

REGULAR SESSION – DECEMBER 5, 2011

The Cape Girardeau City Council convened in regular session on Monday, December 5, 2011, at 7:00 p.m., with Mayor Harry Rediger presiding and Council Members Mark Lanzotti, Meg 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, property acquisition and confidential communications with legal counsel, pursuant to Section RSMO. 610.021(1), (2), and (3) upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy, and Voss. Nays, none.

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

Mayor Rediger welcomed Joshua Vogel, of the Boy Scouts of America Troop 8, attending the Council meeting to fulfill the Citizenship in Community badge requirements.

Mrs. Swan made a motion, seconded by Mrs. Proffer, to remove BILL NO. 11-163, a Resolution authorizing the City Manager to execute a City of Cape Girardeau Lease Agreement with Cape River Heritage Museum, Inc., from the Consent Agenda and adopt the Agenda as amended. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy, and Voss. Nays, none.

COMMUNICATIONS/REPORTS

Mayor Rediger recognized Ms. Marcia Ritter for receiving a Lifetime Achievement Award at the Zonta International Annual banquet. Ms. Ritter is a former Councilmember and a current Planning and Zoning Commission member.

Mayor Rediger said that he had attended the events recognizing Mr. Mike Smythe on his retirement as General Manager at KFVS. Mr. Smythe has supported the City and the community for many years.

The Mayor announced that he had attended a public meeting at Buzzi Cement Plant. They are requesting a modification of their hazardous waste application to permit them to burn hazardous waste in their kiln. The facility began burning waste other than coal in 1992. The application is under review by the Department of Natural Resources. He said that a few of the neighbors expressed concern and had their questions answered. When he left the meeting, there was no further opposition to the application.

Mayor Rediger said that he had attended the Downtown Holiday Open House last Friday, and it was a tremendous success.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the request of T. Kevin and Dominique Priester to rezone property at 340 South Lorimier from C-1, general commercial district, to CBD, central business district, the hearing was opened.

Mr. Kevin Priester appeared in support of the request. He said that they plan to make the upstairs of the building into living quarters and convert the first floor into a business. They have spoken to the neighbors and have encountered no opposition. They intend to keep the historical aspects of the home. There being no further appearances, the hearing was closed.

BILL NO. 11-186 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 340 SOUTH LORIMIER STREET, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM C-1 TO CBD

The first reading of BILL NO. 11-186 was approved upon Mr. Voss' motion, Mrs. Schneider's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy, and Voss. Nays, none.

APPEARANCES

Mr. Brian Langlois, of 312 Bellevue, owner of the Bellevue Bed and Breakfast, appeared before the Council with questions relating to the Ordinance amending Chapter 5 and Chapter 15 of the City Code regarding compliance with City Codes for the issuance of City licenses. He asked if there was a way a neighborhood could challenge the renewal of a liquor license application if they could show that it degraded and threatened the well-being of the neighborhood. City Manager Mr. Scott Meyer answered that the Ordinance does not address that issue. The Ordinance amending Chapter 5 and Chapter 15 of the City Code ensures that when someone applies for a business license, they must meet all other requirements and licenses of the City before the business license is issued. Mrs. Heather Brooks, Assistant to the City Manager, replied that this Ordinance does not address Mr. Langlois' concern, but City staff will research his issue.

CONSENT AGENDA

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

City Council November 21, 2011, regular and closed sessions minutes.

BILL NO. 11-171, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERMANENT UTILITY EASEMENT TO FALCON TELECABLE IN THE DOWNTOWN PARKING LOT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-172, AN ORDINANCE ACCEPTING A PERMANENT WATERLINE EASEMENT FROM MENARD, INC. AT 535 SIEMERS DRIVE IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-175, AN ORDINANCE AMENDING CHAPTER 5 AND CHAPTER 15 OF THE CITY CODE REGARDING COMPLIANCE WITH CITY CODES FOR THE ISSUANCE OF CITY LICENSES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-176, AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING PENALTIES FOR VIOLATIONS OF THE DEVELOPMENT CODE. Second and third readings.

BILL NO. 11-179, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE SAFE ROUTES TO SCHOOL PROGRAM 2011, IN THE CITY OF CAPE GIRARDEAU, MISSOURI, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS. Second and third readings.

BILL NO. 11-180, AN ORDINANCE AMENDING SCHEDULE O OF SECTION 26-216 OF THE CITY CODE BY PROHIBITING LEFT TURNS FROM GORDONVILLE ROAD ONTO MOUNT AUBURN ROAD, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-183, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LAPPE CEMENT FINISHING, INC. FOR THE NORTH PARK WALK TRAIL EXTENSION, FOR THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-184, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN SERVICES AGREEMENT WITH BFA, INC., FOR THE MISSISSIPPI RIVERWALK PHASE IV, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-185, A RESOLUTION AUTHORIZING THE OFFER FOR SALE OF WATERWORKS SYSTEM REFUNDING REVENUE BONDS OF THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

A motion accepting into the City's system the sanitary sewer through 2880 Hopper Road, also known as Clippard School.

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy, and Voss. Nays, none. BILL NO. 11-171 is ORDINANCE NO. 4279; BILL NO. 11-172 is ORDINANCE NO. 4280; BILL NO. 11-175 is ORDINANCE NO. 4281; BILL NO. 11-176 is ORDINANCE NO. 4282; BILL NO. 11-179 is ORDINANCE NO. 4283; BILL NO. 11-180 is ORDINANCE NO. 4284; BILL NO. 11-183 is RESOLUTION NO. 2664; BILL NO. 11-184 is RESOLUTION NO. 2665; and BILL NO. 11-185 is RESOLUTION NO. 2666.

ITEMS REMOVED FROM CONSENT AGENDA

BILL NO. 11-163 was presented as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CITY OF CAPE GIRARDEAU LEASE AGREEMENT WITH CAPE RIVER HERITAGE MUSEUM, INC.

Mrs. Schneider made a motion, seconded by Mrs. Tracy, to approve the reading of BILL NO. 11-163 and adopt the Resolution. Mrs. Schneider spoke in support of the lease agreement. She said that the City has some obligation in these kinds of attractions that the Convention and Visitors

Bureau is expected to promote. The City does provide a lot of the repairs and some of the upkeep for this facility, as well as the Red House museum. Mrs. Schneider asserted that it should be a line item in the City's budget to assist the Glenn House, though they should not be spending a lot of money on the parking lot until they know what the future holds for the location of the museum. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy, and Voss. Nays, none. BILL NO. 11-163 is RESOLUTION NO. 2667.

Mayor Rediger said that the Glenn House open house is on Tuesday at 4:30 p.m. He agreed that the City has an obligation to nurture the history in our City. Mrs. Tracy said that because this is City property, she encouraged the City to prioritize improvements to the museum parking lot, unless they plan to sell the building or tear it down. Mayor Rediger stated that it is an unfunded improvement.

NEW ORDINANCES

BILL NO. 11-181 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY FOR THE BROADWAY CORRIDOR PROJECT BETWEEN PACIFIC STREET AND WATER STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-181 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. Jerry Brey was appointed to the Golf Course Advisory Board for a term expiring January 18, 2014, upon Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy, and Voss. Nays, none.

There being no further business, the City Council adjourned upon Mr. Lanzotti's motion, Mrs. Proffer's 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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