

REGULAR SESSION – JUNE 7, 2010

The Cape Girardeau City Council convened in regular session on Monday, June 7, 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 Ronald Knapp, of the First Church of God, presented the invocation, and the Pledge of Allegiance was recited.

The agenda was approved as distributed upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

COMMUNICATIONS/REPORTS

Mr. Tim Gramling, Public Works Director, presented the Council with a report on the first month of the new automated solid waste collection system. During May of 2009, 79.92 tons of recycling material were collected compared to 138.44 tons which were collected during May of 2010. This represents an increase of 73%. The number of recycling participants is up by 60%, and refuse collection is down with 56.8 fewer tons of refuse having been taken to the transfer station during the same time period. He noted that it is allowable, and even encouraged, to place the solid waste collection carts in the street with the wheels against the curb.

Mr. Dan Muser, Parks and Recreation Director, gave the Council a report on the first week of operations at Cape Splash Family Aquatic Center. He said that during a period of ten days, staff has estimated that over 12,000 people have attended. Mr. Muser said that more chairs will be purchased in the future, and in the meantime, visitors are welcome to bring their own chairs into the park. He said the pavilions can be reserved for private parties and birthday parties, and children under the age of 12 years must be accompanied by an adult.

Mrs. Schneider asked if there were any plans to open the pool to senior citizens between 9 a.m. and 11 a.m. Mr. Muser replied that the morning hours are reserved for other users, and seniors are welcome to visit the park during normal business hours.

Mr. Bruce Loy, Manager of the Cape Girardeau Regional Airport, reported on the Cape Girardeau Regional Air Festival scheduled for July 19-20, 2010, and reviewed the acts to be presented at the show.

Mrs. Tracy said that she had attended the Heroes Way Memorial Ceremony honoring fallen soldiers from Cape Girardeau County. She also announced that the Planning and Zoning Commission will be holding a public hearing on Wednesday, June 9, 2010, regarding portions of the new development code, including exterior lighting, signs, off-street parking and billboards.

Mr. Scott Meyer, City Manager, noted that public access channel 5 will be moving to cable channel 993 at the end of June.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the City's submission of an application for a Community Development Block Grant under the Downtown Revitalization Program to support the

development of an historic building located at the corner of Broadway and Sprigg Streets, the hearing was opened.

Ms. Marla Mills, Director of Old Town Cape, addressed the Council on behalf of the Downtown Strategic Plan Development Team. She said that the Community Development Block Grant application was developed from the Comprehensive and Downtown Revitalization and Economic Assistance for Missouri (DREAM) Plans' goal to restore historic buildings and deal with older buildings on Broadway. The public/private partnership could result in three retail spaces and three residential apartments. This Grant would only affect the public portion of the building with interior and exterior renovations.

Mr. Tim Arbeiter, of the Cape Girardeau Area Chamber of Commerce, reviewed the updates to the Community Needs Assessment. He said that the Southeast Missouri Regional Planning Commission would be the grant administrator.

Mr. Lanzotti noted that the application fee has been paid, and that there is no deadline to apply for the grant. This Community Development Block Grant would provide funds for the City, contributing \$400,000 in a forgivable loan over a ten-year period.

Mrs. Swan asked how old the building at the corner of Broadway and Sprigg Streets was. Mr. Ken Eftink, Development Services Director, responded that the house was built in 1868 as a German house store.

Mr. Arbeiter said that the State has appropriated approximately \$1 million this year for downtown development. If they delay in applying for the Community Development Block Grant, they take the chance of having limited funds available.

Mayor Rediger remarked that this building on Broadway is in bad shape.

Ms. Jessica Stratton, of Prestige Development Company, LLC, was present as the developer of the property.

There being no further appearances, the hearing was closed.

This being the date set for a public hearing regarding the proposed Operating Budget for the Fiscal Year beginning July 1, 2010, the hearing was opened. There being no appearances, the hearing was closed.

APPEARANCES

Mr. Jason Seyer, 5824 County Road 205, addressed the Council and said that he owns property just off Bloomfield Road. He asked if the City's acquisition of trail easements and temporary construction easements for the Bloomfield Road Phase IV Project, Agenda Item No. 4, will affect his property. Mayor Rediger responded that the improvement project runs from Stonebridge Drive to Benton Hill Road on Bloomfield Road, and will not extend to affect his property.

Mr. Melvin Gateley, a member of the steering committee of Cape Girardeau Citizens for Quality of Life, congratulated the Council on three recent City accomplishments that improved the quality of life for the citizens of Cape Girardeau: the opening of the Cape Splash Family Aquatic Center, the creation of the Neighborhood Historic District, and the opening of the Discovery Playhouse. He also thanked the Public Works Department for their transition to the new solid waste and

recycling program. Mr. Gateley said that Citizens for Quality of Life are working with 37 churches to obtain the necessary 2,635 signatures on circulating petitions, to place the issue of riverboat gaming on the ballot. Mayor Rediger expressed the Council's appreciation for their efforts regarding this issue.

Mr. Doug Austin, also of Cape Girardeau Citizens for Quality of Life, stated that the goal is to have the petitions with signatures presented to the City Council by the July 6, 2010, Council meeting. Mr. Meyer reviewed the timeframe of a petition process to place an item on the November ballot.

Mr. Felix Kinsley, 325 North Sprigg Street, addressed the Council and spoke in support of the Community Development Block Grant application for renovations to the building on Broadway.

Mayor Rediger reviewed the process for a developer to obtain a gaming license for a specific location. The state should be authorizing a developer to move ahead with construction by the end of the year, but the actual license wouldn't be issued until after construction and just prior to the casino's opening.

Mr. Pat Wissman, a Cape Girardeau County resident and Democratic candidate for Presiding Commissioner in the upcoming election, said that the revenue of a casino would improve the quality of life in Cape Girardeau. He said that he felt the Cape Girardeau County Presiding Commissioner should be invited to all meetings relating to riverboat gaming in the City because the County will have expenses relating to the boat, and surrounding communities should have a say in how resulting revenue is spent.

Ms. Pam James, who also lives in Cape Girardeau County, asked how the County's electorate could vote on the gaming license issue. Mayor Rediger responded that this vote would only be open to residents of the City of Cape Girardeau because the development would be within the City limits. Ms. Jones replied that she felt the area as a whole would greatly benefit if Cape Girardeau were awarded the gaming license.

Mr. Eldon Nattier, of 611 South Sprigg Street, addressed the Council and said that he and Mr. Scott McClanahan were applying for conditional approval of a new retail liquor by the drink and Sunday sales liquor license for the Pink Squirrel, at 519 Good Hope. He noted that the liquor license application was listed in the agenda without mentioning Sunday sales, and he asked that the application be conditionally approved for both retail liquor by the drink and Sunday sales liquor licenses.

CONSENT AGENDA

Mrs. Swan requested to remove the May 17, 2010, City Council regular session minutes from the Consent Agenda to allow for discussion.

Mr. Lanzotti requested to remove Agenda Item No. 9, BILL NO. 10-71, and Agenda Item No. 11, Report No. 10-99, from the Consent Agenda to allow for discussion.

Mayor Rediger requested to remove Agenda Item No. 14, conditional approval of a liquor license for the Pink Squirrel, from the Consent Agenda to allow for discussion.

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

BILL NO. 10-58, AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR THE BLOOMFIELD ROAD IV PROJECT. Second and Third Readings.

BILL NO. 10-59, AN ORDINANCE APPROVING THE RECORD PLAT OF WELTER SUBDIVISION. Second and Third Readings.

BILL NO. 10-67, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A GENERAL WARRANTY DEED FOR A TRACT OF LAND LOCATED AT 216 MASON STREET IN THE CITY OF CAPE GIRARDEAU TO THE CAPE GIRARDEAU MUNICIPAL DEVELOPMENT FOUNDATION. Second and Third Readings.

BILL NO. 10-68, AN ORDINANCE APPROVING THE RECORD PLAT OF W.A. AND ZOLA HUCKSTEP SUBDIVISION. Second and Third Readings.

BILL NO. 10-69, AN ORDINANCE ACCEPTING AN EASEMENT FOR INGRESS AND EGRESS FROM GORDON HUCKSTEP AND CHRIS HUCKSTEP, TRUSTEES OF THE BETTY J. HUCKSTEP TRUST, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and Third Readings.

A motion approving the improvement plans for Cape West Crossings Phase II, Amended.

BILL NO. 10-72, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ESCROW AGREEMENT WITH MAYSON INVESTMENTS, LLC, AND BANTERRA BANK, FOR CAPE WEST CROSSINGS PHASE II, AMENDED, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

A motion approving the transfer of ownership of a special use permit granting a telecommunication tower at 755 South Kingshighway from Cape GMAC Pontiac, Inc., to Rhodes Development Company, LLC.

BILL NO. 10-73, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A U.S. GOVERNMENT LEASE FOR REAL PROPERTY FOR OFFICE SPACE AT THE CAPE GIRARDEAU REGIONAL AIRPORT. Reading and Passage.

Conditional approval of the following new liquor license:

Retail Liquor by the Drink

Just Scott, LLC, d/b/a Mollie's Café & Bar, 11 S. Spanish

Approval of the following new liquor license:

Retail Liquor by the Drink and Sunday Sales:

Cape Bella, LCC, d/b/a Bella Italia

Conditional approval of the following liquor license renewals:

Retail Liquor by the Drink:

Compass Group USA, Inc., d/b/a Chartwells, 518 S. Fountain

Tamara Z. Buck, d/b/a The Phat Cat, 731 Broadway

Raymond Rhymer, d/b/a Rhymers, 10 Plaza Way

Jonathan B. Pool, d/b/a Lodo, 33 N. Main

Out of Bounds Bar & Grill, LLC, d/b/a Bel Air Grill, 24 S. Spanish
Mark Weber, d/b/a Rude Dog Pub, 123 N. Main

Retail Liquor by the Drink and Sunday Sales:

Cape Girardeau Brewing Co., LLC, d/b/a Buckner Brewing Co., 132 N. Main
Applebee's Restaurants West, LLC, d/b/a Applebee's Neighborhood Grill & Bar, 202 S. Broadview
El Torero, Inc., d/b/a El Torero, 2120 William
Bi Xing Liu, d/b/a Chan's Restaurant, 1159 N. Kingshighway
Mid-America Trading, d/b/a Saffron, 1610 N. Kingshighway, Suite 101
Somchai Prasanphanich, d/b/a Pagoda Gardens Restaurant, 329 S. Kingshighway
Doc Cain, Inc., d/b/a Port Cape Girardeau, 19 N. Water
Cordell Dombrowski, d/b/a Dalhousie Golf Club, 4700 Cord's Way
Columbus Club Association, d/b/a Knights of Columbus, 318 S. Spanish
Kimberly D. Robinson, d/b/a Cup 'N' Cord, 46 N. Main

Manufacturers of Beer:

Cape Girardeau Brewing Co., LLC, d/b/a Buckner Brewing Co.

Approval of the following liquor license renewals:

Retail Liquor by the Drink:

Susan Strode, d/b/a Dockside The Upperdeck, 4 N. Spanish
Robert Hardy, d/b/a Brothers Lounge, 2023 Independence
Craig Horky, d/b/a Daytimer's Lounge, 829 S. Kingshighway
Betty & Larry Hendrickson, d/b/a Whiskey River, 1444 Independence
Lynn Shoemake, d/b/a Cue & brew, 470 S. Kingshighway
Doc Cain, Inc., d/b/a Cain, 31 N. Main

Retail Liquor by the Drink and Sunday Sales:

James F. Coley & Eldon G. Nattier, d/b/a CLB Enterprises, 611 S. Sprigg
West Park Bowling Lanes, Inc., d/b/a West Park Bowling Lanes, 354 S. Silver Springs
Alpine Management Group, Inc., d/b/a Pink Galleon Billiards & Games, 2106 William
Texas Roadhouse Holdings, LLC, d/b/a Texas Roadhouse, 13 Doctors Park
Dianne Delapaz, d/b/a Casa Mexicana Restaurant, 1832 N. Kingshighway
Hill-Mac, Inc., d/b/a Beef 'O' Brady's, 1812 Carondelet, Suite 101
El Durango #2, LLC, d/b/a El Durango, 3049 William, Suite 241
T.W.O. Lexandus, LLC, d/b/a Broussard's, 120 N. Main

Original Package Liquor:

James Thomas, d/b/a Ganix Market, 238 N. Fountain

Original Package Liquor & Sunday Sales:

Drury Petroleum, Inc., d/b/a Phillips 66, 3276 William
Key Largo Company, LLC, d/b/a The Keg Shop, 1803 Independence
Midwest Energy, Inc., d/b/a Amerimart #5, 865 N. Kingshighway
Midwest Energy, Inc., d/b/a Amerimart #7, 1320 W. Cape Rock
Anna E. Kidd, d/b/a Kidd's Gas Mart, 1325 Broadway
Anna E. Kidd, d/b/a Kidd II, Inc., 103 N. Kingshighway
Martin & Bayley, Inc., d/b/a Huck's Food & Fuel #271, 353 S. Kingshighway

5% Beer by the Drink:

Idaly Martinez, d/b/a Mu Bueno Authentic Mexican Restaurant, LLC, 2007 Independence
Jerel Lichtenegger, d/b/a Global Café, 1315 Broadway

5% Beer by the Drink and Sunday Sales:

S.E.M.O. Pizza, Inc., d/b/a Imo's Pizza, 1201 Broadway

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 10-58 is ORDINANCE NO. 4126; BILL NO. 10-59 is ORDINANCE NO. 4127; BILL NO. 10-67 is ORDINANCE NO. 4128; BILL NO. 10-68 is ORDINANCE NO. 4129; BILL NO. 10-69 is ORDINANCE NO. 4130; BILL NO. 10-72 is RESOLUTION NO. 2539; and BILL NO. 10-73 is RESOLUTION NO. 2540.

ITEMS REMOVED FROM CONSENT AGENDA

Mrs. Swan made a motion, seconded by Mr. Voss, to amend the May 17, 2010, City Council regular session minutes and to approve those minutes with the following amendment: Page HH-70, last sentence of the second complete paragraph should read, "Mrs. Swan said that a bid process can be a very frustrating procedure to navigate for a small business owner if there is any perception that the procedure may not be conducted fair or equitably." The motion was approved and the minutes approved as amended upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 10-71 was presented as follows:

A RESOLUTION OF THE CITY OF CAPE GIRARDEAU, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR HISTORIC BUILDING RENOVATION ON BROADWAY AT SPRIGG STREET, AND AUTHORIZING THE CITY MANAGER TO FILE ALL NECESSARY GRANT DOCUMENTS.

Mr. Lanzotti noted that if the gaming license is awarded to the City of Cape Girardeau, there could be large-scale development downtown, and he was concerned about possible traffic flow through this intersection. He said that he felt this Community Development Block Grant could bind the City for future improvements to this intersection. Mr. Lanzotti said that he supports these improvements, but feels that the City should delay applying for the Grant.

Mrs. Proffer noted that they could lose funding if they delay applying for the grant. Mayor Rediger said that the Broadway building is an eyesore and that this Grant would be a big step forward in improving the area. Mr. Voss asked if the developer had to submit architectural plans to the State for approval. Mr. Meyer responded that he did. Mrs. Swan said that she felt there are other routes to handle downtown traffic.

The reading of BILL NO. 10-71 was approved and the Resolution adopted upon Ms. Tracy's motion, Mrs. Proffer's second, and the following vote: Ayes, Proffer, Rediger, Schneider, Swan and Tracy. Nays, Lanzotti and Voss. BILL NO. 10-71 is RESOLUTION NO. 2541.

Mr. Lanzotti said that he wanted more details about the proposed Walden Park Subdivision Phase II Amended development. He said that it appeared that larger homes were going into an area of smaller lots, which would create a higher density residential area. Mrs. Kelly Green, City Engineer responded that developers have reported that larger lots are not selling, so they wanted to reduce lot size. The Amendment added 5-6 lots and utilities had to be adjusted. Mr. Eftink noted that the development plan had been approved by the Planning and Zoning Commission.

Mr. Lanzotti said that he didn't want to see a trend where developers modify their plans as demands change. In the future, he would like to see a map of original approved developments along with proposed changes.

Mrs. Tracy made a motion, seconded by Mrs. Swan, to approve the improvement plans for Walden Park Subdivision Phase II Amended. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Mr. Lanzotti made a motion, seconded by Mr. Voss, to approve the application for conditional approval of a retail liquor by the drink and Sunday sales license for Eldon Nattier and Scott McClanahan, d/b/a Pink Squirrel, 519 Good Hope, Eldon Nattier and Scott McClanahan, Managing Officers. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

NEW ORDINANCES

BILL NO. 10-70 was given first reading as follows:

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

The first reading of BILL NO. 10-70 was approved upon Mrs. Swan's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 10-74 was given first reading as follows:

AN ORDINANCE ESTABLISHING UTILITY RATES FOR THE CITY OF CAPE GIRARDEAU, MISSOURI, BY AMENDING CHAPTER 22 RELATING TO SOLID WASTE FEES, AND CHAPTER 29 OF THE CITY CODE RELATING TO WATER RATES AND SEWER SERVICE CHARGES

The first reading of BILL NO. 10-74 was approved upon Mrs. Swan's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 10-75 was given first reading as follows:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING BUDGET FOR THE CITY OF CAPE GIRARDEAU, MISSOURI, FOR THE FISCAL YEAR BEGINNING JULY 1, 2010

Mr. Voss noted the 1% cost-of-living increase for all full-time City employees, and he asked for the total budget increase from 2009-2010 and the total revenue projections. Mr. John Richbourg, Finance Director, responded that the total budget is increasing from \$45.8 million to \$46.3 million, an approximate 1% increase. He said that the revenue has increased by approximately the same percentage.

Mayor Rediger said that staff is working toward operating efficiencies and commended them for this. Mr. Richbourg noted that the proposed budget repays the emergency reserve fund approximately \$35,000, and projects that the unreserved fund balance will increase by approximately \$300,000 over the next five years. Further, he said that the City should be able to add approximately \$200,000 back to the unreserved fund balance during this fiscal year. Mrs. Tracy asked if the City is tracking savings by department during the fiscal year. Mr. Meyer replied that a report will be presented to the Council after the close of the fiscal year.

The first reading of BILL NO. 10-75 was approved upon Mrs. Swan's motion, Mrs. Tracy's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 10-76 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO RECIPROCAL EASEMENT AND RESTRICTIVE AGREEMENT PERTAINING TO THE CAPE CENTRE DEVELOPMENT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 10-76 was approved upon Mrs. Swan's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

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.

Harry E. Rediger, Mayor

Gayle L. Conrad, City Clerk

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