

REGULAR SESSION – SEPTEMBER 19, 2011

The Cape Girardeau City Council convened in regular session on Monday, September 19, 2011, at 7:00 p.m., with Mayor Harry Rediger presiding and Council Members Mark Lanzotti, Meg Proffer, Kathy Swan, Debra Tracy and John Voss present. Council Member Loretta Schneider was absent.

Reverend Paul Short, of St. Andrew Lutheran Church, presented the invocation, and the Pledge of Allegiance was recited.

Prior to the regular session, the City Council convened in closed session for purposes of discussing property acquisition and confidential communications with legal counsel, pursuant to Sections RSMo. 610.021(1) and (2) upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

COMMUNICATIONS/REPORTS

Mayor Rediger said that members of the Council and City staff had attended the Missouri Municipal League (MML) conference last week, and he highlighted information from sessions he attended. Mrs. Swan said that she will send to the Council members notes from the sessions she attended. In addition, she and Mrs. Schneider attended the Innovation Center in Independence, Missouri. It was an old hospital in downtown Independence that was purchased by the K-12 school district and renovated for administrative offices.

City Manager Scott Meyer said that he had attended a presentation entitled "Extreme Government Makeover." The speaker had worked with the Department of Revenue to streamline and improve processes by "straightening the pipe" and was able to reduce the time it took to complete the tax return process. City departments will be considering what they can do to streamline key government processes to do more good for the citizens, and he will be utilizing the book to work with key department staff to review processes. He updated the Council on other sessions he attended and will share his session notes. Mr. Meyer said that he also had met with the Home Dock City Association while at the conference. The City of Cape Girardeau joined the association after Isle of Capri received the designation from the Missouri Gaming Commission to locate a casino in Cape.

Mr. Lanzotti extended an early welcome to visitors planning to attend the Electric Vehicle Conversion Convention at the Cape Girardeau Regional Airport, with a car show on Saturday at Capaha Park. This is the first convention ever, with expected attendees arriving from all over the world. Mayor Rediger said that Friday evening there will be a drag race at the airport, and the car show on Saturday begins at 1:45 p.m., followed by a parade.

Mr. Voss welcomed Carson Redder, of the Boy Scouts of America, Troop 5, attending the City Council meeting to earn a Citizenship in Community badge.

APPEARANCES

Mr. Mike Annis, an alternate Advisory Board member of the Board of Appeals, appeared regarding BILL NO. 11-136, an Ordinance amending Chapter 7 of the City Code relating to the 2009 International Codes. Mr. Annis discussed amendments that were proposed by staff regarding the regulation of I-joists and how this would impact the costs for new home construction. Mayor Rediger responded that an amendment was approved with the first reading of the Ordinance

removing the requirements related to the I-joists. The Ordinance on the consent agenda does not include those requirements.

Ms. Mary Rose Roberts, columnist for Fire Chief magazine and a Cape Girardeau resident, addressed the Council regarding BILL NO. 11-136 and said that the issue of construction costs versus fire safety is not a new issue, nor is this the first City Council to confront it. The amendment under discussion required sheet rock to be installed to the underside of basement I-joists in lieu of residential sprinklers. Ms. Roberts said that installing the extra layer of sheetrock in the basement of the average 2,400 square foot home would not significantly increase the construction cost. Ms. Roberts then played an audio recording of a news story relating to a fire in Virginia that experienced these same issues. Mayor Rediger said that this issue was debated at the last City Council meeting. These amendments to the 2009 International Codes failed on a 4-3 vote and this Ordinance will be voted on without these amendments. This issue may be reviewed in the future for reconsideration.

Mr. Travis Margin, of 323 North Lorimier Street, Apt. #13, appeared regarding the request of Mr. Shah Faisal for a special use permit to allow Sunday sales at 238 North Fountain Street. Mayor Rediger said that the Council will either file the recommendation of the Planning and Zoning Commission, or set a public hearing on the issue. Mr. Faisal's request for a special use permit will not be debated at this meeting.

Mr. Faisal addressed the Council and requested that a public hearing be set to consider his request for a special use permit. Mr. Voss made a motion, seconded by Mrs. Proffer to set a public hearing on the request of Shah Faisal for a Special Use Permit to allow Original Package Liquor Sales, Sunday Sales, at 238 North Fountain Street, in the RUMD (Residential Urban Mixed Use) District. Mayor Rediger said the public hearing will be set for Monday, October 17, 2011. Mr. Lanzotti said that the City Council will have to evaluate the information received at the Planning and Zoning Commission public hearing and balance that information with the six factors that are to be considered for the special use permit. Mr. Voss said that the Council will hear discussion from the public about Mr. Faisal's special use permit request at the public hearing. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

Mr. Lanzotti said that the Veterans Memorial Drive Phase I Project on the Consent Agenda will connect LaSalle Avenue and County Road 306.

CONSENT AGENDA

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

City Council September 6, 2011, regular and closed sessions minutes and September 14, 2011, special session minutes.

BILL NO. 11-136, AN ORDINANCE AMENDING CHAPTER 7 OF THE CITY CODE RELATING TO THE 2009 INTERNATIONAL CODES. Second and third readings.

BILL NO. 11-143, AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF THE PROPERTY LOCATED AT 820 NORTH SPRIGG STREET, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM C-1 TO R-5. Second and third readings.

BILL NO. 11-144, AN ORDINANCE AUTHORIZING EXECUTION OF AN AIR TRAFFIC CONTROL TOWER OPERATING ASSISTANCE GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. Second and third readings.

BILL NO. 11-145, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A SPECIAL WARRANTY DEED TO VERNON E. RHODES FAMILY PARTNERS, L.P., AND RHODES DEVELOPMENT COMPANY, LLC, FOR UNNEEDED RIGHT-OF-WAY LOCATED BETWEEN NORTH KINGSHIGHWAY AND KINGSWAY DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-146, AN ORDINANCE ACCEPTING PERMANENT UTILITY EASEMENTS FROM VERNON E. RHODES FAMILY PARTNERS, L.P., AND RHODES DEVELOPMENT COMPANY, LLC, FOR THE DEVELOPMENT LOCATED BETWEEN NORTH KINGSHIGHWAY AND KINGSWAY DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-151, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A POLE LINE REMOVAL AND RELOCATION AGREEMENT WITH UNION ELECTRIC COMPANY, D/B/A AMEREN MISSOURI, FOR THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-152, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH JOKERST, INC. FOR SHAWNEE PARK CENTER PAVING IMPROVEMENTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-153, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LAPPE CEMENT FINISHING, INC., FOR THE VETERANS MEMORIAL DRIVE PHASE I PROJECT, FOR THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-154, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ASA ASPHALT, INC. FOR THE 2011 ASPHALT OVERLAY PROGRAM, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-155, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH SOUTHEAST MISSOURI HOSPITAL ASSOCIATION, FOR INSTALLATION OF FIBER OPTIC WIRING ON CITY RIGHT-OF-WAY, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none. BILL NO. 11-136 is ORDINANCE NO. 4268; BILL NO. 11-143 is ORDINANCE NO. 4269; BILL NO. 11-144 is ORDINANCE NO. 4270; BILL NO. 11-145 is ORDINANCE NO. 4271; BILL NO. 11-146 is ORDINANCE NO. 4272; BILL NO. 11-151 is RESOLUTION NO. 2646; BILL NO. 11-152 is RESOLUTION NO. 2647; BILL NO. 11-153 is RESOLUTION NO. 2648; BILL NO. 11-154 is RESOLUTION NO. 2649; and BILL NO. 11-155 is RESOLUTION NO. 2650.

NEW ORDINANCES

BILL NO. 11-149 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF LOHMANN SUBDIVISION

The first reading of BILL NO. 11-149 was approved upon Mr. Voss' motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-150 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF DOMBROWSKI'S FIRST SUBDIVISION

The first reading of BILL NO. 11-150 was approved upon Mrs. Tracy's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Swan, Tracy and Voss. Nays, none.

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

Harry E. Rediger, Mayor

Gayle L. Conrad, City Clerk

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