

**REGULAR SESSION – FEBRUARY 16, 2010**

The Cape Girardeau City Council convened in regular session on Tuesday, February 16, 2010, 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 Jack Smart, of Teen Challenge International Mid-America, presented the invocation, and Boy Scouts of America Troop 16 led the Pledge of Allegiance. Alex Johnson, Ben Tlapek, Paul Howell, and David Cieslewicz attended the Council meeting to complete requirements necessary for a merit badge.

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 Mrs. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the February 1, 2010, regular and closed sessions were approved upon Mrs. Schneider's motion, Mr. Herbst'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. Schneider's motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**CITY MANAGER COMMUNICATIONS**

City Manager Scott Meyer commended Public Works and Public Safety staff for their work during the winter weather. He also recognized members of the Planning and Zoning Commission and the public for their work and participation in developing the proposed zoning code. It has been over 40 years since the current zoning code was approved. Mr. Meyer presented the Council with copies of the annual reports from the Cape Girardeau Area Convention and Visitors Bureau and First Call for Help.

**PUBLIC HEARINGS**

This being the date set for a public hearing regarding updates to the City Zoning Ordinance and Zoning Map, the hearing was opened by Mayor Knudtson. Mr. Bill Hinckley, Planning and Zoning Commission Chairman, appeared before the Council in support of the proposed zoning changes. He reviewed the goals and objectives of the proposed Ag District included in the current proposal and how it would protect the citizens of Cape Girardeau. He then asked the Council to approve the proposed Zoning Ordinance and Zoning Map as presented by the Planning and Zoning Commission.

Mr. Ken Eftink, Development Services Director, noted that maps of the zoning districts are available at the Planning Services office at City Hall and on the City of Cape Girardeau web site. He said the Zoning Ordinance updates were a result of recommendations of the Comprehensive Plan adopted by the City last year. Mr. Eftink reviewed the process for receiving input on the proposed code and said that several new districts had been added and some existing districts had been changed. He was asked where changes to the provisions concerning accessory structures

could be reviewed. Mr. Eftink answered that these issues are addressed in the supplemental regulations.

Mr. Basil Harrison, of 1530 Oak Lei, said that he was concerned that property taxes on homes are too high. He stated that he thought existing infrastructure should be improved and maintained, before new streets are built. He said that due to current economic times, people could not afford to live in their own homes.

Mayor Knudtson remarked that the TTF has a large amount of money budgeted toward maintaining existing streets. He noted that the TTF-4 program is an extension of an existing tax which allows the City to maintain existing streets that it could not maintain without the tax.

Mrs. Sarah Wallace, Community Planner, thanked the Planning and Zoning Commission, the Zoning Subcommittee and the public for their work and input. She said it had taken more than a year to develop the draft of the new zoning codes. Mrs. Tracy commended Mr. Eftink, Mrs. Wallace, and Ms. Martha Brown, Planning Supervisor, for their work on the proposed Zoning Ordinance and Zoning Map.

There being no further appearances, the hearing was closed.

BILL NO. 10-19 was given first reading as follows:

**AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING ZONING**

Mr. Herbst made a motion, seconded by Mrs. Schneider, to approve the first reading of BILL NO. 10-19. Mr. Lanzotti made a motion, seconded by Mr. Voss, to amend BILL NO. 10-19 to add AG-1 District as distributed to the Council with Subsection (g)(1) removed.

Mr. Lanzotti said that he felt there is a need for an AG District for smaller areas that is more restrictive, and another Ag District that is less restrictive for larger areas. He said it would be up to the Planning and Zoning Commission to designate which Ag zone would apply to a property.

Mr. Voss said that he felt multiple Ag districts are needed, similar to multiples residential districts, and supported the amendment. Mrs. Tracy said she was concerned when parcels are grandfathered in, and stated she respected the opinion of the Planning and Zoning Commission on this position.

Mayor Knudtson stated he supported the Planning and Zoning Commission's recommendations. Mr. Lanzotti's proposal had gone before the Planning and Zoning Commission before, and it failed on a 6-0 vote.

The motion to amend was approved upon the following roll call vote: Lanzotti, aye; Ritter, aye; Schneider, nay; Tracy, nay; Voss, aye; Herbst, aye; Knudtson, nay. The first reading of BILL NO. 10-19 was approved as amended upon the following roll call vote: Ritter, aye; Schneider, aye; Tracy, aye; Voss, aye; Herbst, aye; Knudtson, aye; Lanzotti, aye.

The Council commended City staff, the Planning and Zoning Commission, and the public for their work on this Ordinance.

**CONSENT ORDINANCES**

The following bills were given second and third readings:

BILL NO. 10-6            AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST, PERMANENT EASEMENTS AND TEMPORARY CON-STRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE BEND ROAD/MASON STREET/MAIN STREET IMPROVEMENTS

BILL NO. 10-9            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 second and third readings of BILL NO. 10-6 and 10-9 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. 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. BILL NO. 10-6 is ORDINANCE NO. 4100; BILL NO. 10-9 is ORDINANCE NO. 4101.

**NEW ORDINANCES**

BILL NO. 10-13 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR THE ARMSTRONG DRIVE PROJECT

The first reading of BILL NO. 10-13 was approved upon Mrs. Schneider's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 10-14 was given first reading as follows:

AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST, PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE VETERANS MEMORIAL DRIVE PROJECT

The first reading of BILL NO. 10-14 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. 10-17 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING NON-INTOXICATING LIQUOR

The first reading of BILL NO. 10-17 was approved upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 10-16 was presented as follows:

A RESOLUTION ADOPTING A PROPOSED FIVE-YEAR TRANSPORTATION TRUST FUND PROGRAM 2011-2015 (TTF-4) FOR THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 10-16 was approved and the Resolution adopted 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. 10-16 is RESOLUTION NO. 2508. Mayor Knudtson noted that this Resolution sets the projects to be completed if the extension of the Transportation Sales Tax is approved.

BILL NO. 10-15 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 15 OF THE CITY CODE BY EXTENDING THE ONE-HALF OF ONE PERCENT TRANSPORTATION SALES TAX AND RE-ESTABLISHING THE CITY TRANSPORTATION TRUST FUND, AND CALLING AN ELECTION IN THE CITY OF CAPE GIRARDEAU, MISSOURI, ON THE QUESTION WHETHER TO APPROVE THE SALES TAX EXTENSION; DESIGNATING THE TIME OF HOLDING THE ELECTION; AUTHORIZING AND DIRECTING THE CITY CLERK TO GIVE NOTICE OF THE ELECTION

The first reading of BILL NO. 10-15 was approved upon Mrs. Schneider's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 10-18 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 6-37 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING ANIMALS IN AGRICULTURAL DISTRICTS

The first reading of BILL NO. 10-18 was approved 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. 10-12 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU BY ADDING A NEW ARTICLE V RELATED TO REGULATION OF PUBLIC RIGHTS-OF-WAY, AND AMENDING SEVERAL OTHER SECTIONS RELATING TO REGULATION AND USE OF PUBLIC RIGHTS-OF-WAY

The first reading of BILL NO. 10-12 was approved upon Mr. Herbst's motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

**RESOLUTIONS**

BILL NO. 10-11 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICE AND SUPPORT AGREEMENT WITH SYNERGY BROADCAST SYSTEMS FOR WARRANTY SERVICES FOR CABLE ACCESS TELEVISION CHANNEL EQUIPMENT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 10-11 was approved and the Resolution adopted upon Mrs. Tracy's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 10-11 is RESOLUTION NO. 2509.

**OTHER**

Mrs. Schneider made a motion, seconded by Mr. Herbst, to approve a taxicab license for SEMO Alliance for Disability Independence, Inc., d/b/a SADI, 1913 Rusmar Street. 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 accept the improvements for construction of LaSalle Avenue, and authorize final payment to Dumey Contracting, Inc. The motion was approved upon the following vote: Ayes, Herbst, 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, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy 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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