

REGULAR SESSION – DECEMBER 20, 2010

The Cape Girardeau City Council convened in regular session on Monday, December 20, 2010, at 7:00 p.m., with Mayor Harry E. Rediger presiding and Council Members Meg Davis Proffer, Mark Lanzotti, Loretta Schneider, Kathy Swan and John Voss present. Council Member Debra Tracy was absent.

Prior to the regular session, the City Council convened in closed session for purposes of discussing legal actions, causes of legal action or litigation, property acquisition and personnel pursuant to RSMo. Sections 610.021(1), (2) and (3) upon Mrs. Schneider's motion, Mr. Voss' second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

Reverend Phil Roop, of Bethel Assembly of God, presented the invocation, and the Pledge of Allegiance was recited. Mayor Rediger recognized Will Kapp, of the Boy Scouts of America Troop 8, Phillip Grantis, of Troop 4, and Sara Mitrucker, of Venturing Crew 4216, who were attending the meeting as part of the requirements for earning a merit badge.

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

PRESENTATIONS

Mayor Rediger presented a plaque to Fire Battalion Chief Steve Niswonger to commemorate his retirement after 33 years of service to the City of Cape Girardeau, serving both the Police and Fire Departments. Mr. Niswonger commented on his service and thanked the Council and City management for their leadership.

COMMUNICATIONS/REPORTS

Mr. Lanzotti reported on the success of the International Council of the Aeronautical Sciences (ICAS) Conference in Las Vegas, Nevada last week. The 2010 Cape Girardeau Regional Air Festival was discussed, including oversight, safety, planning and implementation. Airport Manager Bruce Loy said that there were 1,550 delegates at the ICAS Conference. The Cape Girardeau Regional Airport received the Best Supporting Airshow award from the U.S. Army's Golden Knights' Gold Team. The award is determined by the air show's support manual, safety issues and hospitality. Mr. Loy expressed his appreciation to the volunteers, especially Mr. Mark Seesing, for all their work.

Mr. Lanzotti announced that the City is working on installing and implementing a Frisbee golf course in Capaha Park. Southeast Missouri State University had put the course in place with some other sponsors, including the Park and Recreation Advisory Board and Foundation.

Mr. Voss discussed the Enhanced Enterprise Zone (EEZ) forming in the Cape Girardeau County area. He said this was a way for local entities to encourage businesses to expand or relocate to the area and receive tax abatement on additional real estate infrastructure improvements. The EEZ is being developed to offer a 50% abatement over 10 years on incremental increases for new or expanded business. He said there are currently 80+ zones in existence, with another 40+ being created now.

Mr. Voss announced a Public Hearing on Wednesday, December 29, 2010 at the Osage Centre. Citizens can attend the hearing and learn more about Enterprise Zones and provide comments before submissions are made to the State to create the Enhanced Enterprise Zone. A Board of Directors will manage the Zone, and the school district will have representatives on the Board. Mr. Voss said that the Enhanced Enterprise Zone is one of the tools available to try to create additional jobs in the area. A map of the area has been drawn and will be available at the December 29 meeting.

Mrs. Swan questioned the difference between the Enhanced Enterprise Zone and other Enterprise Zones, and whether Cape Girardeau County has any Enterprise Zones at this time. Mayor Rediger said that the County had an Enterprise Zone. Mr. Mitch Robinson, of the Cape Girardeau Area MAGNET, said that the old Enterprise Zone expired in 2003. The State created a new Enhanced Enterprise Zone in 2005, and 86 zones have been added in Missouri. The old Enterprise Zone had been revised and updated in this program to provide tax abatement to communities.

City Manager Scott Meyer announced that the Cape Girardeau Police Department had been named Outstanding Agency of the Year by the State-wide Special Olympics. He said the Police Department had the greatest increase in donations, and he congratulated and thanked Corporal Adam Glueck for his outstanding efforts. Mayor Rediger said that certain events for the Special Olympics State Championships will be held in Cape Girardeau over the next three years.

Mr. Meyer noted that the City had been awarded a \$110,000 grant for the Housing Economic Recovery Ownership (HERO) program for repairs on qualifying homes in the City.

Mr. Meyer said that the City had met with the developer and principals of the Show Me Smile Development. They openly discussed the whole proposal, and the issues with the developers and the Department of Economic Development. All of the issues were not settled, but they are working on it. Everything will be legal when this is done and all State requirements will be met. No City money was used on this project.

Mr. Meyer discussed placing funding for the wastewater treatment facility on the ballot. He said that the City had been asked about the funding for the facility and about why it is costing much more than early estimates. Several years ago, the City had looked into expanding and updating the current facility, then the area began to develop sinkholes and the City could not expand without compromising the foundation. The foundation at the new facility must be built to withstand an earthquake, and the foundation will comprise 25-30% of the project cost. An engineer has been hired to review the design, structure, and operability of the new facility to reduce costs. The City has also been asked how the current facility is not in compliance with State regulations. He said that 50 years ago it was acceptable to allow sewage to run into the river, but now it is not an acceptable practice, and every gallon of water that infiltrates the sewer system must be treated. If the wastewater facility is not in compliance, the City will be heavily fined, so there is no choice but to construct a new wastewater treatment facility.

APPEARANCES

Mr. Don Howard, of 1100 Ranney Avenue, appeared before the Council and stated that previous Councils should have looked into the issue of the wastewater treatment facility. He said that instead of putting all the City's sales tax revenues into the Transportation Trust Fund 4 (TTF4) and the parks/stormwater sales tax, the City could have applied that money toward this need and paid the debt off sooner. Cape Girardeau may have one of the lowest sewer rates in the State of Missouri, but not everyone has the money to pay increased rates. This is a minimum wage town

with lots of restaurants and fast food. People are afraid they cannot pay their bills, and they don't know how they will manage after the rates increase. Mr. Howard asked the Council to look at other ways to help fund the new wastewater treatment facility, such as using water park revenue or casino profits.

CONSENT AGENDA

A motion was made by Mrs. Swan and seconded by Mrs. Schneider, to approve the following items on the Consent Agenda:

Approval of the City Council December 6, 2010, regular and closed sessions minutes.

BILL NO. 10-169, AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE LEWIS AND CLARK PARKWAY (VETERANS MEMORIAL DRIVE PHASE 1) PROJECT. Second and Third Readings.

BILL NO. 10-171, AN ORDINANCE APPROVING THE RECORD PLAT OF A RESUBDIVISION OF LOT 25 OF LEXINGTON PLACE SECOND SUBDIVISION. Second and Third Readings.

BILL NO. 10-146, AN ORDINANCE APPROVING THE RECORD PLAT OF A RESUBDIVISION OF LOTS P38, P39, & P40 OF THE LOCHS AT DALHOUSIE – PHASE IV AND LOTS P85, P86, & P87 OF THE LOCHS AT DALHOUSIE – CORRECTED AMENDED. Second and Third Readings.

BILL NO. 10-172, AN ORDINANCE VACATING THE CITY'S INTEREST IN UTILITY EASEMENTS LOCATED IN THE AREA OF 1533 HELMSDALE DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and Third Readings.

BILL NO. 10-174, AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING SOUTH OF LASALLE AVENUE AND ON BOTH SIDES OF BALDWIN DRIVE, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI FROM R-1 TO R-3 AND C-2. Second and Third Readings.

BILL NO. 10-175, AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES, OF THE CITY OF CAPE GIRARDEAU REGARDING DOMESTIC SERVANTS. Second and Third Readings.

BILL NO. 10-179, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SERVICES WITH CAPE GIRARDEAU AREA MAGNET. Reading and Passage.

BILL NO. 10-185, A RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, TO PROVIDE ABATEMENT AND DETERMINE TYPES OF BUSINESSES FOR ITS ORGANIZATION AND PLAN OF OPERATION FOR AN ENHANCED ENTERPRISE ZONE. Reading and Passage.

A motion accepting into the City's system the water main extension to serve Fronabarger Concreters Development and extension of Commercial Street.

A motion accepting the improvements completed on Independence Street from Kingshighway to Pacific Street, and authorizing final payment to Fronabarger Concreters, Inc.

A motion setting a public hearing for January 10, 2011, for consideration of the preliminary development plan and rezoning request for the IOC-Cape Girardeau, LLC Planned Development District (PD District).

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none. BILL NO. 10-169 is ORDINANCE NO. 4179; BILL NO. 10-171 is ORDINANCE NO. 4180; BILL NO. 10-146 is ORDINANCE NO. 4181; BILL NO. 10-172 is ORDINANCE NO. 4182; BILL NO. 10-174 is ORDINANCE NO. 4183; BILL NO. 10-175 is ORDINANCE NO. 4184; BILL NO. 10-179 is RESOLUTION NO. 2586; and BILL NO. 10-185 is RESOLUTION NO. 2587.

NEW ORDINANCES

BILL NO. 10-180 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A TRANSPORTATION ENHANCEMENT FUNDS PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE SOUTH SIDE TRAIL CONNECTION PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 10-180 was approved upon Mr. Lanzotti's motion, Mr. Voss' second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none. Mr. Lanzotti stated that the Transportation Enhancement Funds Program is a grant-based program, with the City contributing 20%, to put trail extensions in Shawnee Park and to connect the existing trail in the parking lot with the trail on West End Boulevard at Linden Street.

BILL NO. 10-181 was given first reading as follows:

AN ORDINANCE CALLING AN ELECTION IN THE CITY OF CAPE GIRARDEAU, MISSOURI, ON THE QUESTION OF ISSUING SEWERAGE SYSTEM REVENUE BONDS

The first reading of BILL NO. 10-181 was approved upon Mr. Voss' motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none. Mr. Lanzotti said that the timeline of this project has encompassed 4 to 5 years already. This information would help citizens understand the project. He asked City staff to put together a page on the City web site to explain the details of the sewerage system issues. Mr. Meyer noted that a Public Hearing is scheduled for January 12, 2011 at the Public Works facility. Tours will be given before the hearing of the existing plant and the new site location, and City staff will receive public input.

BILL NO. 10-182 was given first reading as follows:

AN ORDINANCE CALLING AN ELECTION IN THE CITY OF CAPE GIRARDEAU, MISSOURI, ON THE QUESTION OF WHETHER TO EXTEND THE PRESENT ONE-QUARTER OF ONE PERCENT CAPITAL IMPROVEMENT SALES TAX FOR THE PURPOSE OF FUNDING CAPITAL IMPROVEMENTS

The first reading of BILL NO. 10-182 was approved upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none. Mr. Meyer said that the intent of this Ordinance is to use Cape Girardeau's regional hub status to help pay for City improvements. Visitors to the area will help provide sales tax revenue by shopping in the City.

BILL NO. 10-183 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF JULIE SUBDIVISION NO. 5

The first reading of BILL NO. 10-183 was approved upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 10-184 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 A PORTION OF PACIFIC STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 10-184 was approved upon Mr. Voss' motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

APPOINTMENTS

Mr. Wayne Bowen was appointed to the Planning and Zoning Commission for a term expiring November 1, 2012, upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none. Mr. Lanzotti said that during the study session, the Council had suggested that advisory boards should model after the leadership of the Girardeau Goes Green Advisory Board and set up subcommittees in order to allow non-members to have a structured and active roll on the Board. Mrs. Swan suggested that a subcommittee of the Planning and Zoning Commission could be tasked with reviewing the proposed development code.

Mr. James Bowling was appointed to the Board of Examiners for a term expiring January 1, 2013, upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none. Mayor Rediger said that City staff is looking into the requirements for service on this Board. Mr. Meyer said that they will look at expanding the requirements and allowing more people to serve.

Mrs. Tracy was reappointed as the City Council representative to the Parks and Recreation Foundation for a term expiring December 31, 2011, upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

Mayor Rediger and Mr. Lanzotti were reappointed as City Council representatives to the Cape Girardeau Area MAGNET Board of Managers for terms expiring December 31, 2011, upon Mr. Voss' motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan 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, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

Harry E. Rediger, Mayor

Gayle L. Conrad, City Clerk

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