

REGULAR SESSION – NOVEMBER 2, 2009

The Cape Girardeau City Council convened in regular session on Monday, November 2, 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 Chapel, presented the invocation, and the Pledge of Allegiance was recited.

The minutes of the October 19, 2009, regular and closed sessions were 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. The minutes of the October 27, 2009, closed session were approved upon Mr. Voss' motion, Mrs. Schneider'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. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

State Representative Clint Tracy presented a Resolution to Cape Girardeau Police Chief Carl Kinnison, honoring the Cape Girardeau Police Department's 150th Anniversary and commented on his first year in office at the House of Representatives.

COUNCIL COMMUNICATIONS

Mr. Herbst commended the Cape Girardeau Police Department on its 150th Anniversary ceremony at the Southeast Missouri State University River Campus on Thursday, October 22, and the display at the Cape River Heritage Museum on Saturday, October 24, 2009. Mrs. Tracy commended the Cape Girardeau Fire Department on the Fire Truck Rally last weekend and said she had attended the Christ Episcopal Church Picnic.

Mayor Knudtson said he had attended the Regional Homeland Security Committee meeting in Dexter during the last week and viewed the equipment purchased with Homeland Security funds to be used in Southeast Missouri. He recognized the First Baptist Church on its 175th Anniversary on November 1, and said that Mr. Herbst will be honoring Lynwood Baptist Church on its 50th anniversary on November 22, 2009. Mayor Knudtson continued that Notre Dame High School boys baseball and girls softball teams will be honored on November 4 for their State Championship Titles.

CITY MANAGER COMMUNICATIONS

City Manager Scott Meyer stated that Mr. Robbie Rollins and Mr. Paul Fisher passed away this past weekend in an airplane crash. Mr. Rollins was Chairman of the Airport Advisory Board and was a key part of the Cape Girardeau Regional Airport's development. Mr. Meyer stated that Cape Air will begin service in Cape Girardeau on Sunday, November 8, with flights to St. Louis. He noted also that the Mississippi River is expected to crest around 38 feet, but pump stations are still being manned.

Mr. Lanzotti stated that a code share agreement with Cape Air and American Airlines will begin in the early Spring. Ms. Ritter noted that Cape Air is selling at a discounted rate a book of tickets that do not expire and are transferrable and refundable.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the water rate impacts resulting from the issuance of bonds through the Missouri Drinking Water State Revolving Loan Program using America Recovery and Reinvestment Grant revenues to the State of Missouri, the hearing was opened. Mr. Meyer stated that this matter relates to bonds issued to pay for the City to convert from river water to well water, and there will not be a water rate increase for the project. There being no appearances, the hearing was closed.

APPEARANCES

Mr. Eugene Holloway, of A.J.E. Homes, LLC, appeared before the Council in support of Boulder Crest Subdivision and to answer questions. He noted that the property is zoned as commercial. The previous owners were going to develop townhouses, but Boulder Crest Estates will now be solely commercial lots.

BILL NO. 09-178 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF BOULDER CREST ESTATES

The first reading of BILL NO. 09-178 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. 09-182 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ESCROW AGREEMENT WITH A.J.E. HOMES, LLC, AND MONTGOMERY BANK, FOR BOULDER CREST ESTATES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-182 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. 09-182 is RESOLUTION NO. 2493.

Mrs. Tracy made a motion, seconded by Mrs. Schneider, to approve the improvement plans for streets, storm sewers, sanitary sewers and a water main extension to serve Boulder Crest Estates Subdivision. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Ms. Tamara Zellars Buck appeared before the Council in support of the approval of an original package liquor and Sunday sales liquor license for B & H Convenience and to answer questions. She said the store was located at the corner of Bloomfield and Hanover and was requesting to add liquor sales to its services.

Mrs. Tracy made a motion, seconded by Mr. Voss, to approve an original package liquor and Sunday sales liquor license for Tamara Zellars Buck, d/b/a B & H Convenience, 1021 Bloomfield, Tamara Buck, Managing Officer. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

CONSENT ORDINANCES

The following bills were given second and third readings:

- BILL NO. 09-165 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
- BILL NO. 09-166 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
- BILL NO. 09-169 AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF NORWALD, INC.
- BILL NO. 09-170 AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF MEYR PROPERTIES, L.P.
- BILL NO. 09-175 AN ORDINANCE AMENDING THE BOUNDARIES OF WARDS 4 AND 6 TO INCLUDE PROPERTIES ANNEXED BY THE CITY OF CAPE GIRARDEAU, MISSOURI
- BILL NO. 09-173 AN ORDINANCE APPROVING THE RECORD PLAT OF BRINKOPF SUBDIVISION
- BILL NO. 09-174 AN ORDINANCE AMENDING SECTION 26-246 OF THE CITY CODE, REGARDING PARKING NEAR SIGNALIZED INTERSECTIONS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The second and third readings of BILL NOs. 09-165, 09-166, 09-169, 09-170, 09-175, 09-173 and 09-174 were approved and the Ordinances adopted upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-165 is ORDINANCE NO. 4072; BILL NO. 09-166 is ORDINANCE NO. 4073; BILL NO. 09-169 is ORDINANCE NO. 4074; BILL NO. 09-170 is ORDINANCE NO. 4075; BILL NO. 09-175 is ORDINANCE NO. 4076; BILL NO. 09-173 is ORDINANCE NO. 4077; and BILL NO. 09-174 is ORDINANCE NO. 4078.

NEW ORDINANCES

BILL NO. 09-176 was given first reading as follows:

AN ORDINANCE APPROPRIATING FUNDS FOR CAPITAL AND OPERATING EXPENDITURES FOR THE SOLID WASTE FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2010, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-176 was approved upon Mr. Lanzotti's motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Herbst noted that most of the questions he has received are about City employees possibly losing their jobs, however that will not occur because there are vacant positions that won't be filled, and one employee will be transferred to another position. Mayor Knudtson said this process will realize a budget savings and promote recycling. Mr. Meyer said that the City has received a grant toward the purchase of trucks, and they need to be ordered immediately to meet the grant timeline.

BILL NO. 09-177 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE F OF SECTION 26-247 OF THE CITY CODE, BY ESTABLISHING A NO PARKING ZONE ON MEADOWBROOK LANE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-177 was approved 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. 09-179 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIRPORT AID AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE PURPOSE OF ACCEPTING A GRANT FOR PROMOTION OF SCHEDULED AIR SERVICE AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The first reading of BILL NO. 09-179 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. Lanzotti commended Cape Air for bringing air travel services to the Cape Girardeau Regional Airport.

BILL NO. 09-180 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIR TRAFFIC CONTROL TOWER OPERATING ASSISTANCE GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The first reading of BILL NO. 09-180 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.

BILL NO. 09-183 was given first reading as follows:

AN ORDINANCE ENACTING A NEW SECTION 26-234 AND A NEW SCHEDULE B OF THE CITY CODE PERTAINING TO SCHOOL SPEED ZONES

The first reading of BILL NO. 09-183 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.

Mrs. Tracy stated that she supports this Ordinance to make school zones safe. She said that a child was hit by a car at Franklin Elementary School, and she reminded drivers to be careful around schools. Mayor Knudtson suggested that City staff send copies of the City Council agenda letters and maps to the School Board to demonstrate how the City is working for a safe community.

RESOLUTIONS

BILL NO. 09-181 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICES AGREEMENT WITH ALBERICI CONSTRUCTORS, INC. FOR PROJECT MANAGEMENT OF THE OSAGE COMMUNITY CENTRE, FAMILY AQUATIC CENTER AND SHAWNEE PARK SPORTS COMPLEX PROJECTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-181 was approved and the Resolution adopted 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. 09-181 is RESOLUTION NO. 2494.

Mr. Voss noted that in the November 2, 2009, City Council meeting agenda alone, City staff has leveraged \$450,000 in grant funds for City services. He supported spending a comparatively small amount of money on this agreement to further parks projects.

LIQUOR LICENSES

Mr. Herbst made a motion, seconded by Mrs. Schneider, to approve a retail liquor by the drink and Sunday sales liquor license for Jessup Community Developments, LLC, d/b/a The Venue, 80 S. Plaza Way, Cheryl Jummie Ready, Managing Officer. 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 retail liquor by the drink license for Betty and Larry Hendrickson, d/b/a Whiskey River, 1444 Independence, Betty and Larry Hendrickson, Managing Officers. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mrs. Tracy made a motion, seconded by Mrs. Schneider, to approve a change in managing officer for a retail liquor by the drink and Sunday sales liquor license for Applebee's Restaurants West, LLC, d/b/a Applebee's Neighborhood Grill and Bar, 202 S. Broadview, Steven Longenecker, Managing Officer. The motion was approved upon 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 the storm drainage improvements completed under the Themis and Whitener Drainage Improvement Project, and authorizing final payment to Fronabarger Concreters, Inc.. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mrs. Tracy noted that November 18 is the City's Parks and Recreation Foundation's Annual Spaghetti Day.

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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