

REGULAR SESSION – DECEMBER 7, 2009

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

Reverend John Hopkins, of Bethel Assembly of God, presented the invocation, and Nick Scopa, of Boy Scouts of America Troop 8, led the Pledge of Allegiance.

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

The minutes of the November 16, 2009, regular and closed sessions were approved upon Mrs. Tracy's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none.

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

Mayor Knudtson welcomed members of Boy Scout Troop 5 and Troop 8 who were present to earn a merit badge.

COUNCIL COMMUNICATIONS

Chief Carl Kinnison of the Cape Girardeau Police Department reported on the Take Back Our Streets March held on December 5, 2009.

City Manager Mr. Scott Meyer announced that the Navy's Blue Angels would be performing at the Air Show in Cape Girardeau on June 29-30, 2010.

Mayor Knudtson reported that the State Special Olympics competition will be hosted in Cape Girardeau for the next four years, with games to include golf, softball, basketball and tennis. He said that the Parks and Recreation Department has supported the Special Olympics for years, and the events will be held in August.

Mayor Knudtson also announced that the Planning and Zoning Commission would have an open house to review the final draft of the Transportation Trust Fund 4 projects on Wednesday, December 9, 2009 at 6:00 p.m. in the City Council Chambers.

Mr. Voss congratulated Mr. Doug Austin and his wife on their 50th Wedding Anniversary and commended Mr. Austin for being an advocate for Cape Girardeau.

Mrs. Tracy announced that the Girardeau Goes Green Advisory Board is looking for people to serve on task force sub-committees. Applications can be downloaded from the City website or picked up at City Hall.

Mayor Knudtson stated that staff had reviewed the solid waste disposal containers in the study session and had selected the 96-gallon container for recycling and the 64-gallon container for

trash. If a resident has special needs, there are provisions available, including requested assistance with trash cans, and smaller 48-gallon containers. Mr. Lanzotti remarked that City staff members have talked with other cities utilizing the automated solid waste containers about the size of containers and have affirmed the size choices.

Ms. Ritter stated that she was around the Clippard School earlier today and had seen the City's Public Works staff as they did leaf pick-up in the area. She commended them on the job they were doing.

APPEARANCES

Mr. Kenneth Evans, of 1406 Bloomfield, and Mr. Michael Wenderski, of 1600 New Madrid, appeared before the Council to request a license to vend hotdogs between 11 p.m. and 2 a.m. Thursday to Sunday in the City's parking lot at 100 Broadway, and they presented a petition signed by downtown business owners in support of their request. Mr. Wenderski noted that they have all necessary licenses needed for operation.

Mayor Knudtson remarked that current Ordinances do not allow for the sale of food on public property, and that they could get permission to sell from private lots, but not for a public parking lot. Mr. Evans replied that the business owners who signed their petition do not have private parking lots. There are two public lots, and the bank at Independence and Main Streets did not give them permission to vend from their lot. Mr. Wenderski said that they want to vend from a 10'x20' tent.

The Council discussed issues relating to vending on public property and the history of other applicants. Mrs. Heather Brooks, Assistant to the City Manager, said that Old Town Cape has reviewed Mr. Evans' and Mr. Wenderski's plan and feel that if the Council approved their request, there should be a standard process for people to apply for such permission.

Mayor Knudtson summarized that: 1) a consensus of downtown merchants is needed before the Council will proceed, 2) the support of Old Town Cape is needed to help establish criteria for applicants, and 3) the Council will review information from other cities provided by Mr. Evans and Mr. Wenderski, and then discuss if they want to change the Ordinance to permit vending on public property. Mrs. Tracy remarked that she felt any Ordinance or license should require the vendor to be responsible for clean-up around the premises.

The Mayor said that the whole process would take about six weeks and suggested that Mr. Evans and Mr. Wenderski operate on a privately-owned lot in the mean-time to prove the business.

CONSENT ORDINANCES

The following bills were given second and third readings:

BILL NO. 09-184 AN ORDINANCE AUTHORIZING THE MAYOR PRO TEMPORE TO EXECUTE GENERAL WARRANTY DEEDS TO CWC-RE HOLDINGS, LLC AND MAYSON INVESTMENTS, LLC FOR THE TRANSFER OF REMNANT PROPERTY AT THE SOUTHWEST CORNER OF MT. AUBURN ROAD AND BLOOMFIELD ROAD, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The second and third readings of BILL NO. 09-184 were approved and the Ordinance adopted upon Mr. Lanzotti's motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Lanzotti, Ritter, Tracy and Voss. Nays, none. Mayor Knudtson abstained from voting on BILL NO. 09-184 for financial reasons because the applicant has a financial relationship with the bank where he works. BILL NO. 09-184 is ORDINANCE NO. 4085.

NEW ORDINANCES

BILL NO. 09-188 was given first reading as follows:

AN ORDINANCE APPROPRIATING FUNDS FOR CAPITAL EXPENDITURES FOR STORMWATER AND PARKS IMPROVEMENT PROJECTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI.

The first reading of BILL NO. 09-188 was approved upon Mrs. Tracy's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none.

Mrs. Tracy asked the status of plans to comply with Department of Natural Resources (DNR) regulations. Mr. Tim Gramling, Director of Public Works, replied that the City has hired a stormwater expert and has established a relationship with developers on new construction. He updated the Council on the annual DNR report, and said he had led training with staff and developers, which is part of compliance. Mr. Gramling said that although the permit is on a five-year cycle, some issues must be updated annually.

BILL NO. 09-190 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 THEMIS STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-190 was approved upon Mrs. Tracy's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none.

BILL NO. 09-191 was given first reading as follows:

AN ORDINANCE AUTHORIZING ACCEPTANCE OF PERMANENT DRAINAGE EASEMENTS FROM VARIOUS PROPERTY OWNERS ON ALBERT STREET FOR THE PURPOSE OF DRAINAGE AND STORMWATER MAINTENANCE IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-191 was approved upon Mr. Herbst's motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none.

RESOLUTIONS

BILL NO. 09-189 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO AN AGREEMENT FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES WITH MARKEY AND ASSOCIATES, INC., FOR IMPROVEMENTS TO THE CENTRAL MUNICIPAL POOL, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-189 was approved and the Resolution adopted upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none. BILL NO. 09-189 is RESOLUTION NO. 2498. Mayor Knudtson noted that this amendment to the agreement with Markey and Associates, Inc. will begin the process to determine the scope of renovations to be completed at Central Pool.

BILL NO. 09-192 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FINANCIAL ASSISTANCE AGREEMENT, AND ALL OTHER NECESSARY DOCUMENTS, WITH THE SOUTHEAST MISSOURI REGIONAL PLANNING AND ECONOMIC DEVELOPMENT COMMISSION, PURSUANT TO THE MISSOURI CLEAN DIESEL PROGRAM, FOR PURCHASE OF SOLID WASTE TRUCKS

The reading of BILL NO. 09-192 was approved and the Resolution adopted upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none. BILL NO. 09-192 is RESOLUTION NO. 2499.

BILL NO. 09-193 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH IESI MISSOURI LANDFILL CORPORATION FOR SOLID WASTE TRANSPORTATION DISPOSAL SERVICE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-193 was approved and the Resolution adopted upon Mrs. Tracy's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none. BILL NO. 09-193 is RESOLUTION NO. 2500.

APPOINTMENTS

Ms. Ritter was reappointed to the Cape Girardeau Area MAGNET Board of Directors through April, 2010, upon Mrs. Tracy's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none. Mayor Knudtson noted that Ms. Ritter's term on the City Council will end in April of 2010 and the Council will appoint someone to fulfill her term on the MAGNET Board of Directors at that time. Mr. Mark Lanzotti was reappointed to the Cape Girardeau Area MAGNET Board of Directors for a term expiring December 31, 2010, upon Mr. Herbst's motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none.

Mr. Percy Huston was appointed to the Parks and Recreation Advisory Board for a term expiring October 29, 2010, upon Mrs. Tracy's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none.

Mr. Jack Watts was reappointed and Mr. Chris Janet was appointed to the Golf Course Advisory Board for terms expiring November 12, 2012, upon Mr. Lanzotti's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none.

Mrs. Debra Tracy was reappointed to the Cape Girardeau Parks Development Foundation for a term expiring December 31, 2010, upon Mr. Voss' motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Tracy and Voss. Nays, none.

OTHER

Mrs. Tracy made a motion, seconded by Mr. Herbst, to reject all bids for the Fountain Street Phase II Project and to authorize staff to re-bid the project. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, 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, Tracy and Voss. Nays, none.

Jay B. Knudtson, Mayor

Gayle L. Conrad, City Clerk

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