

REGULAR SESSION – JULY 19, 2010

The Cape Girardeau City Council convened in regular session on Monday, July 19, 2010, at 7:00 p.m., with Mayor Harry E. Rediger presiding and Council Members Loretta Schneider, Kathy Swan, Debra Tracy and John Voss present. Council Members Mark Lanzotti and Meg Davis Proffer were absent.

City Attorney Eric Cunningham presented the invocation, and the Pledge of Allegiance was recited.

Mayor Rediger brought to the Council's attention several changes to the published agenda.

Regarding number 11 on the agenda, a request of Michael Annis, Dale LaFont and Alicia LaFont to rezone the property located at 402 Chesley Drive from R-1, single family suburban residential district, to R-3, high density residential district, Mayor Rediger indicated that the City received a request for a public hearing from the applicant, and that will need be noted when the issue comes up.

Regarding number 9 on the agenda, an Ordinance calling a special election, the title of the ordinance has been amended as noted in the new ordinance distributed to the Council, and this will need to be reflected when the ordinance is read.

Agenda Item No. 12, consideration of the preliminary plat of Victorian Estates, has been withdrawn for further study.

Ms. Schneider made a motion, seconded by Mrs. Swan, to adopt the agenda with the above noted corrections. The motion was approved upon the following vote: Ayes, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

COMMUNICATIONS/REPORTS

Mayor Rediger stated that Mr. Lanzotti was not in attendance at the Council meeting because he was on vacation, and Mrs. Proffer was not in attendance due to a brief illness.

City Manager Scott Meyer announced that the pumping stations and the floodwall gates are being manned, and that the river stage is going down.

PUBLIC HEARINGS

This being the date set for a public hearing regarding vacating the City's interest in an unused utility easement along 5809 and 5839 Langholm Drive, the hearing was opened. There being no appearances, the hearing was closed.

APPEARANCES

Mr. Doug Austin, 758 Woodbine Place, appeared before the Council on behalf of the Quality of Life in Cape Girardeau Committee regarding Bill No. 10-95, an Ordinance calling for a special election regarding riverboat gambling. He said that 90 volunteers had gathered the necessary signatures for the petition to place this issue on the November ballot. He announced that after this Council meeting, the group would disband, and he thanked the Council for their work on this issue.

BILL NO. 10-95 was given first reading as follows:

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF CAPE GIRARDEAU, MISSOURI, ON THE QUESTION OF WHETHER THE CITY OF CAPE GIRARDEAU SHALL ALLOW THE LICENSING OF EXCURSION GAMBLING BOATS OR FLOATING FACILITIES IN THE CITY; 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. 10-95 was approved upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. Mr. Voss noted the cost of holding a special election could be approximately \$18,000, and that this amount was not included in the City's budget. He asked the Quality of Life Committee if they had any suggestions on how to offset this cost. Mr. Austin replied that the Quality of Life in Cape Girardeau Committee had followed the requirements of the law, and that they were not aware of the cost of the election.

Mr. Pat Wissman, a Cape Girardeau County resident and Democratic candidate for Presiding Commissioner in the upcoming election, addressed the Council. He said that Mr. Voss was correct in noting the cost of holding a special election about the gaming issue. He said that the Quality of Life in Cape Girardeau Committee should stay together and find jobs for the people who would have been employed by the casino if the issue is not approved by the voters.

Mr. Don Howard, 1100 South Ranney Avenue, addressed the Council in opposition to the Transportation Trust Fund 4 tax extension that is on the August ballot. Referring to the Parks and Stormwater sales tax previously approved by the voters, he said that it was promised that Fort D would get a new roof. In his opinion, even though it is needed and the property needs to be cleaned up, this is not going to get done because it is in the south side of Cape.

Mr. Eric Gooden, operator of Cape Bicycle, appeared before the Council with questions regarding the cardio portion of the exercise equipment that was put out for bid by the Parks and Recreation Department. Mr. Meyer replied that new specs have been prepared, and the equipment will be rebid. He will review this information with Mr. Gooden. Mr. Gooden expressed opposition to the rebidding process. Mr. Meyer confirmed that the City has already purchased four items from Mr. Gooden, and these will not be rebid. Regarding TTF-4, Mr. Gooden questioned how much money will be spent on Broadway improvements and the improvements to the Broadway/Henderson intersection. This is a large amount of money to spend to benefit the merchants. He complained that when the curb in front of his business on Broadview was repeatedly broken, the City would not round off the curb, but it was replaced it as it was. Public Works indicated to him that this is a private drive to his business, and he was disappointed that the City would not spend a small amount of money and repair this curb correctly. Public Works Director Tim Gramling indicated that the crews repaired the portion that was the City's responsibility, and completing the changes as requested by Mr. Gooden would be an improvement to a private drive. Mr. Meyer said that he will review this matter and will discuss this issue further with Mr. Gooden.

Mr. Felix Kinsley, of 325 North Sprigg Street, addressed the Council and commended the City's hard work and the improvements made to City streets.

Mr. Wissman again addressed the Council. He said that a bacterial and e-coli growth had been detected in a Memphis pool and water park. He questioned how often our City pools are tested and whether they are tested for this bacteria. Mr. Meyer said that the City staff has met with the Cape Girardeau County Health Department and discussed this issue. He indicated he would provide Mr. Wissman additional details at a later date, and he also directed Mr. Wissman to speak with Mr. Dan Muser, Parks and Recreation Director, for further information.

CONSENT AGENDA

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

Approval of the July 6, 2010, City Council regular and closed session minutes.

BILL NO. 10-88, AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MYRLE MALONE, TIM SMITH AND KERRY SMITH FOR THE PURPOSE OF MAINTAINING AND OPERATING A MIX OF RESIDENTIAL AND COMMERCIAL USES AT 260 NORTH MIDDLE STREET, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI. Second and Third Reading.

BILL NO. 10-89, AN ORDINANCE READOPTING SECTIONS 2-76 TO 2-83 OF THE CITY CODE RELATING TO CONFLICTS OF INTEREST. Second and Third Reading.

BILL NO. 10-91, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH RCH DEVELOPMENT, INC., FOR PARKING LOT IMPROVEMENTS AT CAPE RIVERVIEW APARTMENTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

The motion was approved upon the following vote: Ayes, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 10-88 is ORDINANCE NO. 4140; BILL NO. 10-89 is ORDINANCE NO. 4139; and BILL NO. 10-91 is RESOLUTION NO. 2549.

NEW ORDINANCES

BILL NO. 10-90 was given first reading as follows:

AN ORDINANCE VACATING THE CITY'S INTEREST IN UTILITY EASEMENTS LOCATED ALONG 5809 AND 5839 LANGHOLM DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 10-90 was approved upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 10-93 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF A MINOR SUBDIVISION MARQUETTE CENTRE

The first reading of BILL NO. 10-93 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 10-94 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF RESUBDIVISION OF LOTS L352, L353, AND L354 OF THE HIGHLANDS AT DALHOUSIE – PHASE IV

The first reading of BILL NO. 10-94 was approved upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

APPOINTMENTS

Ms. Angel Hillman and Mr. Harold Hager were reappointed, and Ms. Fran Austin was appointed to the Public Library Board of Directors for terms expiring June 30, 2013, upon Mr. Voss' motion, Mrs. Swan's second, and the following vote: Ayes, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

OTHER BUSINESS

Mrs. Schneider made a motion, seconded by Mrs. Swan, to set a public hearing on August 16, 2010, regarding the request of Michael Annis, Dale LaFont and Alicia LaFont to rezone the property located at 402 Chesley Drive from R-1, single family suburban residential district, to R-3, high density residential district. The motion was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

There being no further business, the City Council adjourned upon Mr. Voss's motion, Mrs. Swan's second, and the following vote: Ayes, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Harry E. Rediger, Mayor

Gayle L. Conrad, City Clerk

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