

REGULAR SESSION – FEBRUARY 1, 2010

The Cape Girardeau City Council convened in regular session on Monday, February 1, 2010, at 7:00 p.m., with Mayor Jay B. Knudtson presiding and Council Members Mark Lanzotti, Marcia Ritter, Loretta Schneider, Debra Tracy and John Voss present. Council Member Charlie Herbst was absent.

Reverend Karen Dumey, of the Westminster Presbyterian Church, presented the invocation, and Alex Higgins and Zac Rhodes of Boy Scouts of America Troop 5 led the Pledge of Allegiance.

Prior to the regular session, the City Council convened in closed session for purposes of discussing personnel, property acquisition, litigation and confidential communications with the City Attorney pursuant to RSMo. Sections 610.021(1), (2) and (3) upon Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the January 19, 2010, regular and closed sessions were approved upon Mrs. Schneider's motion, Ms. Ritter's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

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

COUNCIL COMMUNICATIONS

Ms. Ritter commended the Public Works Department and the Missouri Department of Transportation for doing a great job removing the snow over the weekend. Mrs. Tracy remarked that the City Council had discussed marking some streets "no parking" during snow events. Mr. Tim Gramling, Public Works Director, responded that he had looked at other cities that have a similar policy and had presented information to the Council several weeks after last year's ice event. Mayor Knudtson said that he has talked with City Manager Scott Meyer about it and asked City staff to review the issue again.

Mr. Lanzotti reminded Cape Girardeau residents to vote in the Primary elections on Tuesday, February 2, 2010.

CITY MANAGER COMMUNICATIONS

Mr. Meyer spoke to the Council about recent updates to the City website. He said that visits to the site have increased by 40% and the website is effectively communicating with the public.

Chief of Police Carl Kinnison recognized Cape Girardeau Police officers involved in the apprehension of bank robbery suspects last November: Assistant Chief Roger Fields, Patrolman Jason Jurgens, Patrolman Brad Neels, and Patrolman David Tucker, as well as Sergeant Rodney Barker, Patrolman Jon Jenson, and SEMO DPS Officer Kenny Mayberry. Chief Kinnison gave a history of the events of that day and the capture of the suspects. FBI Agent Brian Ritter commended the officers as well and said that these arrests also led to a gang in Atlanta, Georgia, and cleared eleven robberies in Atlanta and two in Cape Girardeau.

PUBLIC HEARINGS

Mayor Knudtson made a motion, seconded by Mrs. Tracy, to appoint Council Member John Voss as Mayor Pro-Tempore for the purpose of conducting the Public Hearing on the matter of the RiverWest Partners, LC request to amend their final development plan. The motion was approved upon the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

This being the date set for a public hearing regarding the request of RiverWest Partners, LC to amend their final development plan for Walden Park by changing Lots 93-102 from large lot estates into sixteen (16) single-family lots, the hearing was opened by Mayor Pro-Tempore Voss. There being no appearances, the hearing was closed.

BILL NO. 10-9 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE FINAL DEVELOPMENT PLAN FOR WALDEN PARK AT THE REQUEST OF RIVERWEST PARTNERS, LC, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 10-9 was approved upon Ms. Ritter's motion, Mr. Lanzotti's second, and the following vote: Ayes, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained from voting on BILL NO. 10-9 for financial reasons because the applicant has a financial relationship at the bank where he works.

CONSENT ORDINANCES

The following bills were given second and third readings:

BILL NO. 10-2 AN ORDINANCE AMENDING SECTION 5-12(B) OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING POSSESSION OF INTOXICATING LIQUOR BY A MINOR

BILL NO. 10-3 AN ORDINANCE ACCEPTING GENERAL WARRANTY DEEDS FROM CARRIE E. WARFIELD, FOR PROPERTIES LOCATED IN THE VILLAGE OF LEADVILLE ADDITION, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The second and third readings of BILL NO. 10-2 and 10-3 were approved and the Ordinances adopted upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 10-2 is ORDINANCE NO. 4098; BILL NO. 10-3 is ORDINANCE NO. 4099.

NEW ORDINANCES

BILL NO. 10-6 was given first reading as follows:

AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST, PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE BEND ROAD/ MASON STREET/MAIN STREET IMPROVEMENTS

The first reading of BILL NO. 10-6 was approved upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF SPECIAL OBLIGATION BONDS, SERIES 2010A, OF THE CITY OF CAPE GIRARDEAU, MISSOURI; AND APPROVING CERTAIN DOCUMENTS AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

The first reading of BILL NO. 10-10 was approved upon Mr. Lanzotti's motion, Mrs. Schneider's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mr. Meyer stated that this proposed Ordinance would allow for financing of trucks and containers for the automated solid waste collection system. Mr. Voss asked how many residents have requested smaller containers. Mr. Gramling answered that there have been approximately 1,400 requests for 64-gallon containers and 1,235 requests for 48-gallon containers.

RESOLUTIONS

BILL NO. 10-7 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH ST. FRANCIS MEDICAL CENTER FOR UTILITIES ON GIRARDEAU COURT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 10-7 was approved and the Resolution adopted upon Mrs. Tracy's motion, Ms. Ritter's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 10-7 is RESOLUTION NO. 2506.

BILL NO. 10-8 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DENALI CONSTRUCTION, INC. FOR THE SHAWNEE PARK SPORTS COMPLEX IMPROVEMENTS AND NEW COMMUNITY CENTER, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 10-8 was approved and the Resolution adopted upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 10-8 is RESOLUTION NO. 2507.

LIQUOR LICENSES

Mrs. Tracy made a motion, seconded by Mrs. Schneider, to approve a change in managing officer for Walgreen Co., d/b/a Walgreens #3338, 1 S. Kingshighway, Lorene Samson, Managing Officer. The motion was approved upon the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mrs. Tracy made a motion, seconded by Mrs. Schneider, to conditionally approve a retail liquor by the drink license for Big Country Saloon, LLC, d/b/a Big Country Saloon, 107 N. Main, John

Wyman, Managing Officer. The motion was approved upon the following vote: Ayes, 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, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Jay B. Knudtson, Mayor

Gayle L. Conrad, City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK.