

**REGULAR SESSION – SEPTEMBER 7, 2010**

The Cape Girardeau City Council convened in regular session on Tuesday, September 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.

Prior to the regular session, the City Council convened in closed session for purposes of discussing personnel pursuant to RSMo. Section 610.021(3) upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Reverend Shawn Wesson, of Bethany Baptist Church, presented the invocation, and the Pledge of Allegiance was recited.

A motion to change the date of the August 8, 2010, special session minutes to August 10, 2010, and to remove the August 26, 2010, special session minutes from the agenda and to approve the agenda as amended 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.

**COMMUNICATIONS/REPORTS**

City Manager Scott Meyer reported that there were numerous public comments in the study session, and that the Council began a discussion on the noise ordinance and the issue of allowing the raising of chickens in City limits. Council instructed staff to look into those items and report back to the Council. He reviewed reports in the Council agenda packet regarding Transportation Trust Funds 2 and 3 and the Public Safety Trust fund, as well as numerous advisory board appointments.

**PUBLIC HEARINGS**

This being the date set for a public hearing to discuss the City's past performance in carrying out a 2008 Rural Affordable Housing Grant, under the Community Development Block Grant, to convert the Old Schultz School Building, located at 101 South Pacific Street, into the Schultz Senior Apartments, the hearing was opened.

Mr. Steve Williams, Housing Assistance Coordinator, introduced the Schultz Senior Apartments developer, Mr. Chad Hartle, and said that Mr. Hartle had worked to secure funding for the project and had constructed a beautiful complex.

Mr. Hartle said that the Schultz Senior Apartments were constructed in the first high school in Cape Girardeau, which opened in 1915. Many residents are former Schultz alumni. The rent averages \$400 per month, and the building has been full for approximately five months. He reviewed the size and number of units in the facility, and he spoke of the building's energy efficiency, security, and other improvements made after funding was received. The Schulz Senior Apartment project was recognized as a runner-up in the Missouri Main Street Program awards for best adaptive use of property in 2009, and it won the Old Town Cape Heritage Award.

Mayor Rediger said that the need for senior housing was evident by the full occupancy of the building, and he thanked Mr. Hartle for his investment in Cape Girardeau. Mr. Hartle said that the building construction cost was approximately \$154 per square foot, which was average for the region. Mrs. Tracy said that the development would receive tax credits of \$600,000 over ten

years, and she asked if Mr. Hartle would be free to convert the apartments into higher income housing after that ten years. Mr. Hartle answered that the use restrictions stay with the property for an extended period. A case could be made to take the building off the program after 15 years, but the restriction would last 30 years unless it was requested to be removed.

There being no further appearances, the hearing was closed.

This being the date set for a public hearing regarding the request of the City of Cape Girardeau to rezone the property located to the west of Spartech Plastics and east of Optimist Drive from the R-1, Single Family Suburban Residential District, to the M-2, Heavy Manufacturing District, the hearing was opened.

Mr. Mitch Robinson, Executive Director of Cape Girardeau Area MAGNET, addressed the Council in support of the request. In 1987, the City entered into an agreement with Spartec relating to transfer of property for plant expansion. However, the payment of \$100 for this land from Spartec to the City was never completed and the property was never transferred. The company is now looking into another expansion and would like to finalize this transaction from 1987 because a corner of the existing building is on City property.

Mr. Gary Simmers, Director of Operations for Spartec, appeared before the Council also in support of the request. He reviewed the proposed expansion with the Council. However, the expansion cannot begin until the property transfer is complete. Upon questioning by Mrs. Tracy, Mr. Simmers explained that the expansion will not disrupt current plantings in the area, and most people will not even notice the expansion.

There being no further appearances, the hearing was closed.

BILL NO. 10-110 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF THE SOUTHEAST CORNER OF SPARTECH DRIVE AND OPTIMIST DRIVE, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-1 TO M-2

The first reading of BILL NO. 10-110 was approved upon Mr. Lanzotti's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 10-115 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A GENERAL WARRANTY DEED FOR A TRACT OF LAND LOCATED ALONG OPTIMIST DRIVE IN THE CITY OF CAPE GIRARDEAU TO ATLAS PLASTICS CORPORATION D/B/A SPARTECH PLASTICS

The first reading of BILL NO. 10-115 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. Mr. Voss said that this issue was discussed by the Council at a meeting when he was not present. The City appreciates Spartech Plastics' investment in Cape Girardeau, and it is unfortunate that the City did not follow through on the deed the first time. He requested the staff insure this deed is recorded immediately.

**APPEARANCES**

Mayor Rediger stated that this Council session would be a change from the usual format; there will be no appearances regarding items not on the agenda. Those items were discussed at the Council study session

Ms. Sirena Bridwell, 109 Mill Street, addressed the Council and said she spoke on behalf of the 41 residents who signed the petition and opposed the liquor license sought by Todd A. Priest, d/b/a Rum Juice, LLC, at 701 North Main Street. She said Mr. Priest was the former manager at that location and the bar was poorly managed. She requested that the City Council deny the license.

Mr. Eric Probst, 701 North Spanish, addressed the Council in opposition to Mr. Priest's requested liquor license. He said that since the bar has been closed, the residents of the area have not had to clean trash outside their homes every day. He requested that the liquor license be denied.

Mr. Don Howard, of 1100 Ranney Avenue, appeared regarding questions about the proposed riverboat gaming facility. According to the local newspaper, the Transportation Trust Fund 4 is going to be used to fund a road for the casino. In addition, the paper indicated that the city would receive \$2.5 million per year plus \$150,000 up front for legal and other expenses. If the casino is not approved, does the City have to pay \$150,000 for the casino's attorney fees? In addition, he questioned where the .3% match for downtown projects was going to come from as stated in paper. He expressed concerns with Broadway being able to handle the traffic flow for visitors to a casino, and questioned if the casino could be put in the flood buy-out area on Main Street?

In response, Mayor Rediger explained that no TTF4 money will be used for any part of the development. The City will receive the \$150,000 payment whether or not the casino comes. No City monies will be spent on any legal or other expenses that are for the developer. The .3% matching fund is part of a development agreement that will designate approximately \$250,000 per year to a Riverfront Fund to be used to revitalize projects in the downtown area. Those funds will be matched by the City from revenues from gaming and will create \$400,000 to \$500,000 additional funds to provide projects in the downtown area. The project will be inside the floodwall and not north of the floodwall in the flood buyout area. He continued that regarding traffic, not all visitors will come and go at one time. He has talked with other cities with a casino development, and they have not indicated that there is a traffic issue. A traffic study will be funded by the gaming developer to determine traffic issues to this location.

Regarding the traffic study, Mr. Lanzotti questioned if it would be possible to carefully review the Broadway/Sprigg intersection, including a right turn lane, and how this will impact the building that is presently being remodeled at that location.

A motion was made by Mrs. Tracy and seconded by Mr. Lanzotti to consider a retail liquor by the drink license for Todd A. Priest, d/b/a Rum Juice, LLC, at 701 North Main Street.

Mr. Lanzotti said that the Council had discussed this liquor license during the study session and must consider the applicant's ability to operate an orderly business before approving a liquor license. He asked if Mr. Priest had operated a business at that location before. Police Chief Carl Kinnison answered that Mr. Rick Werner was the owner of the previous business at that location, Main Street Bar, and Mr. Werner lost his liquor license due to the number of incidents at that location. Mr. Priest, he said, was the manager of that business. Mr. Lanzotti asked if Mr. Priest had any other experience operating a neat and orderly business in Cape Girardeau. Chief Kinnison replied that he was not aware of any. Mr. Voss stated that the residents of the area had stated very

clearly that they do not welcome this type of business in their neighborhood due to quality of life issues.

Following discussion, the motion was denied upon the following vote: Ayes, none. Nays, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss.

BILL NO. 10-116 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CAPE GIRARDEAU AND IOC-CAPE GIRARDEAU, LLC FOR A RIVERBOAT GAMING FACILITY AND RELATED DEVELOPMENT IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mayor Rediger said that the City has worked with Isle of Capri for several months discussing the type of operation they would operate and negotiating the terms of this agreement, and he reviewed those terms with the Council. Mr. Voss further explained that the \$150,000 up front payment to the City is not contingent on the City vote in November or the decision of the Missouri Gaming Commission. This will be paid as soon as the agreement is signed by the City. No taxpayer dollars will be spent on the negotiation of this agreement. In addition, the development will create a significant increase in property taxes that will be paid, and most of this will go to the school district. Mrs. Tracy stated she voted against the Resolution previously approved by the Council because she did not agree with designating a preferred provider with Isle prior to the September 1<sup>st</sup> deadline. She does not know if this would have had any difference in the outcome of Capital Partners not submitting an application for Cape Girardeau. She preferred to see both proposals in full, and even though both proposals are not on table, she will still be voting no. Mayor Rediger stated that the Missouri Gaming Commission is scheduling a public hearing on September 27<sup>th</sup> at the River Campus to allow public input. Meetings will also be held the same week St. Louis and Kansas City. Mrs. Tracy suggested that the City request this meeting be held in the early evening.

The first reading of BILL NO. 10-116 was approved upon Mr. Lanzotti's motion, Mr. Voss' second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, Tracy.

### **CONSENT AGENDA**

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

Approval of the City Council August 10, 2010, special session and August 16, 2010, regular and closed session minutes.

BILL NO. 10-104, AN ORDINANCE APPROVING THE RECORD PLAT OF RESUBDIVISION OF LOTS 93 -102 OF WALDEN PARK PHASE 2 - AMENDED. Second and Third Readings.

BILL NO. 10-111, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF LIEN ON PROPERTY LOCATED AT 918 BLOOMFIELD STREET FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. Reading and Passage.

BILL NO. 10-112, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ESCROW AGREEMENT WITH FRONABARGER CONCRETERS, INC., AND BANK OF MISSOURI, FOR IMPROVEMENTS AT 824 SOUTH KINGSHIGHWAY, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

A motion approving the improvement plans for construction of street, sanitary sewers and water main extension for Fronabarger Concreters Development at 824 South Kingshighway and for the extension of Commercial Street.

BILL NO. 10-113, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SALVATION ARMY OF CAPE GIRARDEAU FOR EMERGENCY SHELTER GRANT FUNDS FROM THE MISSOURI DEPARTMENT OF SOCIAL SERVICES – DIVISION OF FAMILY SERVICES. Reading and Passage.

BILL NO. 10-114, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SAFE HOUSE FOR WOMEN, INC. FOR EMERGENCY SHELTER GRANT FUNDS FROM THE MISSOURI DEPARTMENT OF SOCIAL SERVICES – DIVISION OF FAMILY SERVICES. Reading and Passage.

A motion accepting the improvements completed under the Cape Girardeau Regional Airport Apron Rehabilitation and Miscellaneous Improvements Project and authorizing final payment to R. L. Persons Construction, Inc.

A motion accepting sanitary sewer and water main extension improvements for Resubdivision of Lots 93-102 of Walden Park Phase 2 - Amended, contingent upon the receipt of unpaid inspection fees.

A motion accepting sanitary sewer, water main extension, and some storm sewer improvements as indicated on the improvement plans for Cape West Crossings Phase II, Amended, contingent upon the receipt of as-built drawings and balance of inspection fees.

A motion approving the release of \$55,142 of the Escrow Agreement and Certificate of Deposit covering the cost of public improvements for Cape West Crossings Phase II Amended.

Conditional approval of a retail liquor by the drink license for Alicia M. Dambach, d/b/a Rumors, 36 North Spanish Street, Alicia Dambach, Managing Officer.

Approval of two temporary 5% liquor by the drink licenses for Mary T. Ramsey, d/b/a City of Roses Music Heritage Association for an event to be held October 1-2, 2010, in downtown Cape Girardeau on Water Street and Main Street.

Approval of a 5% liquor by the drink license for Cuong Tien Le, d/b/a Fashion Nails, 53 South Plaza Way, Cuong Tien Le, Managing Officer.

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 10-104 is ORDINANCE NO. 4151; BILL NO. 10-111 is RESOLUTION NO. 2554; BILL NO. 10-112 is RESOLUTION NO. 2555; BILL NO. 10-113 is RESOLUTION NO. 2556; and BILL NO. 10-114 is RESOLUTION NO. 2557.

**NEW ORDINANCES**

BILL NO. 10-109 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL TAX BILLS FOR THE DEMOLITION OF DANGEROUS BUILDINGS UNDER THE PROVISIONS OF CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 10-109 was approved upon Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 10-117 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU BY ADDING A NEW SECTION 5-48 ENTITLED "CONSUMPTION LIQUOR LICENSE"

Mr. Meyer stated that the Missouri Division of Alcohol and Tobacco Control issues consumption liquor licenses, but the City does not. Recently, the City has received several requests for this type of license. The State's cut in funding for the Missouri Division of Alcohol and Tobacco Control has eliminated the agency's ability to do field enforcement, and he felt it was important to have a local license the City could enforce. Mrs. Schneider asked how the consumption liquor license had been handled in the past. Mr. Meyer replied that the City had relied on the State agency to issue and enforce the license.

The first reading of BILL NO. 10-117 was approved upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

**APPOINTMENTS**

Mr. Marcus Janzow was appointed to the Girardeau Goes Green Advisory Board for a term expiring July 1, 2012, upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. Mayor Rediger noted that Mr. Janzow is currently a member of one of the Girardeau Goes Green Focus Groups. He said that the other applicants will be contacted and invited to apply to serve on one of the Focus Groups.

There being no further business, the City Council adjourned at 8:30 p.m. 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

THIS PAGE INTENTIONALLY LEFT BLANK.