPEARANCES

Mr. Austin Hutson, of 205 East Street, appeared before the Council and spoke briefly about the school dropout rate and his observations on the new city sidewalks. He said that there are no sidewalks on Independence Street from Kingshighway to Mount Auburn Road, and he asked if sidewalks could be installed between those intersections on Independence Street.

Mr. Lanzotti asked if the City had received a funding grant for sidewalks in Cape Girardeau. City Engineer Kelly Green answered that the City had applied for grants for sidewalks in that area but did not receive them. She said City staff would continue to pursue those grants.

CONSENT ORDINANCES

The following bills were given second and third readings:

BILL NO. 09-160 AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MARK RADEMAKER FOR THE PURPOSE OF MAINTAINING AND OPERATING A TRAVEL TRAILER PARK IN A MOBILE HOME PARK, AT 3020 BOUTIN DRIVE, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

BILL NO. 09-163 AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF D-7 HOLDINGS, LLC, AND CAPE PROPERTIES, LLC

The second and third readings of BILL NOs. 09-160 and 09-163 were approved and the Ordinances adopted upon Mr. Herbst's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained from voting on BILL NO. 09-160 for financial reason because the party involved has a financial interest at the bank where he works. BILL NO. 09-160 is ORDINANCE NO. 4070; and BILL NO. 09-163 is ORDINANCE NO. 4071.

NEW ORDINANCES

BILL NO. 09-169 was given first reading as follows:

AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF NORWALD, INC.

The first reading of BILL NO. 09-169 was approved upon Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 09-170 was given first reading as follows:

AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF MEYR PROPERTIES, L.P.

The first reading of BILL NO. 09-170 was approved 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. 09-175 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. 09-175 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. 09-173 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF BRINKOPF SUBDIVISION

The first reading of BILL NO. 09-173 was approved 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. 09-174 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 26-246 OF THE CITY CODE, REGARDING PARKING NEAR SIGNALIZED INTERSECTIONS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-174 was approved upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mr. Meyer noted that BILL NO. 09-174 is a correction to an ordinance intended to eliminate parking within 75 feet of signalized intersections, not intersections with stop signs only.

RESOLUTIONS

BILL NO. 09-167 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR OFFICE SPACE AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The reading of BILL NO. 09-167 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. 09-167 is RESOLUTION NO. 2490.

BILL NO. 09-171 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DELTA DENTAL FOR EMPLOYEE DENTAL INSURANCE SERVICES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-171 was approved and the Resolution adopted upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-171 is RESOLUTION NO. 2491.

BILL NO. 09-172 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ANTHEM BLUE CROSS FOR EMPLOYEE HEALTH INSURANCE SERVICES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-172 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. 09-172 is RESOLUTION NO. 2492.

APPOINTMENTS

Mr. Robert Komorech was appointed to the Historic Preservation Commission for a term expiring April 16, 2010, upon Ms. Ritter's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Scott Rhodes was reappointed to the Planning and Zoning Commission for a term expiring November 1, 2013, upon Mr. Voss' motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Pat Elfrink, Mrs. Bari Neff, Mr. Craig Billmeyer and Ms. Dana Deisher were reappointed to the Parks and Recreation Advisory Board for terms expiring October 29, 2012, upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Ms. Jill Wicks was appointed to the Girardeau Goes Green Advisory Board for a term expiring July 1, 2012, upon Mrs. Tracy's motion, Mrs. Schneider'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 5% beer by the drink and Sunday sales liquor license for Bi Xing Liu, d/b/a Chan's Restaurant, 1159 N. Kingshighway, Bi Xing, Liu, Managing Officer. 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 Mr. Lanzotti, to approve a temporary 5% beer by the drink license for John J. Yallaly, d/b/a American Legion Post 63, for an event to be held November 6, 2009, at 2731 Thomas Drive. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Voss made a motion, seconded by Mrs. Tracy, to approve a temporary 5% beer by the drink license for Paul E. Pfeiffer, d/b/a St. Vincent DePaul Auction Committee, for an event to be held November 7-8, 2009, at the A. C. Brase Arena Building. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

OTHER

Public Works Department Director Tim Gramling presented background information on the transition of the City's solid waste collection to an automated process and to single stream recycling. Mr. Gramling reviewed and discussed the concerns expressed by the Council at previous meetings, including alternatives for glass recycling collection, container color availability, handling extra trash, options for smaller containers, and disposal of old trash cans.

Mr. Meyer stated that City staff is asking the Council for conceptual approval of this process, in order to move forward with preparations. He said that City staff has gone to great lengths to inform and review this process with the public. Mr. Meyer said that by approving the plan to transition the solid waste collection system to an automated system and to single stream recycling, City staff will be able to increase budget reserves, reduce workers' compensation claims, and increase recycling within Cape Girardeau.

Mr. Gramling said that this process will show an annual savings to the budget, but it also offers many other benefits. The automated trash collection will pay off the initial investment in 10 years and will show larger savings after that. He said the City received a \$150,000 energy grant to assist with purchasing the new automated trucks, but it must have the trucks purchased and delivered by April 1, 2010. Currently, about 43% of Cape Girardeau residents recycle. That number is expected to increase with single stream recycling.

Mr. Lanzotti said there was a lot of discussion surrounding privatizing solid waste collection versus keeping collection in-house, however, many of the City's special services, such as leaf pick-

up and storm clean-up, would not be available to Cape Girardeau residents. Mayor Knudtson stated that he still had questions about people who purchase stickers for extra trash, and he would like City staff to develop a solution to the issue of extra trash. In addition, he felt the City needed to re-implement a Spring clean-up program or a program to pick up extra trash around the holidays.

Mrs. Schneider made a motion, seconded by Mrs. Tracy, to authorize City staff to prepare Ordinances for the appropriation of necessary funds to transition to automated solid waste collection and single stream recycling. The motion was approved upon 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.

Jay B. Knudtson, Mayor

Gayle L. Conrad, City Clerk

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