

REGULAR SESSION – MARCH 1, 2010

The Cape Girardeau City Council convened in regular session on Monday, March 1, 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.

Father David Hulshof, of St. Vincent de Paul Catholic Church, presented the invocation, and Michael Mahen of Boy Scouts of America Troop 5 led the Pledge of Allegiance. Michael Mahen, Zac Stagger, and Jared Sailer 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, litigation and confidential communications with the City Attorney pursuant to RSMo. Sections 610.021(1) and (3) upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the February 5, 2010, special session and the February 16, 2010, regular and closed sessions were approved upon Mr. Voss' motion, Mrs. Schneider'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, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

COUNCIL COMMUNICATIONS

Mrs. Tracy congratulated staff and volunteers who worked hard to get The Discovery Playhouse, a Children's Museum, ready for its opening at the end of March.

Mayor Knudtson said that he had attended the Fire Department's residential sprinkler demonstration, and it was a great educational opportunity for the City. City Manager Scott Meyer said that the demonstration proved that sprinkler systems save lives and minimize property damage with a relatively small investment in new residential construction cost. He commended Chief Ennis and staff for an excellent learning tool and successful training.

CITY MANAGER COMMUNICATIONS

Mrs. Kelly Green, City Engineer, presented an update of major street and construction projects underway in the City and previewed projects scheduled to start this spring and summer.

Mr. Meyer spoke of a situation where City Hall employees Christi Jackson and Beth Little had aided another employee during a medical episode, and commended the employees for their assistance.

Mr. Meyer noted that the new trash containers will be delivered starting in early April for the automated trash collection beginning in May. He said that residents can put their old trash containers out for pick up and disposal at their last April pick up, or they can request a special pick up which is available, free of charge once each year.

Mr. Tim Gramling, Director of Public Works, remarked that residents who physically cannot maneuver their trash containers to the street can request smaller containers, or they can request that

the City pick up their trash containers at their doors. He said that City staff have received approximately 2,000 requests for smaller containers, and about 50 additional requests for special needs pickups. Mr. Meyer stated that City Staff have personally visited residents who had questions and concerns about the transition.

Mrs. Tracy asked if a block with an alley and inaccessible front drives can request pick up in an alleyway behind the property. Mr. Gramling said that would be determined on a case-by-case basis considering power lines and available space.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the proposed 2010-2015 Capital Improvements Program for the City of Cape Girardeau, the hearing was opened by Mayor Knudtson. There being no appearances, the hearing was closed. Mayor Knudtson noted that the Council had reviewed the projects listed in the 2010-2015 Capital Improvements Program in the study session, and a Resolution adopting the Capital Improvements Program would be on the next meeting's agenda.

APPEARANCES

Mr. Jim Maurer appeared before the Council on behalf of The Discovery Playhouse, a Children's Museum, to support the Museum's request for handicap parking, loading zone, and two-hour street parking. He stated that the first floor of the Children's Museum will be opening at the end of March, and he described the exhibits. Mr. Maurer commended the business and local support and volunteers who have made the opening possible.

BILL NO. 10-30 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE T OF SECTION 26-260 OF THE CITY CODE BY ESTABLISHING HANDICAP PARKING IN THE 500 BLOCK OF BROADWAY, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 10-30 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. 10-31 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE V OF SECTION 26-31 OF THE CITY CODE BY ESTABLISHING A LOADING ZONE ON MIDDLE STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 10-31 was approved upon Mr. Herbst's motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 10-32 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE G OF SECTION 26-249 OF THE CITY CODE, AMENDING TWO-HOUR PARKING ON A PORTION OF BROADWAY AND MIDDLE STREETS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 10-32 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.

Mrs. Glinda Seabaugh and her son appeared before the Council in support of their request for a 5% beer by the drink license for Mississippi Mud House.

Mr. Voss made a motion, seconded by Mr. Lanzotti, to conditionally approve a 5% beer by the drink license for Glinda Seabaugh, d/b/a Mississippi Mud House, 811-A Broadway, Glinda Seabaugh, Managing Officer. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. John Heckrotte, of 1105 Linden St. Apt. 311, appeared before the Council on behalf of Mrs. Geraldine Middleton, who lives at 1742 Dunklin. He presented photographs to the Council, showing driveways on Dunklin that he said have no place to put the new trash containers for the automated solid waste collection system. Mr. Heckrotte said he had spoken with Mr. Mike Tripp and Mr. Steve Cook of the Public Works Department about his concerns, and he suggested that the alleyway behind Dunklin could be used for trash pick up.

Mayor Knudtson responded that City staff have met with Mr. Heckrotte and had offered to pick up Mrs. Middleton's trash containers at her door, a service offered to anyone with a doctor's note who requests it. Mr. Meyer stated that City staff will consider every request on a case-by-case basis, and they will review the merits of moving trash pick up to the alleyway at this location.

Mr. Don Howard, of 1100 Ranney, addressed the Council and complained of rental houses on his street. He alleged that one of these houses had 10-15 occupants. He said that the people who live there are known to use illicit drugs, and he had spoken with the Cape Girardeau Police Department about extra patrols in his neighborhood. Mr. Howard criticized money spent on a downtown parking lot and convenience area. He said that the money should have been spent to hire another Police Officer. Mayor Knudtson noted that funding for that parking lot was grant money that could not be re-directed to staffing.

Mr. Vince Brown, of Withers Broadcasting, addressed the Council and said that since he had moved to Cape Girardeau two years ago, he had learned a lot about City government. He thanked the City Council members for serving the City, and he encouraged citizens to voice their concerns to the Council and learn about what the members of the City Council go through in representing Cape Girardeau.

CONSENT ORDINANCES

The following bills were given second and third readings:

BILL NO. 10-10 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

- BILL NO. 10-13 AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR THE ARMSTRONG DRIVE PROJECT
- BILL NO. 10-14 AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST, PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE VETERANS MEMORIAL DRIVE PROJECT
- BILL NO. 10-17 AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING NON-INTOXICATING LIQUOR
- BILL NO. 10-15 AN ORDINANCE AMENDING CHAPTER 15 OF THE CITY CODE BY EXTENDING THE ONE-HALF OF ONE PERCENT TRANSPORTATION SALES TAX AND REESTABLISHING 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
- BILL NO. 10-18 AN ORDINANCE AMENDING SECTION 6-37 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING ANIMALS IN AGRICULTURAL DISTRICTS
- BILL NO. 10-12 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 second and third readings of BILL NOs. 10-10, 10-13, 10-14, 10-17, 10-15, 10-18 and 10-12 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, Tracy and Voss. Nays, none. BILL NO. 10-10 is ORDINANCE NO. 4102; BILL NO. 10-13 is ORDINANCE NO. 4103; BILL NO. 10-14 is ORDINANCE NO. 4104; BILL NO. 10-17 is ORDINANCE NO. 4105; BILL NO. 10-15 is ORDINANCE NO. 4106; BILL NO. 10-18 is ORDINANCE NO. 4107; and BILL NO. 10-12 is ORDINANCE NO. 4108.

The following bill was given second and third readings:

- BILL NO. 10-19 AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING ZONING

Mrs. Schneider made a motion, seconded by Mrs. Tracy, to delete the AG-1 section that was added by amendment to BILL NO. 10-19 at the first reading of the Ordinance at the February 16, 2010, City Council meeting. Mrs. Tracy said she agreed with the motion to delete the amendment, because she felt the process by which the amendment was adopted was not handled appropriately.

She said issues contained in the AG-1 designation could be corrected and possibly adopted in the future.

Mrs. Schneider stated she was not pleased with the process by which the amendment was proposed, and she felt that the Ordinance should be adopted as approved by the Planning and Zoning Commission. She further stated that she was opposed to hunting within City limits, which would be allowed in the AG-1 District.

Ms. Ritter said that she had spoken with the City Attorney, Eric Cunningham, about her concerns, and she is now convinced that the new AG-1 designation will simply give the Council another zoning alternative. She stated that any remaining issues should be left to the new Council to make any changes they feel are appropriate. Mayor Knudtson noted that the Planning and Zoning Commission had an opportunity to study the proposed amendment adding the AG-1 District and had denied it. He noted that if Mrs. Schneider's motion were approved, the AG-1 would be removed and the Ordinance would be approved as presented by the Planning and Zoning Commission.

The motion to amend failed upon the following roll call vote: Knudtson, aye; Lanzotti, nay; Ritter, nay; Schneider, aye; Tracy, aye; Voss, nay; Herbst, nay. The second and third readings of BILL NO. 10-19 were approved and the Ordinance adopted upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 10-19 is ORDINANCE NO. 4109. Mr. Voss thanked City staff and the Planning and Zoning Commission for their work on updating the 40 year-old zoning code.

NEW ORDINANCES

BILL NO. 10-20 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU RELATING TO THE NEW SOLID WASTE COLLECTION SYSTEM

The first reading of BILL NO. 10-20 was approved upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

BILL NO. 10-21 was given first reading as follows:

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED AND AN EASEMENT FROM UNION ELECTRIC COMPANY D/B/A AMERENUE TO THE CITY OF CAPE GIRARDEAU, MISSOURI, FOR THE DOWNTOWN FLOOD PROTECTION SYSTEM

The first reading of BILL NO. 10-21 was approved upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

RESOLUTIONS

BILL NO. 10-22 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO ADDENDUM NO. 2 TO THE GENERAL ENGINEERING SERVICES AGREEMENT WITH WATERS ENGINEERING, INC. FOR RAW WATER SUPPLY IMPROVEMENTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 10-22 was approved and the Resolution adopted 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. 10-22 is RESOLUTION NO. 2510.

BILL NO. 10-23 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH APPRAISAL SERVICES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 10-23 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, Tracy and Voss. Nays, none. BILL NO. 10-23 is RESOLUTION NO. 2511.

BILL NO. 10-24 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR ABSTRACT SERVICES WITH CAPE GIRARDEAU COUNTY ABSTRACT AND TITLE COMPANY, INC. FOR THE NEIGHBORHOOD STABILIZATION PROGRAM, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 10-24 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 10-24 is RESOLUTION NO. 2512. Mayor Knudtson abstained from voting on BILL NO. 10-24 because Cape Girardeau County Abstract and Title Company, Inc. has a financial interest at the bank where he works.

BILL NO. 10-25 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR LEAD INSPECTION SERVICES WITH TRUTEST ENVIRONMENTAL SOLUTIONS, LLC, FOR THE NEIGHBORHOOD STABILIZATION PROGRAM, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 10-25 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, Tracy and Voss. Nays, none. BILL NO. 10-25 is RESOLUTION NO. 2513.

BILL NO. 10-26 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGRICULTURAL LEASE WITH CHARLIE HEISSERER FARMS FOR REAL ESTATE AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The reading of BILL NO. 10-26 was approved and the Resolution adopted upon Mr. Lanzotti's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter,

Schneider, Tracy and Voss. Nays, none. BILL NO. 10-26 is RESOLUTION NO. 2514. Ms. Ritter asked why crops were not allowed in the lease area at this time. Airport Manager Bruce Loy answered that it was due to the U.S. Navy Blue Angels' scheduled presence at the Air Festival in June.

BILL NO. 10-27 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH QRS RECYCLING FOR RECYCLING SERVICES IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The reading of BILL NO. 10-27 was approved and the Resolution adopted upon Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 10-27 is RESOLUTION NO. 2515.

BILL NO. 10-28 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE DEPARTMENT OF HOMELAND SECURITY, AND TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

The reading of BILL NO. 10-28 was approved and the Resolution adopted upon Mrs. Tracy's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 10-28 is RESOLUTION NO. 2516. Mayor Knudtson noted that the Assistance to Firefighters Grant is an opportunity to obtain additional fire hoses and washing machines with only a 10% cash match.

BILL NO. 10-29 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LANDLORD'S CONSENT TO ASSIGNMENT AND ESTOPPEL CERTIFICATE CONSENTING TO THE TRANSFER OF LEASE FROM HANGAR 3, INC., TO IVEY PROPERTIES, LLC, AT THE CAPE GIRARDEAU REGIONAL AIRPORT

The reading of BILL NO. 10-29 was approved and the Resolution adopted upon Mr. Herbst's motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 10-29 is RESOLUTION NO. 2517.

APPOINTMENTS

Mr. Mark Buerck was re-appointed to the Board of Adjustment for a term expiring March 6, 2015, upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Daniel Grimm was appointed to the Tree Board for a term expiring February 1, 2013, upon Mrs. Tracy's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

LIQUOR LICENSES

Mrs. Schneider made a motion, seconded by Mr. Herbst, to conditionally approve a retail liquor by the drink license for Diamond Wireless, Inc., d/b/a Mixing 10, 2 North Main Street, David Creech, Managing Officer. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

OTHER

Mr. Voss made a motion, seconded by Mrs. Schneider, to accept the raw water transmission main materials into the City's water supply system and to authorize final payment to H•D Supply Waterworks in the amount of \$1,280.00. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

This being the date set for a review of City Council Member compensation, the discussion was opened by Mayor Knudtson. He noted that the Council is required by Section 3.05 of the Cape Girardeau City Charter and Section 2-4 of the City Code of Ordinances to address this issue every five years. He stated that given the fact that City employees have not received a raise in two or three years and every department has budget challenges, he does not support an increase at this time. During the study session, the Council did discuss possible benefits to encourage residents to run for City Council.

Mr. Lanzotti stated that the salary for the positions on the Council had not changed in 29 years, and he felt they were doing a disservice by not reviewing it more than every five years. He said he felt the compensation package should be reviewed more frequently, and he said that he will address the issue next year at budget time when the new Council is on board and possibly look at reimbursing expenses.

Mayor Knudtson noted that any changes made in pay or benefits would only affect future Council Members. An annual review can be implemented by City staff with no motion needed. Ms. Ritter said that she felt the City needed to look at all the issues. There are people who would run for Council, but can't due to monetary issues. She said that the City needs to look at ways to make it easier for people who work to run for Council.

Mayor Knudtson said that at present, the Council is paid a total of \$9,000.00 annually by the City. He encouraged future Councils to discuss this issue on an annual basis during the normal budget process.

Mrs. Tracy asked how often the cities listed in the Council compensation survey actually held meetings. Mr. Meyer responded that he did not have that information.

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.

Jay B. Knudtson, Mayor

Gayle L. Conrad, City Clerk

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