

**REGULAR SESSION – MAY 3, 2010**

The Cape Girardeau City Council convened in regular session on Monday, May 3, 2010, at 7:00 p.m., with Mayor Harry E. Rediger presiding and Council Members Mark Lanzotti, Meg Davis Proffer, Loretta Schneider, Kathy Swan, Debra Tracy and John Voss present.

Reverend Stan Hargis, Southeast Missouri Hospital Chaplain, presented the invocation, and the Pledge of Allegiance was recited.

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, Tracy and Voss. Nays, none.

**PRESENTATIONS**

Mrs. Karen Strong was recognized on her retirement from the Customer Service office after 36 years of service to the City of Cape Girardeau.

**COMMUNICATIONS/REPORTS**

Mrs. Tracy stated that she attended the naturalization ceremony and the dedication of the historical display last Friday at the Federal Courthouse. Mayor Rediger stated he also attended the ceremony. On the commute to the Courthouse, he passed the area where a drive-by shooting had taken place earlier in the day. He said that he was impressed with the response of Cape Girardeau Police and Fire Departments. Police Chief Carl Kinnison stated that Cape Girardeau County Sheriff Department and Missouri State Highway Patrol had responded as well, and he thanked them for their assistance.

Mr. Tim Gramling, Public Works Director, gave an update on the first day of the new solid waste and recycling services. He said that the Solid Waste Division was flexible in its response to issues that arose during this initial period of transition. Mr. Gramling reported that the most common mistakes made were residents using the wrong container and having the trash containers turned in the wrong direction. He said that he was encouraged by the increase in recycling participation. One area of town that had demonstrated little participation previously had 555 recycling pick-ups on this first day of the new automated system, compared to an average of 340 before the new system – a 63% increase in recycling participation in that area alone. Mr. Gramling said that the Public Works Department will continue to work with residents to improve solid waste pick-ups and recycling compliance. Mrs. Swan asked him for tips on placing trash containers at the curb. Mr. Gramling responded that carts should be placed in the street with the wheels against the curb, the handle towards the house, and away from parked cars or stationary objects, such as mailboxes.

Mrs. Kelly Green, City Engineer, presented an update on the Mount Auburn Project. She said that the asphalt will be placed next week, and the project should be completed in June.

Mr. Scott Meyer, City Manager, said he attended the Missouri City Management Association Conference last week and attended several informative sessions. One session addressed managing social media and using the medium to engage citizens. He also attended discussions about measuring customer service and getting input from customers and citizens using a database for benchmarking. Mr. Meyer also recognized this week as Municipal Clerk's Week.

**PUBLIC HEARINGS**

This being the date set for a public hearing regarding the request of Jonah T. Yates and Margaret A. Yates to zone the property located at 2952 Perryville Road to the R-1, single family suburban residential district, the hearing was opened. Mr. Yates appeared in support of the request and to answer any questions. He thanked City staff for working with him to get sewer and water utilities to his property. There being no further appearances, the hearing was closed.

BILL NO. 10-55 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ZONING 2952 PERRYVILLE ROAD, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, AS AN R-1 SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT

The first reading of BILL NO. 10-55 was approved upon Mrs. Schneider's motion, Mr. Lanzotti's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

**APPEARANCES**

Mr. Doug Austin, of 758 Woodbine Place, appeared before the Council to express his desire to have the matter of licensing riverboat gambling in Cape Girardeau placed before the voters. He noted that there was no response to his previous request on the agenda for tonight's City Council meeting. Therefore, he said, he will organize a petition drive to have the matter placed on the ballot. Mr. Austin stated that the previous vote concerning licensing riverboat gambling had been held 17 years ago, and he felt that the current electorate should be able to vote on the matter.

Mayor Rediger said that he understood Mr. Austin's passion about the matter and assured him that the Council has thoughtfully considered both sides of the issue. The Council feels it is their fiduciary responsibility to carefully consider this economic development opportunity. Since the matter was passed by a vote of the people of Cape Girardeau, the Council will not place the issue of a riverboat gambling license on the ballot again. However, Mayor Rediger encouraged Mr. Austin and others to continue the dialog about the subject and to stay engaged in the issue, because all aspects still need to be carefully considered. Mr. Austin thanked the Council for their response and consideration.

Mr. Voss asked if Mr. Austin had a moral objection to gambling. Mr. Austin responded that his only goal is to see the issue put before the current voters of Cape Girardeau. Mr. Lanzotti asked if there were any components that could be included in a riverboat casino proposal that would placate Mr. Austin and other petition drivers. Mr. Austin replied that their only goal was to see the issue on the ballot. No components of the proposal could substitute for the vote of the citizens on the matter. The petition will be prepared and circulated as quickly as possible.

Mr. Don Howard, of 1100 Ranney Avenue, appeared before the Council to support the City's proposed rental property inspection program. He alleged that many HUD-funded houses in his neighborhood are "drug houses", some with up to 20 people living in them. Mr. Howard said that the City needs to address these issues, and that more Police patrol is needed on the South side of town to deter fighting and drug activities. He stated that he wanted to arrange an appointment to meet with the City Manager and the Chief of Police because of an incident that occurred on Sunday.

Mayor Rediger stated that City staff is in the process of drafting an Ordinance for rental property inspections, and a Public Hearing will be held. Mrs. Tracy requested that all information relating to this process be posted on the City's website. Mr. Ken Eftink, Director of Development Services, noted that meetings will be held with landlords to discuss the proposed Ordinance. Mrs. Tracy asked if these meetings will be open for citizens to attend. Mr. Eftink responded that they can be, but that invitations will be sent specifically to landlords.

Mr. Meyer said that City staff will have meetings with landlords as they are drafting the Ordinance, as well as public meetings to discuss the Program, but the process has not been finalized.

**CONSENT AGENDA**

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

Approval of the April 9, 2010, City Council special session, and the April 19, 2010, regular and closed sessions minutes.

BILL NO. 10-45, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERMANENT UTILITY EASEMENT TO UNION ELECTRIC COMPANY FOR THE RELOCATION OF ELECTRIC LINES BETWEEN KINGSWAY DRIVE AND KINGSHIGHWAY. Second and Third Readings.

BILL NO. 10-46, AN ORDINANCE AMENDING CHAPTERS 5 AND 15 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU REGARDING LICENSE APPLICANTS WITH DELINQUENT CITY ACCOUNTS. Second and Third Readings.

BILL NO. 10-48, AN ORDINANCE APPROVING THE RECORD PLAT OF KINGSWAY SUBDIVISION. Second and Third Readings.

BILL NO. 10-49, AN ORDINANCE APPROVING THE RECORD PLAT OF SPEARS SUBDIVISION. Second and Third Readings.

BILL NO. 10-50, AN ORDINANCE APPROVING THE RECORD PLAT OF JASON'S SUBDIVISION. Second and Third Readings.

BILL NO. 10-51, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED TO S.E.MO LAND, LLC, FOR PROPERTY ALONG LEXINGTON AVENUE. Second and Third Readings.

BILL NO. 10-52, AN ORDINANCE ANNEXING LAND TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF JONAH T. AND MARGARET A. YATES. Second and Third Readings.

BILL NO. 10-53, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ADDENDUM NO. 2 TO AMENDMENT NO. 1 TO THE GENERAL SERVICES AGREEMENT FOR ENGINEERING SERVICES WITH CRAWFORD, BUNTE AND BRAMMEIER FOR THE ARMSTRONG DRIVE PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

BILL NO. 10-54, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FRONABARGER CONCRETTERS, INC., FOR THE VETERANS MEMORIAL DRIVE IMPROVEMENT PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

BILL NO. 10-57, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL DESIGN SERVICES WITH PHILLIP B. SMITH, ARCHITECT LLC, FOR ROOF AND BOILER REPLACEMENT AT FIRE STATION #1, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

Release of \$35,710 of the Escrow Agreement for Boulder Crest Estates covering the cost of the storm water improvements.

Accept the improvements for the Meadows of Whispering Oaks "E" Sewer contingent upon the receipt of as-built drawings of the improvements.

Approve a temporary retail liquor by the drink license for Jody R. Geiser, d/b/a Humane Society of Southeast Missouri, for an event to be held at the A. C. Brase Arena Building May 22-23, 2010

Approve the following liquor license renewals.

*Original Package Liquor:*

Pajco, Inc., d/b/a Rhodes 101 Stop, 1620 N. Kingshighway

*Original Package Liquor and Sunday Sales:*

Pajco, Inc., d/b/a Rhodes 101 Stop, 449 S. Kingshighway

Pajco, Inc., d/b/a Rhodes 101 Stop, 2109 William

Pajco, Inc., d/b/a Rhodes 101 Stop, 10 S. West End Blvd.

Pajco, Inc., d/b/a Rhodes 101 Stop, 546 S. Sprigg Street

Pajco, Inc., d/b/a Rhodes 101 Stop, 1126 N. Sprigg

Pajco, Inc., d/b/a Rhodes 101 Stop, 1624 N. Kingshighway

Lorene Samson, d/b/a Walgreens #3338, 1 S. Kingshighway

*Original Package Liquor and Wine Tasting:*

Pajco, Inc. d/b/a Primo Vino!, 1610 N. Kingshighway, Suite 105

*Wholesalers of Intoxicating Liquor-All Kinds*

Thilenius Distributing Co., Inc., d/b/a River Eagle Distributing Co., 2346 Rust Ave.

Conditionally approve the following liquor license renewals:

*Original Package Liquor and Sunday Sales:*

Pajco, Inc., d/b/a Sunset Spirits & Smoke Shoppe, 1008 N. Kingshighway

Pajco, Inc., d/b/a Jaspers, 407 Morgan Oak

Lorene Samson d/b/a Wal-Mart Supercenter #188, 3439 William

*Original Package Liquor, Sunday Sales, & Wine Tasting:*

Lorene Samson, d/b/a Sam's Club #6479, 232 Shirley Drive

*5% Beer the Drink:*

P.H. of Cape Girardeau, MO, Inc., d/b/a Pizza Hut, 215 S. Kingshighway

*Retail Liquor by the Drink:*

Patricia A. Allen, d/b/a Celebrations Downtown, 19 S. Spanish

Patricia A. Allen, d/b/a Celebrations, 615 Bellevue

*Retail Liquor by the Drink & Sunday Sales:*

William D. Stoffel, d/b/a Fraternal Order Eagles #3775, 321 N. Spring

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 10-45 is ORDINANCE NO. 4117; BILL NO. 10-46 is ORDINANCE NO. 4118; BILL NO. 10-48 is ORDINANCE NO. 4119; BILL NO. 10-49 is ORDINANCE NO. 4120; BILL NO. 10-50 is ORDINANCE NO. 4121; BILL NO. 10-51 is ORDINANCE NO. 4122; BILL NO. 10-52 is ORDINANCE NO. 4123; BILL NO. 10-53 is RESOLUTION NO. 2529; BILL NO. 10-54 is RESOLUTION NO. 2530; and BILL NO. 10-57 is RESOLUTION NO. 2531.

**NEW ORDINANCES**

BILL NO. 10-56 was given first reading as follows:

AN ORDINANCE AMENDING THE BOUNDARIES OF WARD 4 TO INCLUDE PROPERTIES ANNEXED BY THE CITY OF CAPE GIRARDEAU

The first reading of BILL NO. 10-56 was approved upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

**APPOINTMENTS**

Ms. Marcia Ritter was appointed to the Planning and Zoning Commission for a term expiring November 1, 2011, upon Mr. Voss' motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Mrs. Swan was appointed as an ex-officio member to the Cape Girardeau Chamber of Commerce Board of Directors, upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Tracy and Voss. Nays, none. Mrs. Swan abstained from voting for non-financial reasons and stated that she also serves on the Board of Directors for the State Chamber of Commerce.

**OTHER BUSINESS**

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, Tracy and Voss. Nays, none.

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Harry E. Rediger, Mayor

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Gayle L. Conrad, City Clerk

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