

**REGULAR SESSION – DECEMBER 21, 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, Loretta Schneider, and John Voss present. Council member Debra Tracy was absent.

Reverend Stan Hargis, of Southeast Missouri Hospital Hospice, presented the invocation, and Elwood Voss, of Boy Scouts of America Troop 8 from Trinity Lutheran School, led the Pledge of Allegiance.

Prior to the regular session, the City Council convened in closed session for purposes of discussing personnel, litigation, and confidential communications with the City Attorney pursuant to RSMo. Sections 610.021(1) and (3) upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none. Mr. Herbst was absent for the study session.

The minutes of the December 7, 2009, regular and closed sessions were approved upon Mr. Herbst's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none.

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

**COUNCIL COMMUNICATIONS**

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

Ms. Marla Mills, of Old Town Cape, introduced members of the Downtown Strategic Plan Team who were present at the meeting, as well as Mr. Russ Volmert, of PGAV. Mr. Volmert presented Mayor Knudtson with a Certificate of Honorable Mention for the Downtown Strategic Plan given by the Missouri Chapter of the American Planning Association. He said that the Association could see the City's Strategic Plan being accomplished, and that Cape Girardeau is the only Downtown Revitalization and Economic Assistance for Missouri (DREAM) community to have adopted a Strategic Plan.

Mr. Lanzotti stated that there had been traffic issues in the past on William Street near the mall. He commended the Missouri Department of Transportation for street improvements in the area to improve traffic flow. Mayor Knudtson remarked that through the planning process, the City staff is working on orderly growth of the City and new zoning codes. Mr. Lanzotti said that the new zoning codes are available to view online at the City's web site, and the first public meeting to review the codes will be on Tuesday, January 5, 2010.

**CITY MANAGER COMMUNICATIONS**

City Manager Scott Meyer said that the City is collaborating with the DREAM members to improve the downtown area. He said that he has been meeting with City employees over the last two weeks and listening to what they have to say and what their concerns are. Mr. Meyer recognized Levi Asher, from the Public Works Department, for his enthusiasm for working for the

City. Mr. Meyer also said he will not be at the January 4, 2010, City Council meeting, and Planning Services Director Mr. Ken Eftink will be seated at the Council table in his place.

**APPEARANCES**

Ms. Jeana Schoener, of 1138 Oak Ridge Court, appeared before the Council to request a public hearing regarding her request for a Special Use Permit for a photography business located at 3601 Old Hopper Road, within a R-1 (single-family residential) district. Mr. Voss made a motion, seconded by Ms. Ritter, to set a public hearing for the January 19, 2010, City Council meeting to address Ms. Schoener's request for a Special Use Permit for a photography business located at 3601 Old Hopper Road. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none.

**CONSENT ORDINANCES**

The following bills were given second and third readings:

BILL NO. 09-188      AN ORDINANCE APPROPRIATING FUNDS FOR CAPITAL EXPENDITURES FOR STORMWATER AND PARKS IMPROVEMENT PROJECTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

BILL NO. 09-190      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

BILL NO. 09-191      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 second and third readings of BILL NOs. 09-188, 09-190, and 09-191 were approved and the Ordinances adopted upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none. BILL NO. 09-188 is ORDINANCE NO. 4086; BILL NO. 09-190 is ORDINANCE NO. 4087; and BILL NO. 09-191 is ORDINANCE NO. 4088.

**NEW ORDINANCES**

BILL NO. 09-193 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR LEWIS AND CLARK PARKWAY BETWEEN LASALLE AVENUE AND COUNTY ROAD 618

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

BILL NO. 09-194 was given first reading as follows:

**AN ORDINANCE APPROVING THE RECORD PLAT OF ROBINSON SUBDIVISION**

The first reading of BILL NO. 09-194 was approved upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none.

BILL NO. 09-195 was given first reading as follows:

**AN ORDINANCE APPROVING THE RECORD PLAT OF RIVER BEND SUBDIVISION**

The first reading of BILL NO. 09-195 was approved upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none.

BILL NO. 09-196 was given first reading as follows:

**AN ORDINANCE APPROVING THE RECORD PLAT OF CAPE WEST CROSSINGS-PHASE II AMENDED**

The first reading of BILL NO. 09-196 was approved upon Mr. Lanzotti's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Lanzotti, Ritter, Schneider and Voss. Nays, none. Mayor Knudtson abstained from voting on BILL NO. 09-196 for financial reasons because one of the parties involved has a financial interest at the bank where he works.

BILL NO. 09-197 was given first reading as follows:

**AN ORDINANCE APPROVING THE RECORD PLAT OF CAPE WEST 13<sup>TH</sup> SUBDIVISION**

The first reading of BILL NO. 09-197 was approved upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none.

BILL NO. 09-198 was given first reading as follows:

**AN ORDINANCE APPROVING THE RECORD PLAT OF A RESUBDIVISION OF LOTS C19, C20 AND C21 OF THE HIGHLANDS AT DALHOUSIE-PHASE III**

The first reading of BILL NO. 09-198 was approved upon Mrs. Schneider's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Ritter, Schneider and Voss. Nays, none. Mr. Lanzotti abstained from voting on BILL NO. 09-198 because he has a representative relationship with one of the parties involved.

BILL NO. 09-204 was given first reading as follows:

**AN ORDINANCE AMENDING SECTION 22-111(A) OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING WEEDS**

The first reading of BILL NO. 09-204 was approved upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none. Mayor Knudtson said that this Ordinance would clarify the City's Code of

Ordinances that property owners are responsible for mowing grass on the City right-of-way between their yard and the City street.

BILL NO. 09-205 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,000,000 PRINCIPAL AMOUNT OF WATERWORKS SYSTEM REVENUE BONDS (STATE OF MISSOURI - DIRECT LOAN PROGRAM - ARRA) SERIES 2010 OF THE CITY OF CAPE GIRARDEAU, MISSOURI, FOR THE PURPOSE OF EXTENDING AND IMPROVING THE CITY'S WATERWORKS SYSTEM; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THEIR PAYMENT AND PRESCRIBING OTHER RELATED MATTERS

The first reading of BILL NO. 09-205 was approved upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none.

**RESOLUTIONS**

BILL NO. 09-199 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDITIONAL SERVICES LETTER OF AGREEMENT WITH GLATTING, JACKSON, KERCHER, ANGLIN, INC. FOR BRANDING SERVICES FOR DOWNTOWN CAPE GIRARDEAU

The reading of BILL NO. 09-199 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none. BILL NO. 09-199 is RESOLUTION NO. 2501. Mayor Knudtson stated that this Agreement would be an expansion on the existing Downtown project and will enhance the current wayfinding agreement. It will be used to brand the riverfont, Broadway and the Haarig districts.

BILL NO. 09-200 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH 4-SIGHT COUNSELING, INC., TO PROVIDE HOUSING COUNSELING AND OPERATION ASSISTANCE REGARDING THE NEIGHBORHOOD STABILIZATION PROGRAM, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 09-200 was approved and the Resolution adopted upon Mr. Herbst's motion, Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none. BILL NO. 09-200 is RESOLUTION NO. 2502.

BILL NO. 09-201 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEMOLITION CONTRACT WITH J. W. TRANSPORT, LLC

The reading of BILL NO. 09-201 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson,

Lanzotti, Ritter, Schneider and Voss. Nays, none. BILL NO. 09-201 is RESOLUTION NO. 2503.

BILL NO. 09-202 was presented as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, EXPRESSING AND CONFIRMING SUPPORT FOR THE CLEAN AIR ACTION PLAN

The reading of BILL NO. 09-202 was approved and the Resolution adopted upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none. BILL NO. 09-202 is RESOLUTION NO. 2504. Mayor Knudtson described the purpose of the Clean Air Action Plan, and the City's roll in supporting it.

Mr. Lanzotti stated that the MAGNET Board and several other counties will be supporting this Plan. These are voluntary guidelines to assist in meeting the Environmental Protection Agency's regulations.

BILL NO. 09-203 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO BROADCAST AND RECORD CAPE GIRARDEAU CITY COUNCIL MEETINGS WITH SEMO VIDEO PRODUCTIONS, LLC

The reading of BILL NO. 09-203 was approved and the Resolution adopted upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none. BILL NO. 09-203 is RESOLUTION NO. 2505. Mr. Voss recognized Ron Duff Productions for his many years of service to the City. Mayor Knudtson said that this was a competitive bid process; Mr. Duff has done an excellent job over the years and the City commends him on his work.

### **APPOINTMENTS**

Mr. Justin Albright was appointed to the Airport Advisory Board for a term expiring April 30, 2012, and Mr. Sam Blackwell was appointed to the Airport Advisory Board for a term expiring April 30, 2011, upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none.

### **LIQUOR LICENSES**

Mrs. Schneider made a motion, seconded by Mr. Herbst, to conditionally approve a retail liquor by the drink and Sunday sales license for PHC Cape, LLC, d/b/a The Pasta House Company, 2406 William, Stephen Welkener, Manager Officer. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none.

Mrs. Schneider made a motion, seconded by Mr. Herbst, to approve a change in type of liquor license to original package, Sunday sales and wine tasting for Sam's East, Inc., d/b/a Sam's Club #6479, 232 Shirley Drive, Lorene Samson, Managing Officer. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none.

**OTHER**

Ms. Ritter made a motion, seconded by Mr. Voss, to accept the annual City audit prepared by Beussink, Hey, Roe, Seabaugh and Stroder, LLC, for the fiscal year ending June 30, 2009. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider 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 and Voss. Nays, none.

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Jay B. Knudtson, Mayor

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Gayle L. Conrad, City Clerk

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