June 4, 2018
5:00 p.m.

Invocation – Pastor Dan Johnson of Evangelical United Church of Christ in Cape Girardeau

Pledge of Allegiance

Study Session
No action will be taken during the study session

Presentations
• Beautiful Business Property of the Month Presentation
• Cape Splash Pump House Restoration Recognition

Communications/Reports
• City Council
• Staff

Items for Discussion
• Appearances regarding items not listed on the agenda
  This is an opportunity for the City Council to listen to comments regarding items not listed on the agenda. The Mayor may refer any matter brought up to the City Council to the City Manager if action is needed. Individuals who wish to make comments must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes. The timer will buzz at the end of the speaker’s time.
• Agenda review

Regular Session

Call to Order/Roll Call
Adoption of the Agenda

Public Hearings
1. A public hearing to consider a proposed amendment to Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding temporary uses. (BILL NO. 18-81; Agenda Item No. 8)
2. A public hearing to consider the proposed annual operating budget for the City of Cape Girardeau, Missouri, for the fiscal year beginning July 1, 2018. (BILL NO. 18-82; Agenda Item No. 9)

Appearances regarding Items Listed on the Agenda

Individuals who wish to make comments regarding items listed on the agenda must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes and must stand at the public microphone and state his/her name and address for the record. The timer will buzz at the end of the speaker’s time.

Consent Agenda

The Consent Agenda is a meeting method to make City Council meetings more efficient and meaningful to the members of the audience. All matters listed within the Consent Agenda have been distributed to each member of the Cape Girardeau City Council for reading and study, are considered to be routine, and will be enacted by one motion of the council with no separate discussion. Staff recommends approval of the Consent Agenda. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a member of the City Council.

3. Approval of the May 21, 2018, City Council regular session minutes and closed session minutes, and of the May 23, 2018, City Council special session minutes.
4. BILL NO. 18-76, an Ordinance approving the Record Plat of Robert Davis Subdivision. Second and Third Readings.
5. BILL NO. 18-77, an Ordinance approving the Record Plat of Regent's Parc - Phase 2. Second and Third Readings.
6. BILL NO. 18-78, an Ordinance appropriating funds for economic development expenditures pursuant to a redevelopment agreement with the Old Town Cape Historic Landmark Preservation Group, LLC, in the City of Cape Girardeau, Missouri. Second and Third Readings.

Items Removed From Consent Agenda

New Ordinances
7. BILL NO. 18-80, an Ordinance establishing utility rates for the City of Cape Girardeau, Missouri, by amending Chapter 22 relating to solid waste fees, and Chapter 29 relating to water rates. First Reading.
8. BILL NO. 18-81, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Temporary Uses. First Reading.
9. BILL NO. 18-82, an Ordinance adopting the annual operating budget for the City of Cape Girardeau, Missouri, for the fiscal year beginning July 1, 2018. First Reading.
10. BILL NO. 18-83, an Ordinance authorizing the City Manager to execute a Transportation Planning Consolidated Grant Agreement with the Missouri Highways and Transportation Commission for Southeast Metropolitan Planning Organization expenses, in the City of Cape Girardeau. First Reading.

11. BILL NO. 18-84, an Ordinance Adopting a Relocation Policy in Connection with Redevelopment Projects. First Reading.

Appointments

12. Appointments to the Board of Appeals

Other Business

Meeting Adjournment

Closed Session

The City Council of the City of Cape Girardeau, Missouri, may, as a part of a study session or regular or special City Council meeting, vote to hold a closed session to discuss issues listed in RSMo. Section 610.021, including but not limited to: legal actions, causes of legal action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining, personnel issues, or confidential or privileged communications with its attorneys.

Memos

• Appointments to the Public Library Board of Directors

Advisory Board Minutes:

• Historic Preservation Commission Minutes, March 21, 2018
• Keep Cape Beautiful Minutes, April 24, 2018
• Liquor License Review Board Minutes, April
• Tree Advisory Board Minutes, April 6, 2018
SUBJECT

A public hearing to consider a proposed amendment to Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding temporary uses.

EXECUTIVE SUMMARY

A public hearing has been scheduled for June 4, 2018 to consider a proposed amendment to Chapter 30 of the Code of Ordinances regarding temporary uses. The first reading of an ordinance approving the amendment is on this agenda as a separate item.

BACKGROUND/DISCUSSION

The Temporary Uses section of the Zoning Code (Section 30-406) lists several categories of temporary uses along with their specific regulations and time limits. City staff has determined the current list does not adequately address the various types of temporary uses. Specifically, outdoor sales of produce and lawn and garden products are lumped into the retail sales category, which has a time limit of thirty (30) days within a twelve (12) month period. Produce and lawn and garden products are sold on a seasonal basis typically lasting up to four (4) months. Staff believes extending the time limit for these uses is reasonable and appropriate. In addition, the current list does not include attractions and events such as carnivals, circuses, mobile zoos, haunted houses, and craft, trade, or exhibition shows. These uses occur in the city on a regular basis and need to be added to this section. Another issue noted by staff is the fact there are no restrictions on location. Section 30-406 states temporary uses are permitted by right in any zoning district. Based on this language, a fireworks stand could be lawfully operated on a residential property as long as it does not exceed the time limit. Staff believes certain temporary uses should be limited to non-residential zoning districts or properties that are zoned residential but contain a non-residential principal use (such as a park). The attached amendment addresses these issues and re-organizes the categories into a table. The amendment also includes minor corrections and clarifications.

A public hearing has been scheduled for June 4, 2018 to consider the proposed amendment. The first reading of an ordinance approving the amendment is on this agenda as a separate item.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its May 9, 2018 meeting, recommended approval of the amendment by a vote of 7 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on May 20, 2018.

ATTACHMENTS:

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<th>Name</th>
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<tr>
<td>Chapter_30_Amendment_Regarding_Temporary_Uses_2018-05-09.pdf</td>
<td>Chapter 30 Amendment Regarding Temporary Uses</td>
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<td>Chapter_30_Amendment_Regarding_Temporary_Uses_2018-05-09_(Clean_Copy).pdf</td>
<td>Chapter 30 Amendment Regarding Temporary Uses - Clean Copy</td>
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</table>
TEXT TO BE DELETED IS SHOWN IN STRIKETHROUGH

TEXT TO BE ADDED IS SHOWN IN RED

ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT: None
Sec. 30-406. - Temporary uses.

(a) **Purpose.** This section is designed to provide for certain land uses and structures which are needed, or are in place, for only short periods of time. These uses are permitted in all zoning districts because they are useful or necessary, and provides for uses that are customarily transient in nature and, due to their short duration, because they do not permanently impact surrounding properties.

(b) **Temporary uses allowed, permitted by right.** The following temporary uses of land in the following table are permitted by right in any all zoning district, districts unless otherwise specified, subject to the specific regulations and time limits which follow, therein, and subject to the all other applicable regulations of the district in which the use occurs. the city code.

1. Contractor offices, equipment trailers, storage buildings, and shipping containers (containing no sleeping or cooking accommodations) accessory to a construction project are permitted only during the duration of such project and they shall be located on the same property as the construction project. All such temporary structures shall be removed upon occupancy of the completed construction, or upon completion or abandonment of the construction work, whichever occurs first.

2. Real estate offices (containing no sleeping or cooking accommodations, unless located in a model dwelling unit) incidental to a new development, with a maximum of one (1) such office per development. Such office may continue only until the sale or lease of all dwelling units or nonresidential spaces in the development is completed.

3. Retail sales, such as bazaars, craft sales, fireworks and Christmas tree sales, provided that such activities do not exceed a total of thirty (30) days within a twelve-month period.

4. Garage or yard sales, provided that no more than four (4) garage or yard sales per calendar year shall be allowed, and provided that each garage or yard sale shall not exceed a period of three (3) consecutive days.

5. Street festivals, subject to the following restrictions:
   a. When a residential district adjoins the street where the festival is to be held, only one (1) festival shall be allowed in any twelve (12) consecutive month period. No such festival shall exceed a period of three (3) consecutive days, exclusive of a reasonable period to prepare the street prior to the event and to restore the street after the event is finished.
   b. Activities related to the event shall be limited to a daily period extending from 7:00 a.m. to 11:00 p.m.
   c. All lighting, activities, noise or increased traffic associated with the festival shall not unreasonably disturb surrounding residential properties.
   d. The festival shall not litter or create a nuisance to adjacent or hereby properties, or violate any other provision of the City Code.
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<tr>
<th>Temporary Use Category</th>
<th>Specific Regulations</th>
<th>Time Limit Per Use</th>
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<td>Contractor offices, equipment trailers, storage buildings, or shipping containers</td>
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<td>incidental to a construction project</td>
<td>or abandonment of the construction work, whichever occurs first</td>
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<td>Real estate sale or leasing office incidental to a new residential development</td>
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<td>located in a model dwelling unit</td>
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<td>Outdoor markets or outdoor retail sales of fireworks, Christmas trees, or other</td>
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<td>items (excluding produce or lawn and garden products)</td>
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<td>Outdoor retail sales of produce or lawn and garden products</td>
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(Ord. No. 5012, art. 8, 10-2-17)

**Editor's note**—Ord. No. 5012, art. 8, adopted Oct. 2, 2017, repealed the former § 30-406 and enacted a new section as set out herein. The former § 30-406 pertained to similar subject matter and derived from Ord. No. 4109, art. 2, adopted March 1, 2010.
Sec. 30-406. - Temporary uses.

(a) **Purpose.** This section provides for uses that are customarily transient in nature and, due to their short duration, do not permanently impact surrounding properties.

(b) **Temporary uses permitted by right.** The temporary uses in the following table are permitted by right in all zoning districts unless otherwise specified, subject to the specific regulations and time limits therein, and subject to all other applicable regulations of the city code.

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Public hearing to receive public input regarding the proposed operating budget for the fiscal year ending June 30, 2019.

EXECUTIVE SUMMARY

The City Charter requires a public hearing regarding the proposed city budget be held each year before the budget is adopted.

BACKGROUND/DISCUSSION

All material items included in this proposed budget have previously been discussed at the Council Retreat. The proposed budget maintains the same property tax levy as the current year. This budget proposes changes to the City's Inspection Service Fee Schedule, changes to various park and recreation fees and increases to water, and solid waste fees. These changes and increases are detailed on pages 378 -381, pages 382 -388, and page 272 and page 280 of the proposed budget, respectively. The property tax levy will be adopted in August after a public hearing has been held.

STAFF RECOMMENDATION

Staff recommends Council conduct a public hearing to receive input regarding the proposed operating budget for the fiscal year ending June 30, 2019. Any desired changes to the budget should be specifically agreed to at this meeting or no later than the June 18, 2018 City Council meeting before the final readings of the budget ordinance.

PUBLIC OUTREACH

The 2018-2019 Proposed Operating Budget is on the City's web page at cityofcape.org/finance. It is also available for review in the City Clerk's office.

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Subject: Approval of the May 21, 2018, City Council regular session minutes and closed session minutes, and of the May 23, 2018, City Council special session minutes.

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<tr>
<td>2018.05.23_SpecialMeetingMinutes.pdf</td>
<td>May 23, 2018, Council Minutes, special session</td>
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CALL TO ORDER

The Cape Girardeau City Council convened in regular session on Monday, May 21, 2018, at 5:55 p.m., with Mayor Bob Fox presiding and Council Members Ryan Essex, Robbie Guard, Victor Gunn, Stacy Kinder, Shelly Moore, and Daniel Presson present.

ADOPTION OF THE AGENDA

A Motion was made by Robbie Guard, Seconded by Shelly Moore to approve and adopt the Agenda, with Bill No. 18-74, an Ordinance vacating the City's interest in unimproved Caruthers Avenue right-of-way removed from the Agenda.

Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

PUBLIC HEARING

A Public Hearing to consider vacating the City's interest in unimproved Caruthers Avenue right-of-way from Dunklin Street to New Madrid Street, in the City of Cape Girardeau, Missouri.

Mayor Bob Fox opened the Public Hearing.
There being no appearances, the hearing was closed.

APPEARANCES

None.

CONSENT AGENDA

Approval of the May 7, 2018, City Council regular session minutes.

BILL NO. 18-66, an Ordinance renaming Highland Drive, running south from Old Hopper Road, to West Highland Drive, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 18-67, an Ordinance Repealing a portion of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri, relating to horizontal balusters. Second and Third Readings.

BILL NO. 18-69, an Ordinance authorizing the issuance of a Special Tax Bill for property located at 811 South Ranney Avenue, for the demolition of a dangerous building under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 18-72, an Ordinance authorizing the issuance of a Special Tax Bill for property located at 615 Rear Good Hope Street, for the demolition of a dangerous building under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri. Second and Third Readings.
BILL NO. 18-73, an Ordinance accepting a General Warranty Deed and Temporary Construction Easement from TMK Group, LLC for the Independence Sidewalk Project, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 18-75, a Resolution authorizing the City Manager to execute an Agreement with Getac Video Solutions to provide the Police Department with Body Worn Cameras to be deployed on Patrol Officers, in the City Of Cape Girardeau, Missouri. Reading and Passage.

Approval of the Partial Release of Escrow Agreement for Williamsburg Phase 2.

Accept Improvements and Authorize Final Payment to Nip Kelley Equipment Company Inc., for the Neighborhood Street Repair 2017 and Concrete Street Repair 2017 Project.

A Motion was made by Robbie Guard, Seconded by Stacy Kinder to approve and adopt. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

Bill No. 18-66 will be Ordinance No. 5078; Bill No. 18-67 will be Ordinance No. 5079; Bill No. 18-69 will be Ordinance No. 5080; Bill No. 18-72 will be Ordinance No. 5081; Bill No. 18-73 will be Ordinance No. 5082; and Bill No. 18-75 will be Resolution No. 3181.

NEW ORDINANCES

BILL NO. 18-76, an Ordinance approving the Record Plat of Robert Davis Subdivision. First Reading.

A Motion was made by Robbie Guard, Seconded by Shelly Moore to approve. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 18-77, an Ordinance approving the Record Plat of Regent's Parc - Phase 2. First Reading.

Robbie Guard abstained for financial reasons, due to his employment with MRV Banks.

A Motion was made by Dan Presson, Seconded by Ryan Essex to approve. Motion passed. 6-0. Ayes: Essex, Fox, Gunn, Kinder, Moore, Presson. Abstain: Guard.

BILL NO. 18-78, an Ordinance appropriating funds for economic development expenditures pursuant to a redevelopment agreement with the Old Town Cape Historic Landmark Preservation Group, LLC, for the fiscal year ending June 30, 2018, in the City of Cape Girardeau, Missouri. First Reading.

A Motion was made by Victor Gunn, Seconded by Dan Presson to approve. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

APPOINTMENTS

Appointments to the Town Plaza Community Improvement District Board of Directors

A Motion was made by Robbie Guard, Seconded by Stacy Kinder to approve the Mayor’s appointment of Jeffrey Campbell to the Town Plaza Community Improvement District Board of Directors for a term expiring April 12, 2021.
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

Appointment to the Parks and Recreation Advisory Board

A Motion was made by Robbie Guard, Seconded by Victor Gunn to appoint Beverly Evans to the Parks and Recreation Advisory Board for a term expiring October 29, 2020.

Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

OTHER BUSINESS

Set a Special City Council Meeting at which time the City Council will adopt an emergency election ordinance calling an election for Ward 5 Council Member.

A Motion was made by Ryan Essex, Seconded by Shelly Moore to hold a Special City Council Meeting on May 23, 2018, at 3:00 p.m. in the Cape Aviation Conference Room.

Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

MEETING ADJOURNMENT

A Motion was made by Victor Gunn, Seconded by Robbie Guard to adjourn from regular session and to convene to closed session for legal actions and litigation, confidential communications with legal counsel, and personnel matters, pursuant to RSMo. Sections 610.021(1) and (3).

Motion passed.7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

The Regular Session ended at 6:05 p.m.

____________________________________
Bob Fox, Mayor

____________________________________
Gayle L. Conrad, City Clerk
SPECIAL SESSION – May 23, 2018

CALL TO ORDER

The Cape Girardeau City Council convened in special session on Wednesday, May 23, 2018, at 3:00 p.m., with Mayor Bob Fox and Council Members Ryan Essex, Robbie Guard, Victor Gunn, Stacy Kinder, Shelly Moore, and Daniel Presson present.

ADOPTION OF THE AGENDA

A Motion was made by Victor Gunn, Seconded by Stacy Kinder to approve and adopt. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

ORDINANCE

BILL NO. 18-79, an Ordinance calling a Special General Election in the City of Cape Girardeau, Missouri, to elect a Council Member in Ward 5, designating the time of holding the election; authorizing and directing the City Clerk to give notice of the Election. First, Second and Third Readings.

A Motion was made by Robbie Guard, Seconded by Shelly Moore to approve and adopt. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

MEETING ADJOURNMENT

There being no further business, the Cape Girardeau City Council special session ended at 3:06 p.m.

A Motion was made by Robbie Guard, Seconded by Victor Gunn to adjourn. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

Bob Fox, Mayor

Gayle L. Conrad, City Clerk
SUBJECT
An Ordinance approving the record plat of Robert Davis Subdivision.

EXECUTIVE SUMMARY
The attached ordinance approves the record plat of Robert Davis Subdivision.

BACKGROUND/DISCUSSION
A record plat has been submitted for Robert Davis Subdivision, located at the northeast corner of West Highland Drive and Engram Street. The subdivision is zoned R-1 (Single-Family Suburban Residential). The plat consists of three (3) existing lots being re-platted as two (2) lots.

STAFF RECOMMENDATION
The staff report to the Planning and Zoning Commission recommended approval of the record plat.

BOARD OR COMMISSION RECOMMENDATION
The Planning and Zoning Commission, at its May 9, 2018 meeting, recommended approval of the record plat with a vote of 7 in favor, 0 in opposition, and 0 abstaining.

ATTACHMENTS:
Name: Description:
record_plat_Robert_Davis_Subdivision.doc Ordinance
Staff_Review-Referral-Action_Form.pdf Robert Davis Subdivision - Staff RRA Form
Map_-_Robert_Davis_Subdivision.pdf Robert Davis Subdivision - Map
Application_-_Robert_Davis_Sub_Record_Plat.pdf Robert Davis Subdivision - Application
Robert_Davis_20180507_final.pdf Robert Davis Subdivision - Record Plat
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The record plat of Robert Davis Subdivision, being all of Lots 2, 6, and 7 of Block 3 of Westland Hills Subdivision (Plat Book 4, Page 44) in Fractional Section 35, Township 31 North, Range 13 East of the of the Fifth Principal Meridian, in the City and County of Cape Girardeau, State of Missouri, submitted by Robert Davis, bearing the certification of Matthew D. Dejournett, a Registered Land Surveyor, dated April 12, 2018, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF ______________, 2018.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk
CITY OF CAPE GIRARDEAU, MISSOURI
City Staff Review, Referral and Action - Subdivision Application

FILE: Robert Davis Subdivision
LOCATION: W. Highland Drive & Engram Street

STAFF REVIEW & COMMENTS:
A record plat has been submitted divide a parcel into two (2) lots. SEE STAFF REPORT FOR MORE DETAILS.

City Planner

Date

City Attorney

APRIL 30, 2018

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

City Manager

April 30, 2018

Planning & Zoning Commission

RECOMMENDED ACTION:

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</tbody>
</table>

VOTE COUNT: 7 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

Ordinance 1st Reading

Ordinance 2nd & 3rd Reading:

ORDINANCE #

Effective Date:

**SUBDIVISION PLAT APPLICATION**

**CITY OF CAPE GIRARDEAU**

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST. CAPE GIRARDEAU, MO 63703 (573) 339-6327

<table>
<thead>
<tr>
<th>Name of Subdivision</th>
<th>Type of Plat: Preliminary, Record, or Boundary Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Davis Subdivision</td>
<td>Property Owner of Record (if other than Applicant)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Property Owner of Record (if other than Applicant)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Davis</td>
<td>Mailing Address</td>
</tr>
<tr>
<td>608 W. Highland Dr.</td>
<td>City, State, Zip</td>
</tr>
<tr>
<td>Cape Girardeau, MO 63701</td>
<td>Mailing Address</td>
</tr>
<tr>
<td>450-3791</td>
<td>City, State, Zip</td>
</tr>
<tr>
<td>Contact Person (if Applicant is a Business or Organization)</td>
<td>(Attach additional owners information, if necessary)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Professional Engineer/Surveyor (if other than Applicant)</th>
<th>Developer (if other than Applicant)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matt DeJournett</td>
<td>Mailing Address</td>
</tr>
<tr>
<td>331 S. Highway 61</td>
<td>City, State, Zip</td>
</tr>
<tr>
<td>Scott City, MO 63780</td>
<td>Mailing Address</td>
</tr>
<tr>
<td>579-4524</td>
<td>City, State, Zip</td>
</tr>
<tr>
<td><a href="mailto:mattdejournett@hotmail.com">mattdejournett@hotmail.com</a></td>
<td>Email</td>
</tr>
</tbody>
</table>

**ADDITIONAL ITEMS REQUIRED**

In addition to this completed application form, the following items must be submitted:

- Review Fee (payable to City of Cape Girardeau)
  - Single-Family or Two-Family Residential: $20.00 per lot ($100.00 minimum)
  - Multi-Family Residential: $20.00 per dwelling unit ($100.00 minimum)
  - Non-Residential: $20.00 per acre ($100.00 minimum)
- Recording Fee Deposit (payable to City of Cape Girardeau)
  - Sheet Size | Record Plat | Boundary Adjustment Plat |
  - 18" x 24" | $44.00 | $24.00 |
  - 24" x 36" | $69.00 | $29.00 |
  - (The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)
- Two (2) full size prints of the plat
- Digital file of the plat in .pdf format (can be emailed)

**CERTIFICATION**

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. Further, I acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.

**Applicant Signature and Printed Name**

**Date**

4-18-18

**OFFICE USE ONLY**

Date Received & By 4/18/18 CP MUNIS Application No. 7695

Planning & Zoning Commission Recommendation Date

City Council Final Action Date

Revised 08/11/2016
SUBJECT

An Ordinance approving the Record Plat of Regent's Parc - Phase 2.

EXECUTIVE SUMMARY

The attached ordinance approves the record plat of Regent's Parc - Phase 2.

BACKGROUND/DISCUSSION

A record plat has been submitted for Regent’s Parc - Phase 2, located on North Kingshighway and Kingsway Drive. The subdivision is zoned C-2 (Highway Commercial). The plat consists of four (4) existing lots being re-platted as two (2) lots.

A variance is shown for the reduction of the required twenty (20) foot side yard setback along a portion of the east lot line of Lot 1. Staff supports the variance because the adjacent residential property is surrounded by commercial development and because the residential property sits at a higher elevation than the subject property. The developer will be requesting an exception for a reduced bufferyard width in this same location at the time this portion of Lot 1 is redeveloped, and would like the setback to match the bufferyard.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the record plat, including the variance.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its April 11, 2018 meeting, recommended approval of the record plat, including the variance, with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

ATTACHMENTS:

Name: Description:
- record_plat_Regent_s_Parc-Phase_2.doc Ordinance
- Staff_Review-Referral-Action_Form.pdf Regent's Parc Phase 2 - Staff RRA Form
- Map - Regent_s_Parc - Phase_2.pdf Regent's Parc Phase 2 - Map
- Application - Regent_s_Parc - Phase_2_Record_Plat.pdf Regent's Parc Phase 2 - Application
- 37008-Regents_Parc_Phase_2-Final.pdf Regent's Parc Phase 2 - Record Plat
BILL NO. 18-77
ORDINANCE NO. __________

AN ORDINANCE APPROVING THE RECORD PLAT OF
REGENT’S PARC – PHASE 2

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE
GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The record plat of Regent’s Parc – Phase 2,
being all of Lots 1 and 4 of Regent’s Parc, recorded in Plat
Book 23 at Page 88 of the Cape Girardeau County land records,
and Lots 1 and 2 of Morris Subdivision, recorded in Plat Book 17
at Page 36 of said land records, in the City and County of Cape
Girardeau, State of Missouri, submitted by Regent’s Parc, LLC,
bearing the certification of Christopher L. Koehler, a
Registered Land Surveyor, dated April 9, 2018, including all
variances and exceptions included therein, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the
record plat with the date of Council approval and affix thereto
the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect
ten days after its passage and approval.

PASSED AND APPROVED THIS ______ DAY OF ____________, 2018.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk
CITY OF CAPE GIRARDEAU, MISSOURI
City Staff Review, Referral and Action - Subdivision Application

FILE: Regent's Parc – Phase 2
LOCATION: North Kingshighway & Kingsway

STAFF REVIEW & COMMENTS:
A record plat has been submitted to reconfigure lots along North Kingshighway. SEE STAFF REPORT FOR MORE DETAILS.

City Planner

Date

City Attorney

Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

City Manager

Date

Planning & Zoning Commission

RECOMMENDED ACTION:

Favor  Oppose  Abstain
Trae Bertrand     ☑       ☑       ☑
Larry Dowdy       ☑       ☑       ☑
Jeff Glenn        ☑       ☑       ☑
Kevin Greaser     ☑       ☑       ☑
Patrick Koetting  ☑       ☑       ☑
Scott McClanahan  ☑       ☑       ☑
Bruce Skinner     ☑       ☑       ☑
Doug Spooler      ☑       ☑       ☑
Tom Welch         ☑       ☑       ☑

VOTE COUNT: 8  Favor  0  Oppose  0  Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

Ordinance 1st Reading
Ordinance 2nd & 3rd Reading:

ORDINANCE #  
Effective Date:
**SUBDIVISION PLAT APPLICATION**
**CITY of CAPE GIRARDEAU**
DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

<table>
<thead>
<tr>
<th><strong>Name of Subdivision</strong></th>
<th><strong>Type of Plat: Preliminary, Record, or Boundary Adjustment Record</strong></th>
</tr>
</thead>
<tbody>
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<td>Regent's Parc-Phase 2</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Applicant</strong></th>
<th><strong>Property Owner of Record (if other than Applicant)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Regent's Parc, LLC</td>
<td>Same as applicant</td>
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</table>

<table>
<thead>
<tr>
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<th><strong>City, State, Zip</strong></th>
<th><strong>Mailing Address</strong></th>
<th><strong>City, State, Zip</strong></th>
</tr>
</thead>
<tbody>
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<td>1610 N Kingshighway Suite 301</td>
<td>Cape Girardeau, MO 63701</td>
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<td></td>
</tr>
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<th><strong>Email</strong></th>
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</tr>
</thead>
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<tr>
<td>573-450-2285</td>
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<th><strong>Professional Engineer/Surveyor (if other than Applicant)</strong></th>
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</thead>
<tbody>
<tr>
<td>Jeff Maurer</td>
<td>Chris Koehler</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Mailing Address</strong></th>
<th><strong>City, State, Zip</strong></th>
<th><strong>Mailing Address</strong></th>
<th><strong>City, State, Zip</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>194 Coker Lane</td>
<td>Cape Girardeau, Mo 63701</td>
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<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Telephone</strong></th>
<th><strong>Email</strong></th>
<th><strong>Telephone</strong></th>
<th><strong>Email</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>573-335-3026</td>
<td><a href="mailto:ckoehler@koehlerengineering.com">ckoehler@koehlerengineering.com</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL ITEMS**
In addition to this completed application form, the following items must be submitted:
- ✔ Review Fee (payable to City of Cape Girardeau)
  - Single-Family or Two-Family Residential: $20.00 per lot ($100.00 minimum)
  - Multi-Family Residential: $20.00 per dwelling unit ($100.00 minimum)
  - Non-Residential: $20.00 per acre ($100.00 minimum)
- ✔ Recording Fee Deposit (payable to City of Cape Girardeau)
  - 18” x 24” Record Plat $44.00 $24.00
  - 24” x 36” Record Plat $69.00 $29.00
  - (The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)
- ✔ Two (2) full size prints of the plat
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**CERTIFICATION**
I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the plat.

Jeffrey J. Maurer
Applicant Signature and Printed Name

Date: 2018-03-19 17:25:33.09600

03/19/2018

**OFFICE USE ONLY**
Date Received & By 03/18/18 CP
MUNIS Application No.
Planning & Zoning Commission Recommendation Date
City Council Final Action Date

Revised 08/11/2016

Return to Agenda
SUBJECT

Ordinance appropriating economic development expenditures pursuant to a redevelopment agreement with the Old Town Cape Historic Landmark Preservation Group LLC for the fiscal year ending June 30, 2018, in the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

This ordinance appropriates economic development expenditures totaling $69,000 from Downtown Tax Increment Financing District revenues pursuant to a redevelopment agreement with the Old Town Cape Historic Landmark Preservation Group LLC.

BACKGROUND/DISCUSSION

On May 17, 2016 the City entered into a development agreement with the Old Town Cape Historic Landmark Preservation Group LLC for the redevelopment of the Marquette Tower and H & H Building located in the Downtown Tax Increment Financing District. Pursuant to the agreement the City agreed to reimburse the developer up to $2,497,242 in costs related to the project from revenues generated by the Downtown Tax Increment Financing District.

This ordinance appropriates the first economic development expenditures due under the agreement.

FINANCIAL IMPACT

The expenditure is covered by revenues generated by the Downtown Tax Increment Financing District.

STAFF RECOMMENDATION

Staff recommends Council approve this ordinance.

ATTACHMENTS:

Name: Appropriation_ordinance-Old_Town_Cape.doc Description: Ordinance
AN ORDINANCE APPROPRIATING FUNDS FOR ECONOMIC DEVELOPMENT EXPENDITURES PURSUANT TO A REDEVELOPMENT AGREEMENT WITH THE OLD TOWN CAPE HISTORIC LANDMARK PRESERVATION GROUP, LLC, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates from revenues from the Downtown Tax Increment Financing District Sixty-nine Thousand ($69,000.00) for economic development payments due per a redevelopment agreement with the Old Town Cape Historic Landmark Preservation Group, LLC.

ARTICLE 2. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF ________________, 2018.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk
SUBJECT

An Ordinance establishing utility rates for the City of Cape Girardeau, Missouri, by amending Chapter 22 relating to solid waste fees and Chapter 29 relating to water rates.

EXECUTIVE SUMMARY

This ordinance would approve water and solid waste fee increases assumed in the proposed 2018 – 2019 City Budget.

BACKGROUND/DISCUSSION

The proposed 2018 - 2019 budget includes 2% increases to the residential and commercial water rates effective for bills issued after July 1, 2018 and 1.6% increases in disconnect and reconnect fees charged by the City. The proposed 2018 - 2019 budget also includes increases in the monthly residential solid waste charge to $20.75 from $20.15 and the transfer station tipping fee to $62.00 per ton from $60.25 per ton.

During the past 7 years, including this year's proposed increases, the average residential utility bill will have increased from $73.24 per month to $78.87 per month. This is equivalent to an average annual increase of 1.295% to average utility bill. Average annual inflation during that period was 1.652%.

FINANCIAL IMPACT

This year's rate increases will allow the City to meets its rate covenants for bonds previously issued by the sewer and water funds and support the operating needs of the sewer, water and solid waste funds.

STAFF RECOMMENDATION

Staff recommends approval of this ordinance which will implement the rates included in the 2018 – 2019 proposed budget.

ATTACHMENTS:

Name:  
Description:

☐ Ordinance-Rates_SolidWaste_Water_Sewer-2018.doc  
Ordinance
AN ORDINANCE ESTABLISHING UTILITY RATES FOR
THE CITY OF CAPE GIRARDEAU, MISSOURI, BY
AMENDING CHAPTER 22 RELATING TO SOLID WASTE
FEES, AND CHAPTER 29 RELATING TO WATER RATES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE
GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. Section 22-39(b) of the Code of Ordinances of the City of Cape Girardeau, Missouri, relating to “Disposal of waste; fee”, reading as follows:

Sec. 22-39(b). Disposal of waste; fee.

(b) Haulers who dispose of less than twenty (20) tons of solid waste per week at the city disposal facility shall pay a rate of sixty dollars and twenty-five cents ($60.25) per ton plus fuel surcharge, if applicable. The applicable fee shall be increased by twenty-five dollars ($25.00) for each load that is not properly covered or secured in accordance with state and local law. Private haulers who regularly use the disposal facility and who regularly dispose of more than twenty (20) tons of solid waste per week at the city disposal facility shall have a rate established by contract based on the operating costs. The charge per ton will be increased when the previous month’s average per gallon diesel fuel price exceeds three dollars and seventy-five cents ($3.75). The charge per ton will be increased by one hundred percent (100%) of the difference between the previous month’s average per gallon diesel fuel price and three dollars and seventy-five cents ($3.75). All surcharges will be rounded up to the next cent. Average per gallon diesel fuel costs will be the average of the Midwest Region Index as published by the U. S. Department of Energy.

is hereby repealed in its entirety, and a new Section 22-39(b) is hereby enacted in lieu there, in words and figures, to read as follows:

Sec. 22-39(b). Disposal of waste; fee.
(b) Haulers who dispose of less than twenty (20) tons of solid waste per week at the city disposal facility shall pay a rate of sixty-two dollars ($62.00) per ton plus fuel surcharge, if applicable. The applicable fee shall be increased by twenty-five dollars ($25.00) for each load that is not properly covered or secured in accordance with state and local law. Private haulers who regularly use the disposal facility and who regularly dispose of more than twenty (20) tons of solid waste per week at the city disposal facility shall have a rate established by contract based on the operating costs. The charge per ton will be increased when the previous month’s average per gallon diesel fuel price exceeds three dollars and seventy-five cents ($3.75). The charge per ton will be increased by one hundred percent (100%) of the difference between the previous month’s average per gallon diesel fuel price and three dollars and seventy-five cents ($3.75). All surcharges will be rounded up to the next cent. Average per gallon diesel fuel costs will be the average of the Midwest Region Index as published by the U. S. Department of Energy.

ARTICLE 2. Section 22-47 of the Code of Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 22-47. Residential solid waste collection fees.

(a) Basic monthly charge. The basic monthly solid waste collection fee for residential customers shall be twenty dollars and fifteen cents ($20.15) per month per dwelling unit. Residential back door service may be provided on a contract basis subject to fees based on the additional operating costs associated with providing such service. Such basic charge shall include the following services:

(1) Collection of all waste or recycling in the city-provided containers.
(2) Bulk waste collection program.
(3) Fall leaf collection program.

(b) Additional container. Customers who receive a second sixty-four (64) gallon container for solid waste storage and collection shall pay an additional twenty dollars and fifteen cents
(c) **Fuel surcharge.** The monthly solid waste collection fee for residential customers shall be increased when the previous month’s average per gallon diesel fuel price exceeds three dollars and seventy-five cents ($3.75). The charge will be increased by twenty-five (25) percent of the difference between the previous month’s average per gallon diesel fuel price and three dollars and seventy-five cents ($3.75). All surcharges will be rounded up to the next cent. Average per gallon diesel fuel costs will be the U. S. Average as published by the U.S. Energy Information Administration.

is hereby repealed in its entirety, and a new Section 22-47 is hereby enacted in lieu there, in words and figures, to read as follows:

Sec. 22-47. Residential solid waste collection fees.

(a) **Basic monthly charge.** The basic monthly solid waste collection fee for residential customers shall be twenty dollars and seventy-five cents ($20.75) per month per dwelling unit. Residential back door service may be provided on a contract basis subject to fees based on the additional operating costs associated with providing such service. Such basic charge shall include the following services:

(1) Collection of all waste or recycling in the city-provided containers.
(2) Bulk waste collection program.
(3) Fall leaf collection program.

(b) **Additional container.** Customers who receive a second sixty-four (64) gallon container for solid waste storage and collection shall pay an additional twenty dollars and seventy-five cents ($20.75) per month per dwelling unit plus the basic monthly charge established in this section.

(c) **Fuel surcharge.** The monthly solid waste collection fee for residential customers shall be
increased when the previous month’s average per gallon diesel fuel price exceeds three dollars and seventy-five cents ($3.75). The charge will be increased by twenty-five (25) percent of the difference between the previous month’s average per gallon diesel fuel price and three dollars and seventy-five cents ($3.75). All surcharges will be rounded up to the next cent. Average per gallon diesel fuel costs will be the U. S. Average as published by the U.S. Energy Information Administration.

ARTICLE 3. Section 29-62 of the Code of Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 29-62. Rates.

(a) General water service.

Availability. This rate schedule is available to any metered customer adjacent to the city's water distribution mains, using standard water service.

Rate. The monthly rate for service delivered hereunder shall be the total of:

(1) A customer charge per month for each meter as follows:

<table>
<thead>
<tr>
<th>Meter Size(s) (inches)</th>
<th>Monthly Customer Charge (per meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8</td>
<td>$ 8.31</td>
</tr>
<tr>
<td>¾</td>
<td>12.82</td>
</tr>
<tr>
<td>1</td>
<td>17.30</td>
</tr>
<tr>
<td>1 ½</td>
<td>32.39</td>
</tr>
<tr>
<td>2</td>
<td>49.48</td>
</tr>
<tr>
<td>3</td>
<td>92.70</td>
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plus;

(2) A commodity charge of:

<table>
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<tr>
<th>Bills Rendered Before July 1, 2017</th>
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</thead>
<tbody>
<tr>
<td>First 60 CCF used per month--$2.475 per CCF.</td>
</tr>
<tr>
<td>All over 60 CCF used per month--$1.908 per CCF.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bills Rendered After July 1, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 60 CCF used per month--$2.525 per CCF.</td>
</tr>
<tr>
<td>All over 60 CCF used per month--$1.946 per CCF.</td>
</tr>
</tbody>
</table>

(b) Private fire protection service.

Availability. This rate schedule is available to customers adjacent to adequate water distribution mains for private fire protection service.

Rate. Private fire protection service rates for all types of private fire protection systems are based on the size of connection of customer's private fire protection service to city's distribution main and shall be charged for as follows:

<table>
<thead>
<tr>
<th>Size of Connection</th>
<th>Rate Per Connection Effective July 1, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 inch or smaller</td>
<td>$10.58 per month</td>
</tr>
<tr>
<td>6 inch</td>
<td>$21.20 per month</td>
</tr>
</tbody>
</table>
(c) Industrial water service.

Availability. This rate schedule is available for industrial use only, when separated from standard water service, to any customer adjacent to the department's water mains in The Greater Cape Girardeau Development Corporation Industrial Tract.

Rate. The monthly rate for service delivered hereunder shall be the total of:

(1) A customer charge per month for each meter as follows:

<table>
<thead>
<tr>
<th>Meter Size(s) (inches)</th>
<th>Monthly Customer Charge (per meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 or ¾</td>
<td>$8.06</td>
</tr>
<tr>
<td>1</td>
<td>$16.80</td>
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<tr>
<td>1 ½</td>
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<td>2</td>
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<td>3</td>
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<td>$148.48</td>
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<tr>
<td>6</td>
<td>310.52</td>
</tr>
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</table>

plus;

(2) A commodity charge of $0.1557 per CCF for all water used during the billing month.

is hereby repealed in its entirety, and a new Section 29-62 is hereby enacted in lieu thereof, in words and figures, to read as follows:
Sec. 29-62. Rates.

(a) General water service.

Availability. This rate schedule is available to any metered customer adjacent to the city's water distribution mains, using standard water service.

Rate. The monthly rate for service delivered hereunder shall be the total of:

(1) A customer charge per month for each meter as follows:

<table>
<thead>
<tr>
<th>Meter Size(s) (inches)</th>
<th>Monthly Customer Charge (per meter)</th>
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</thead>
<tbody>
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<td>5/8</td>
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<td>¾</td>
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plus;

(2) A commodity charge of:

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<tbody>
<tr>
<td>First 60 CCF used per month--$2.525 per CCF.</td>
</tr>
</tbody>
</table>
All over 60 CCF used per month--$1.946 per CCF.

Bills Rendered After July 1, 2018

First 60 CCF used per month--$2.576 per CCF.

All over 60 CCF used per month--$1.985 per CCF.

(b) **Private fire protection service.**

Availability. This rate schedule is available to customers adjacent to adequate water distribution mains for private fire protection service.

Rate. Private fire protection service rates for all types of private fire protection systems are based on the size of connection of customer's private fire protection service to city's distribution main and shall be charged for as follows:

<table>
<thead>
<tr>
<th>Size of Connection</th>
<th>Rate Per Connection Effective July 1, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 inch or smaller</td>
<td>$10.79 per month</td>
</tr>
<tr>
<td>6 inch</td>
<td>$21.62 per month</td>
</tr>
<tr>
<td>8 inch</td>
<td>$32.47 per month</td>
</tr>
</tbody>
</table>

(c) **Industrial water service.**

Availability. This rate schedule is available for industrial use only, when separated from standard water service, to any customer adjacent to the department's water mains in The Greater Cape Girardeau Development Corporation Industrial Tract.

Rate. The monthly rate for service delivered hereunder shall be the total of:

(1) A customer charge per month for each meter as follows:
<table>
<thead>
<tr>
<th>Meter Size(s) (inches)</th>
<th>Monthly Customer Charge (per meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 or ¾</td>
<td>$8.22</td>
</tr>
<tr>
<td>1</td>
<td>$17.14</td>
</tr>
<tr>
<td>1 ½</td>
<td>$32.08</td>
</tr>
<tr>
<td>2</td>
<td>$49.98</td>
</tr>
<tr>
<td>3</td>
<td>$91.76</td>
</tr>
<tr>
<td>4</td>
<td>$151.45</td>
</tr>
<tr>
<td>6</td>
<td>316.73</td>
</tr>
</tbody>
</table>

plus;

(2) A commodity charge of $0.1588 per CCF for all water used during the billing month.

ARTICLE 4. Section 29-63 of the Code of Ordinances of the City of Cape Girardeau, Missouri, relating to “Service fees”, reading as follows:

A fee of fifteen dollars and seventy-five cents ($15.75) shall be charged to all accounts when a city employee or agent of the city is dispatched to disconnect water. If the water is reconnected or reinstated during regular office hours, an additional reconnection fee of fifteen dollars and seventy-five cents ($15.75) shall be charged the account. If reconnection is requested by the customer and made after 5:00 p.m. on regular working days or on weekends or holidays, the reconnection or reinstitution charge shall be thirty-one dollars and fifty cents ($31.50).

is hereby repealed in its entirety, and a new Section 29-63 is hereby enacted in lieu thereof, in words and figures, to read as follows:
A fee of sixteen dollars ($16.00) shall be charged to all accounts when a city employee or agent of the city is dispatched to disconnect water. If the water is reconnected or reinstated during regular office hours, an additional reconnection fee of sixteen dollars ($16.00) shall be charged the account. If reconnection is requested by the customer and made after 5:00 p.m. on regular working days or on weekends or holidays, the reconnection or reinstitution charge shall be thirty-two dollars ($32.00).

ARTICLE 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 6. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.

ARTICLE 7. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF ___________, 2018.

_________________________________
Box Fox, Mayor

ATTEST:

_________________________________
Bruce Taylor, Deputy City Clerk
An Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding temporary uses.

The attached ordinance amends the zoning regulations for temporary uses to address issues identified by City staff. A public hearing on the proposed amendment was held June 4, 2018.

The Temporary Uses section of the Zoning Code (Section 30-406) lists several categories of temporary uses along with their specific regulations and time limits. City staff has determined the current list does not adequately address the various types of temporary uses. Specifically, outdoor sales of produce and lawn and garden products are lumped into the retail sales category, which has a time limit of thirty (30) days within a twelve (12) month period. Produce and lawn and garden products are sold on a seasonal basis typically lasting up to four (4) months. Staff believes extending the time limit for these uses is reasonable and appropriate. In addition, the current list does not include attractions and events such as carnivals, circuses, mobile zoos, haunted houses, and craft, trade, or exhibition shows. These uses occur in the city on a regular basis and need to be added to this section. Another issue noted by staff is the fact there are no restrictions on location. Section 30-406 states temporary uses are permitted by right in any zoning district. Based on this language, a fireworks stand could be lawfully operated on a residential property as long as it does not exceed the time limit. Staff believes certain temporary uses should be limited to non-residential zoning districts or properties zoned residential but containing a non-residential principal use (such as a park). The attached amendment addresses these issues and re-organizes the categories into a table. The amendment also includes minor corrections and clarifications.

A public hearing on the proposed amendment was held on June 4, 2018.

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

The Planning and Zoning Commission, at its May 9, 2018 meeting, recommended approval of the amendment by a vote of 7 in favor, 0 in opposition, and 0 abstaining.

The City Council's public hearing was advertised in the Southeast Missourian on May 20, 2018.

**ATTACHMENTS:**

- **Name:** Amending_Chapter_30_Temporary_Uses.doc
  - Description: Ordinance
  - Chapter 30 Amendment Regarding Temporary Uses
  - Chapter 30 Amendment Regarding Temporary Uses - Clean Copy

[Return to Agenda]
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. Section 30-406 (1) entitled, “Temporary Uses” of Article IV of Chapter 30 of the City Code, regarding “Supplemental District Regulations”, reading as follows:

Sec. 30-406. - Temporary Uses.

(a) Purpose. This section is designed to provide for certain land uses and structures which are needed, or are in place, for only short periods of time. These uses are permitted in all zoning districts because they are useful or necessary, and because they do not permanently impact surrounding properties.

(b) Temporary uses allowed. The following temporary uses of land are permitted by right in any zoning district, subject to the specific regulations and time limits which follow, and subject to the other applicable regulations of the district in which the use occurs.

(1) Contractor offices, equipment trailers, storage buildings, and shipping containers (containing no sleeping or cooking accommodations) accessory to a construction project are permitted only during the duration of such project and they shall be located on the same property as the construction project. All such temporary structures shall be removed upon occupancy of the completed construction, or upon completion or abandonment of the construction work, whichever occurs first.

(2) Real estate offices (containing no sleeping or cooking accommodations, unless located in a model dwelling unit) incidental to a new development, with a maximum of one (1) such office per development. Such office may continue only until the sale or lease of all dwelling units or nonresidential spaces in the development is completed.

(3) Retail sales, such as bazaars, craft sales, fireworks and Christmas tree sales, provided that such activities do not exceed a total of thirty (30) days within a twelve-month period.
(4) Garage or yard sales, provided that no more than four (4) garage or yard sales per calendar year shall be allowed, and provided that each garage or yard sale shall not exceed a period of three (3) consecutive days.

(5) Street festivals, subject to the following restrictions:
   a. When a residential district adjoins the street where the festival is to be held, only one (1) festival shall be allowed in any twelve (12) consecutive month period. No such festival shall exceed a period of three (3) consecutive days, exclusive of a reasonable period to prepare the street prior to the event and to restore the street after the event is finished.
   b. Activities related to the event shall be limited to a daily period extending from 7:00 a.m. to 11:00 p.m.
   c. All lighting, activities, noise or increased traffic associated with the festival shall not unreasonably disturb surrounding residential properties.
   d. The festival shall not litter or create a nuisance to adjacent or hereby properties, or violate any other provision of the City Code.

is hereby repealed in its entirety and a new Section 30-406 entitled “Temporary Uses” of Article IV of Chapter 30 of the City Code, regarding “Supplemental District Regulations”, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-406. - Temporary Uses.

(a) Purpose. This section provides for uses that are customarily transient in nature and, due to their short duration, do not permanently impact surrounding properties.

(b) Temporary uses permitted by right. The temporary uses in the following table are permitted by right in all zoning districts unless otherwise specified, subject to the specific regulations and time limits therein, and subject to all other applicable regulations of the city code.
<table>
<thead>
<tr>
<th>Temporary Use Category</th>
<th>Specific Regulations</th>
<th>Time Limit Per Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor offices, equipment trailers, storage buildings, or shipping containers</td>
<td>Permitted only for the duration of the project and shall be removed upon completion</td>
<td></td>
</tr>
<tr>
<td>incidental to a construction project</td>
<td>or abandonment of the construction work, whichever occurs first</td>
<td></td>
</tr>
<tr>
<td>Real estate sale or leasing office incidental to a new residential development</td>
<td>Maximum of one (1) per development; cannot include sleeping accommodations unless</td>
<td>Permitted only until all lots or dwelling units in the development are sold or</td>
</tr>
<tr>
<td></td>
<td>located in a model dwelling unit</td>
<td>leased</td>
</tr>
<tr>
<td>Outdoor markets or outdoor retail sales of fireworks, Christmas trees, or other</td>
<td>Permitted only on property located in a non-residential zoning district or containing</td>
<td>Maximum of thirty (30) days within a twelve (12) consecutive month period</td>
</tr>
<tr>
<td>items (excluding produce or lawn and garden products)</td>
<td>a non-residential principal use</td>
<td></td>
</tr>
<tr>
<td>Outdoor retail sales of produce or lawn and garden products</td>
<td>Permitted only on property located in a non-residential zoning district or containing</td>
<td>Maximum of one hundred twenty (120) days within a twelve (12) consecutive month</td>
</tr>
<tr>
<td></td>
<td>a non-residential principal use</td>
<td>period</td>
</tr>
<tr>
<td>Carnivals, circuses, mobile zoos, haunted houses, or craft, trade, or exhibition</td>
<td>Permitted only on property located in a non-residential zoning district or containing</td>
<td>Maximum of thirty (30) days within a twelve (12) consecutive month period</td>
</tr>
<tr>
<td>shows</td>
<td>a non-residential principal use</td>
<td></td>
</tr>
<tr>
<td>Garage or yard sales</td>
<td>Maximum of four (4) within a twelve (12) consecutive month period</td>
<td>Maximum of three (3) consecutive days per garage or yard sale</td>
</tr>
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<td>Street festivals</td>
<td>Maximum of one (1) within a twelve (12) consecutive month period if the street on</td>
<td>Maximum of three (3) consecutive days per festival; additional time is allowed</td>
</tr>
<tr>
<td></td>
<td>which the festival is to be held is adjacent to a residential zoning district</td>
<td>to prepare the street prior to the festival and to restore the street after the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>festival, at the discretion of the city manager; festivals are limited to the</td>
</tr>
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<td></td>
<td></td>
<td>hours of 7:00 a.m. to 11:00 p.m.</td>
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**ARTICLE 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**ARTICLE 3.** It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.
ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF __________, 2018.

_______________________________
Bob Fox, Mayor

ATTEST:

_______________________________
Bruce Taylor, Deputy City Clerk
Sec. 30-406. - Temporary uses.

(a) *Purpose.* This section is designed to provide for certain land uses and structures which are needed, or are in place, for only short periods of time. These uses are permitted in all zoning districts because they are useful or necessary, and provides for uses that are customarily transient in nature and, due to their short duration, because they do not permanently impact surrounding properties.

(b) *Temporary uses allowed, permitted by right.* The following temporary uses of land in the following table are permitted by right in any all zoning districts, districts unless otherwise specified, subject to the specific regulations and time limits which follow, therein, and subject to the all other applicable regulations of the district in which the use occurs, the city code.

1. Contractor offices, equipment trailers, storage buildings, and shipping containers (containing no sleeping or cooking accommodations) accessory to a construction project are permitted only during the duration of such project and they shall be located on the same property as the construction project. All such temporary structures shall be removed upon occupancy of the completed construction, or upon completion or abandonment of the construction work, whichever occurs first.

2. Real estate offices (containing no sleeping or cooking accommodations, unless located in a model dwelling unit) incidental to a new development, with a maximum of one (1) such office per development. Such office may continue only until the sale or lease of all dwelling units or nonresidential spaces in the development is completed.

3. Retail sales, such as bazaars, craft sales, fireworks and Christmas tree sales, provided that such activities do not exceed a total of thirty (30) days within a twelve-month period.

4. Garage or yard sales, provided that no more than four (4) garage or yard sales per calendar year shall be allowed, and provided that each garage or yard sale shall not exceed a period of three (3) consecutive days.

5. Street festivals, subject to the following restrictions:
   a. When a residential district adjoins the street where the festival is to be held, only one (1) festival shall be allowed in any twelve (12) consecutive month period. No such festival shall exceed a period of three (3) consecutive days, exclusive of a reasonable period to prepare the street prior to the event and to restore the street after the event is finished.
   b. Activities related to the event shall be limited to a daily period extending from 7:00 a.m. to 11:00 p.m.
   c. All lighting, activities, noise or increased traffic associated with the festival shall not unreasonably disturb surrounding residential properties.
   d. The festival shall not litter or create a nuisance to adjacent or hereby properties, or violate any other provision of the City Code.
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<td>dwelling unit</td>
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<td>Permitted only on property located in a non-residential zoning district or containing a non-residential</td>
<td>Maximum of thirty (30) days within a twelve (12) consecutive month period</td>
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<td>(excluding produce or lawn and garden products)</td>
<td>principal use</td>
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(Ord. No. 5012, art. 8, 10-2-17)

**Editor's note**—Ord. No. 5012, art. 8, adopted Oct. 2, 2017, repealed the former § 30-406 and enacted a new section as set out herein. The former § 30-406 pertained to similar subject matter and derived from Ord. No. 4109, art. 2, adopted March 1, 2010.
Sec. 30-406. - Temporary uses.

(a) **Purpose.** This section provides for uses that are customarily transient in nature and, due to their short duration, do not permanently impact surrounding properties.

(b) **Temporary uses permitted by right.** The temporary uses in the following table are permitted by right in all zoning districts unless otherwise specified, subject to the specific regulations and time limits therein, and subject to all other applicable regulations of the city code.

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SUBJECT

This ordinance adopts the budget for the fiscal year ending June 30, 2019.

EXECUTIVE SUMMARY

The City Charter requires a public hearing regarding the proposed city budget be held each year before the budget is adopted. This hearing was scheduled to be held at the June 4, 2018 City Council meeting. Council will be asked to approve the first reading of the budget ordinance after the public hearing has been held.

BACKGROUND/DISCUSSION

All material items included in this proposed budget have previously been discussed at the Council Retreat. The proposed budget maintains the same property tax levy as the current year. This budget proposes changes to the City's Inspection Service Fee Schedule, changes to various park and recreation fees and increases to water and solid waste fees. These changes and increases are detailed on pages 378-381, pages 382-388 and page 272 and page 280 of the proposed budget, respectively. The property tax levy will be adopted in August after a public hearing has been held.

STAFF RECOMMENDATION

Staff recommends approval of the first reading of the ordinance to adopt the annual operating budget following the public hearing. Any desired changes to the budget should be specifically agreed to at this meeting or no later than the June 18 City Council meeting before final readings of the budget ordinance.

PUBLIC OUTREACH

The 2018-2019 Proposed Operating Budget is on the City's web page at cityofcape.org/finance. It is also available for review in the City Clerk's office.

ATTACHMENTS:

Name: 2018-2019 Operating_Budget.doc  Description: Ordinance
WHEREAS, the City Manager has submitted a proposed budget to the City Council in accordance with Section 6.02 of the City Charter; and

WHEREAS, the proposed budget provides a complete financial plan of all City funds and activities for the fiscal year in accordance with Section 6.03 of the City Charter; and

WHEREAS, the City Council has held the required public hearing on the budget in accordance with Section 6.06 of the City Charter; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City Council hereby adopts the annual operating budget for the fiscal year of July 1, 2018 to June 30, 2019. A copy of this document is on file in the office of the City Clerk.

ARTICLE 2. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF ____________, 2018.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk
SUBJECT

An Ordinance authorizing the City Manager to execute a Transportation Planning Consolidated Grant Agreement with the Missouri Highways and Transportation Commission for Southeast Metropolitan Planning Organization expenses.

EXECUTIVE SUMMARY

The attached ordinance authorizes the execution of a grant agreement on behalf of the Southeast Metropolitan Planning Organization.

BACKGROUND/DISCUSSION

The Southeast Metropolitan Planning Organization (SEMPO) is a federally mandated and funded policy-making organization that oversees transportation planning for the Cape Girardeau-Jackson urbanized area. As authorized in the Memorandum of Understanding, the City of Cape Girardeau provides administrative services and staff support for SEMPO. Each fiscal year, SEMPO receives grant funds from the Federal Highway Administration and the Federal Transit Administration to cover eligible expenses. The grant is administered by the Missouri Highways and Transportation Commission. As the administrative body for SEMPO, the City of Cape Girardeau receives the funds and therefore is required to execute a Transportation Planning Consolidated Grant Agreement. The agreement for FY 2019 is attached. The agreement period is from July 1, 2018 to June 30, 2019.

FINANCIAL IMPACT

The agreement authorizes the City of Cape Girardeau to receive funds up to $222,062 for reimbursement of eligible expenses incurred by SEMPO during the agreement period. A 20% local match is required. Per the Memorandum of Understanding, the local match is to be divided among the member organizations, with the City of Cape Girardeau paying 28.6%.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

Execution of the agreement is necessary for SEMPO to fulfill its duties as the metropolitan planning organization for the Cape Girardeau-Jackson urbanized area, as mandated by federal law.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance authorizing execution of the Transportation Planning Consolidated Grant Agreement.

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Name:</th>
<th>Description:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreement (SEMPO) 2018.doc</td>
<td>Ordinance</td>
</tr>
<tr>
<td>2018-05-44002.pdf</td>
<td>Transportation Planning Consolidated Grant Agreement</td>
</tr>
</tbody>
</table>
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A TRANSPORTATION PLANNING CONSOLIDATED GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR SOUTHEAST METROPOLITAN PLANNING ORGANIZATION EXPENSES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City Manager is hereby authorized and directed to execute, on behalf of the City of Cape Girardeau, Missouri, a Transportation Planning Consolidated Grant Agreement with the Missouri Highways and Transportation Commission for Southeast Metropolitan Planning Organization expenses, in the City of Cape Girardeau, Missouri. The City Clerk is hereby authorized and directed to attest to said Agreement and to affix the seal of the City thereto. Said Agreement shall be in substantially the form attached hereto as Exhibit A, which document is hereby approved by the City Council and incorporated herein by reference, with such changes therein as shall be approved by the officers of the City executing the same.

ARTICLE 2. This Ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS ____ day of _________, 2018.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk
MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
TRANSPORTATION PLANNING CONSOLIDATED GRANT AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Cape Girardeau, Missouri (hereinafter, "Grantee").

WITNESSETH:

WHEREAS, 23 U.S.C. Sections 104(f) and 134, and 49 U.S.C. Section 5303, provide metropolitan transportation planning funds for metropolitan planning organizations as designated by the Governor of the State of Missouri; and

WHEREAS, the Commission is the state agency designated to receive and dispense both the above named funds to accomplish metropolitan transportation planning in the Cape Girardeau urbanized area; and

WHEREAS, the Grantee has been designated by the Governor of the State of Missouri as the local organization to conduct transportation planning for the Cape Girardeau urbanized area and to receive and expend the above named funds on its behalf; and

WHEREAS, the Grantee has described the transportation planning work to be carried out and included a complete budget detailing the use of the above named funds in an annually updated Unified Planning Work Program (UPWP); and

WHEREAS, the UPWP is accepted by the Commission, the Grantee, and the United States Department of Transportation (hereinafter, "USDOT"), describing the purposes and funding of all program components to be annually accomplished under this Agreement.

NOW THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties agree as follows:

1. PURPOSE AND SOURCE OF FUNDS: The purpose of this Agreement is to assist the Grantee in financing project expenses that are eligible for federal financial assistance. The Commission will make a grant from available federal funds in a manner consistent with the rules of the USDOT, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) under 23 U.S.C. Sections 104(f) and 134 and 49 U.S.C. Section 5303. These rules include 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The
catalog of federal domestic assistance identification number (CFDA) is 20.205 for funds under 23 U.S.C. Sections 104(f) and 134 and 20.505 for funds under 49 U.S.C. Section 5303. The amount of available funds is limited by the unused portion of the above planning funds allocated to the Cape Girardeau urbanized area under the above acts and any amendments thereto.

(2) SCOPe OF WoRK AND BUDGET: Grantee will undertake and complete the program of work specified in the approved UPWP and the budget or scope of services (Appendix A).

(3) REPORTS:

(A) All draft reports, the cost of which will be considered a direct cost, will be submitted to the Commission for review prior to printing in final form. The Commission will be provided with an electronic copy of each draft and the final report.

(B) All reports, drawings, estimates, surveys, memoranda and other papers submitted by the Grantee shall be dated and bear the Grantee’s name.

(4) PUBLICATION PROVISIONS:

(A) Copyright: Papers, interim or final reports, forms or other materials which are a part of the work under contract may be copyrighted without written approval of the Commission, and FHWA or FTA as appropriate.

(B) Request for Publication: Either party to the Agreement or FHWA or FTA may initiate a request for publication of reports or any request thereof.

(C) Abstracts: When the scheduled time for presentation of a paper does not permit formal review and approval of a complete report, abstracts may be used for notification of intent to present a paper based on the study. Such presentation must protect the interests of the other party by the inclusion of a statement in the paper and in the presentation to the effect that the paper has not been reviewed by the other party or FHWA or FTA.

(D) Publication: Publication by either party shall give credit to the other party or FHWA or FTA unless upon failure of agreement of any report of the study, FHWA, FTA or either of the contracting parties requests that its credit acknowledgment be omitted and then the following statement shall be added:

"The opinions, findings and conclusions expressed in this publication are those of the authors and not necessarily those of the Missouri Highways and Transportation Commission, the Federal Highway Administration or the Federal Transit Administration."
(E) **Use of Data:** After acceptance of reports, all parties are free to use the data and results for whatever purpose.

(F) **Cooperative Participation:** All reports shall contain a statement crediting the cooperative participation of all agencies, including the USDOT, FHWA or FTA as appropriate.

(G) **Freedom of Information:** The publication provisions contained in this paragraph (4) are subject to the provisions of Chapter 610, RSMo, and all applicable laws of the United States Government concerning freedom of information.

(5) **RETENTION OF RECORDS:** The Grantee or any approved subcontractor shall be required to maintain accounting records and other evidence pertaining to the cost incurred regarding the study and to make the records available to the Commission at its office at all reasonable times during the contract period and for three years from the date of the final payment of federal funds. Such accounting records and other evidence pertaining to the costs incurred will be made available for inspection by the Commission, FHWA, FTA, or any authorized representative thereof, and copies shall be furnished if requested.

(6) **INFORMATION FURNISHED AND WORK PERFORMED BY THE GRANTEE:** The Grantee shall make available to the Commission upon request all of the data, reports, analysis, transcripts of hearings, maps, drawings, tables, and other pertinent background information related to the scope of services under this Agreement.

(7) **INFORMATION AND WORK FURNISHED BY THE COMMISSION:**

(A) The Commission shall make available to the Grantee all of the data, reports, analysis, transcripts of hearings, maps, drawings, tables and other pertinent background information related to the scope of services under this Agreement that the Commission deems necessary and non-confidential. No report, information, data or other materials provided to the Grantee shall be given to any individual or organization without the written approval of the Commission.

(B) The Commission will receive reimbursement from the Grantee for computer work performed by the Commission for the urbanized area as authorized by the Grantee. This should in no way restrict the Grantee from utilizing other computer services available elsewhere.

(8) **PROJECT TIME PERIOD:** Work under this Agreement shall begin July 1, 2018, and extend to June 30, 2019. No work shall be performed under this Agreement until a notice to proceed is received from the Commission.

(9) **CONTRACT PRICE AND PAYMENT:**

(A) **Total Price:** For the work described in this Agreement, the
Grantee shall receive payment based on actual costs, as defined in subparagraph B of paragraph (9) up to the maximum amount of $222,062 defined as consolidated planning funds. The local matching share shall be 20 percent for funds provided under 23 U.S.C. Section 104(f) and under 49 U.S.C. Section 5303. The local matching share may be either cash or direct cost match or a combination of both.

(B) **Progress Payments:** The Commission agrees to make progress payments to the Grantee not more than monthly upon receipt of a proper invoice and certification for services actually performed under this Agreement. Certification of services will be documented by a progress report submitted at least quarterly within 30 days after the end of the reporting period. However, the last progress report may be waived and included in the final or project completion report. Each progress report shall include tasks, what percentage of each task has been completed and overall task completion rate. Invoices will be based on actual costs incurred. Each invoice will show the breakdown of the cost incurred among the Grantee and the Commission. Such progress payments will be based on actual cost incurred. In no instance shall the progress payments exceed the percentage of work completed, per the judgment of the Commission's chief engineer. The accounting for and billing of project charges will be accomplished as follows:

1. The Grantee will establish cost principles for use in determining the allowability of individual items of costs in accordance with 2 C.F.R. Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.*

2. Direct labor charges shall be based on actual time expended at the current approved gross salary of the assigned staff member.

3. Employee fringe benefits shall be based on a provisional rate, subject to audit, of direct labor costs. This rate is set on the basis of the employer’s actual cost for group life insurance, health insurance, pension plan, workers compensation, holidays, F.I.C.A. taxes, accrued costs for sick leave, vacation and other items included in the Grantee’s approved fringe benefit package to the total annual salaries paid. This rate is reviewed and adjusted annually and will be specified in the fiscal year scope of services.

4. Indirect costs shall be based on the approved cost allocation plan supported by the Grantee’s annual budget for the fiscal year in which the scope of services is to be carried out. A rate is calculated on the basis of the estimated total annual administrative expenses, excluding known unallowable costs as prescribed in various federal regulations, including 2 C.F.R. Part 200, divided by the sum of total annual salaries chargeable as direct labor. Calculation of the indirect rate is specified in the cost allocation plan and is approved by the audit agency. The indirect rate is audited and adjusted at each fiscal year end by the audit agency. The applicable rate will be specified in Appendix A.

5. Other direct costs charges shall be based on actual cost of
supplies and equipment purchased or rented for exclusive use of this project. Procurement of supplies and equipment should be in accordance with procedures established by the State of Missouri and Paragraph (26).

(C) **Compensation:** Compensation shall be paid by the Commission to the Grantee for work performed hereunder subject to the limitations of subparagraphs A and B of this paragraph (9), as supported by Appendix A.

(D) **Direct Costs:** The following are considered as direct costs and chargeable as such:

1. Salaries and fringe benefits.

2. Other non-salary expenses directly related to the completion of the work program activities, such as: classified advertising, contractual services, data processing, equipment maintenance and rental, meetings and conferences, postage, publications, reproduction, supplies, travel and long distance calls.

(E) **Final Payment:** The final payment will be made only after acceptance by the Commission of a project completion report, summarizing the results of the job elements under this Agreement, considered to be satisfactory to the Commission. This project completion report is due within 60 days after the Agreement end date. The Commission's obligation will extend only to those costs incurred as verified by the final audit. A final audit will be completed after the acceptance of the project completion report. If Grantee was over compensated according to final audit results, Grantee will reimburse the Commission the amount as specified by the final audit. If additional compensation is due Grantee, Grantee will present a supplemental invoice to the Commission for payment of the amount specified by the final audit.

(F) **Checks:** Checks in payment for the services rendered hereunder shall be drawn to the order of the City of Cape Girardeau. The Grantee hereby agrees that the acceptance of the check so drawn shall constitute full payment for the Commission to the Grantee for the services for which such payments are made.

(G) **Title to Work Products:** The making of payments to the Grantee in the manner aforesaid shall vest in the Commission title to the studies, documents and material produced by the Grantee under the terms of this Agreement up to the time of such payments, and the Commission shall have the right to use the same for any public purpose or make any desirable alterations thereto without other further compensation to the Grantee or to any other such agency or persons.

(H) **Single Audit Requirement:** If the Grantee receives $750,000 or more per year total of all Federal assistance from all sources including Federal funds under this Agreement, it shall be required to have an independent annual single audit done in accordance with 2 C.F.R. Part 200, "Uniform Administrative Requirements, Cost
“Principles, and Audit Requirements for Federal Awards.” A copy of the audit report shall be submitted to the Missouri Department of Transportation (MoDOT) within 30 days of the issuance of the report. Subject to the requirements of 2 C.F.R. Part 200, if the Grantee obtains less than $750,000, the Grantee may be exempt from 2 C.F.R. Part 200 auditing requirements, but records must be available for review by applicable State and Federal authorities in accordance with Paragraph (5). The Commission reserves the right to audit expenditures under this Agreement independently in a separate report.

(10) **INSPECTION OF RECORDS:** The Grantee shall assure that representatives of the Commission and FHWA shall have the privilege of inspecting and reviewing the work being done by the Grantee’s contractor and subcontractor on the herein project. The Grantee shall also assure that its contractor, and all subcontractors, if any, maintain all books, documents, papers and other evidence pertaining to costs incurred in connection with the work program and make such materials available at such contractor’s office at all reasonable times at no charge during this Agreement period, and for three (3) years from the date of final payment under this Agreement, for inspection by the Commission, FHWA or any authorized representatives of the Federal Government and the State of Missouri, and copies shall be furnished, upon request, to authorized representatives of the Commission, State, FHWA, or other Federal agencies.

(11) **CHANGES:** The Commission or the Grantee may, from time to time, request changes in the scope of UPWP work. Changes in the scope of UPWP work that do not involve any increase or decrease in the amount of the Grantee’s compensation shall be made with the mutual agreement of the parties to this Agreement evidenced by letters from each to the other. Changes involving adjustments to limiting amounts contained in the scope of UPWP work of any increase or decrease in the total amount of compensation which are mutually agreed upon by and between the Commission and the Grantee shall be incorporated in written amendments or supplements to this Agreement.

(12) **INDEMNIFICATION:**

(A) To the extent allowed or imposed by law, the Grantee shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Grantee’s wrongful or negligent performance of its obligations under this Agreement.

(B) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party’s rights or defenses with regard to each party’s applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(13) **TERMINATION OF AGREEMENT:**

(A) **Non-Performance:** If Grantee shall for any cause fail to perform
any of the provisions of this Agreement or fail to complete any of the work described in
this Agreement, the Commission may terminate this Agreement. Also, the Commission
may terminate this Agreement if the conduct or progress of the work is such that it is not
up to professional standards of objectiveness, fairness, accuracy and completeness.

(B) Correction: The Commission may provide Grantee with a written
notice of the defect(s) in Grantee’s performance specifying a period of time for Grantee
to correct such defect(s).

(C) Written Notice: To terminate this Agreement, the Commission must
give Grantee at least 15 days written notice specifying the reason(s) for termination.

(D) Partial Payment: If the Commission terminates the Agreement, the
Commission shall be liable only for the work rendered to the date of termination based
on the compensation described in the scope of services. Grantee, for itself, its
successors, assigns and legal representatives, agrees to accept this amount of
compensation in full satisfaction of all claims for compensation under this Agreement.
This does not abrogate the Grantee’s right under law.

(E) Work Products: In the event of termination, Grantee shall deliver to
the Commission, as property of the Commission, all designs, reports, drawings, studies,
estimates, surveys, computations, memoranda, documents and other papers or
materials either furnished by the Commission or prepared by or for the Grantee under
this Agreement. In addition, ownership of all designs, reports, drawings, studies,
estimates, models, computations, etc. prepared under this Agreement shall vest in the
Commission, at the Commission’s option. The Commission reserves the right to
postpone or abandon further work of the type described by this Agreement or to cause
such work to be continued or completed in such manner, by such person(s), and under
such terms and agreements as the Commission shall determine.

(14) DISPUTES: The Commission’s chief engineer will in all cases decide any
and all questions which may arise in connection with the work not disposed of by
agreement among or between the parties to the contract.

(15) NONDISCRIMINATION ASSURANCE: With regard to work under this
Agreement, Grantee agrees as follows:

(A) Civil Rights Statutes: The Grantee shall comply with all state and
federal statutes relating to nondiscrimination, including but not limited to Title VI and
Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d and 2000e), as
well as any applicable titles of the Americans with Disabilities Act). In addition, if the
Grantee is providing services or operating programs on behalf of Department or the
Commission, it shall comply with all applicable provisions of Title II of the Americans
with Disabilities Act.

(B) Administrative Rules: The Grantee shall comply with the
administrative rules of the U.S. Department of Transportation relative to nondiscrimination in federally-assisted programs of the USDOT (49 CFR Subtitle A, Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) **Nondiscrimination**: The Grantee shall not discriminate on grounds of the race, color, religion, sex, national origin, age or disability of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Grantee shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Subtitle A, Part 21.5 including employment practices.

(D) **Solicitations for Subcontracts, Including Procurements of Material and Equipment**: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the Grantee. These apply to all solicitations either by competitive bidding or negotiation made by the Grantee for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the Grantee of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, national origin, disability, or age of any individual.

(E) **Information and Reports**: The Grantee shall provide all information and reports required by the Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the USDOT to the pertinent to ascertain compliance with other such contracts, orders and instructions. Where any information required of the Grantee is in the exclusive possession of another who fails or refuses to furnish this information, the Grantee shall so certify to the Commission or the USDOT as appropriate and shall set forth what efforts it has made to obtain the information.

(F) **Sanctions for Noncompliance**: In the event the Grantee fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including but not limited to:

1. Withholding of payments to the Grantee under the Agreement until the Grantee complies; and/or

2. Cancellation, termination or suspension of the Agreement, in whole or in part.

(G) **Incorporation of Provisions**: The Grantee shall include the provisions of paragraph (15)(A) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the
USDOT. The Grantee will take such action with respect to any subcontract or procurement as the Commission or the USDOT may direct as means of enforcing such provisions, including sanctions for noncompliance; provided that it in event the Grantee becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Grantee may request the United States to enter into such litigation to protect the interests of the United States.

(H) Title VI Program Reporting Requirements: The Grantee shall comply with data collection and reporting requirements subject to Title VI of the Civil Rights Act of 1964 and the implementing regulations of 28 CFR Part 42, Subpart F and 49 CFR Part 21. Such general and program specific required information shall be provided to the Commission yearly if updated information is warranted or at a minimum of every three years. Required submittals shall be made by December of the current agreement period.


(17) RESTRICTION ON LOBBYING: The Grantee shall comply with the requirements of 31 U.S.C. Section 1352.

(18) NO OBLIGATION BY THE FEDERAL GOVERNMENT: The Grantee acknowledges and agrees that, notwithstanding any concurrence by the USDOT in or approval of the solicitation or award of the underlying contract, absent the express written consent by the USDOT, the USDOT is not a party to this Agreement and shall not be subject to any obligations or liabilities to the Grantee or any other party pertaining to any matter resulting from this Agreement. The Grantee agrees that it will ensure that the contractor will include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

(19) CLEAN WATER: The Grantee agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. Part 1251 et seq. The Grantee will require its contractor to report each violation to the Grantee and understands and agrees that the Grantee will, in turn, report each violation as required to assure notification to FTA and the appropriate United States Environmental Protection Agency (hereinafter, “EPA”) Regional Office. The Grantee agrees that it will ensure that the contractor agrees to include these requirements in each subcontract exceeding $100,000 financed in whole or in part with Federal assistance provided by FTA.

(20) ENERGY CONSERVATION: The Grantee agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in
the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 USC 6321 et seq.).

(21) FEDERAL CHANGES: The Grantee shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the most recent issued FTA Master Agreement, as they may be amended or promulgated from time to time during the term of this Agreement. The Grantee’s failure to comply shall constitute a material breach of this Agreement.

(22) CLEAN AIR: The Grantee agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 USC 7401 et seq. The Grantee shall ensure that its contractor will report each violation to the Grantee. The Grantee will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office. The Grantee also agrees to include these requirements in each contract exceeding $100,000 financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

(23) PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS:

(A) The Grantee acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 USC 3801 et seq. and USDOT regulations, “Program Fraud Civil Remedies,” 49 CFR Subtitle A, Part 31, apply to its actions pertaining to this Agreement. The Grantee shall ensure that the contractor will certify or affirm the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract of the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Grantee further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the USDOT reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Grantee to the extent the USDOT deems appropriate.

(B) The Grantee also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the USDOT under a contract connected with a project that is financed in whole or in part with Federal assistance provided by FTA under authority of 49 USC 5303, the USDOT reserves the right to impose the penalties of 18 USC 1001 on the Grantee, to the extent the USDOT deems appropriate.

(C) The Grantee agrees to include the above two clauses in each of its contracts financed in whole or in part with Federal assistance provided by FTA. It is
further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

(24) DEBARMENT AND SUSPENSION: The Grantee agrees to comply with the requirements of the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction as submitted with the grant application.

(25) SUBCONTRACTING: All work to be subcontracted shall be identified in the UPWP, regardless of amount. All subcontracts of $50,000 or more shall be submitted to the Commission for review and approval. Grantee's approved contracting administration procedures may be used provided assurance is given that they conform to applicable Federal statutes, executive orders and regulations in accordance with 49 CFR Part 18 or 23 CFR Part 172 and Missouri statutes. Approval to subcontract for services incidental to the study operations, such as printing and computer services, is not required. Copies of all executed subcontracts, except those for incidental services, shall be furnished to the Commission.

(26) EQUIPMENT AND INSTRUMENTATION:

(A) All equipment and instrumentation to be purchased under this agreement shall be identified specifically in the UPWP. Equipment or instrumentation mean an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals $5,000 or more. Grantee's approved procurement procedures may be used provided assurance is given that they conform to applicable Federal statutes, executive orders and regulations in accordance with 2 C.F.R. Part 200 and Missouri statutes.

(B) Purchases costing less than $5,000 are not subject to 2 C.F.R. Part 200 but shall follow Grantee's procurement procedures. However, purchases may not be subdivided to avoid this limitation. The Grantee certifies that no equipment and instrumentation listed for purchase in the UPWP have been included in the indirect costs approved for this Agreement.

(27) TRAVEL: The Commission approves Grantee staff travel expenses for work performed under this Agreement and provided for in the scope of services. Any additional travel must have prior approval of the Commission to be eligible for a direct cost reimbursement. The rate of reimbursement shall be in accordance with the Grantee's approved travel policy.

(28) COMPLIANCE WITH LAWS: The Grantee agrees to comply with all federal, state and local laws and ordinances applicable to the prosecution of the work covered by this Agreement.

(29) DISADVANTAGED BUSINESS ENTERPRISES: Grantee agrees to prepare and submit for the Commission's approval, a disadvantaged business
enterprise plan as defined in 49 CFR Part 26, if Grantee receives financial planning assistance from the U.S. Department of Transportation and will award prime contracts exceeding $250,000 in a single fiscal year or if Grantee is required to do so by 49 CFR Part 26.21.

(30) BUDGET:

(A) Summary: Appendix A, Section 1, includes a budget summary, which lists the following:

1. Estimated Expenditures: These would be the total of all UPWP components by federal funding type funded under this Agreement itemized by various cost categories. These categories may include but are not limited to: salaries, fringe benefits, indirect costs, contract services, equipment, data processing, meeting, conference, travel, printing, publications, supplies and other or miscellaneous expenses.

2. Estimated Revenues: These are the total anticipated funding and agency sources by federal funding type for work funded under this Agreement.

(B) Payment: The Grantee will receive payment by the Commission based on the following:

1. Agency Funding Participation: Appendix A, Section 2, lists estimated funding participation by various agencies for the UPWP program components funded under this Agreement. For the work by program component described in the UPWP and similarly identified in Appendix A, Section 2, payment will be made from the appropriate funds based on the proportionate share of FHWA PL or FTA Section 5303 funds, or consolidation of the two funds, being utilized from the Commission. The relationship of the manpower and cost borne under this Agreement to the total manpower and cost required to complete each program component is derived from the approved UPWP. The obligation of the Commission shall not exceed the amounts set out in Paragraph (9), Subparagraph (A).

2. Details of Missouri FHWA PL and/or FTA Section 5303 Matching Funds: Appendix A, Section 2, also lists the respective amounts of local matching funds by providing agency and the program components of the UPWP to which they are applied for the Missouri federal funds utilized under this Agreement. Application of local matching funds in the form of direct cost match or cash from the Commission to the various program components will be determined by the Commission in accordance with Missouri laws. Use of Commission local matching funds by the Grantee shall be based on the proportionate share of cost by program component as given in Appendix A, Section 2. Local matching funds from the Commission shall not exceed the federally required matching share for any Missouri federally funded program component. The Commission's cash payment obligation shall be in accordance with Paragraph (9), Subparagraph (A).
(C) **Procedures:** The following procedures shall be followed when deviations from Appendix A or the scope of services program components occur or are anticipated to occur:

1. **Cost Overruns:**
   
   A. Program component overruns of thirty percent (30%) or less will be considered as eligible costs provided:

   (I) The total scope of services dollar amount is not increased and written approval is obtained from the Commission's chief engineer or;

   (II) If the total scope of services dollar amount is increased, an amended scope of services is executed between the Commission and the Grantee.

   B. Program component overruns in excess of thirty percent (30%) will require an amended scope of services between the Commission and the Grantee.

   C. Requests for overruns in program components shall be in writing and include the anticipated amount of overruns on other program components.

2. **Agency Funding Participation:** Revisions in the agency (i.e. FHWA, FTA, HUD, EPA) funding participation as shown in the scope of services require written approval by the Commission's chief engineer. Requests for revisions shall include the reason for the revisions, the proposed agency funding and the effect of the revisions on program components.

3. The Grantee shall monitor costs and initiate timely requests for approval as outlined above. Retroactive revisions of this scope of services will not be allowed.

   (31) **AMENDMENTS:** Any change in this Agreement, whether by modification and/or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the Grantee and the Commission.

   (32) **COMMISSION REPRESENTATIVE:** The Commission's chief engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement.

   (33) **ASSIGNMENT:** The Grantee shall not assign or delegate any interest in the Agreement and shall not transfer any interest in the Agreement, whether by assignment or notation without the prior written consent of the Commission.
(34) **LAW OF MISSOURI TO GOVERN:** This Agreement shall be construed according to the laws of the State of Missouri. The Grantee shall comply with all local, state and federal laws and regulations relating to the performance of the Agreement.

(35) **VENUE:** It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

[Remainder of Page Intentionally Left Blank]
IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Grantee on ________________________________(DATE).

Executed by the Commission on _______________________________(DATE).

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

GRANTEE

Title ____________________________

Title ____________________________

ATTEST:

Secretary to the Commission

Title ____________________________

Approved as to Form:

Commission Counsel

Approved as to Form:

Title ____________________________
### Table 1: SEMPO Funding Sources

<table>
<thead>
<tr>
<th>SEMPO FY 2019 FUNDING SOURCES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri</td>
<td></td>
</tr>
<tr>
<td>FFY 2014 Consolidated Planning Grant (CPG)</td>
<td>$136,727</td>
</tr>
<tr>
<td>FFY 2015 Consolidated Planning Grant (CPG)</td>
<td>$135,534</td>
</tr>
<tr>
<td>FFY 2016 Consolidated Planning Grant (CPG)</td>
<td>$140,465</td>
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<tr>
<td>FFY 2017 Consolidated Planning Grant (CPG)</td>
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<tr>
<td>FFY 2018 Consolidated Planning Grant (CPG) - Estimate</td>
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<tr>
<td>FFY 2019 Consolidated Planning Grant (CPG) - Estimate</td>
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<tr>
<td>FY 2019 Local Match – Consolidated Planning Grant (CPG)</td>
<td>$55,516</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td>$889,292</td>
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<td><strong>Illinois</strong></td>
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<td>FFY 2019 PL &amp; FTA Grants - Estimate</td>
<td>$1,819</td>
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<tr>
<td>FFY 2019 State Match - Estimate</td>
<td>$455</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td>$2,274</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$891,566</td>
</tr>
</tbody>
</table>

1 – Represents the amount to be collected for FY 2019. Invoices to MoDOT will be 80% reimbursable regardless of the amount collected.

### Table 2: Local Match Funding Sources

<table>
<thead>
<tr>
<th>SEMPO FY 2019 LOCAL MATCH – MISSOURI¹</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Cape Girardeau</td>
<td>28.60%</td>
<td>$15,878</td>
</tr>
<tr>
<td>City of Jackson</td>
<td>28.60%</td>
<td>$15,878</td>
</tr>
<tr>
<td>Cape Girardeau County Transit/SEMO²</td>
<td>14.30%</td>
<td>$7,939</td>
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<tr>
<td>Cape Girardeau County/Cape Special Road District³</td>
<td>14.30%</td>
<td>$7,939</td>
</tr>
<tr>
<td>Southeast Missouri Regional Planning &amp; Economic Development Commission</td>
<td>14.20%</td>
<td>$7,883</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>100.00%</td>
<td>$55,516</td>
</tr>
</tbody>
</table>

1 – Includes Missouri CPG local match. No local match is required for Illinois.
2 – Transit match will be provided annually by Cape Girardeau County Transit Authority and Southeast Missouri State University, with each paying 7.15%.
3 – Cape Girardeau County match will be provided annually by Cape Girardeau County and the Cape Special Road District, with each paying 7.15%.
Table 3: SEMPO Budget

<table>
<thead>
<tr>
<th>SEMPO FY 2019 BUDGET</th>
<th>Missouri</th>
<th>Local Match (Missouri)</th>
<th>Illinois</th>
<th>Subtotal</th>
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<tr>
<td><strong>Staff Labor – City of Cape Girardeau</strong></td>
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<tr>
<td>Salaries</td>
<td>$45,780</td>
<td>$11,445</td>
<td>$469</td>
<td>$71,502</td>
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<td>Benefits</td>
<td>$11,274</td>
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<td>$14,264</td>
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<td><strong>Consultant Contract – KLG Engineering, LLC</strong></td>
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<tr>
<td>Program Support</td>
<td>$27,772</td>
<td>$6,943</td>
<td>$284</td>
<td>$35,000</td>
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<tr>
<td>Public Outreach</td>
<td>$7,935</td>
<td>$1,984</td>
<td>$81</td>
<td>$10,000</td>
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<tr>
<td>Education and Training</td>
<td>$3,967</td>
<td>$992</td>
<td>$41</td>
<td>$5,000</td>
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<td><strong>Subtotal</strong></td>
<td>$39,675</td>
<td>$9,919</td>
<td>$406</td>
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<td><strong>Consultant Contract – Southeast Missouri Regional Planning &amp; Economic Development Commission</strong></td>
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<tr>
<td>Data Collection and Management</td>
<td>$3,967</td>
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<td>Metropolitan Transportation Plan Maintenance</td>
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<td>Transportation Improvement Program Management</td>
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<td>$203</td>
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<td><strong>Subtotal</strong></td>
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<td>$6,943</td>
<td>$284</td>
<td>$35,000</td>
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<tr>
<td><strong>Consultant Contract – TBD</strong></td>
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<tr>
<td>Online TIP Tool Software</td>
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<td><strong>Consultant Contract – TBD</strong></td>
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<tr>
<td>ADA Self-Evaluation and Transition Plan – Phase 1</td>
<td>$59,512</td>
<td>$14,873</td>
<td>$609</td>
<td>$75,000</td>
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<td><strong>Subtotal</strong></td>
<td>$59,512</td>
<td>$14,873</td>
<td>$609</td>
<td>$75,000</td>
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<td><strong>Other Direct Costs</strong></td>
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<td>Advertising</td>
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<td>Meetings/Conferences</td>
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<td>Postage</td>
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<td>$60</td>
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<tr>
<td>Printing</td>
<td>$793</td>
<td>$198</td>
<td>$8</td>
<td>$1,000</td>
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<tr>
<td>Training/Education</td>
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<td>$198</td>
<td>$8</td>
<td>$1,000</td>
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<tr>
<td>Website</td>
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<td>$60</td>
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<td>$300</td>
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<td><strong>Subtotal</strong></td>
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<td>$1,577</td>
<td>$65</td>
<td>$7,950</td>
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<td><strong>Indirect Costs</strong></td>
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<td><strong>Unspent/Carryover to FY 2020</strong></td>
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<tr>
<td><strong>TOTAL FUNDS</strong></td>
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<td>$55,516</td>
<td>$2,274</td>
<td>$891,566</td>
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</table>

1 – Carryover from FY 2018. Consultant selection process will take place in FY 2018 but no expenses will be incurred until FY 2019.

2 – Amount budgeted for FY 2019. Total budget is $150,000 ($75,000 in FY 2019 and $75,000 in FY 2020).
### Table 4: Staff Labor Data for Budget

<table>
<thead>
<tr>
<th>SEMPO FY 2019 STAFF LABOR</th>
<th>Hours</th>
<th>Salaries</th>
<th>Benefits</th>
<th>Salaries + Benefits</th>
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<tbody>
<tr>
<td>City of Cape Girardeau</td>
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<tr>
<td>Planning Staff</td>
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<td>Administrative Staff</td>
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<td>Public Information Staff</td>
<td>52</td>
<td>$1,214</td>
<td>$323</td>
<td>$1,537</td>
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<td>Finance Staff</td>
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<td>$3,297</td>
<td>$1,041</td>
<td>$4,338</td>
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<td><strong>TOTAL</strong></td>
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</tbody>
</table>

### Table 5: Budget Allocations by Work Element and Task

<table>
<thead>
<tr>
<th>SEMPO FY 2019 ALLOCATIONS BY WORK ELEMENT AND TASK</th>
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</thead>
<tbody>
<tr>
<td>Work Element</td>
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<tr>
<td>1.0 - Program Administration and Support</td>
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<td>2.0 - Data Collection and Management</td>
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<td>3.0 - Transportation Planning</td>
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<tr>
<td>Other Direct Costs</td>
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<tr>
<td><strong>Subtotal</strong></td>
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<tr>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>

1 – Carryover from FY 2018. Consultant selection process will take place in FY 2018 but no expenses will be incurred until FY 2019.

2 – Amount budgeted for FY 2019. Total budget is $150,000 ($75,000 in FY 2019 and $75,000 in FY 2020).
SUBJECT

An Ordinance adopting a Relocation Policy in connection with Redevelopment Projects.

EXECUTIVE SUMMARY

The City utilizes the legal consulting services of GilmoreBell to assist with tax increment financing (TIF) activities. In conjunction with those activities, it was recommended by GilmoreBell the City adopt the proposed Relocation Policy. Although it is not anticipated there will be any relocation needs with any existing or proposed tax increment financing projects, it is necessary to have a policy in place.

BACKGROUND/DISCUSSION

The City utilizes the legal consulting services of GilmoreBell to assist with tax increment financing (TIF) activities. In conjunction with those activities, it was recommended by GilmoreBell the City adopt the proposed Relocation Policy. Although it is not anticipated there will be any relocation needs with any existing or proposed tax increment financing projects, it is necessary to have a policy in place.

In the event property is to be acquired without Federal assistance pursuant to Chapters 99, 100 and 353, RSMo., 1986, as amended, the City shall take all necessary steps to identify the special needs of displaced persons and accommodate those needs within the project's relocation plan. Furthermore, the City Manager or his designee is directed to develop a program for the referrals of displaced persons and businesses to suitable replacement accommodations in conformity with the requirements of the Relocation Assistance Act.

STAFF RECOMMENDATION

Staff recommends approval of an ordinance adopting a Relocation Policy in connection with Redevelopment Projects.

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relocation_Policy-Redevelopment_Projects_(GB_version).docx</td>
<td>Ordinance</td>
</tr>
<tr>
<td>relocation_ordinance.pdf</td>
<td>Relocation Policy</td>
</tr>
</tbody>
</table>
AN ORDINANCE ADOPTING A RELOCATION POLICY IN CONNECTION WITH REDEVELOPMENT PROJECTS

WHEREAS, the City of Cape Girardeau, Missouri (the “City”) may, from time to time, desire to undertake certain redevelopment projects pursuant to Chapters 99, 100 and 353, RSMo., as amended; and

WHEREAS, Sections 523.200 through 523.215, RSMo., as amended (the “Relocation Assistant Act”), mandates that the City establish a relocation policy including minimum provisions and requirements set forth in the Relocation Assistance Act in connection with the implementation of the redevelopment activities authorized pursuant to Chapters 99, 100, and 353 RSMo., as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

Section 1. The City adopts by reference, as it fully set forth herein, Sections 523.200 through 523.215, RSMo., as may be amended from time to time as the Relocation Policy for the City.

Section 2. In the event that property is to be acquired without federal assistance pursuant to Chapters 99, 100, 353, RSMo., as amended, the City Manager or his designee is directed to take all necessary steps to identify the special needs of displaced persons and accommodate those needs within the project’s relocation plan. Furthermore, the City Manager or his designee is directed to develop a program for the referrals of displaced persons and businesses to suitable replacement accommodations in conformity with the requirements of Relocation Assistance Act.

Section 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS __________ DAY OF __________, 2018.

__________________________________________
Bob Fox, Mayor

Attest:

__________________________________________
Bruce Taylor, Deputy City Clerk
AN ORDINANCE ADOPTING A RELOCATION POLICY IN CONNECTION WITH REDEVELOPMENT PROJECTS

WHEREAS, the City of Cape Girardeau, Missouri (the “City”) may, from time to time, desire to undertake certain redevelopment projects pursuant to Chapters 99, 100 and 353, RSMo., as amended; and

WHEREAS, Sections 523.200 through 523.215, RSMo., as amended (the “Relocation Assistant Act”), mandates that the City establish a relocation policy including minimum provisions and requirements set forth in the Relocation Assistance Act in connection with the implementation of the redevelopment activities authorized pursuant to Chapters 99, 100, and 353 RSMo., as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

Section 1. The City adopts by reference, as it fully set forth herein, Sections 523.200 through 523.215, RSMo., as may be amended from time to time as the Relocation Policy for the City.

Section 2. In the event that property is to be acquired without federal assistance pursuant to Chapters 99, 100, 353, RSMo., as amended, the City Manager or his designee is directed to take all necessary steps to identify the special needs of displaced persons and accommodate those needs within the project’s relocation plan. Furthermore, the City Manager or his designee is directed to develop a program for the referrals of displaced persons and businesses to suitable replacement accommodations in conformity with the requirements of Relocation Assistance Act.

Section 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS __________ DAY OF __________, 2018.

________________________________________
Bob Fox, Mayor

Attest:

________________________________________
Gayle Conrad, City Clerk
SUBJECT
Appointment to the Board of Appeals for two terms expiring June 4, 2018.

EXECUTIVE SUMMARY
Kristen Uhrhan and Joe Burton have terms on the Board of Appeals that expire June 4, 2018. Kristen Uhrhan has expressed interest to serve another term. Joe Burton, due to term limits, is ineligible to serve another term on the Board of Appeals. A copy of the roster is attached for your review.

With the current makeup of the board, an individual from one of the following professions is eligible to serve: architect, structural engineer, or electrical. The following applicants are qualified to serve on the board.

- Kristen Uhrhan: architect, city resident
- Brian Horrell: mechanical, city resident

BACKGROUND/DISCUSSION
The International Building Code (as amended by the city) stipulates that the Board shall consist of seven individuals, not more than two from each of the following professions: (1) registered architect, or builder or superintendent of building construction with 10 years experience; (2) registered design professional with structural engineering or architectural experience; (3) registered design professional with mechanical or plumbing engineering experience, or mechanical or plumbing contractor with 10 years experience; (4) registered design professional with electrical engineering experience or an electrical contractor with 10 years experience; (5) registered design professional with fire protection engineering experience or a fire protection contractor with 10 years experience. If no qualified city residents apply for the board, then qualified applicants who are residents of Cape Girardeau County may be considered. In addition, two alternate members may be appointed and shall possess the qualifications required for board membership. Members serve five year terms.

BOARD OR COMMISSION RECOMMENDATION
The Board recommends appointing Brian Horrell and reappointing Kristen Uhrhan to the Board of Appeals for terms expiring June 4, 2023.

ATTACHMENTS:
- roster_attendance.appeals.pdf: Board of Appeals attendance
- BOa_Roster.pdf: Board of Appeals Roster
# BOARD OF APPEALS

## Attendance Record

Ordinance effective 4/13/00

X = present, A = absent

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*Attendance records for specific dates are not visible in the table.*
CITY OF CAPE GIRARDEAU, MISSOURI
Roster of Advisory Boards and Committees
May 7, 2018

All members of Advisory boards must be residents of the City of Cape Girardeau unless otherwise noted. Members may serve for only three consecutive full terms on the same board or commission effective with terms commencing January 8, 1996.

Board of Appeals

<table>
<thead>
<tr>
<th>Name</th>
<th>Date Appointed</th>
<th>Date Reappointed</th>
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<tbody>
<tr>
<td>Kristen Uhrhan (architect) (alt.)</td>
<td>June 2, 2014</td>
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<td>June 4, 2018</td>
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<tr>
<td>Joe Burton (mechanical)</td>
<td>September 4, 2001</td>
<td>4/21/03; 6/2/08; 5/20/13</td>
<td>June 4, 2018</td>
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<tr>
<td>Robert Blasiney (contractor/electric) (served as alternate)</td>
<td>January 20, 2015</td>
<td>October 6, 2014</td>
<td>June 4, 2019</td>
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<td>Willie Sandin (PE) (alt.)</td>
<td>January 20, 2015</td>
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<td>Craig Milde (architect)</td>
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<td>Christopher Johnson (fire prtcn engnr)</td>
<td>November 16, 2015</td>
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<td>Michael Annis (contractor) (Sebek) (served as alternate)</td>
<td>March 4, 2013</td>
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<td>Melanie Cantrell (structural engineer)</td>
<td>December 15, 2008</td>
<td>7/6/04; 5/18/09</td>
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<td>Mark Strickland (mechanical)</td>
<td>October 6, 2014</td>
<td>06/05/17</td>
<td>June 4, 2022</td>
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<td>June 2, 2014</td>
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Serve five year terms, appointed by Council. Of the seven members, no more than two from each of the following professions: (1) Registered design professional that is a registered architect; or a builder or superintendent of building construction with at least 10 years experience 5 of which shall have been in responsible charge of work; (2) Registered design professional with structural engineering or architectural experience; (3) Registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with 10 years experience 5 of which shall have been in responsible charge of work; (4) Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years experience 5 of which shall have been in responsible charge of work; (5) registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years experience 5 of which shall have been in responsible charge of work. If no applications from qualified residents, the qualified applicants from Cape Girardeau County may be considered (Ord. 4567) Meetings held second Thursday at 7:00 p.m. in Council Chambers. Board considers appeals from the building codes. Staff contact – Anna Kangas, Building and Code Enforcement Manager. 339-6327.
Three appointments to the Public Library Board of Directors for terms expiring June 30, 2021.

Stacy Lane Dohogne, Ed Thompson, and Lucas Haley have terms on the Public Library Board of Trustees expiring June 30, 2018. Lucas Haley resigned from the Board April 18, 2018. Ed Thompson, due to term limits in ineligible to serve another term. Stacy Lane Dohogne has expressed interest in reappointment. A copy of the board roster and attendance roster is attached for your review.

Appointments to the Public Library Board are made by the Mayor and approved by the City Council. The following individuals have expressed an interest in serving on the board, and their board applications are attached.

Brian Allerding
James Newman
Stacy Dohogne Lane
Eric Redinger
Wesley James
Anthony Robinson
Richard Knote

Unless directed otherwise, one appointment to the Public Library Board of Directors for a term expiring June 30, 2021, will appear on a future agenda for consideration.
# PUBLIC LIBRARY BOARD
## Attendance Record

Ordinance effective 4/13/00
P = present, A = absent

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CITY OF CAPE GIRARDEAU, MISSOURI
Roster of Advisory Boards and Committees
May 21, 2018

All members of Advisory boards must be residents of the City of Cape Girardeau unless otherwise noted. Members may serve for only three consecutive full terms on the same board or commission effective with terms commencing May 8, 1996.

Public Library Board of Trustees

<table>
<thead>
<tr>
<th>Name</th>
<th>Date Appointed</th>
<th>Date Reappointed</th>
<th>Term Expires</th>
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<tr>
<td>Lucas Haley</td>
<td>June 15, 2015</td>
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<td>June 30, 2018</td>
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<tr>
<td>Ed Thompson</td>
<td>July 6, 2009</td>
<td>6/18/12; 06/15/15</td>
<td>June 30, 2018</td>
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<tr>
<td>Stacy Lane Dohogne</td>
<td>June 15, 2015</td>
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<td>June 30, 2018</td>
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<td>David Dively</td>
<td>December 7, 2015</td>
<td>07/05/16;</td>
<td>June 30, 2019</td>
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<td>Fran Austin</td>
<td>July 19, 2010</td>
<td>6/17/13; 07/05/16</td>
<td>June 30, 2019</td>
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<tr>
<td>John Voss</td>
<td>November 7, 2016</td>
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<td>June 30, 2019</td>
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<tr>
<td>Amy Trueblood</td>
<td>March 3, 2014</td>
<td>6/16/14; 6/19/17</td>
<td>June 30, 2020</td>
</tr>
<tr>
<td>John McGowan</td>
<td>August 6, 2012</td>
<td>6/16/14; 06/19/17</td>
<td>June 30, 2020</td>
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<tr>
<td>Rehka Patterson</td>
<td>July 24, 2017</td>
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<td>June 30, 2020</td>
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</table>

Serve three year terms, appointed by Mayor and approved by Council. Meetings held fourth Thursday at 7:00 a.m. at the library. Members can only serve three consecutive terms (Mo State Statute) and shall not be eligible for further appointment to the board until two (2) years after the expiration of the third term. A Council member may serve as liaison. Staff contact – Betty Martin, Library Director 334-5279.
AGENDA REPORT
Cape Girardeau City Council

Staff:
Agenda: 6/4/2018

SUBJECT

Advisory Board Minutes

- Historic Preservation Commission Minutes, March 21, 2018
- Keep Cape Beautiful Minutes, April 24, 2018
- Liquor License Review Board Minutes, April
- Tree Advisory Board Minutes, April 6, 2018

ATTACHMENTS:

Name: Description:
☐ KCB-Minutes-April-Draft-2018.pdf Keep Cape Beautiful Minutes
☐ min.liquor-review.2018-04-18.draft (1).pdf Liquor License Review Board Minutes
☐ Historic_Preservation_Commission_Minutes_03-21-18.pdf Historic Preservation Commission Minutes
☐ Tree_Advisory_Board_Minutes_4-06-18_draft (1).pdf Tree Advisory Board Minutes

Return to Agenda
BEAUTIFICATION COMMITTEE MEETING  
April 24, 2018  
Draft Minutes

The Cape Girardeau Beautiful Committee met at the Osage Centre on April 24, 2018 at 3:00 p.m.

Present:  Staff Present:
Becky Mocherman  Julia Jones, Parks & Recreation Director
Bonnie Svenson  Brock Davis, Parks Division Manager
Missy LaPlant  Sharon Bergman, Administrative Assistant

Absent:
Robbie Guard, Council Liaison
Mike Tripp, Public Works Rep.
Kasie Essner, Member

I. WELCOME AND INTRODUCTIONS – Sarah Laventure, Old Town Cape Special Projects coordinator.

II. APPROVAL OF MINUTES
Becky Mocherman, Co-Chairman requested approval of the January 30, 2018 minutes. Brock Davis made a motion, seconded by Becky Mocherman to accept the minutes as distributed.

III. OLD BUSINESS

- Goals for 2018 – 1) Education for school age kids 2) Seasonal awards 3) Dates for litter tour set-up. Committee will pick 3 days in June from 2 pm – 4 pm.
- Grant Usage update – Committee members will submit five ideas and come up with a plan by July 1, 2018 on how to utilize the money. A memorial tree and stone for Loretta Schneider will be one of our first purchases with the Grant money.
- Social Media Update – Julia will check with Kasie to see if she has come up with any ideas. Otherwise, the committee will need to brainstorm some ideas together.
- The Great Cape Clean-up/Friends of the Park Day update – Brock Davis reported that this was a great event with over 400+ volunteers.

IV. NEW BUSINESS

- Beautiful Property of the Month for May 2018 – Julia took pictures of several businesses and Sharon will send out a selection list of businesses with pictures for committee to select from.
• **Recruitment of New Members for KCB** – Committee would like to advertise in the Play Cape Program guide, Social Media

• **New member approval** – Becky Mocherman made a motion to appoint Missy LaPlant to the KCB committee. Motion seconded by Bonnie Svenson. Motion passed.

V. **City Council Liaison** – No Report

VI. **Staff Reports/Briefs – Julia Thompson/Brock Davis** – Julia Thompson reported that PRS 2 Tax Renewal passed for the City of Cape Girardeau.

VII. **OTHER BUSINESS**

Next meeting will be held Tuesday, May 29th, 2018

Upcoming events: Cinco de Mayo Softball Tournament- May 5-6, Couch to 5K – May 7, Community Dance & Social – May 10, 4 on 4 Sand Volleyball begins – May 15, 6 on 6 Volleyball – May 16, S.T.A.R Carnival Night – May 17, Spring Garage Sale – May 19, Mobil Spring Shootout Soccer Tournament-May 19-20, Fit University – May 22, Junior Golf Program – May 23, Cape Splash Opens for the Season- May 26, Memorial Day at Ford D-May 28

There being no further business, Becky Mocherman made a motion to adjourn with Brock Davis second. Motion passed.

Respectfully submitted,

Sharon Bergman
Administrative Assistant
Call to Order

Chief Review Officer Lori Meyer called the meeting to order at 5:33 p.m. She introduced the Board and explained the rules of procedure for addressing the Board.

A Motion was made by Cook, Seconded by Cooper, to approve the March 19, 2018, Liquor License Review Board meeting minutes. Mr. Cooper questioned the accuracy of a statement on page two of the minutes where Lt. Smith stated “that the IDs presented at Last Call on 2/23 and 2/24 were obviously counterfeit due to the coloring and the photo not being properly centered.” Lt. Smith confirmed that is what he said. Motion passed. 3-0. Ayes: Cook, Cooper, and Meyer.

Items for Review

Review of appeal of revocation of Retail Liquor by the Drink and Sunday Sales License for Whiskey Business, LLC, d/b/a Last Call, located at 632 Broadway, Cape Girardeau, Missouri.

Chief Review Officer Lori Meyer called for Applicant Comment.

Mr. Welker appeared on behalf of Whiskey Business and spoke regarding two incidents that occurred at the bar since the last Board meeting. Two students
Liquor License Review Board

submitted probable cause statements that they entered the premise by displaying their valid ID with additional money under the ID and the bouncer allowed admittance to the bar. Mr. Welker questioned if the students were lying. In addition, the officers at the time did not perform a search of the students and therefore did not know if they were carrying a fake ID. The bar owner has contacted an electrician and state liquor control to determine the best scanners and methods to catch fake IDs, but they have only had three weeks since the last hearing to take care of this. Shutting down the business will not solve these problems, and the same crimes will occur elsewhere. The business is willing to do whatever the city requires and to help with the problem and alleviate it at the source.

Mr. Huskey, 1955 Briarwood, Manager of Bar, appeared and further discussed the two incidents referenced. He reviewed the research and work he has completed regarding installation of scanners, cameras and lighting. He did not implement scanners or continue with any additional recommended improvements to the premises because he received the Notice of Revocation.

Mr. Schloss, 9916 Winkle Road, St. Louis, MO, owner of the bar spoke in opposition to revoking the liquor license. He reviewed the history of the location and the investment he has put into improving this property. The establishment does not deserve to be put out of business, and everyone needs to come together to determine how to correct this issue in all establishments in the city.

Mr. Cook requested further explanation on the IDs and money submitted to the bouncer to allow admittance. Mr. Schloss stated that the students are lying and that it did not happen. None of the bouncers present that evening were Sig Tau members as included in the Police report. Mr. Huskey continued that in addition to the bouncers, he has staff walking through the premise and checking IDs. Upon questioning by Mr. Cooper, Mr. Huskey stated that the business reopened the day after the last hearing and has been open Tuesday through Saturday each week except Easter weekend. In addition, immediately following the hearing he contacted State Liquor Control and a private company regarding ID scanners. Mr. Cooper also inquired about repercussions to underage individuals providing fake IDs for admittance to this establishment. Mr. Huskey stated that he cannot legally detain anyone who provides a false ID, but they could call the Police Department. With the scanner system he researched, repeat offenders could be prohibited from re-entry. He felt it is more beneficial for the business to provide the fake IDs to the Police Department so they cannot be used again.

Chief Review Officer Lori Meyer called for Staff Comment.

Lt. Brad Smith appeared and stated that he oversees the application and review of liquor licenses and renewals for the Police Department. He reviewed the police reports of the incidents that occurred in this case. He felt there was negligence on the part of the business owner and manager to properly check IDs. Running an...
establishment such as this requires due diligence to check IDs and to make sure everyone is over the age of 21.

Police Chief Wes Blair appeared and stated he normally does not attend the Liquor Review Board meetings, but in his tenure he had never witnessed a revocation meeting within one month of a previous revocation being overturned. He stated he has not heard an acceptance of responsibility by the bar owner or manager for allowing underage individuals to be admitted to the establishment. If the owner is committed to keeping underage individuals out of the bar, why did he wait until a revocation hearing to begin researching an ID scanning system? Chief Blair asked the Board to uphold the revocation.

The Board reviewed and discussed the information provided and the comments presented. Following discussion, Cooper made a motion, seconded by Cook, to uphold the Revocation of the Liquor License for Whiskey Business LLC, d/b/a Last Call. Following discussion, the motion passed. 3-0. Ayes: Cook, Cooper and Meyer.

**Meeting Adjournment**

There being no further business, the meeting ended at ??? p.m.
A Motion was made by Cooper, Seconded by Meyer, to adjourn. Motion passed. 3-0. Ayes: Cook, Cooper and Meyer.

Minutes taken by:
Gayle Conrad
Director of Citizen Services/City Clerk
Historic Preservation Commission

MEETING MINUTES
March 21, 2018

City Hall – Council Chambers

Present: Michael Cervantes, Mary Darby, Brianna DeWitt, Bonnie Kipper, Robert Komorech, Charlotte Slinkard

Absent: Parker Butler, Sharon Giebler, Alyssa Phares

Staff Present: Carol Peters, Ryan Shrimplin

Call to Order
Vice-Chairman DeWitt called the meeting to order at 7:00 p.m.

Approval of Minutes
The minutes of the February 21, 2018 Historic Preservation Commission meeting were unanimously approved upon motion made by Mr. Komorech and seconded by Mrs. Slinkard.

OTHER BUSINESS

Ivers Square Statue Proposal Presentation

Denise Lincoln, 1612 North Henderson Avenue, gave a presentation on her proposal for a new statue on the grounds of the Common Pleas Courthouse at Ivers Square. She distributed copies of her written proposal, which included several images of the proposed statue. She explained that she is very interested in replicating the United States Colored Troops National Monument installed at the Nashville National Cemetery. The monument consists of a bronze, full-figure statue of an African-American Union infantry soldier in uniform, standing and holding an upright rifle. The statue was created by artist Roy Butler, who has artistic right for a limited number of recasts. Due to the condition of the molds used by the foundry to fabricate the statue, Mr. Butler has determined that only one (1) additional cast can be made. The estimated price for the delivered statue is $45,000, which includes the artist's project management fee, plus an additional $400-$500 for shipping insurance, off loading and installation. As an alternative to the full figure, a bust could be fabricated for $8,500 plus the base and foundation.

Ms. Lincoln continued by explaining that the Partners in Preservation grant that Old Town Cape received for improvements to Ivers Square would only cover a small fraction of the cost. She intends to begin seeking funds for the project but first would like the endorsement of the Historic Preservation Commission. She added that the statue would commemorate the lives of James Ivers and other former slaves who served in the Union Army Colored Regiments during the Civil War. A motion was made by Mr. Komorech and seconded by Mr. Cervantes to endorse Ms. Lincoln's proposal. The motion passed unanimously.
2018 Endangered Buildings List

The Commission invited those who submitted a nomination for the 2018 Endangered Buildings List to present their nomination at the meeting. Of the eleven (11) nominations received, four (4) were presented by students in Southeast Missouri State University’s Historic Preservation Program. The Commission then reviewed the entire list of nominations along with the buildings on the 2017 Endangered Buildings List. Mr. Shrimplin shared information obtained by staff regarding the utility account status of each building as a means of determining whether or not a building was vacant. For each building, the Commission made a preliminary decision to include it on the Endangered List, include it on the Watch List, or exclude it. The selections will be finalized and the 2018 Endangered Buildings List adopted at the Commission’s next meeting.

Committee Reports and Assignments

There were no committee reports. Mr. Shrimplin reminded the Commission that National Historic Preservation Month is coming up in May, and if the Commission intends to host a walking tour and sponsor a proclamation at a City Council meeting during that month, then the committees need to get started planning for both.

Recommendation of Appointment to the Commission

Mr. Shrimplin informed the Commission that Mrs. Giebler’s current term will expire on April 16, 2018 and due to term limits, she cannot be re-appointed. Staff distributed copies of the current City advisory board applications to each Commissioner. A motion was made by Mrs. Slinkard and seconded by Ms. Darby to table making a recommendation of appointment until the next meeting to allow time for additional applications to be submitted. The motion passed unanimously.

Staff Communication

Mr. Shrimplin presented a draft of a National Register nomination for Fort D, prepared by Scott House, Patti House, and Bill Eddleman. He explained that the draft is still in process, but Mr. House requested that it be forwarded to the Commission so the members are kept up to date. Mr. Shrimplin added that inclusion in the National Register would create opportunities for federal funding and highway signage for Fort D.

Mr. Shrimplin reminded the Commissioners of the ballot issue for the extension of the Parks, Recreation, and Stormwater sales tax (PRS2) on April 3, 2018. He stated that the list of proposed projects to be funded by the tax includes Fort D and the River Heritage Museum.

Adjournment

Upon motion made by Mrs. Slinkard and seconded by Mr. Cervantes, the Commission voted unanimously to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Charlotte Slinkard
Secretary
The City of Cape Girardeau Tree Advisory Board held their regular meeting on April 6, 2018, beginning with tree planting at 10:30 a.m. at the Shawnee Park Softball Fields in conjunction with the observance of Arbor Day. The meeting followed at the Shawnee Park Center.

Present:
Jennifer Behnken, Chairman
Dr. Sven Svenson, Vice Chairman
Robert Harris, Board Member
Laura Klipfel, Board Member
Craig Billmeyer, Board Member
Brock Davis, Parks Division Manager
Julia Jones, Director of Parks & Recreation

Absent:
Steve Cook, Public Works Director/Member
Diane Boyer, Recording Secretary

ARBOR DAY TREE PLANTING

The Tree Advisory Board along with Bonnie Coy-Svenson, Brandon Maxfield and Leah Schumacher from the Horticulture Club; Chris Nugent and Josh Mahon from Ameren Missouri; Kelby Brown and Mark Hudson from the Missouri Department of Conservation; and Maria Lehner from Arbor Hills planted six trees near the softball fields in Shawnee Park. The trees were donated by Ameren Missouri.

OPENING

Chairman Behnken called the meeting to order and welcomed everyone. Since the board was observing Arbor Day, she shared some interesting happenings in Missouri regarding Tree City USA. In 2017 Missouri had 104 cities achieving Tree City USA status; nine of those were new cities; the largest city is Kansas City and the smallest is Glen Echo Park, a village near St. Louis. Chairman Behnken announced the city of Cape Girardeau is entering our 20th year as a Tree City USA. She thanked those able to attend the City Council Meeting on April 2nd where the Mayor presented the board with this year’s Arbor Day Proclamation.

MINUTES

Chairman Behnken requested the approval of the February 12, 2018, minutes. Robert Harris made a motion; seconded by Vice Chairman Svenson to approve the minutes. Motion passed with no one opposed.

NEW BUSINESS

Brad Hollerbach addressed the board. He lives at 217 South Louisiana and came home one day to find an orange “X” painted on his tree. Mr. Hollerbach contacted Andrew Stone at Public Works and was told since they are doing concrete patching work on his street, they must ensure the sidewalk meets ADA guidelines. Andrew is concerned if the tree stays, the roots could be damaged while they are upgrading the sidewalk. While Mr. Hollerbach understands the need for the sidewalks to be ADA compliant, he feels the tree is
hardy and is highly opposed to it being removed. He asked if the city had ever explored grinding sidewalk technology. Parks Division Manager Davis responded the sidewalk pads have to be a certain thickness. The board will evaluate this tree and let Director Jones and Parks Division Manager Davis know their opinion by Friday, April 13th. Chairman Behnken thanked Mr. Hollerbach for coming.

OLD BUSINESS

A. Update on Tree Evaluations – Bessie, Benton and Ellis Streets

The board met last month and evaluated each of these trees. The board reviewed the notes and was in agreement. Due to lack of soil, space and power lines, it seems removal of the trees in question is the only option at this time. They would like to be informed of future projects during the design phase in order to provide some input. Director Jones said she would be happy to submit a memo on behalf of the Tree Advisory Board requesting certain steps be taken so a better process can be put in place in order for formal action to be determined by the board. Director Jones suggested having them bullet point the things most important. Then, share it with the board and get approval before sending the project to Engineering. Chairman Behnken made a motion that the trees identified on Bessie, Benton and Ellis Streets have to be removed; seconded by Robert Harris. Motion passed with no one opposed.

B. Friends of the Parks Day and the Great Cape Cleanup – April 21, 2018

Parks Division Manager Davis reported the Parks & Recreation Department’s 33rd Annual Friends of the Parks Day and the Great Cape Cleanup will be held April 21st. Registration will begin at 8:30 a.m. at Capaha Park with the work projects beginning at 9:00 a.m. Lunch is provided for the volunteers.

C. Continue Discussion on Obtaining Tree Campus USA Status for SEMO

Vice Chairman Svenson provided some background information. Tyler Wood is President of the Horticulture Club. He is very motivated to obtain this status for SEMO. The Environmental Science Society would possibly be willing to jump in as well. The goal is to have everything needed done by April 27th. Vice Chairman Svenson asked if a member of the Tree Advisory Board may be available to help now and then. Chairman Behnken said she can do a training session. Director Jones replied there are a lot of learning opportunities available for students now. The campus has some pretty old trees and a lot of notable ones. She questioned if next year’s Arbor Day tree plantings could be done on University property. The board agreed that would be a good location and Vice Chairman Svenson said it could be arranged.

D. Applying for T.R.I.M. Grant

Chairman Behnken, Director Jones and Parks Division Manager Davis will have a work session to complete the outline. Everyone is invited. The date and location will be determined. June 1st is the absolute deadline for the grant application to be submitted.

E. Update on the PRS Initiative

Director Jones reported the PRS2 Initiative passed with 81% of the vote. She will be meeting with the City Manager and the City Council to determine a timeline for the projects.
REPORTS

A. Staff Briefs / Project Updates

Staff Briefs were handed out to the board members informing them of the upcoming events and projects in the Parks & Recreation Department through May 2018. Robert Harris reported Burritoville will be doing a fundraiser Wednesday, April 18th, from 5:00 p.m. to 8:00 p.m. to benefit the Community Gardens. Director Jones announced the Summer Edition of Play Cape will be available Friday, April 20th.

OTHER BUSINESS

A. Next Board Meeting

The next board meeting will be held on Monday, June 11, 2018, at 12:00 p.m. at the Osage Centre.

ADJOURNMENT

There being no other business to come before the board, Chairman Behnken made a motion to adjourn the meeting; seconded by Vice Chairman Svenson. Motion passed with no one opposed. The meeting was adjourned.

Transcribed by: 
Diane Boyer, Recording Secretary