



CITY OF CAPE GIRARDEAU, MISSOURI

City Council Agenda

Bob Fox, Mayor
Dan Presson, Ward 1
Shelly Moore, Ward 2
Nate Thomas, Ward 3
Robbie Guard, Ward 4
Ryan Essex, Ward 5
Stacy Kinder, Ward 6

City Council Chambers
City Hall
401 Independence Street

Agenda Documents, Video
Minutes, and Other Information
www.cityofcape.org/citycouncil

October 7, 2019
5:00 PM

Invocation

Pastor Zack Strong of Christ Church of the Heartland in Cape Girardeau

Pledge of Allegiance

Study Session

No action will be taken during the study session

Presentations

- United Way Community Update

Communications/Reports

- City Council
- Staff

Items for Discussion

- Planning and Zoning Commission Report
- Tobacco 21 Initiative Presentation - Eli Bohnert
- 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 Hearing

1. A public hearing to consider a request to to rezone property at 621 Perry Avenue from R-3 (High Density Single-Family Residential District) to C-1 (General Commercial District). (Item 13; BILL NO. 19-154)
2. A public hearing to consider a request for a special use permit for purposes of constructing, maintaining, and operating a billboard at 101 North Kingshighway. (Item 14; BILL NO. 19-155)

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 September 16, 2019, City Council regular session and closed session minutes.
4. BILL NO. 19-147, an Ordinance authorizing the City Manager to execute Amendment #4 to the State Block Grant Agreement with the Missouri Highways and Transportation Commission for design and construction of the Runway 10/28 Lighting Rehabilitation Project, at the Cape Girardeau Regional Airport. Second and Third Readings.
5. BILL NO. 19-148, an Ordinance authorizing the City Manager to execute Amendment #3 to the State Block Grant Agreement with the Missouri Highways and Transportation Commission to fund the acquisition of an Aircraft Rescue Fire Fighting Vehicle, at the Cape Girardeau Regional Airport. Second and Third Readings.
6. BILL NO. 19-150, an Ordinance approving the Record Plat of Tara Estates. Second and Third Readings.

7. BILL NO. 19-153, a Resolution authorizing the City Manager to execute a Five Year Aviation Fuels Contract with Eastern Aviation Fuels, Inc., d/b/a Titan Aviation Fuels, at the Cape Girardeau Regional Airport. Reading and Passage.
8. BILL NO. 19-158, a Resolution authorizing the City Manager to execute a License and Indemnity Agreement with Grace Works, LLC, for installation of two projecting signs to be located at 125 North Water Street, in the City of Cape Girardeau, Missouri. Reading and Passage.
9. Accept the improvements and authorize final payment to the contractor for Masonry for Capaha Park Comfort Station.
10. Acceptance of public improvements to serve Tara Estates.
11. Acceptance of public improvements to serve Barnabas Acres Sanitary Sewer System.

Items Removed from Consent Agenda

New Ordinances

12. BILL NO. 19-152, an Ordinance authorizing the City Manager to execute an Air Traffic Control Tower Operating Assistance Grant Agreement for the Fiscal Year 2019-2020, with the Missouri Highways and Transportation Commission, for the Cape Girardeau Regional Airport. First Reading.
13. BILL NO. 19-154, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by changing the zoning of property located at 621 Perry Avenue, in the City and County of Cape Girardeau, Missouri, from R-3 to C-1. First Reading.
14. BILL NO. 19-155, an Ordinance granting a Special Use Permit to Sandy McLane Donley, Gill Family Properties, LLC, and Robinson Outdoor, LLC, for purposes of constructing, maintaining, and operating a billboard at 101 North Kingshighway, in the City and County of Cape Girardeau, Missouri. First Reading.
15. BILL NO. 19-156, an Ordinance approving the Record Plat of A Resubdivision of Lot 2 of A Minor Subdivision of Lot B of Cape West Crossings - Phase II Amended. First Reading.
16. BILL NO. 19-157, an Ordinance authorizing the issuance of a Special Tax Bill for property located at 1418 North Spanish Street, for the demolition of a dangerous building and for the abatement of a nuisance under the provisions of Chapter 7 and Chapter 13 of the Code of Ordinances of the City of Cape Girardeau, Missouri. First Reading.

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 Airport Advisory Board
- Appointment to the Parks and Recreation Advisory Board

Advisory Board Minutes

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-214

SUBJECT

A public hearing to consider a request to to rezone property at 621 Perry Avenue from R-3 (High Density Single-Family Residential District) to C-1 (General Commercial District).

EXECUTIVE SUMMARY

A public hearing has been scheduled for October 7, 2019 to consider a request to rezone property at 621 Perry Avenue. An ordinance approving the rezoning is on this agenda as a separate item.

BACKGROUND/DISCUSSION

An application has been submitted to rezone property at 621 Perry Avenue from R-3 (High Density Single-Family Residential District) to C-1 (General Commercial District).

The immediately surrounding properties are zoned R-3 (High Density Single-Family Residential District) to the north, C-1 (General Commercial District) to the south and west, and R-1 (Single-Family Suburban Residential District) to the east. This area consists of a mix of residential, commercial, and open space/recreational uses. The Comprehensive Plan's Future Land Use and Infrastructure Map shows the subject property as High Density Residential.

A public hearing has been scheduled for October 7, 2019 to consider the rezoning request. An ordinance approving the rezoning is on this agenda as a separate item.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

In considering a rezoning request, both the Planning and Zoning Commission and the City Council must determine if the proposed zoning district is reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties. The subject property is adjacent to commercial development on two sides, and the development to the south is proposed to be redeveloped. The developer is interested in purchasing the subject property and demolishing the existing house to provide space for additional parking, if needed. If the developer's plans move forward, the subject property would need to be rezoned to C-1 because it would be combined with the property to the south. Even in the absence of the developer's plans, the rezoning request is reasonable due to the subject property's adjacency to the C-1 zoned properties. It should be noted that the Development Code (Chapter 25 of the City's Code of Ordinances) requires a 20 foot wide bufferyard along any property line adjacent to a residential use or district. If the rezoning is approved, the bufferyard will be required to be installed along the north property line in order to establish a commercial use on the property. The bufferyard will provide screening for the adjacent residence and mitigate potential adverse effects due to the rezoning.

STAFF RECOMMENDATION

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

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission held a public hearing on September 11, 2019 and recommended approval of the rezoning request by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on September 22, 2019. In addition, a sign containing the date, time, location and subject of the Planning and Zoning Commission and City Council public hearings was posted on the property. Notices were also mailed to the adjacent property owners.

ATTACHMENTS:

Name:	Description:
Staff_Review-Referral-Action_Form.pdf	621 Perry Avenue - Staff RRA Form
Map - Zoning - 621 Perry Avenue.pdf	621 Perry Avenue - Zoning Map
Map - FLU - 621 Perry Avenue.pdf	621 Perry Avenue - FLU Map
Application - 621 Perry Avenue Rezoning.pdf	621 Perry Avenue - Application
R-3.pdf	R-3 District Regulations
C-1 Updated for Medical Marijuana.pdf	C-1 District Regulations

CITY OF CAPE GIRARDEAU, MISSOURI

City Staff Review, Referral and Action on Rezoning/Special Use Permit Application

FILE NO. 1389

LOCATION: 621 Perry Avenue

STAFF REVIEW & COMMENTS:

Ms. Ann W. Ritter is requesting to rezone property at 621 Perry Avenue from R-3 (High Density Single-family Residential) to C-1 (General Commercial). SEE STAFF REPORT FOR FURTHER INFORMATION

[Signature]
City Planner

7/30/19
Date

W. ERIC WINNINGHAM
City Attorney

JULY 30, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

7-31-19
Date

Planning & Zoning Commission

Public Hearing Sign Posting Date: _____ Public Hearing Date: 9-11-19

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 6 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

[Signature]
Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

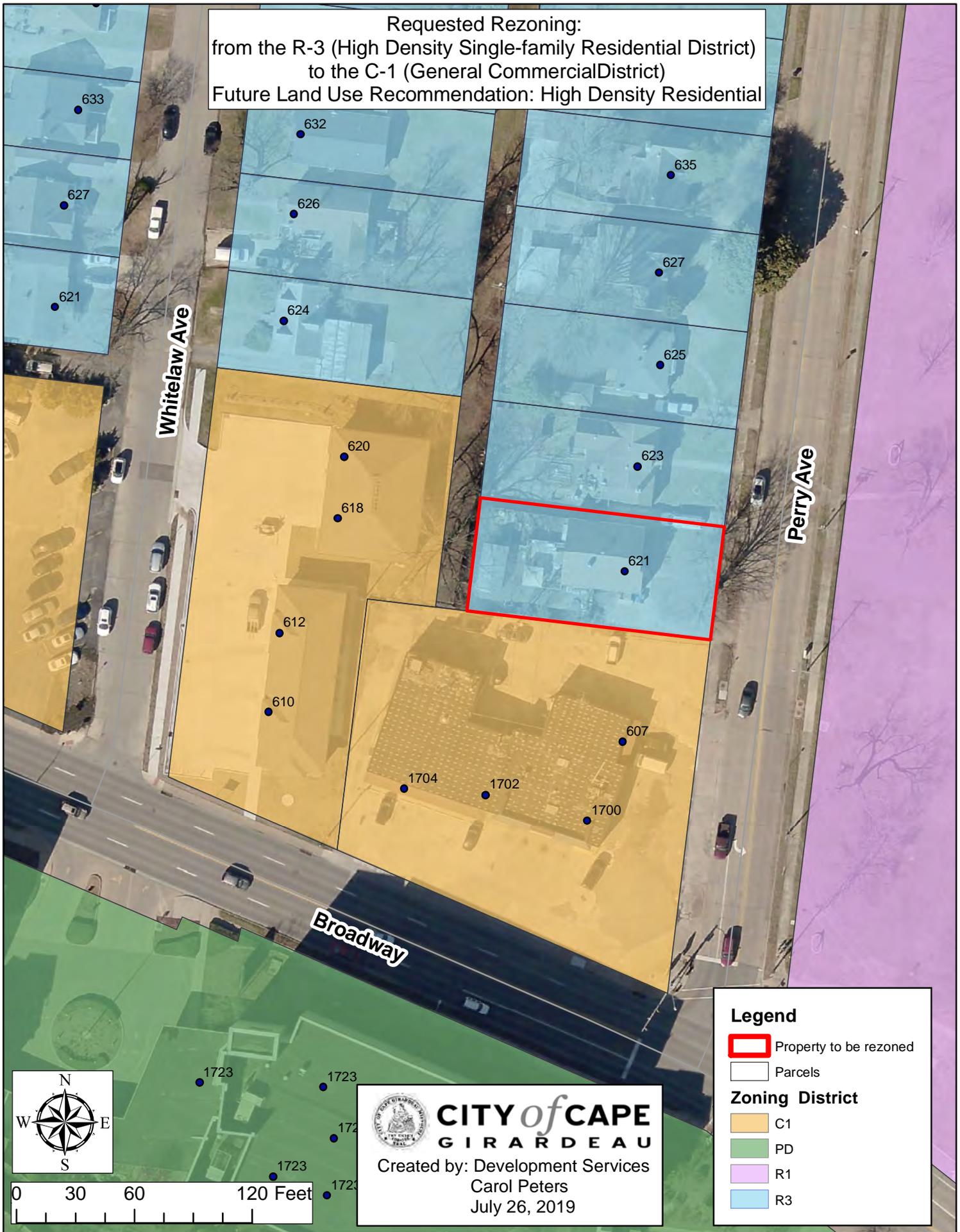
Posting Dates: Sign _____ Newspaper 9-22-19 Public Hearing Date: 10-7-19
Ordinance 1st Reading: 10-7-19 Ordinance 2nd & 3rd Reading: _____

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ **Effective Date:** _____

Rezoning Request - 621 Perry Avenue

Requested Rezoning:
from the R-3 (High Density Single-family Residential District)
to the C-1 (General Commercial District)
Future Land Use Recommendation: High Density Residential



Legend

Property to be rezoned

Parcels

Zoning District

C1

PD

R1

R3

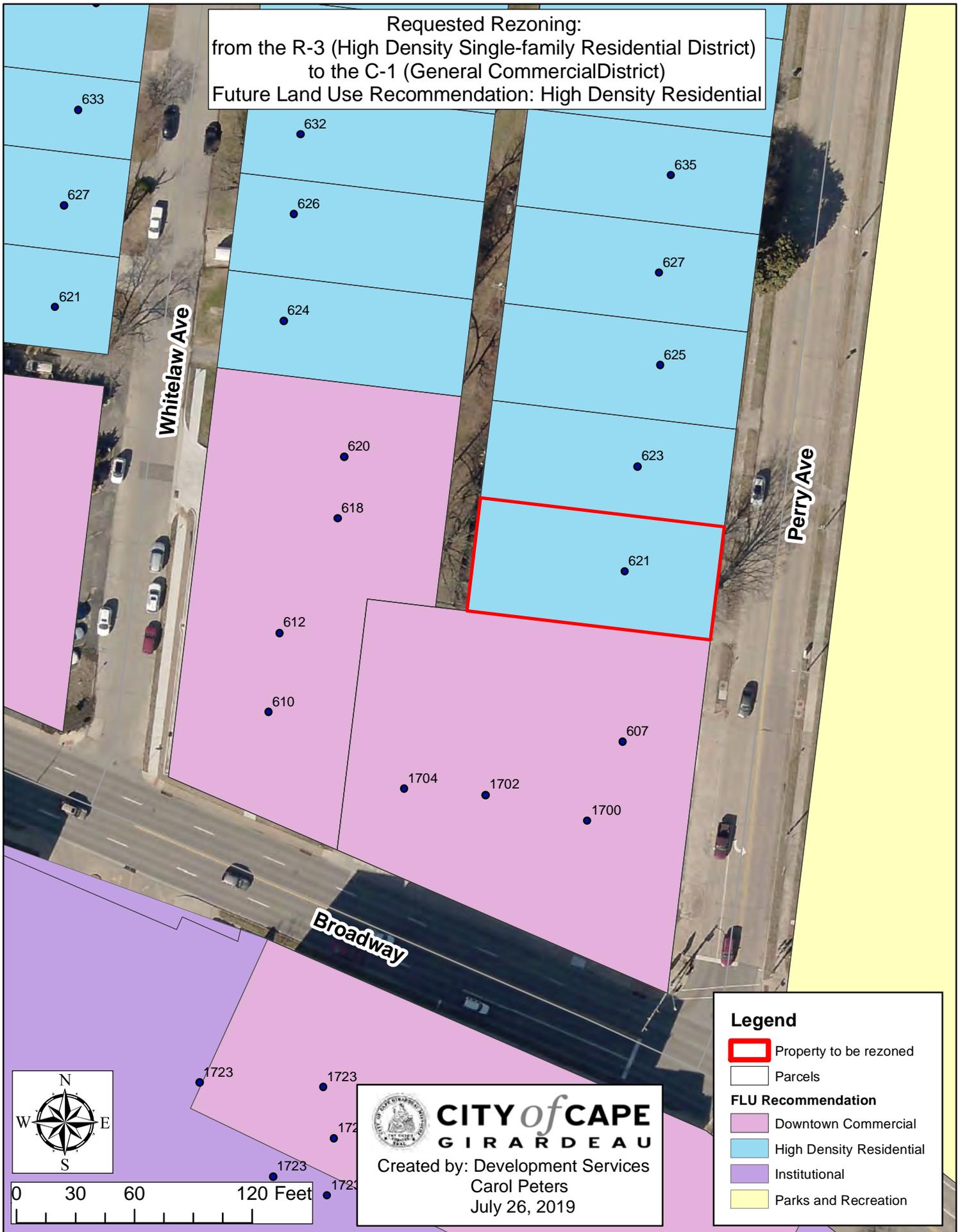


**CITY of CAPE
GIRARDEAU**

Created by: Development Services
Carol Peters
July 26, 2019

Rezoning Request - 621 Perry Avenue

Requested Rezoning:
from the R-3 (High Density Single-family Residential District)
to the C-1 (General Commercial District)
Future Land Use Recommendation: High Density Residential





REZONING / SPECIAL USE PERMIT APPLICATION
CITY of CAPE GIRARDEAU

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

Property Address/Location 621 Perry Ave			
Applicant Ann W Ritter c/o Boulder Construction LLC		Property Owner of Record (if other than Applicant) Ann W Ritter Trust	
Mailing Address	City, State, Zip	Mailing Address	City, State, Zip
2075 Corporate Circle	Cape Girardeau MO 63703	2551 Palomino Dr	Cape Girardeau MO 63701
Telephone	Email	Telephone	Email
573-332-1182	gabew@boulderconstructionllc.com	573-450-9916	marycaroharding@gmail.com
Contact Person (If Applicant is a Business or Organization) Gabe Wunderlich		(Attach additional owners information, if necessary)	
Type of Request: Rezoning, Special Use Permit, or Both Rezoning			
Existing Zoning District R-1 High Density Single Family Residential		Proposed Zoning District (Rezoning requests only) C-1 General Commercial	

Legal description of property to be rezoned and/or upon which the special use is to be conducted
 Part of Vacated Alley & Lot 8 Block 1 of Whitelaws Subdivision

Describe the proposed use of the property.
 Requesting the property to be zoned C-1 so it could be an option to be developed for future parking for 1704 Broadway. 1704 Broadway is owned by West Broadway Properties LLC which is owned by the Ann Ritter Family

Application continues on next page

OFFICE USE ONLY			
Date Received & By	File No.	MUNIS Application No.	
7-24-19	1389	9055	
Planning & Zoning Commission Recommendation		Date	
City Council Final Action		Date	

1. The proposed project is of national significance.
2. The proposed project is of international significance.
3. The proposed project is of regional significance.
4. The proposed project is of local significance.
5. The proposed project is of minor significance.

ADDITIONAL TERMS: In addition to the conditions set forth in the preceding section, the following conditions apply to the proposed project:

ENCLOSURE: [Illegible text]

REMARKS: [Illegible text]

CERTIFICATION:

The undersigned hereby certifies that:

1. This is the correct description of the project described in the application.
2. The information that is contained herein was prepared and submitted in good faith, and the applicant has taken all reasonable steps to ensure the accuracy of the information provided.
3. The information has been prepared for the purpose of obtaining a permit for the proposed project.

[Signature] *[Signature]* *[Date]*

1. 623 Perry Ave James A & Sheri L Hunt
623 Perry Ave
Cape Girardeau, MO 63701

2. 1704 Broadway West Broadway Properties, LLC
2551 Palomino Dr
Cape Girardeau, MO 63701

3. 610 Whitelaw Ave R Hetzel Properties, LLC
PO Box 965
Cape Girardeau, MO 63702

4. 627 Capaha Dr City of Cape Girardeau
401 Independence
Cape Girardeau, MO 63703

5. 1723 Broadway Southeast Missouri Hospital Assoc
1701 Lacey
Cape Girardeau, MO 63701

Sec. 30-324. - R-3, high density single-family residential district.

- (a) *Purpose.* This district is intended to accommodate single-family, two-family and townhouse residential developments at maximum densities of up to nine (9) units per acre. This district will serve as a transition between lower density and higher density residential districts. Certain other structures and uses necessary to serve the area are allowed as permitted uses or through the approval of a special use permit, subject to restrictions intended to preserve and protect the residential character of this district.
- (b) *Permitted principal uses.*
- (1) Single-family detached dwellings, with only one (1) dwelling per lot.
 - (2) Duplexes, two-family dwelling units.
 - (3) Townhouses.
 - (4) Cluster subdivisions, as permitted in chapter 25 of the City Code.
 - (5) Public parks, playgrounds, and recreational facilities.
 - (6) Police and fire stations.
 - (7) Elementary and middle schools, or development centers for elementary and middle school age children with handicaps or development disabilities, on a minimum of five (5) acres of land.
 - (8) Noncommercial, not-for-profit residential neighborhood facilities consisting of indoor and outdoor recreational facilities, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association.
 - (9) Home for eight (8) or fewer unrelated mentally or physically handicapped persons, including no more than two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the handicapped persons residing in the home, provided that:
 - a. The exterior appearance of the home and property shall reasonably conform to the exterior appearance of other dwellings and property in the neighborhood; and
 - b. Such home shall not be located closer than three hundred seventy (370) feet to any other such home.
 - (10) A private residence licensed by the Missouri Division of Family Services or Missouri Department of Mental Health to provide foster care to one (1) or more, but less than seven (7), children who are unrelated to either foster parent by blood, marriage or adoption, provided that all applicable building and safety codes are met and an occupancy permit issued therefor.
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory structures, as permitted in section 30-403, supplemental regulations.
 - (2) Home occupations, as permitted in section 30-405, supplemental regulations.
 - (3) Home day cares, with no more than four (4) unrelated children in a twenty-four-hour period as permitted in section 30-408, supplemental regulations.
 - (4) In home elderly care, with a maximum of three (3) persons as permitted in section 30-411, supplemental regulations.
 - (5) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (6) Short term use of shipping containers for accessory uses, as permitted in section 30-402,

supplemental regulations.

(d) *Special uses.*

- (1) Home day cares, with five (5) or more unrelated children, as permitted in section 30-408, supplemental regulations.
- (2) Bed and breakfasts.
- (3) Cemeteries, on a minimum of ten (10) acres of land.
- (4) Transitional housing.
- (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (6) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
- (7) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.

(e) *Height, area, bulk and setback requirements.*

(1) *Maximum height:*

- a. When side yards are less than fifteen (15) feet in width, two and one-half (2½) stories not to exceed thirty-five (35) feet.
- b. When side yards are fifteen (15) feet in width or greater, three (3) stories, not to exceed forty-five (45) feet.

(2) *Minimum lot area:*

- a. Each townhouse must be on a separate platted lot consisting of at least one thousand four hundred (1,400) square feet.
- b. Duplexes, three thousand seven hundred fifty (3,750) square feet per unit.
- c. Single-family, five thousand (5,000) square feet.

(3) *Maximum density:* Nine (9) units per one (1) acre. Higher densities may be approved with a cluster subdivision as permitted in chapter 25 of the City Code.

(4) *Minimum lot width:*

- a. *Townhouses and duplexes:* Twenty (20) feet.
- b. *All other uses:* Thirty (30) feet.

(5) *Minimum yard requirements:*

a. *Front yard:*

1. *Each townhouse:* Ten (10) feet.
2. *All other uses:* Twenty (20) feet.

b. *Rear yard:*

1. *Each townhouse:* Twenty (20) feet.
2. *All other uses:* Twenty (20) feet.

c. *Side yard:*

1. *Townhouses and duplexes:* None.
2. *All other uses:* Three (3) feet.

- (f) *Open space, landscaping and bufferyard requirements.* For any nonresidential uses:
- (1) A minimum of twenty (20) percent of the total lot area shall be devoted to open space, including required yard and buffer yards.
 - (2) Landscaping, shall be provided as required in chapter 25 of the City Code.
 - (3) A 20-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, or R-2 zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (g) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202. No parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of twenty-four thousand (24,000) pounds, except as provided in sections 26-137 and 26-256 of the Code of Ordinances.

(Ord. No. 5012, art. 4, 10-2-17)

Editor's note— Ord. No. 5012, art. 4, adopted Oct. 2, 2017, repealed the former § 30-324 and enacted a new section as set out herein. The former § 30-324 pertained to similar subject matter and derived from Ord. No. 4109, art. 2, adopted March 1, 2010; Ord. No. 4149, art. 4, adopted Aug. 16, 2010; and Ord. No. 4206, arts. 7, 9, adopted March 7, 2011.

Sec. 30-333. - C-1, general commercial district.

- (a) *Purpose.* The C-1 district is primarily intended for areas of the city located along minor thoroughfares and adjacent to residential districts. Appropriate uses for this district include commercial developments not requiring long term outdoor display of merchandise, as well as certain governmental, institutional, and community service facilities. Other uses having the potential to significantly affect adjacent residential districts may be allowed with approval of a special use permit.
- (b) *Permitted principal uses.*
- (1) Art galleries or museums.
 - (2) Banks or other financial institutions.
 - (3) Bed and breakfasts.
 - (4) Commercial day cares.
 - (5) Commercial recreation facilities, excluding driving ranges or outdoor shooting or racing.
 - (6) Funeral homes or mortuaries.
 - (7) Governmental facilities.
 - (8) Health or fitness centers.
 - (9) Institutions of higher education, including business, career or technology schools.
 - (10) Instructional schools for art, dance, music, martial arts or other disciplines.
 - (11) Libraries.
 - (12) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.
 - (13) Microbreweries.
 - (14) Middle schools, secondary schools, or development centers for people with physical, mental or developmental disabilities.
 - (15) Nurseries or greenhouses.
 - (16) Nursing homes.
 - (17) Offices.
 - (18) Parks or playgrounds.
 - (19) Personal service establishments.
 - (20) Pet grooming facilities, excluding kennels.
 - (21) Police or fire stations.
 - (22) Residential treatment facilities.
 - (23) Restaurants or bars.
 - (24) Retail or rental establishments, excluding the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
 - (25) Television or radio studios, including any transmitting facilities.
 - (26) Transit terminals.
 - (27) Veterinary clinics or animal hospitals, excluding livestock.
 - (28) Wineries.
- (c) *Permitted accessory uses.*

- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (2) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (d) *Special uses.*
- (1) Banquet facilities.
 - (2) Hotels or motels.
 - (3) Kennels.
 - (4) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (5) Meeting halls.
 - (6) Mini warehouses or self-storage units.
 - (7) Public utilities, except for buildings or accessory structures that are normal and customary in a zoning district which would allow other buildings or structures of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Telecommunication towers, as permitted in section 30-404, supplemental regulations.
 - (10) The allowance of additional height up to a total of sixty (60) feet, not to exceed a total of five (5) stories.
 - (11) Transitional housing.
 - (12) Uses involving the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
 - (13) Vehicle fueling, service or repair facilities, excluding body or paint shops.
 - (14) Vehicle washing facilities, including automatic or hand wash.
 - (15) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (e) *Standards.*
- (1) All storage of merchandise, materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the items being stored are not visible from the street or any adjacent property.
 - (2) Outdoor display of merchandise is prohibited, except as follows:
 - a. Merchandise may be displayed outdoors as part of a temporary use, as permitted in section 30-406, supplemental regulations. Nursery stock, accessory landscaping decorations, and seasonal and holiday decorations may also be displayed outdoors during the appropriate season. Such displays are permitted in accordance with the following provisions:
 1. Displays shall not be located in a right-of-way.
 2. Displays shall not be located in parking spaces used to meet the minimum number of parking spaces as required elsewhere in the City Code. Displays that are part of a bazaar, craft sale, garage or yard sale, or similar temporary event are exempt from this requirement, as determined by the city manager.
 3. Displays shall not impede vehicular or pedestrian access.

4. Displays shall not alter the structure of any building.
 5. Displays shall not create a health or safety hazard.
 6. Displays shall be well kept and orderly.
 7. Signs may be displayed as permitted elsewhere in the City Code.
 8. The display of seasonal items shall be limited to a time period that is customary for the season associated with the display, which shall be at the discretion of the city manager.
- (3) Outdoor service areas and equipment such as loading docks, mechanical equipment, storage areas or waste containers shall be located in the rear or side yard and screened as required elsewhere in the City Code.
- (f) *Height, area, width, setback and open space requirements.*
- (1) Maximum height: Forty (40) feet, not to exceed three (3) stories.
 - (2) Minimum lot area: None.
 - (3) Minimum lot width: None.
 - (4) Minimum setbacks:
 - a. Front yard: Twenty-five (25) feet.
 - b. Rear yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - c. Side yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - (5) Minimum open space. Fifteen (15) percent of the lot area.

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-215

SUBJECT

A public hearing to consider a request for a special use permit for purposes of constructing, maintaining, and operating a billboard at 101 North Kingshighway.

EXECUTIVE SUMMARY

A public hearing has been scheduled for October 7, 2019 to consider a request for a special use permit for a billboard at 101 North Kingshighway. An ordinance granting the special use permit is on this agenda as a separate item.

BACKGROUND/DISCUSSION

A special use permit application has been submitted for the property at 101 North Kingshighway, zoned M-1 (Light Manufacturing/Industrial). The property contains a vacant commercial building. The application requests approval of a proposed V-shaped digital billboard near the southeast corner of the building. Section 25-401 of the Development Code (Chapter 25 of the City Code) contains requirements specific to billboards. Refer to the application for more information about the proposed billboard and the applicant's responses to the requirements. Kingshighway, also known as U.S. Highway 61, is under the jurisdiction of the Missouri Department of Transportation (MoDOT). The applicant has obtained a permit from MoDOT for the billboard. The MoDOT permit is in addition to required City approvals and permits.

Certified copies of the application, application file, and the following applicable sections of the City Code are attached:

Section 30-335 - M-1, Light Manufacturing/Industrial District
Section 30-401 - Special Use Permits
Section 25-401 - Billboards

A public hearing has been scheduled for October 7, 2019 to consider the special use permit request. An ordinance granting the special use permit is on this agenda as a separate item.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

See the attached staff report for analysis.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the special use permit request, subject to several conditions.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission held a public hearing on September 11, 2019 and recommended approval of the special use permit request, subject to the staff recommended conditions, with a vote of 6 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on September 22, 2019. In addition, a sign containing the date, time, location, and subject of the Planning and Zoning Commission and City Council public hearings was posted on the property. Notices were also mailed to the adjacent property owners.

ATTACHMENTS:

Name:	Description:
☐ Staff_Review-Referral-Action_Form.pdf	101 North Kingshighway - Staff RRA Form
☐ Staff_Report_P_Z_SUP_101_North_Kingshighway_Billboard.pdf	101 North Kingshighway - Staff Report
☐ Map_-_101_N_Kingshighway_SUP_-_Zoning.pdf	101 North Kingshighway - Zoning Map
☐ Map_-_101_N_Kingshighway_SUP_-_FLU.pdf	101 North Kingshighway - FLU Map
☐ Application_-_No_Rendering_or_Plan.pdf	101 North Kingshighway - Application
☐ Rendering.pdf	101 North Kingshighway - Renderings
☐ Billboard_Plans.pdf	101 North Kingshighway - Billboard Plans
☐ Digital_Specs.pdf	101 North Kingshighway - Digital Specs
☐ M-1_Updated_for_Medical_Marijuana.pdf	M-1 District Regulations
☐ Sec_30-401_-_Special_Use_Permits.pdf	Section 30-401 Special Use Permits
☐ ARTICLE_IV_-_BILLBOARDS.pdf	Section 25-401 Billboards

CITY OF CAPE GIRARDEAU, MISSOURI

City Staff Review, Referral and Action on Special Use Permit Application

FILE NO. 1390

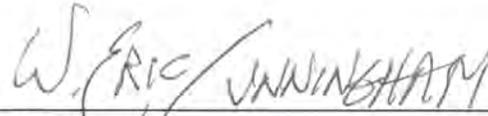
LOCATION: 101 North Kingshighway

STAFF REVIEW & COMMENTS:

Gill Family Properties, LLC and Robinson Outdoor, LLC are requesting a SUP to place a billboard on property in the M-1 (Light Manufacturing/Industrial) zoning district at 101 North Kingshighway. SEE STAFF REPORT FOR FURTHER INFORMATION.

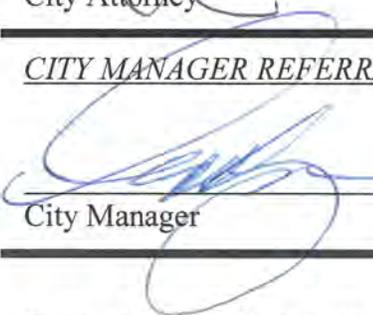

City Planner

9/28/19
Date


City Attorney

AUGUST 28, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:


City Manager

Aug 29, 2019
Date

Planning & Zoning Commission

Public Hearing Posting Date: _____ Public Hearing Date: 09/11/19

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 6 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:


Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

Public Hearing Posting Date: 9-22-19 Public Hearing Date: 10-7-19

Ordinance 1st Reading: 10-7-19 Ordinance 2nd & 3rd Reading: _____

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ Effective Date: _____

STAFF REPORT

TO: Planning and Zoning Commission

FROM: Ryan Shrimplin, City Planner

MEETING DATE: September 11, 2019

SUBJECT: Special Use Permit Request for Billboard at 101 North Kingshighway

A special use permit application has been submitted for the property at 101 North Kingshighway, zoned M-1 (Light Manufacturing/Industrial). The property contains a vacant commercial building. The application requests approval of a proposed V-shaped digital billboard near the southeast corner of the building. Section 25-401 of the Development Code (Chapter 25 of the City Code) contains requirements specific to billboards. Refer to the application for more information about the proposed billboard and the applicant's responses to the requirements. Kingshighway, also known as U.S. Highway 61, is under the jurisdiction of the Missouri Department of Transportation (MoDOT). The applicant has obtained a permit from MoDOT for the billboard. The MoDOT permit is in addition to required City approvals and permits.

The Zoning Code (Chapter 30 of the City Code) authorizes the City Council to approve special use permits in accordance with Section 30-401. In order for a Special Use Permit to be approved, both the Planning and Zoning Commission and the City Council must consider and make findings of fact with regard to certain criteria. Staff has reviewed the criteria and made the following determinations:

Criterion #1: The proposed special use will not substantially increase traffic hazards or congestion.

Finding: There are numerous billboards and other signs along Kingshighway, which have not been found to create traffic hazards. The requirements in Section 25-401 are in place to ensure that new billboards do not contain features which could impair or confuse drivers. The proposed billboard does not contain any such features.

Criterion #2: The proposed special use will not substantially increase fire hazards.

Finding: The proposed billboard will be constructed in compliance with the City's construction codes and thus will not increase fire hazards.



Criterion #3: The proposed special use will not adversely affect the character of the neighborhood.

Finding: The subject property is located on a State highway and within a major commercial corridor, making it an appropriate location for a billboard. There are no residential neighborhoods near the site.

Criterion #4: The proposed special use will not adversely affect the general welfare of the community.

Finding: The proposed billboard meets the requirements of Section 25-401 (except as noted below) and Section 30-401, and staff is not aware of any potential adverse effects on the community.

Criterion #5: The proposed special use will not overtax public utilities.

Finding: The only utility needed for the proposed billboard is electric, which is available on the property. The energy-efficient digital components will not overtax the electric power supply.

In reviewing the application, staff identified two exceptions. The first exception is for distance from the right-of-way. Section 25-401(d) states that, "No billboard shall be placed within thirty (30) feet of a street right-of-way." The proposed billboard pole location is 13.7 feet from the North Kingshighway right-of-way line. The second exception is for height. Section 25-401(i) states that, "There shall be a minimum clearance of ten (10) feet from grade of the street to which the billboard is oriented to the bottom of a billboard sign face. There shall be a maximum height of thirty (30) feet from grade of the street to which the billboard is oriented to the top of a billboard sign face." The proposed billboard height is 37 feet. Staff supports both exceptions because the proposed billboard is below the maximum sign face area (300 square feet) and length (30 feet). If the applicant agrees to restricting the billboard approval to the proposed sign face area (288 square feet) and length (24 feet), it will serve as a substantial equivalent.

Based on the above findings, staff recommends approval of the special use permit request, subject to the following conditions:

1. This special use shall meet all applicable requirements of the Zoning and Development Codes except for the exceptions noted herein.
2. Major modifications to this special use shall require the approval of the City Council.

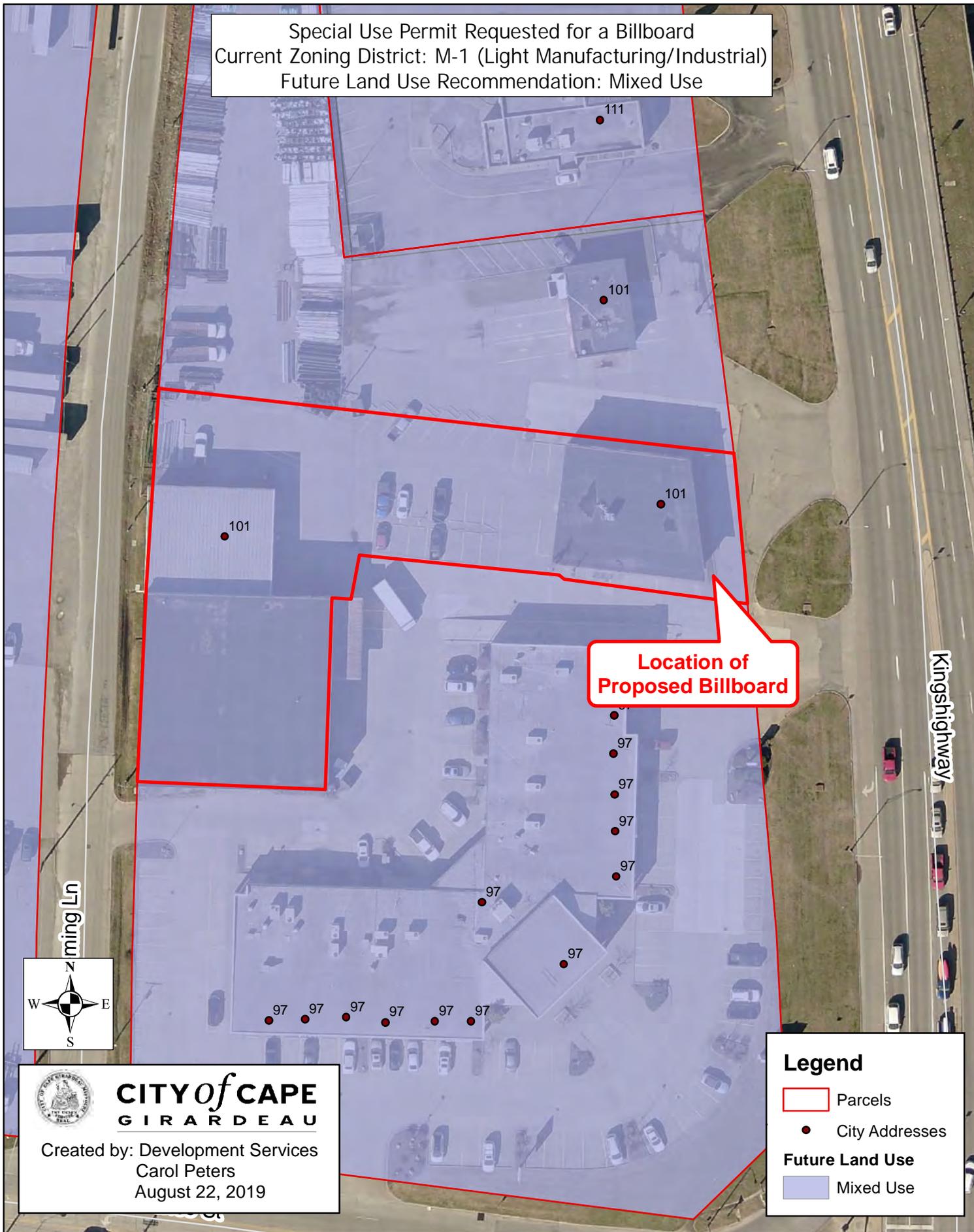


3. This permit shall automatically expire twelve (12) months from the date of issuance if the use for which it was granted has not commenced.
4. This permit is not transferable without the consent of the City Council.
5. Exceptions from Section 25-401(d) and Section 25-401(i) of the Development Code are granted as part of the approval of this permit. The billboard pole shall not be located closer to the existing North Kingshighway right-of-way line than 13.7 feet. Additionally, the billboard shall not exceed 37 feet in height, nor 288 square feet in sign face area, nor 24 feet in sign face length.



101 North Kingshighway Special Use Permit Request

Special Use Permit Requested for a Billboard
Current Zoning District: M-1 (Light Manufacturing/Industrial)
Future Land Use Recommendation: Mixed Use



**Location of
Proposed Billboard**



**CITY of CAPE
GIRARDEAU**
Created by: Development Services
Carol Peters
August 22, 2019

Legend

-  Parcels
-  City Addresses
- Future Land Use**
-  Mixed Use



REZONING / SPECIAL USE PERMIT APPLICATION
CITY of CAPE GIRARDEAU

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

Property Address/Location 101 N Kingshighway			
Applicant Gill Family Properties LLC /Robinson Outdoor LLC		Property Owner of Record (if other than Applicant) Sandy McLane Donley	
Mailing Address 512 N 1 Mile Road		Mailing Address 237 Kensington Lane	
City, State, Zip Dexter, MO 63841		City, State, Zip Cape Girardeau, MO 63701	
Telephone 800-428-3320	Email chad.gill@gillgroup.com	Telephone 573-335-1229	Email micpropertymanager@gmail.com
Contact Person (If Applicant is a Business or Organization) Chad Gill		(Attach additional owners information, if necessary)	
Type of Request: Rezoning, Special Use Permit, or Both Special Use Permit			
Existing Zoning District C-2 / M-1		Proposed Zoning District (Rezoning requests only)	

Legal description of property to be rezoned and/or upon which the special use is to be conducted

That part of Lots No. 4 and 5 of R L Sturdivant's Subdivision of Outlot No 81 in U S P Suervey No. 2199, City and County of Cape Girardeau, State of Missouri, described as follows:

Commence at the intersection of the East line of Leming Lane, and the North line of Independence Street (formerly Missouri State Route "K") marked by a 1/2" iron pin, thence with the East line of Leming Lane, North 2 degrees 54' 00" East, 194.17 feet, to the Point of Beginning, thence continue North 2 degrees 54' East, 205.73 feet, to a 1" iron pipe; thence South 81 degrees 48' 00" East, 299.95 feet, to a point on the West right of way line of Highway 61, from which a cross mark cut in concrete bears North 81 degrees 48' West, 0.22 feet, thence with the West line of said highway, South 6 degrees 13' 55" East, 78.95 feet; thence leaving the West right of way line of U S Route 61, North 80 degrees 32' 33" West, 96.40 feet, thence North 50 degrees 12' 01" West, 3.44 feet, thence North 80 degrees 50' 24" West, 104.63 feet, thence South 53 degrees 08' 06" West, 25.00 feet; thence North 86 degrees 51' 54" West, 10.00 feet, to the Northeast Corner of the United Oil Warehouse, thence with the East Building Line of said Warehouse, South 3 degrees 08' 06" West, 100.00 feet to the Southeast Corner of said Warehouse; thence with the South Building Line of said Warehouse and said South line extended, North 86 degrees 51' 54" West, 98.16 feet to the East line of Leming Lane, being also the Point of Beginning and containing 0.809 acres, more or less.

Describe the proposed use of the property.

We are requesting a development code exemption from Section 25-401(d) to erect an off-premise digital billboard with an overall height of 37' closer than 30' from the right-of-way.

Application continues on next page

OFFICE USE ONLY			
Date Received & By	8-21-19	File No.	1390
		MUNIS Application No.	9156
Planning & Zoning Commission Recommendation		Date	
City Council Final Action		Date	

Special Use Criteria (Special Use Permit requests only)

Explain how the Special Use Permit request meets the criteria below. Attach additional sheets, if necessary.

- 1) The proposed special use will not substantially increase traffic hazards or congestion.
No
- 2) The proposed special use will not substantially increase fire hazards.
No
- 3) The proposed special use will not adversely affect the character of the neighborhood.
No
- 4) The proposed special use will not adversely affect the general welfare of the community.
No
- 5) The proposed special use will not overtax public utilities.
No

ADDITIONAL ITEMS REQUIRED

See Instructions for more information.

- In addition to this completed application form, the following items must be submitted:
- ___ Application fee (\$135.00 payable to City of Cape Girardeau + additional \$80 for Planned Development rezonings)
 - ___ One (1) list of names and mailing addresses of adjacent property owners
 - ___ One (1) set of mailing envelopes, stamped and addressed to adjacent property owners
 - ___ One (1) full size copy of a plat or survey of the property, if available
 - ___ One (1) full size set of plans, drawn to an appropriate scale, depicting existing features to be removed, existing features to remain, and all proposed features such as: buildings and structures, paved areas, curbing, driveways, parking stalls, trash enclosures, fences, retaining walls, light poles, detention basins, landscaping areas, freestanding signs, etc. (Planned Development rezonings and Special Use Permits only)
 - ___ Digital file of the plans in .pdf format (Planned Development rezonings and Special Use Permits only; can be emailed)
 - ___ One (1) set of Planned Development documents (Planned Development rezonings only)

CERTIFICATIONS

The undersigned hereby certifies that:

- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They acknowledge that an approved Special Use Permit becomes null and void if the use for which the permit was granted does not commence within twelve (12) months of the approval date, unless an extension has been granted; and
- 3) They acknowledge that they are responsible for ensuring that all required licenses and permits are obtained prior to commencing any use or work on the property.

Sandy Dowley *Sandy Dowley*
Property Owner of Record Signature and Printed Name

Aug 19 2019
Date

(Provide additional owners signatures and printed names in the space below, if applicable)

The undersigned hereby certifies that they are an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf, and that the Property Owner(s) of Record hereby agree to the above certifications.

Charles Chad Gill
Applicant Signature and Printed Name

8-19-19
Date

Special Use Criteria Answers:

1. The structure will be built to code and will not obstruct the view of traffic. The billboard will be used as advertisement for companies and will not draw extra traffic.
2. The structure will be built to code, therefore there should be no fire hazard.
3. This neighborhood is commercially zoned for businesses which will not affect the character.
4. The structure will be built to code and the images displayed will be for 8 seconds and regulated by the city of Cape Girardeau and MoDOT. The structure is located in a commercial area, not residential.
5. The only utility use is electric. The structure will have it's own meter and will be paid by Robinson Outdoor LLC.

- The height of the existing building is 20'
- The height of the structure is 25' to the base, which gives a 5' clearance from roof of building.
- Overall height of the billboard will be 37'
- The total square footage of the face of the billboard is 288 square feet – 12' x 24'
- Total distance from closest billboard north on the same side of Kingshighway is 1,567 feet. That structure belongs to Lamar located at Broadway and Kingshighway.
- Total distance from closest billboard south on the same side of Kingshighway is 1,728 feet. That structure belongs to DSW located at William and Kingshighway.
- The distance from the pole to the East property line is 13.7 feet.
- The distance from the pole to the South property line is 14.1 feet.
- The distance from the pole to the building is 6.44 feet.
- The pole diameter is 36 inches
- The hole drilled will be 4' in diameter and 15 feet deep.
- MoDot has approved the site and we are waiting on the State permit.
- The structure will be 10' away from water main.
- The sale of the property is contingent to billboard permits being issued to Gill Properties/Robinson Outdoor in order for the existing vacant building to be remodeled and leased out as office space.

GILL FAMILY PROPERTIES LLC

Missouri Department of Transportation
PO Box 160
Sikeston, MO 63801

City of Cape Girardeau
401 Independence Street
Cape Girardeau, MO 63703

Date: Aug 19 2019

To Whom it May Concern,

An agreement has been reached between Sandy McLane Donley, Landowner(s), and Gill Family Properties LLC ("Gill"), granting Gill permission to erect and maintain an outdoor advertising structure on our property. Please issue the required permit(s).

Should you need a verbal confirmation, please reach out to me at 573-579-7876
(phone number)

Sincerely,



Landowner(s)

cc: File



MISSOURI DEPARTMENT OF TRANSPORTATION

OUTDOOR ADVERTISING PERMIT

MoDOT Permit Number: 208481

Expiration Date: 8/21/2021

Conforming Permit Conforming Out of Standard Nonconforming Permit

In accordance with Section 226.550 RSMo and 7 CSR 10-6.070, this BILLBOARD permit is being issued to GILL FAMILY PROPERTIES, LLC, 512 N ONE MILE RD, DEXTER, MO 63841 for a CONFORMING sign in a(n) COMMERCIAL area located along US 61 S at county log mile 25.342 on the RIGHT side of the road in CAPE GIRARDEAU County on property owned by SANDY DONLEY MCLANE, 237 KENSINGTON LN , CAPE GIRARDEAU, MO 63701.

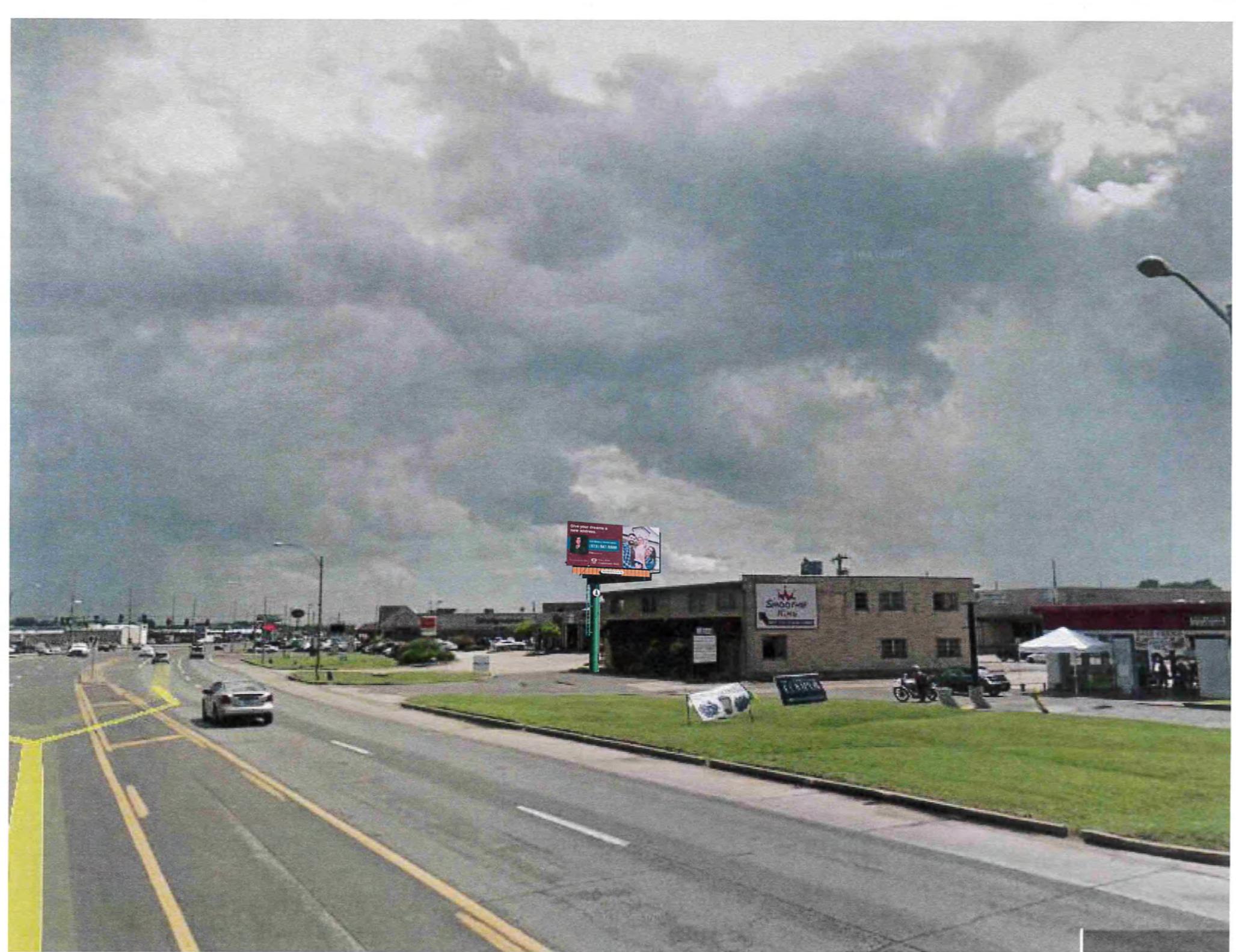
This permit is conditioned upon the accuracy and continued existence of the material facts as represented by the applicant in the "Missouri Department of Transportation Application for Permit to Erect and/or Maintain Outdoor Advertising" (**Permit Application**) and on the applicant's complete compliance with Sections 226.500 to 226.600 RSMo, as amended and 7 CSR 10-6, as amended. This Outdoor Advertising Permit incorporates by reference the Permit Application and any written amendments thereto, as if restated herein word for word. At any time after the permit is issued, the Missouri Highways and Transportation Commission reserves the right to remove the sign at the applicant's expense if it finds, in its sole determination, that the applicant misrepresented the facts in the Permit Application, the material facts represented in the Permit Application cease to exist, or the applicant failed to comply with the above referenced statutes and regulations. If at any time, this sign is completely destroyed, this permit becomes void and the sign cannot be rebuilt until a new permit is issued.

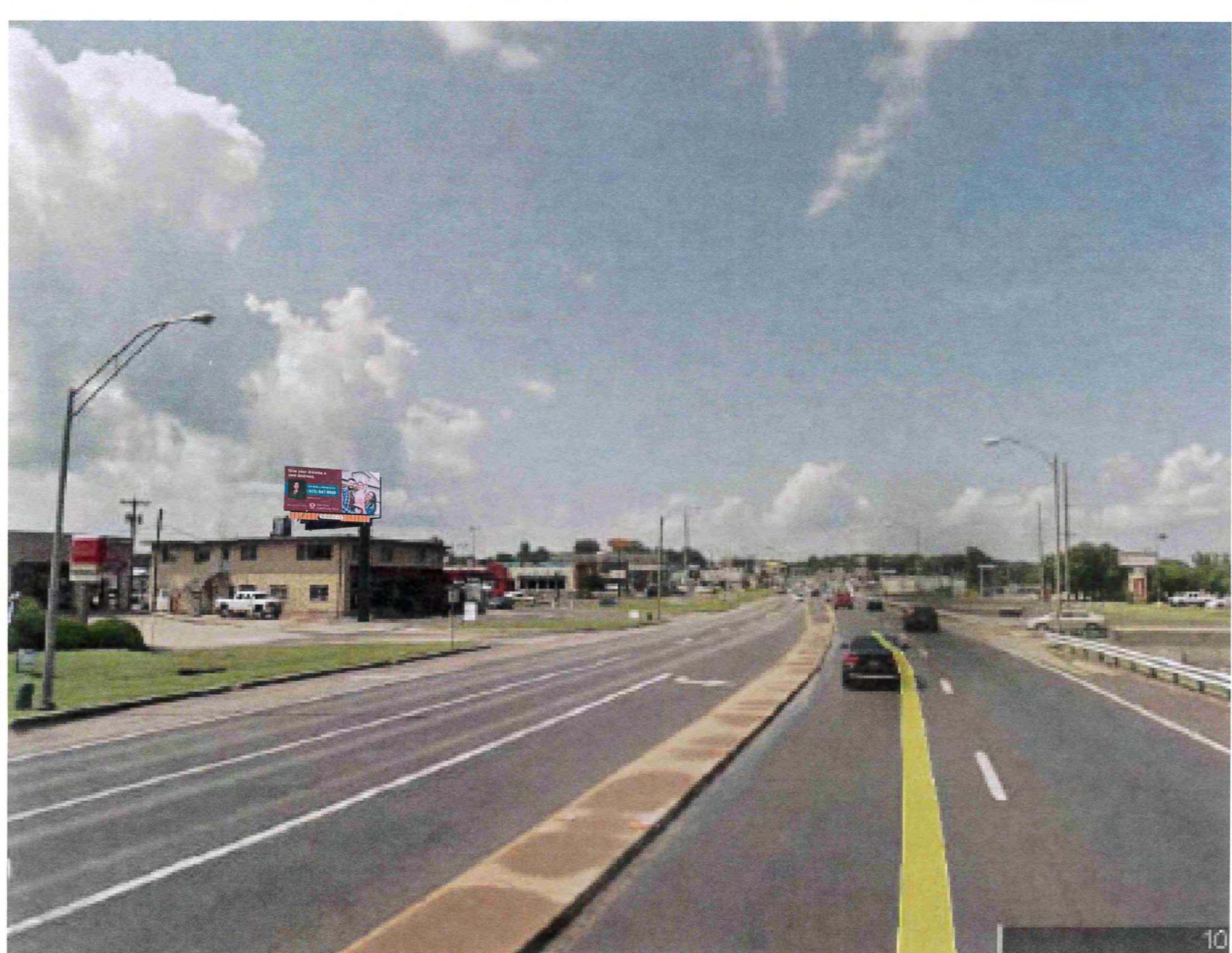
Ed Hassinger
Chief Engineer

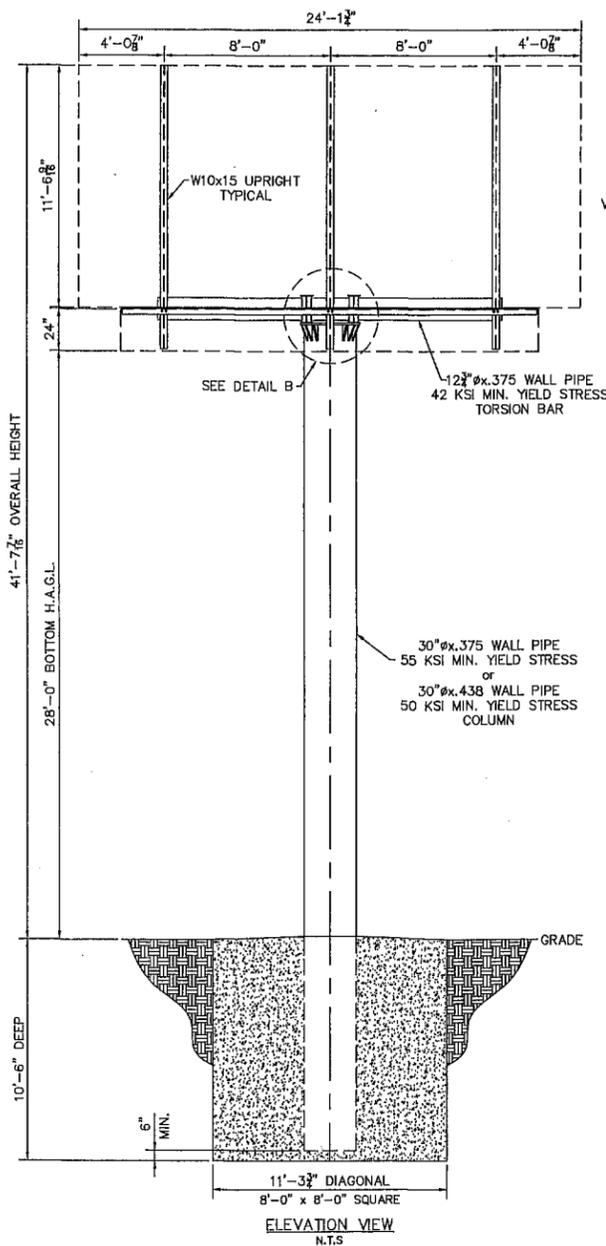
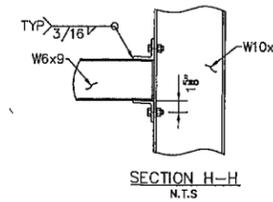
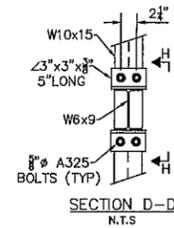
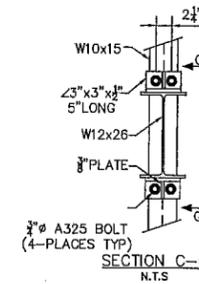
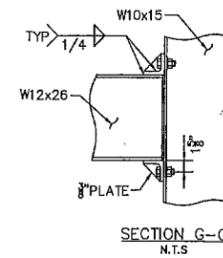
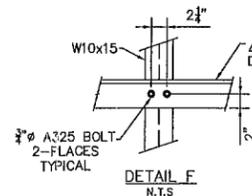
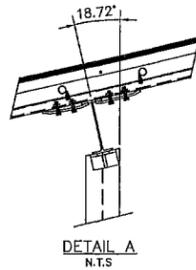
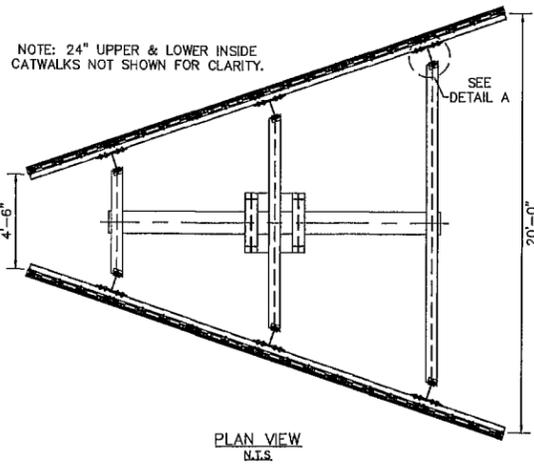
Date Printed: 8/21/2019

Additional forms and information available at http://www.modot.org/business/Outdoor_Advertising

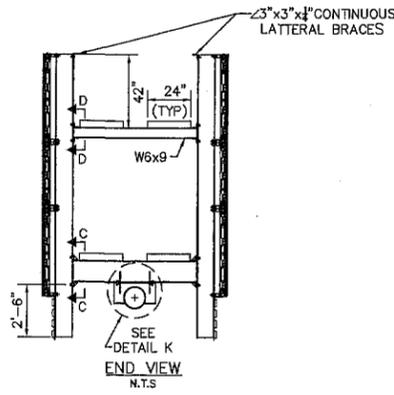
Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.



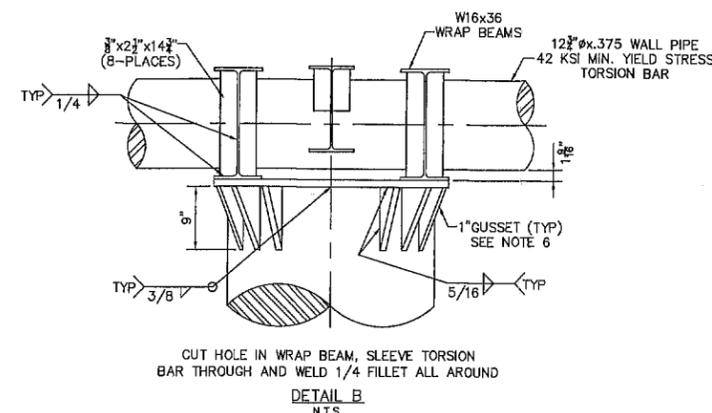
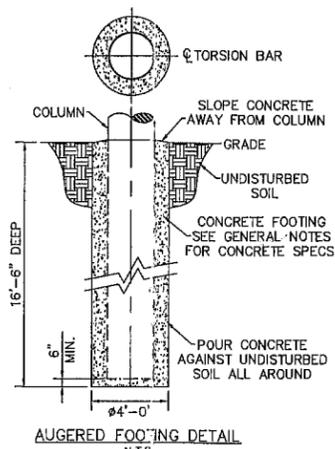
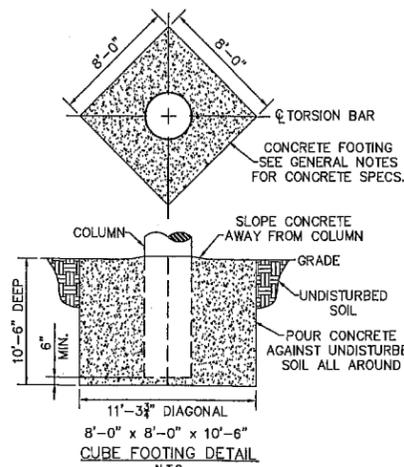
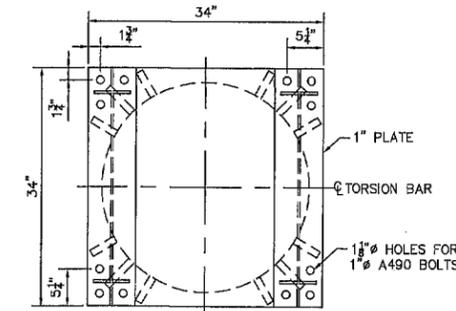
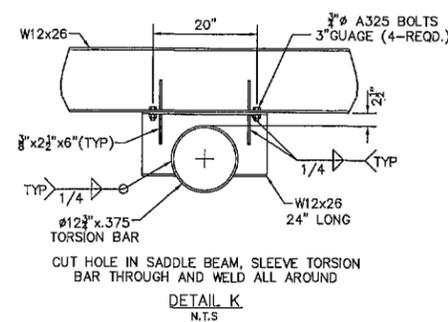




ACTUAL SIZE OF DIGITAL UNIT MAY VARY SLIGHTLY. VERIFY PRIOR TO FABRICATION.

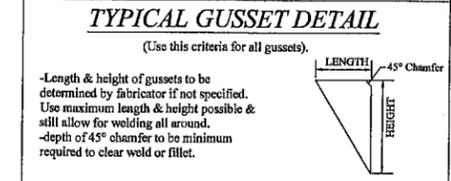


THIS STRUCTURE AS DESIGNED IS CAPABLE OF SUPPORTING UP TO TWO (2) DIGITAL UNITS WEIGHING APPROXIMATELY 3,600# EACH. DIGITALS MAY BE INSTALLED AT TIME OF STRUCTURE ERECTION OR AT ANY TIME IN THE FUTURE.



Selective Structures, LLC
811 East Avenue
Athens, TN 37303

- NOTES**
- 1) IMPORTANT-FULL FLAG COLUMN PIPE TO BE BACKSET 1/4" PER FOOT, IN THE DIRECTION AWAY FROM THE FLAG, TO CORRECT DEADLOAD DEFLECTION.
 - 2) PROVIDE 1/4" CAP PLATES FOR ENDS OF TORSION PIPE. PLATE TO BE WELDED, ALL AROUND, TO PIPE.
 - 3) FOUNDATION BASED ON SOIL CONDITIONS OF COMPACT FINE SAND OR BETTER. (Allowable soil pressure=250p.s.f. of depth). CONTRACTOR TO NOTIFY ENGINEER IF OTHER THAN THESE SOIL CONDITIONS EXIST.
 - 4) ATTACH CATWALK ANGLES USING 1/2" ∅ A-325 BOLT (1 / ANGLE).
 - 5) CATWALK GRATING TO BE 3.14 PSF EXPANDED METAL GRATING, WELDED WITH 1/2" FILLET, 1" LONG @ 12" O/C TO ANGLE.
 - 6) PLACE GUSSETS AS CLOSE TO HOLES AS POSSIBLE ALLOWING FOR BOLT TIGHTENING.



- GENERAL NOTES**
- All nuts and bolts are to be zinc plated. (Except A-490 bolts which are not to be plated, but primed and painted after installation).
 - The contractor shall verify all dimensions and conditions in the field before fabrication or construction, and notify engineer of any discrepancies.
 - Any deviations from this print must be approved by Engineer.
 - All structural steel shall conform to the requirements of ASTM A-36. (Except structural tubing, which shall conform to A-500 grade B).
 - All W-shape beams shall conform to A-572 (50 ksi minimum yield).
 - All steel pipe shall conform to the requirements of ASTM A-53 grade B or A-252 grade 2, unless otherwise noted.
 - Concrete shall attain a minimum compressive strength of $f_c = 2500$ psi in 28 days, unless otherwise noted.
 - All structural steel shall be produced, fabricated, and erected according to latest AISC Specifications and Standard Practice.
 - All welding shall be in accordance with AWS Standards. Welding to be performed by certified welders using E-70 electrodes.
 - Contractor to ensure that all work is performed in accordance with federal, state, and local codes & ordinances; and OSHA safety regulations.
 - Splicing of pipes having an equal diameter, wall & yield is permitted. A full penetration weld all around (Per AWS D1.1) shall be used and must be performed by a certified welder. Splices shall not be: within one half of the foundation depth below grade, within 10' above grade or within 10' above telescoping splices. Unless specified otherwise.

THE UNDER SIGNED ENGINEER WILL NOT SUPERVISE THE FABRICATION AND/OR ERECTION OF THIS STRUCTURE.

APPLICABLE BUILDING CODE AND WIND SPEED:
International Building Code (2015 Edition)
(130 mph Exposure-C) 3-Second Gusts

PROJECT
12'-0" x 24'-0" CM, 20'V @ 42'-0" O.A.H.
w/Up to Two (2) 3,600# Digital Units
Located In: Perryville, MO

Effective Engineering Solutions, Ltd.
61 White Water Court
New Lenox, IL 60451
(815) 485-1470

AFFIX SEAL

THIS PRINT CONTAINS PROPRIETARY INFORMATION AND SHALL NOT BE USED, REPRODUCED, OR ITS CONTENTS DISCLOSED, IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT FROM Effective Engineering Solutions, Ltd.

REVISIONS

DRAWN BY: TGS
DATE DRAWN: 12-11-18
SCALE: N/A
SELECTIVE #: Permitting
DRAWING #: SS-6416
SHEET #: 1 OF 1

CLIFFORD W. LEVERENZ
REGISTERED PROFESSIONAL ENGINEER
STATE OF MISSOURI
NUMBER E 22885

12/17/18



Formetco Digital Operation Guidelines for **Robinson Outdoor**.

The Formetco Digital Billboard System offers features which enable Billboard Operators to comply with variable ordinance requirements. Below are the methodologies in which the Formetco software is able to provide billboard operators the ability to adapt to the specific requirements within their zoning market and operate within the specific set guidelines.

Global Display Settings per face - Upon initial set up into the Formetco Content Management System, each display has a dwell time feature that is set according to the Billboard Operators requirements and local hold time regulations. This dwell time dictates the duration that each scheduled message is consistently displayed. This is a global administrative setting and is only editable by the Billboard Operators Administrative level users, who are categorized as the highest level users.

Profile ID | Communications | Display | Service

Dwell Time (in Seconds): 10

Total Spots For This Display: 49

Zoning Information:

Advertising Restrictions:

Items in light blue affect display operation

Valid art work file extension types for upload to the scheduling platform include:

JPEG, PNG, BMP, TIFF and RTD

These files types prevent the sign from displaying any content that may flash, twinkle, blink, fading, rolling, shading, dissolving or any type of animation.

Transitions between messages are instant and seamless and occur over the entire face of the sign.

FORMETCO®

POWERED BY AdTech

Brightness – Illumination of the sign is closely monitored, each sign is preset at the factory for daytime (7500 NITs) and nighttime (200 NITs) operating levels. A Konica-Minolta CS-100A is used to set the levels.



Calibration Sticker



CS-100A in use at factory



Example: NIT Reading of 6,590



Sign under testing, using Full White

Signs are tested at FULL White. A factory set configuration table limits the upper and lower end brightness.

(Source – Player PC Server.cfg file excerpt)



Each sign face has an onboard photocell that provides 255 brightness steps based on ambient light conditions at the face. Two independent safe guards are in place to monitor the proper brightness level of the sign. Upon loss of signal from the photocell, the sign automatically dims to the lower limit setting. If the control system for the face loses framing data from the player PC, the sign goes dark based on a configuration timer. This is typically set at 10 minutes.

Post installation, a technician will verify the ambient light conditions applicable to the local ordinance. An Extech light meter is used to verify the night time ambient conditions. Typical factory settings provide for less than a 0.3 foot candle measurement at distances appropriate for the signs square footage. Brightness levels can be remotely adjusted as needed.

In addition to the above mentioned software/firmware precautions that monitor the brightness settings, onboard diagnostics alert operators to system problems via email notification. A redundant player PC provides for continued proper operation of the sign in the event that a failure is detected with the primary player PC. The system will also be equipped with a remote controllable power control relay that enables operators to remotely shut all power down to the face.

To summarize, our electronic outdoor advertising billboard is preset for 7500 NIT (daytime brightness) and 200 (nighttime brightness). They are equipped with automatic dimming-capability that adjusts the luminance of the displayed information based on ambient light conditions so as to not exceed 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance. The light intensity of the sign display can be preset to conform to the brightness levels established by the local code.

Sec. 30-335. - M-1, light manufacturing/industrial district.

- (a) *Purpose.* This district is intended primarily for uses engaged in light manufacturing, assembly, fabrication, warehousing, wholesaling and retail trade, and service operations which conduct all activities within a building with no external impact or effect. This district is intended to serve as a transition between more intense industrial development and commercial, office, or multifamily residential development.
- (b) *Permitted principal uses.*
- (1) Light manufacturing facilities.
 - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing, electrical, heating, plumbing and binding establishments.
 - (3) Health and fitness centers.
 - (4) Cemeteries.
 - (5) Commercial day cares.
 - (6) Funeral homes and mortuaries.
 - (7) Government buildings and uses, including police and fire stations.
 - (8) Heavy machinery and equipment sales, rental and service.
 - (9) Offices, administrative, business, finance and professional.
 - (10) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
 - (11) Public service and public utility uses as follows:
 - a. Wireless facilities.
 - b. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (12) Industrial schools and business schools.
 - (13) Mini warehouses or self-storage units.
 - (14) Residential treatment facilities.
 - (15) Television and radio studios including any transmitting facilities.
 - (16) Veterinary clinics, animal hospitals, and kennels.
 - (17) Warehouses, storage and distribution centers.
 - (18) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
 - (19) Recycling centers.
 - (20) Marinas or docks.
 - (21) Transitional housing.
 - (22) Restaurants and bars.
 - (23) Retail, including vehicle sales.
 - (24) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.
 - (25) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.

- (26) Medical marijuana-infused products manufacturing facilities, as permitted in section 30-415, supplemental regulations.
 - (27) Medical marijuana testing facilities, as permitted in section 30-415, supplemental regulations.
 - (28) Medical marijuana transportation facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.
 - (2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (4) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Emergency shelters, transitional service shelters for fifty (50) or fewer residents.
 - (2) Manufactured business units, for office use only.
 - (3) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (4) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (6) Billboards, as permitted in section 25-401.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) A site plan, meeting the requirements of chapter 25 of the City Code shall be submitted and approved.
 - (2) All storage shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible from the street or adjoining property. Any outdoor storage shall be at least one hundred (100) feet from any residential zoning district or use.
 - (3) No building shall be used for residential purposes, except for a night watchman or a caretaker employed on the premises.
 - (4) Utilitarian areas such as loading docks, mechanical equipment, storage areas, mechanical and electrical equipment, and dumpsters shall be located in the rear or side yard of the building.
 - (5) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25 of the City Code.
- (f) *Height, area, bulk and setback requirements.*
- (1) *Maximum height:* Forty (40) feet excluding silos, smoke stacks, and dust collection systems.

- (2) *Minimum lot area:* None.
- (3) *Minimum lot width:* None.
- (4) *Minimum yard requirements:*
 - a. *Front yard:* Twenty-five (25) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* None, except on a lot abutting a residential district there shall be a side yard of not less than ten (10) feet on the side of the lot abutting the residential district.
- (5) *Maximum building coverage:* None.
- (g) *Open space, landscaping and bufferyard requirements.*
 - (1) A minimum of fifteen (15) percent of the total lot area shall be devoted to open space, including required yard and bufferyards.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD and RMH zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202.

Sec. 30-401. - Special use permits.

- (a) *Purpose.* Subject to the provisions of this section, the city council may, by ordinance on its own motion or on application, grant a special use permit for any special use specifically identified in the zoning district in which the special use is proposed. The city council may impose appropriate conditions and safeguards for the issuance of the special use permit, such as a limitation of the duration of the special use, a limitation of the parties who may carry out such use, and limitations upon or requirements for the size or design of buildings and other improvements on the property. In cases where a special use permit application is submitted for a property in the H, historic overlay district, the historic preservation commission shall make a recommendation to the city council in lieu of approving or denying a certificate of appropriateness for any work covered by the special use permit.
- (b) *Application for special use permit.* Application for a special use permit shall be submitted to the city manager using a form provided by the city, and contain all necessary information as determined by the city manager. The special use permit fee shall be per the city's fee schedule. Such application shall be processed in the same manner as provided in section 30-206 relating to application for a zoning district change.
- (1) In reviewing an application for a special use permit, the city council shall determine whether or not the proposed special use will:
- a. Substantially increase traffic hazards or congestion;
 - b. Substantially increase fire hazards;
 - c. Adversely affect the character of the neighborhood;
 - d. Adversely affect the general welfare of the community; and
 - e. Overtax public utilities.
- (2) If the council's finding is negative as to all of the criteria in section 30-401(b)(1), the application may be granted; if affirmative as to any of the aforementioned criteria, then such special use permit shall be denied.
- (3) Any use for which a special use permit is granted shall otherwise comply with all of the regulations set forth in this chapter for the zoning district in which such use is located.

(Ord. No. 5012, art. 7, 10-2-17)

Editor's note— Ord. No. 5012, art. 7, adopted Oct. 2, 2017, repealed the former § 30-401 and enacted a new section as set out herein. The former § 30-401 pertained to similar subject matter and derived from Ord. No. 4109, art. 2, adopted March 1, 2010.

ARTICLE IV. - BILLBOARDS

Sec. 25-401. - Billboards.

Billboards shall be erected only upon approval of a special use permit, as set out in chapter 30, section 30-401. In addition to the requirements of section 30-401, the following regulations apply to the erection of billboards:

- (a) Billboards shall be allowed only in the C-2, PD, M-1 and M-2 zoning districts.
- (b) Billboards shall be allowed only on parcels of land bordering the following streets:
 - (1) Interstate 55.
 - (2) William Street (Route K), west of Kingshighway.
 - (3) Missouri Route 74, west of Kingshighway.
 - (4) Kingshighway from Boulder Crest Drive south to Interstate 55.
- (c) No billboard shall be placed within fourteen hundred (1,400) feet of another billboard. This paragraph shall not apply to billboards which are located on opposite sides of the street to which the billboard is oriented.
- (d) No billboard shall be placed within thirty (30) feet of a street right-of-way.
- (e) No billboard shall be placed within one hundred (100) feet of a property line of a property which is used for residential purposes.
- (f) For purposes of placing billboards, a V-shaped billboard or a back-to-back type of billboard shall be considered one (1) billboard. Sign faces of less than one hundred fifty (150) square feet may be placed between billboard faces at the apex of the "V" or across the rear of the "V," but no such sign shall be oriented toward a street upon which billboards are not allowed. The angle of all sign faces shall be oriented so that they are between seventy-five (75) degrees and ninety (90) degrees to the street on which the billboard is permitted.
- (g) No billboard shall be located in such a manner as to obscure an official traffic sign, signal or device, or obstruct a driver's view of approaching or intersection traffic.
- (h) The maximum area of a billboard sign face shall be three hundred (300) square feet. The maximum length of a billboard sign face shall be thirty (30) feet. The maximum total sign face area of a billboard shall be six hundred (600) square feet.
- (i) There shall be a minimum clearance of ten (10) feet from grade of the street to which the billboard is oriented to the bottom of a billboard sign face. There shall be a maximum height of thirty (30) feet from grade of the street to which the billboard is oriented to the top of a billboard sign face.
- (j) Audio speakers are prohibited in association with any billboard.

- (k) Electronic, video or digital billboard images or any portion thereof shall have a minimum duration of at least eight (8) seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.
- (l) Billboards may be illuminated, subject to the following instructions:
 - (1) No revolving or rotating beam or beacon of light shall be permitted as part of any billboard. Flashing devices shall not be permitted upon a billboard. However, changeable copy signs, such as those used for time and temperature displays, shall be permitted, but shall not be permitted to operate in a flashing or scrolling manner.
 - (2) External lighting, such as flood lights, thin line and gooseneck reflectors, are permitted, provided the light source is directed on the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street.
 - (3) The illumination of any billboard within one hundred (100) feet of a property line which is used for residential purposes shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.
 - (4) Electronic, video or digital billboard images shall be equipped with automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. The maximum luminance produced by electronic, video or digital billboard images shall not exceed three-tenths (0.3) footcandle greater than the ambient light level.
- (m) The following billboards shall not be permitted to remain or to be erected:
 - (1) Billboards which have been erected without a building permit.
 - (2) Billboards that employ any stereopticon or motion picture projection, or any portion of which gives the illumination of motion. This includes any electronic graphic signs or video displays, but does not include signs that contain changeable copy, such as time and temperature.
 - (3) Billboards which are not clean, not in good repair, not structurally sound, or obsolete (billboards shall not be considered obsolete solely because they temporarily do not carry an advertising message).
 - (4) Billboards which appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
 - (5) Billboards which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
 - (6) Billboards which are nonconforming and damaged or destroyed to an extent of more than sixty (60) percent of the replacement cost.

(7) Billboards that prevent ingress or egress from any doors, windows, or fire escapes.

(8) Billboards that are attached to a standpipe or fire escape.

(Ord. No. 4178, art. 1, 12-6-10)

Secs. 25-402—25-500. - Reserved.

Staff: Gayle L. Conrad, Director of
Agenda: Citizen Services/City Clerk
10/7/2019

AGENDA REPORT
Cape Girardeau City Council

SUBJECT

Approval of the September 16, 2019, City Council regular session and closed session minutes.

ATTACHMENTS:

Name:	Description:
📎 2019.09.16_RegularsessionMinutes.docx	Minutes 2019.09.16 Regular

STUDY SESSION – September 16, 2019**NO ACTION TAKEN DURING THE STUDY SESSION**

The Cape Girardeau City Council held a study session at the Cape Girardeau City Hall Monday, September 16, 2019, starting at 5:00 p.m. with Mayor Bob Fox presiding and Council Members Ryan Essex, Robbie Guard, Stacy Kinder, Shelly Moore, Dan Presson, and Nate Thomas present.

REGULAR SESSION – September 16, 2019**CALL TO ORDER**

The Cape Girardeau City Council convened in regular session at the Cape Girardeau City Hall on Monday, September 16, 2019, at 6:30 p.m., with Mayor Bob Fox presiding and Council Members Ryan Essex, Robbie Guard, Stacy Kinder, Shelly Moore, Dan Presson, and Nate Thomas present.

ADOPTION OF THE AGENDA

A Motion was made by Robbie Guard, Seconded by Dan Presson, to amend the agenda as follows and adopt the Agenda as amended:

Remove from Agenda item No. 8, BILL NO. 19-143, reading as follows:

BILL NO. 19-143, an Ordinance authorizing the issuance of Waterworks System Refunding Revenue Bonds, series 2019, of the City of Cape Girardeau, Missouri; prescribing the form and details of the bonds and the covenants and agreements to provide for the payment and security thereof; and authorizing certain actions and documents and prescribing other matters relating thereto. Second and Third Readings.

Add under New Ordinances BILL NO. 19-151, reading as follows:

BILL NO. 19-151, an Ordinance authorizing the issuance of Waterworks System Refunding Revenue Bonds, series 2019, of the City of Cape Girardeau, Missouri; prescribing the form and details of the bonds and the covenants and agreements to provide for the payment and security thereof; and authorizing certain actions and documents and prescribing other matters relating thereto. First, Second and Third Readings.

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

PUBLIC HEARINGS

This being the date set for a public hearing to consider a request for approval of a modified site plan as part of the existing Special Use Permit for Rivendell Court at 3071, 3095 and 3117 Lexington Avenue, the hearing was opened by Mayor Fox. There being no appearances, the hearing was closed.

APPEARANCES

None.

CONSENT AGENDA

Approval of the September 3, 2019, City Council regular session and closed session minutes.

Regular**September 16, 2019****KK-284**

BILL NO. 19-137, an Ordinance approving the Preliminary Development Plan of Ramsay's Run, for a proposed residential development in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-138, an Ordinance authorizing the City Manager to execute Amendment #1 to a State Block Agreement with the Missouri Highways and Transportation Commission for a Snow Removal Equipment Vehicle, at the Cape Girardeau Regional Airport. Second and Third Readings.

BILL NO. 19-139, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by changing the zoning of property located on Bloomfield Road, in the City and County of Cape Girardeau, Missouri, from R-4 to PD. Second and Third Readings.

BILL NO. 19-140, an Ordinance accepting a Permanent Utility Easement and Temporary Construction Easement from Mary Beth Kenkel, for 2574 Boutin Drive, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-141, an Ordinance accepting a Collector's Deed from Cape Girardeau County, for property located at 0 North Main Street, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-144, a Resolution authorizing the City Manager to execute Amendment #1 to the Hangar Facility Lease Agreement with DSW Development Corporation, at the Cape Girardeau Regional Airport. Reading and Passage.

BILL NO. 19-145, a Resolution authorizing the City Manager to execute a Land Lease Agreement with DSW Development Corporation, at the Cape Girardeau Regional Airport. Reading and Passage.

BILL NO. 19-146, a Resolution authorizing the City Manager to execute a Wrecker Service Agreement with Sperlings, Inc., in the City of Cape Girardeau, Missouri. Reading and Passage.

BILL NO. 19-149, a Resolution authorizing the City Manager to execute an Agreement with Phillip B. Smith, L.L.C., for general facility improvement projects, in the City of Cape Girardeau, Missouri. Reading and Passage.

Approval of a modified site plan as part of the existing special use permit for Rivendell Court at 3071, 3095, and 3117 Lexington Avenue.

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

BILL NO. 19-137 will be Ordinance No. 5225; BILL NO. 19-138 will be Ordinance No. 5226; BILL NO. 19-139 will be Ordinance No. 5227; BILL NO. 19-140 will be Ordinance No. 5228; BILL NO. 19-141 will be Ordinance No. 5229; BILL NO. 19-144 will be Resolution No. 3284; BILL NO. 19-145 will be Resolution No. 3285; BILL NO. 19-146 will be Resolution No. 3286; BILL NO. 19-149 will be Resolution No. 3287.

NEW ORDINANCES

BILL NO. 19-147, an Ordinance authorizing the City Manager to execute Amendment #4 to the State Block Grant Agreement with the Missouri Highways and Transportation Commission for design and construction of the Runway 10/28 Lighting Rehabilitation Project, at the Cape Girardeau Regional Airport. First Reading.

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

BILL NO. 19-148, an Ordinance authorizing the City Manager to execute Amendment #3 to the State Block Grant Agreement with the Missouri Highways and Transportation Commission to fund the acquisition of an Aircraft Rescue Fire Fighting Vehicle, at the Cape Girardeau Regional Airport. First Reading.

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

BILL NO. 19-150, an Ordinance approving the Record Plat of Tara Estates. First Reading.

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

BILL NO. 19-151, an Ordinance authorizing the issuance of Waterworks System Refunding Revenue Bonds, series 2019, of the City of Cape Girardeau, Missouri; prescribing the form and details of the bonds and the covenants and agreements to provide for the payment and security thereof; and authorizing certain actions and documents and prescribing other matters relating thereto. First, Second and Third Readings.

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

BILL NO. 19-151 is Ordinance No. 5230.

OTHER BUSINESS

Reschedule City Council Meeting from October 17, 2019, to October 16, 2019.

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

Central High School/City of Cape Girardeau Ballfield Partnership.

Mayor Fox stated that during the Study Session, Mr. Mark Lanzotti presented a proposal for a ballfield partnership between Central High School and the City of Cape Girardeau. Council members discussed the proposal

A Motion was made by Robbie Guard, Seconded by Nate Thomas, directing staff to explore and move forward with researching the proposal presented by Mr. Lanzotti.
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Kinder, Moore, Presson, Thomas.

Regular

September 16, 2019

KK-286

MEETING ADJOURNMENT

A Motion was made by Ryan Essex, Seconded by Dan Presson to adjourn from regular session and to convene to closed session for personnel, pursuant to RSMo. Sections 610.021(3).

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

The Regular Session ended at 6:45 p.m.

Bob Fox, Mayor

Gayle L. Conrad, City Clerk



Staff: Bruce W. Loy, Airport Manager
Agenda: 9/16/2019

AGENDA REPORT
Cape Girardeau City Council

19-210

SUBJECT

Amendment #4 to a State Block Grant Agreement with MoDOT to design and construct Runway 10/28 Lighting Rehabilitation, Project No. 15-077A-1.

EXECUTIVE SUMMARY

At the February 19, 2018, City Council meeting the Council approved Supplemental Agreement #2 to the design and construction oversight agreement with Crawford Murphy and Tilly, Project No. 15-077A-1, in the amount of \$24,254.22. As a part of this same project, and in order to relocate the airfield electrical vault, the Council also approved a Utility Agreement with Union Electric Company d/b/a/ Ameren Missouri at the Cape Girardeau Regional Airport for an amount not to exceed \$5,656.20. Additionally, the airport recently approved Change Order No. 1 for this project (attached), in the amount of \$25,600, in an effort to rewire the airport runway signage so the runway signs will be on the same, corresponding circuits with the particular runway edge lighting circuits.

At the April 16, 2018, City Council meeting, the Council approved Amendment #2 to the original agreement for this noted project with the Missouri Highways and Transportation Commission, in the amount of \$52,735, which funded 95% of the three additional project expenses. The City's 5% match equaled \$2,776. Amendment #3 to the original agreement for this project extended the project time period from December 31, 2018 to May 30, 2019 to allow for the completion of work. Due to punch list items taking longer than anticipated to complete, the work was not completed within the extended time period.

The attached Amendment #4 to the original agreement for this project with the Missouri Highways and Transportation Commission extends the project time period to allow for the completion of the work. Based upon the revised project schedule, the project time period of May 30, 2019, will be extended to December 31, 2019 to allow for the completion of the work.

BACKGROUND/DISCUSSION

The Runway 10/28 surface mounted edge lighting at the Cape Girardeau Regional Airport was originally installed sometime in the early 1970's. While some of the cabling and transformers have been updated, the current light fixtures are no longer manufactured, which is forcing the airport to depend on other airport surplus fixtures for repairs and maintenance.

At the February 15, 2016, City Council Meeting, the Council approved the MoDOT Grant Agreement for Project 15-077A-1, to fund the design phase of the Runway 10/28 Lighting Rehabilitation project for an amount not to exceed \$68,979.05. The project was designed and advertised for bid, with the low bidder, Reinhold Electric, coming in at \$631,564. At the June 20, 2016, City Council meeting, the Council approved Supplemental Agreement #1 for the construction services contract with our consultant, Crawford, Murphy, and Tilley for an amount of \$51,447.73. At that time, the Council also approved the contract with the low bidder totaling \$683,011.73 for the construction and the construction oversight services.

At the February 19, 2018, meeting the Council approved Supplemental Agreement #2 to the original Construction Services agreement with CMT for Project 15-077A-1, in an amount not to exceed \$24,254.22, which funded additional construction oversight services necessary for the remainder of this project. Additionally, at that same meeting the Council approved a utility agreement with Union Electric Company d/b/a/ Ameren Missouri for an amount not to exceed \$5,656.20. In an effort to match the runway lighting circuits with the corresponding runway signage circuits, the airport and MoDOT approved Change Order #1 in the amount of \$26,500, for that additional work to be completed. Those three additional expenses, which total \$55,510, were funded at 95% with the agreement Amendment #2 in the amount of \$52,735. The local City match for those grant funds was \$2,776. Amendment #2 was approved by the Council at their April 16, 2018, City Council meeting.

Amendment #3 was approved by the Council at their November 7, 2018, City Council Meeting. This amendment extended the timeline for the project, from December 31, 2018 to May 30, 2019, in an effort to allow the contractor additional time for the completion of the punch list items.

The attached Amendment #4 to the original agreement for this project with the Missouri Highways and Transportation Commission extends the project time period to allow for closeout of the project. Based upon the revised project schedule, The project time period will extend from May 30, 2019 to December 31, 2019.

FINANCIAL IMPACT

The attached Amendment #4 does not have any financial impact on this project, however, the total financial impact to the City for this Runway 10-28 Lighting Rehabilitation Project No. 15-077A-1 is summarized below:

		<u>MoDOT</u>	<u>City</u>
Project Design (90/10):	\$ 68,979.00	\$ 62,081.00	\$ 6,898.00
Project Const. Services (#1):	\$ 51,447.00*		
Project Construction Cost (#1):	\$631,564.00*	\$ 648,861.00	\$ 34,150.00
Project Const. Services, (#2)	\$ 24,254.00**	\$ 23,042.00	\$ 1,213.00
Project Change Order (#1)	\$ 25,600.00	\$ 24,320.00	\$ 1,280.00
Ameren Utility Agreement	<u>\$ 5,656.00</u>	<u>\$ 5,373.00</u>	<u>\$ 283.00</u>
TOTAL Project Cost:	\$807,500.00	\$763,677.00	\$ 43,824.00

*Construction Services & Construction Cost combined, SA#1 = \$683,011 (95/5 grant)

**Construction Services, SA#2 = \$24,254.22 (95/5 grant)

STAFF RECOMMENDATION

It is recommended the City Council approve an ordinance authorizing the City Manager to execute Agreement Amendment #4 with the Missouri Highways and Transportation Commission to extend the project time period for the close out of the Runway 10/28 Lighting Rehabilitation Project, Project No. 15-077A-1, from May 30, 2019, to December 31, 2019.

ATTACHMENTS:

Name:	Description:
MODOT Block Grant Amendment 4- Airport Runway.doc	Ordinance
Amendment 4 to SBGA City of Cape Girardeau 15-077A-1.pdf	15-077A-1 Amendment #4

BILL NO. 19-147

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT #4 TO THE STATE BLOCK GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR DESIGN AND CONSTRUCTION OF THE RUNWAY 10/28 LIGHTING REHABILITATION PROJECT, AT THE CAPE GIRARDEAU REGIONAL AIRPORT

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, Amendment #4 to the State Block Grant Agreement with the Missouri Highways and Transportation Commission, for design and construction of the Runway 10/28 Lighting and Rehabilitation Project, Project No. 15-077A-1, at the Cape Girardeau Regional Airport. The City Clerk is hereby authorized and directed to attest to said document and to affix the seal of the City thereto. The Amendment shall be in substantially the form attached hereto, which document is hereby approved by the City Council, 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 _____, 2019.

Bob Fox, Mayor

(SEAL)

ATTEST:

Bruce Taylor, Deputy City Clerk

CCO Form: MO18
Approved: 05/94 (MLH)
Revised: 03/17 (MWH)
Modified:

Sponsor: City of Cape Girardeau
Project No.: 15-077A-1

CFDA Number: CFDA #20.106
CFDA Title: Airport Improvement Program
Federal Agency: Federal Aviation Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
AMENDMENT TO STATE BLOCK GRANT AGREEMENT**

AMENDMENT #4

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

WITNESSETH:

WHEREAS, the parties entered into an Original Agreement executed by the Sponsor on February 26, 2016, and executed by the Commission on March 4, 2016, (hereinafter, "Original Agreement") under which the Commission granted the sum not to exceed Sixty-Five Thousand Four Hundred Thirty-Five Dollars (\$65,435) to the Sponsor to assist with Design Runway 10/28 Lighting Rehabilitation; and

WHEREAS, the parties entered into an Amendment #1 to the Original Agreement executed by the Sponsor on October 25, 2016, and executed by the Commission on November 4, 2016, (hereinafter, "Amendment #1") under which the Commission granted an additional sum not to exceed Six Hundred Forty-Eight Thousand Eight Hundred Sixty-One Dollars (\$648,861) to the Sponsor to assist with Design and Construct Runway 10/28 Lighting Rehabilitation; and

WHEREAS, the parties entered into an Amendment #2 to the Original Agreement executed by the Commission on May 17, 2018, (hereinafter, "Amendment #2") under which the Commission granted an additional sum not to exceed Fifty-Two Thousand Seven Hundred Thirty-Five Dollars (\$52,735) to the Sponsor to assist with Design and Construct Runway 10/28 Lighting Rehabilitation, and extended the project time period from November 30, 2017 to December 31, 2018, to allow for completion of the work; and

WHEREAS, the parties entered into an Amendment #3 to the Original Agreement executed by the Commission on January 2, 2019, (hereinafter, "Amendment #3") under which the parties agreed to extend the project time period from December 31, 2018 to May 30, 2019, to allow for completion of the work; and

WHEREAS, the parties wish to further extend the project time period to allow for completion of the work.

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

(1) PROJECT TIME SCHEDULE: Based upon the revised project schedule, the project time period of May 30, 2019 will be extended to December 31, 2019, to allow for completion of the work. Paragraph (1) of Amendment #3 is hereby amended accordingly.

(A) The project will be carried out in accordance with the assurances (Exhibit 1) given by the Sponsor to the Commission as specified in Amendment #2.

(B) This Amendment shall expire and the Commission shall not be obligated to pay any part of the costs of the project unless this grant amendment has been executed by the Sponsor on or before October 31, 2019, or such subsequent date as may be prescribed in writing by the Commission.

(C) All other terms and conditions of the Original Agreement, Amendment #1, Amendment #2, and Amendment #3 entered into between the parties shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below:

Executed by the Sponsor this ____ day of _____, 20__.

Executed by the Commission this ____ day of _____, 20__.

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

CITY OF CAPE GIRARDEAU

By _____

Title _____

Title _____

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title _____

Ordinance No. _____
(if applicable)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing grant Agreement under the laws of the State of Missouri. Further, I have examined the foregoing grant Agreement and the actions taken by said Sponsor and Sponsor's official representative have been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and the Airport and Airway Improvement Act of 1982, as amended. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said grant constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

CITY OF CAPE GIRARDEAU

Name of Sponsor's Attorney (typed)

Signature of Sponsor's Attorney

Date _____

Staff: Bruce W. Loy, Airport Manager
Agenda: 9/16/2019

AGENDA REPORT
Cape Girardeau City Council

19-211

SUBJECT

Amendment #3 to the State Block Grant Agreement with MoDOT to acquire an ARFF vehicle at the Cape Girardeau Regional Airport.

EXECUTIVE SUMMARY

On May 2, 2018, the ARFF vehicle was delivered and accepted by the Cape Girardeau Regional Airport. The vehicle has been in service since that time, replacing the previous ARFF truck (AP-2). The attached Amendment #3 to the original agreement for this project with the Missouri Highways and Transportation Commission extends the project time period to allow for the completion of paperwork to closeout the project. Based upon the revised project schedule, the project time period of April 1, 2019 will be extended to December 31, 2019.

BACKGROUND/DISCUSSION

The previous ARFF truck (AP-2) used for first response, aircraft rescue and fire fighting coverage at the Cape Girardeau Regional Airport was over 20 years old. The Federal Aviation Administration (FAA) mandated that the City replace the current ARFF truck with a new vehicle as soon as possible to continue to be in compliance with FAR Part 139. On January 20, 2015, the City of Cape Girardeau approved an agreement with Crawford, Murphy, and Tilly, Inc. (CMT) to provide the design phase services for the acquisition of an Aircraft Rescue Fire Fighting (ARFF) vehicle for the Cape Girardeau Regional Airport. Those design phase services expense of \$12,552 were funded 90% with State Block Grant Agreement, Project #14-007A-2, in the amount of \$11,296.00, with a 10% City share of \$1,256.00.

The design phase services were completed and the ARFF truck bids were opened July 19, 2016, with Rosenbauer America providing the sole bid at \$324,967.00 to manufacture a Rosenbauer Airwolf Class II ARFF Truck pursuant to design specifications. The Missouri Department of Transportation, Aviation Division, (MoDOT) agreed to fund the cost of the ARFF vehicle, with Amendment #1 to the State Block Agreement, Project #14-077A-2, a combination of 90% and 95% for the expense for this ARFF truck, in an amount equal to \$300,385, with the City funding approximately 7.56%, or \$24,582. The combination of the 90% and 95% grant percentage is due to the City of Cape Girardeau being determined as a distressed economic area in the middle of this grant process. As a result MoDOT provided us 90% funding on \$161,296.00 of the cost and 95% funding on \$159,885.00 of the cost.

Rosenbauer had 365 days to fulfill their contract obligations and deliver the truck. Although the truck was delivered and approved on May 2, 2018, there were additional fees due to CMT, as a result of additional design phase services, which were required due to a variety of issues and additions necessary to get the best use of the ARFF truck. These additional costs were addressed by Amendment #2. The attached Amendment #3 simply extends the timeline for the project, from April 1, 2019 to December 31, 2019, in an effort to allow for completion of final close-out documents.

FINANCIAL IMPACT

The attached Amendment #3 does not have any financial impact on this project, however, the overall financial impact of the project is summarized below:

	<u>FAA/MoDOT</u>	<u>City Share</u>	<u>TOTAL</u>
Design Phase performed by CMT:	\$ 11,296.00	\$ 1,256.00	\$ 12,552.00
Rosenbauer Airwolf ARFF truck:	\$300,385.00	\$24,582.00	\$324,967.00
Additional Design Phase services covered by Amendment #2.....	<u>\$ 8,157.00</u>	<u>\$ 906.00</u>	<u>\$ 9,063.00</u>
Total Grant Expense:	\$319,838.00	\$26,744.00	\$346,582.00

(NOTE: These numbers do not include \$20,140.00 in City expenses for optional equipment not eligible for grant funding from the State or the FAA.)

STAFF RECOMMENDATION

It is staff's recommendation that City Council approve Amendment #3, extending the timeline of Project No. 14-077A-2 for the acquisition of Aircraft Rescue and Fire Fighting (ARFF) Vehicle, at the Cape Girardeau Regional Airport from April 1, 2019, to December 31, 2019.

ATTACHMENTS:

Name:	Description:
MODOT Block Grant Amendment 3- AARF Vehicle Airport.doc	Ordinance
Amendment 3 to SGBA City of Cape Girardeau 14-077A-2.pdf	14-077A-2 Amendment #3

BILL NO. 19-148

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT #3 TO THE STATE BLOCK GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO FUND THE ACQUISITION OF AN AIRCRAFT RESCUE FIRE FIGHTING VEHICLE, AT THE CAPE GIRARDEAU REGIONAL AIRPORT

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, Amendment #3 to the State Block Grant Agreement between the City of Cape Girardeau and the Missouri Highways and Transportation Commission to extend the timeline to finalize the completion of documents, for an Aircraft Rescue and Fire Fighting (ARFF) vehicle for the Cape Girardeau Regional Airport, in the City of Cape Girardeau, Missouri, Project No. 14-077A-2. The City Clerk is hereby authorized and directed to attest to said document and to affix the seal of the City thereto. The Amendment shall be in substantially the form attached hereto, which document is hereby approved by the City Council, 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 _____, 2019.

Bob Fox, Mayor

(SEAL)

ATTEST:

Gayle L. Conrad, City Clerk

CCO Form: MO18
Approved: 05/94 (MLH)
Revised: 03/17 (MWH)
Modified:

Sponsor: City of Cape Girardeau
Project No.: 14-077A-2

CFDA Number: CFDA #20.106
CFDA Title: Airport Improvement Program
Federal Agency: Federal Aviation Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
AMENDMENT TO STATE BLOCK GRANT AGREEMENT**

AMENDMENT #3

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

WITNESSETH:

WHEREAS, the parties entered into an Agreement executed by the parties on June 10, 2015, (hereinafter, "Original Agreement") under which the Commission granted the sum not to exceed Eleven Thousand Two Hundred Ninety-Six Dollars (\$11,296) to the Sponsor to assist with Acquire Air Rescue Fire Fighting (ARFF) Vehicle; and

WHEREAS, the parties entered into an Amendment #1 to the Original Agreement executed by the parties on December 16, 2016, (hereinafter, "Amendment #1") under which the Commission granted an additional sum not to exceed Three Hundred Thousand Three Hundred Eighty-Five Dollars (\$300,385) to the Sponsor to assist with Acquire Air Rescue Fire Fighting (ARFF) Vehicle; and

WHEREAS, the parties entered into an Amendment #2 to the Original Agreement executed by the parties on February 4, 2019, (hereinafter, "Amendment #2") under which the Commission granted an additional sum not to exceed Eight Thousand One Hundred Fifty-Seven Dollars (\$8,157) to the Sponsor to assist with Acquire Air Rescue Fire Fighting (ARFF) Vehicle; and

WHEREAS, the parties wish to extend the project time period to allow for completion of the project.

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

(1) PROJECT TIME PERIOD: Based upon the revised project schedule, the project time period of April 1, 2019 will be extended to December 31, 2019, to allow for completion of the work. Paragraph (1)(D) of Amendment #2 is hereby amended

accordingly.

(A) The project will be carried out in accordance with the assurances (Exhibit 1) given by the Sponsor to the Commission as specified in this Amendment #3.

(B) This Amendment shall expire and the Commission shall not be obligated to pay any part of the costs of the project unless this grant amendment has been executed by the Sponsor on or before October 31, 2019, or such subsequent date as may be prescribed in writing by the Commission.

(C) All other terms and conditions of the Original Agreement, Amendment #1, and Amendment #2 entered into between the parties shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below:

Executed by the Sponsor this ___ day of _____, 20__.

Executed by the Commission this ___ day of _____, 20__.

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

CITY OF CAPE GIRARDEAU

By _____

Title _____

Title _____

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title _____

Ordinance No. _____
(if applicable)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing grant Agreement under the laws of the State of Missouri. Further, I have examined the foregoing grant Agreement and the actions taken by said Sponsor and Sponsor's official representative have been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and the Airport and Airway Improvement Act of 1982, as amended. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said grant constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

CITY OF CAPE GIRARDEAU

Name of Sponsor's Attorney (typed)

Signature of Sponsor's Attorney

Date _____

APPENDIX
STATE BLOCK GRANT AGREEMENT

Purpose

The purpose of this appendix is to provide the sponsors with sufficient information to carry out the terms of the state block grant agreement and implement their project.

The key items are listed below and are available on the MoDOT website (<http://www.modot.mo.gov/>), the FAA website (<http://www.faa.gov/index.cfm>), the State Block Grant Program Guidance Handbook or other website as indicated.

EXHIBIT 1

Aviation - Grant Programs, Documentation, Guidance

State Block Grant Program (Federal Funds)

- **MoDOT Guidance Handbook**
 - About the Handbook (26 kb, 1 page)
 - Index (57 kb, 3 pages)
 - Section 1 - Grant Application and Project Selection (35 kb, 5 pages)
 - Section 2 - Project Environmental Requirements (27 kb, 3 pages)
 - Section 3 - Airport Planning Projects (29 kb, 4 pages)
 - Section 4 - Land Acquisition (14 kb, 3 pages)
 - Section 5 - Procurement of Engineering Services (35 kb, 4 pages)
 - Section 6 - Project Development (77 kb, 11 pages)
 - Federal-Required Documentation Checklist (Advertising) (38 kb, 1 page)
 - Federal-Required Documentation Checklist (Construction Projects) (38 kb, 1 page)
- **FAA Airport Sponsor Guide**

State Aviation Trust Fund Program (State Funds)

- State Aviation Trust Fund Program Procedures (51 kb, 5 pages)
- State Required Documentation Checklist (44 kb, 1 page)

Sponsor CIP Submittal

- Sponsor's Guide on Submitting CIP (980 kb, 11 pages)
- MoDOT AirportIQ System Manager (ASM) Website

Financial Forms

- Grant Funding Application (424 kb, 22 pages)
- Air Service Development Application
- State Transportation Assistance Revolving (STAR) Loan Application
- Outlay Report and Request for Reimbursement (Federal 95%) (Form 271) (106 kb, 1 page)
- Request for Payment (State 90%) (100 kb, 1 page)

Consultant Procurement

- Sample Advertisement Consultant Selection
- ACEC MO Qualifications Based Selection (QBS) Guidance
- MSPE Qualifications Based Selection (QBS) Guidance

Federally Funded Projects

- FAA Advisory Circular 150/1500-14E-Architectural, Engineering, and Planning Consultant Services For Airport Grant Projects
- Aviation Project Consultant Agreement (256 kb, 43 pages)
 - Exhibit IV- Derivation of Consultant Project Costs (53kb, 1 page)
 - Exhibit V - Engineering Basic and Special Services-Cost Breakdown 67 kb, 1 page)
- Aviation Project Consultant Supplemental Agreement No. 1 (103 kb, 5 pages)
 - Exhibit IV- Derivation of Consultant Project Costs (Construction) (56 kb, 1 page)
 - Exhibit V - Engineering Construction Services-Cost Breakdown (65 kb, 1 page)
- Sample Letter of Recommendation of Approval for Project Consultant Agreement (22 kb, 1 page)
- Sponsor Certification for Selection of Consultants (form) (38 kb, 2 pages)

State Funded Projects

- Missouri Revised Statutes Sections 8.285-8.291 (23 kb, 2 pages)
- State Aviation Trust Fund Project Consultant Agreement (189 kb, 35 pages)
 - Exhibit IV- Derivation of Consultant Project Costs (53 kb, 1 page)
 - Exhibit V - Engineering Basic and Special Services-Cost Breakdown (67 kb, 1 page)
- Sample Letter of Recommendation of Approval for Project Consultant Agreement (22 kb, 1 page)
- Certification of Compliance (form) (33 kb, 1 page)

Airports Resources

- Obstructions Evaluation Submission (electronic 7460-1)
- Notice of Proposed Landing 7480-1 (form)
- FAA Series 150 Advisory Circulars for Airports
- FAA Airport's GIS Website
- Aeronautical GIS Survey Scope of Work
- Request for new or amended Instrument Approach Procedures
- Airport Layout Plan (ALP) and Narrative Checklist (277 kb, 10 pages)
- VGSI Data Form and Request for Flight Inspection (55 kb, 1 page)

Land Acquisition

- Land Acquisition Guidance
- MoDOT Approved Appraiser List
- Sponsor Certification for Certificate of Title (form) (85 kb, 12 pages)
- Sponsor Certification of Environmental Site Assessment (form) (43 kb, 2 pages)
- Sponsor Certification for Real Property Acquisition (form) (48 kb, 3 pages)
- Exhibit A Property Map Guidance

Environmental

- Environmental Guidance
- Undocumented Categorical Exclusion Letter (Environmental Clearance Letter) (21kb, 1 page)
- Documented Categorical Exclusion-FAA SOP 5.XX (355 kb, 8 pages)
- Documented Categorical Exclusion-MoDOT Signature Page (24 kb, 1 page)

Compliance

- Compliance Guidance
- Standard DOT Title VI Assurances (43 kb, 4 pages)
- Sponsor Questionnaire-Airport Compliance Status (130 kb, 16 pages)
- FAA/MoDOT Lease Requirements, Recommendations, and Guidance (95 kb, 5 pages)

Utility Adjustments

- Utility Agreement (71 kb, 36 pages)

Engineering, Design, and Construction

- **Sponsor Certifications For Federally Funded Projects**
 - Sponsor Certification for Conflict of Interest
 - Sponsor Certification for Drug-Free Workplace
 - Sponsor Certification for Projects Plans and Specifications (46 kb, 2 pages)
 - Sponsor Certification for Equipment/Construction Contracts (46 kb, 3 pages)
 - Sponsor Certification for Construction Project Final Acceptance (46 kb, 3 pages)
 - Sponsor Certification for Equipment Final Acceptance (38 kb, 2 pages)

- **Construction Project Items**

Federal Projects

- Weekly DBE Compliance Review Report (38 kb, 2 pages)

Federal & State Projects

- Sample Letter of Recommendation to Award for Construction Contracts (22 kb, 1 page)
- Weekly Construction Progress and Inspection Report (35 kb, 1 page)
- Weekly Wage Rate Interview Report (32 kb, 1 page)
- Change Order and Supplemental Agreement Instructions (68 kb, 3 pages)
- Change Order and Supplemental Agreement Form (Auto) (28 kb, 1 page)

- **Project Closeout Items**

Federal Projects

- Sample Certification Letter from Prime Contractor Regarding DBE's (24 kb, 1 page)
- DBE Documentation – Final Construction Report

Federal & State Projects

- Final Testing Report (Checklist) (70 kb, 3 pages)
- Electrical Systems Testing Report (36 kb, 1 page)
- Precision Approach Path Indicator (PAPI) Inspection Report (47 kb, 1 page)
- Contractor's Certification Regarding Settlement of Claims (37 kb, 12 pages)

- **MoDOT Construction Specifications**

Federally Funded Projects

- Federal-Preparation of Project Plans and Specifications (307 kb, 127 pages)
- Federal-Construction Observation Program (293kb, 22 pages)
- Federal-Preparation of Equipment Specifications (240 kb, 42 pages)
- AC 150/5370-10G Standards for Specifying Construction of Airports

Federal & State Projects

- Construction Observation Program (Non-Paving) (91 kb, 10 pages)
- Construction Observation Program-Required Tests and Certifications (75 kb, 17 pages)
- Construction Project Review Level Matrix
- Construction Plans Full Review Checklist
- Construction Plans General Review Checklist
- Safety Plan Checklist

State Funded Projects

- State-Preparation of Project Plans and Specifications (585 kb, 84 pages)
- State-Construction Observation Program (266 kb, 18 pages)
- MO-100 Mobilization (28 kb, 1 page)
- MO-152 Excavation and Embankment (71 kb, 11 pages)
- MO-155 Fly Ash Treated Subgrade (45 kb, 5 pages)
- MO-156 Erosion and Sediment Control (50 kb, 6 pages)
- MO-161 Woven Wire Fence with Steel Posts (37kb, 3 pages)
- MO-162 Chain-Link Fences (39 kb, 3 pages)
- MO-209 Crushed Aggregate Base Course (35 kb, 4 pages)
- MO-401S Plant Mix Bituminous Pavements (87 kb, 14 pages)
- MO-500 Joint and Crack Resealing-Concrete Pavement (36 kb, 3 pages)
- P-501 Portland Cement Concrete Pavements is now required for Aviation Projects in Missouri. Find the form on the linked FAA page. (effective May 2013)
- MO-601 Surface Preparation (38 kb, 4 pages)
- MO-602 Bituminous Prime Coat (29 kb, 2 pages)
- MO-603 Bituminous Tack Coat (29 kb, 2 pages)
- MO-610 Structural Portland Cement Concrete (45 kb, 5 pages)
- MO-620 Runway and Taxiway Painting (43 kb, 4 pages)
- MO-622 Crack and Joint Sealing-Bituminous Pavement (31 kb, 3 pages)
- MO-623 Pavement Friction Sealcoat Surface Treatment (48 kb, 5 pages)
- MO-701 Pipe for Storm Drains and Culverts (38 kb, 4 pages)

- MO-706 Prefabricated Underdrains *(54 kb, 5 pages)*
- MO-901 Seeding *(71 kb, 7 pages)*
- MO-905 Topsoiling *(25 kb, 2 pages)*
- MO-908 Mulching *(27 kb, 2 pages)*
- **MoDOT Electrical Specifications (State Funded Projects)**
 - MO-101 Airport Rotating Beacons *(39 kb, 5 pages)*
 - MO-103 Airport Beacon Towers *(36 kb, 4 pages)*
 - MO-107 Airport 8-Foot and 12-Foot Wind Cones *(36 kb, 4 pages)*
 - MO-108 Underground Power Cable for Airports *(402 kb, 12 pages)*
 - MO-109 Airport Prefabricated Housing and Equipment *(373 kb, 7 pages)*
 - MO-110 Airport Underground Electrical Duct Banks and Conduits *(56 kb, 8 pages)*
 - MO-120 Airport Precision Approach Path Indicator (PAPI) System *(41 kb, 5 pages)*
 - MO-125 Airport Lighting Systems and Guidance Signs *(51 kb, 5 pages)*

Airports Central Region – AIP Guide Index

This guide has been prepared to assist Central Region airport owners and their consultants in obtaining and administering an Airport Improvement Program (AIP) grant. Users of this guidance shall note that requirements for AIP participation are established within applicable United States Code, Public Law, Federal Regulations and official FAA policy. The supplemental guidance and best practices provided within this guide are not intended to create additional participation requirements over and above that established by statute, regulation, or official FAA policy. In the event this guidance conflicts with current AIP policy, the AIP policy has precedence. Web site address
http://www.faa.gov/airports/central/aip/sponsor_guide/

100 - Airport Improvement Program (AIP)

- 110 - Overview
- 120 - Checklists for Typical AIP Funded Projects
- 130 - Sponsor Eligibility
- 140 - Project Eligibility
- 150 - AIP Obligations
- 160 - FAA Standards
- 170 - Non-Primary Entitlement Funds

200 - Civil Rights

- 210 - DBE Overview
- 220 - DBE Program Submittal Information
- 230 - DBE Goals
- 240 - Good Faith Efforts
- 250 - DBE Contract Provisions
- 260 - DBE Reporting Requirements
- 270 - Identifying DBE Fraud

300 - Procurement of Professional Services

- 310 - Procurement Requirements and Standards for A/E Services
- 320 - Roles and Responsibilities
- 330 - Selection Guide
- 340 - Contract Establishment
- 350 - Acquiring a Surveyor for AGIS

400 - Procurement

- 410 - Procurement Standards - §18.36(b)
- 420 - Competition - §18.36(c)
- 430 - Procurement Methods - §18.36(d)
- 440 - Small & Minority Firms & Womens Business Enterprises - §18.36(e)
- 450 - Cost and Price Analysis - §18.36(f)
- 460 - FAA Review of Procurement Documents - §18.36(g)
- 470 - Bond Requirements - §18.36(h)
- 480 - Federal Provisions - §18.36(i)
- 490 - Buy American Preferences - Title 49 USC 501

500 - Airport Planning

- 510 - National Plan of Integrated Airport Systems (NPIAS)
- 515 - Master Plans
- 520 - Airport Layout Plans
- 530 - Environmental Review
- 540 - Airport Site Investigations
- 550 - Runway Protection Zones
- 560 - Airport Property Interests
- 570 - Apron Design
- 580 - Planning Resources

600 - Project Formulation

- 610 - Requesting Aid: ACIP
- 620 - Benefit/Cost Analysis
- 630 - FAA Reimbursable Agreements

700 - Grant Implementation

- 710 - Project Initiation
- 720 - Project Application
- 730 - Sponsor Assurances
- 740 - Drug Free Workplace Requirements
- 750 - Title VI Assurance
- 760 - Executing the Grant Offer

800 - Sponsor Certification

900 - Project Design Development Projects

- 910 - Predesign Conference
- 920 - Engineer's Design Report
- 930 - Plans and Specifications
- 940 - Regional Approved Modifications to AC 150/5370-10
- 950 - Sponsor Modifications of FAA Standards
- 960 - Operational Safety on Airport During Construction

1000 - Construction Phase

- 1010 - Bidding
- 1020 - Contract Award
- 1030 - Construction Observation Program
- 1040 - Preconstruction Conference
- 1050 - Notice-to-Proceed
- 1060 - Labor Provisions
- 1070 - Inspections
- 1080 - Contract Modifications

1100 - Runway Commissioning

- 1110 - Airports Geographic Information Systems (AGIS)
- 1120 - Revising Airport Aeronautical Information
- 1130 - Runway Commissioning Data
- 1140 - Commissioning of Non-Federal VGSI

1200 - Equipment Projects

- 1210 - Federal Provisions
- 1220 - Sample Bid Documents

1300 - Airport Land Acquisition

- 1310 - Land Acquisition Requirements
- 1320 - Environmental Site Assessment
- 1320 - Satisfactory Evidence of Good Title

1400 - Sponsor Force Accounts

- 1410 - Force Account Overview
- 1420 - Force Account Engineering Services
- 1430 - Construction Force Account

1500 - Grant Payments

- 1510 - DELPHI eInvoicing System
- 1520 - Making the Grant Drawdown
- 1530 - Invoice Summary
- 1540 - Financial Reports
- 1550 - Payment History
- 1560 - Improper Payments

1600 - Grant Closeout

- 1610 - Development Project Closeout
- 1620 - Equipment Project Closeout
- 1630 - Planning Grant Closeout
- 1640 - Grant Amendment

1700 - Post Grant Obligations

- 1710 - Record Keeping
- 1720 - Audit Requirements
- 1730 - Financial Reports
- 1740 - Compliance
- 1750 - Pavement Maintenance
- 1760 - Release of Airport Property



ASSURANCES

Airport Sponsors

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.**

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.**

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1 2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

Executive Orders

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

Federal Regulations

- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.

- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

Specific Assurances

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

Footnotes to Assurance C.1.

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.

⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.

⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and

has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans,

specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal,

state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or

to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-

- 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
 - d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
 - e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
 - f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
 - g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
 - h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
 - i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or

operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

- 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
 - c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and

- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing
 - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and

- roads), including all proposed extensions and reductions of existing airport facilities;
- 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 - 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.

- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

“The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a

covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:

- a) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another

eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.

- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated _____ (the latest approved version as of this grant offer) and included in this grant, and in accordance

with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

**CURRENT FAA ADVISORY CIRCULARS REQUIRED FOR USE IN AIP FUNDED
AND PFC APPROVED PROJECTS**

Updated April 18, 2019

View the most current versions of these ACs and any associated changes at
http://www.faa.gov/airports/resources/advisory_circulars/.

NUMBER	TITLE
70/7460-1L Change 2	Obstruction Marking and Lighting
150/5000-9A	Announcement of Availability Report No. DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations
150/5000-17	Critical Aircraft and Regular Use Determination
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1-2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5100-14E, Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17, Changes 1-7	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5200-28E	Notices to Airmen (NOTAMs) for Airport Operators
150/5200-30D Change 1	Airport Field Condition Assessments and Winter Operation Safety
150/5200-31C Changes 1-2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue Fire and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Fire Fighting Station Building Design

150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVS)
150/5220-10E	Guide Specifications for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16E Change 1	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting System (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26, Changes 1-2	Airport Ground Vehicle Automatic Dependent Surveillance –Broadcast (ADS-B) Out Squitter Equipment
150/5300-13A, Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-15A	Use of Value Engineering for Engineering and Design of Airport Grant Projects
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys; Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C Change 1	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS; Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5D	Airport Drainage Design
150/5320-6F	Airport Pavement Design and Evaluation
150/5320-12C, Changes 1-8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste

150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5325-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength – PCN
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30J	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specifications for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specifications for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specifications for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specifications for L-823 Plug And Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retroreflective Markers
150/5345-42H	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43J	Specification for Obstruction Lighting Equipment
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46E	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49D	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)

150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13A	Airport Terminal Planning
150/5360-14A	Access to Airports By Individuals With Disabilities
150/5370-2G	Operational Safety on Airports During Construction
150/5370-10H	Standards for Specifying Construction of Airports
150/3570-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/3570-12B	Quality Management for Federally Funded Airport Construction Projects
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/3570-15B	Airside Applications for Artificial Turf
150/3570-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/3570-17	Airside Use of Heated Pavement Systems
150/5390-2C	Heliport Design
150/5395-1B	Seaplane Bases
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program (PMP)
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness

The MoDOT DBE Program is available on the MoDOT website at the following address:
[http://www.modot.org/business/contractor_resources/External Civil Rights/DBE_program.htm](http://www.modot.org/business/contractor_resources/External_Civil_Rights/DBE_program.htm).

Staff: Ryan Shrimplin, AICP - City
Planner
Agenda: 9/16/2019

AGENDA REPORT
Cape Girardeau City Council

19-213

SUBJECT

An Ordinance approving the Record Plat of Tara Estates.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for a three-lot subdivision on William Street (Missouri Route K), Gordonville Road, and Edgewood Road.

BACKGROUND/DISCUSSION

A record plat has been submitted for Tara Estates, located on William Street (Missouri Route K), Gordonville Road, and Edgewood Road. The subdivision is zoned R-1 (Single-Family Suburban Residential). The plat subdivides a tract to form three new lots. A private cross-access easement is proposed along the common lot line between Lots 2 and 3 for a future shared driveway.

The plat shows a variance for a reduced lot width for Lots 1, 2, and 3. Staff supports this variance due to the shape of the existing tract and the limited access options (MoDOT will not allow direct access from this tract to Missouri Route K).

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 June 13, 2018 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

ATTACHMENTS:

Name:	Description:
Record Plat Tara Estates.doc	Ordinance
Staff Review-Referral-Action Form.pdf	Tara Estates - Staff RRA Form
Map - Tara Estates Subdivision.pdf	Tara Estates - Map
Application - Tara Estates Record Plat.pdf	Tara Estates - Application
Tara Estates - Record Plat 8-22-19.pdf	Tara Estates - Record Plat

Tara Estates Subdivision Record Plat



Gordonville Rd

Camellia Dr

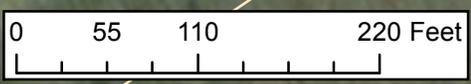
Edgewood Rd

William St



CITY of CAPE
GIRARDEAU

Created by: Development Services
Carol Peters
May 24, 2018



Legend

- Tara Estates Record Plat
- Parcels

Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, the GIS User Community



STRICKLAND
ENGINEERING

113 W. Main Street, Suite 1 Jackson, MO 63755
Tel. 573-243-4080 Fax 573-243-2191
www.stricklandengineering.com

May 21, 2018

City of Cape Girardeau
401 Independence St.
Cape Girardeau, MO 63701

RE: Tara Estates

To Mr. Ryan Shrimplin:

Enclosed for your review is the Final Plat for Tara Estates, the minor subdivision located between Gordonville Road and Edgewood Road. Enclosed are two copies of the plat, the review fee of \$100 and recording fee deposit of \$69, and the subdivision plat application. A pdf file of the plat will be emailed to you.

As I mentioned to you previously, the developer has decided to serve lot 1 with a driveway off of Gordonville Road. Lots 2 and 3 will be served by a shared driveway off of Edgewood Road.

Please contact me if you have any questions.

Sincerely,

Marc Mahnke, PE
Project Engineer



SUBDIVISION PLAT APPLICATION
CITY of CAPE GIRARDEAU

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

Name of Subdivision Tara Estates		Type of Plat: Preliminary, Record, or Boundary Adjustment Record Plat	
Applicant Fruitland Estates, LLC		Property Owner of Record (if other than Applicant) - Same as applicant	
Mailing Address 9727 Highway 61 North	City, State, Zip Jackson, MO 63755	Mailing Address	City, State, Zip
Telephone (573) 450-9210	Email lixcolic@yahoo.com	Telephone	Email
Contact Person (If Applicant is a Business or Organization) Chris Lix		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant) Marc Mahnke / Brian Strickland - Strickland Engineering		Developer (if other than Applicant) - Same as applicant	
Mailing Address 113 W. Main Street	City, State, Zip Jackson, MO 63755	Mailing Address	City, State, Zip
Telephone 573-243-4080	Email bstrick@stricklandengineering.com	Telephone	Email

**ADDITIONAL ITEMS
REQUIRED**

See Instructions for more information.

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

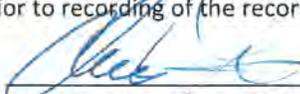
- Review Fee (payable to City of Cape Girardeau)
 - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
 - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
 - Non-Residential : \$20.00 per acre (\$100.00 minimum)
- Recording Fee Deposit (payable to City of 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

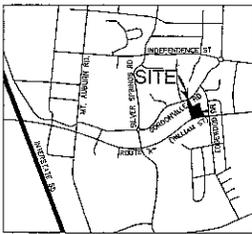
I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. 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 record plat.


 Applicant Signature and Printed Name
 CHRIS LIX

5-22-18
 Date

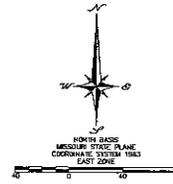
OFFICE USE ONLY	
Date Received & By <u>5/22/18</u>	MUNIS Application No. <u>7716</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

VICINITY MAP



RECORD PLAT FOR TARA ESTATES

PART OF LOT 2 OF THE RODNEY 400-ACRE TRACT IN UNITED STATES PRIVATE SURVEY NO. 2190, TOWNSHIP 35 NORTH, RANGE 19 EAST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY AND COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI



SUBDIVISION DEDICATION

I, one of the proprietors of a certain subdivision of land in the City of Cape Girardeau, Missouri, do hereby dedicate to the City of Cape Girardeau, Missouri, the portion of said subdivision consisting of the following described land, to-wit: ...

I HEREBY DECLARE THAT I AND C PROPRIETORS, LLC HAVE CAUSED THE FOREGOING DESCRIBED TRACT OF LAND TO BE SUBDIVIDED INTO LOTS AS SHOWN HEREON AND HAVE CAUSED SAID SUBDIVISION TO BE MADE AND TO BE PERSONALLY KNOWN TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN DO SAY THAT HE IS A MEMBER OF B AND C PROPRIETORS, LLC, A MISSOURI LIMITED LIABILITY COMPANY, AND ACKNOWLEDGES THAT HE EXECUTES THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF, I HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF AUGUST 2016.

B AND C PROPRIETORS, LLC
CHRISTOPHER GUN, MEMBER

B AND C PROPRIETORS, LLC
HENRY HOLMELA, MEMBER

STATE OF MISSOURI, COUNTY OF CAPE GIRARDEAU

ON THIS _____ DAY OF AUGUST 2016, BEFORE ME APPEARED CHRISTOPHER GUN, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN DO SAY THAT HE IS A MEMBER OF B AND C PROPRIETORS, LLC, A MISSOURI LIMITED LIABILITY COMPANY, AND ACKNOWLEDGES THAT HE EXECUTES THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF, I HAVE HEREIN SET MY HAND AND AFFIXED MY NOTARIAL SEAL IN THE STATE AND COUNTY AFORESAID ON THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

BY COMMISSION EXPIRES _____

STATE OF MISSOURI, COUNTY OF CAPE GIRARDEAU

ON THIS _____ DAY OF AUGUST 2016, BEFORE ME APPEARED HENRY HOLMELA, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN DO SAY THAT HE IS A MEMBER OF B AND C PROPRIETORS, LLC, A MISSOURI LIMITED LIABILITY COMPANY, AND ACKNOWLEDGES THAT HE EXECUTES THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF, I HAVE HEREIN SET MY HAND AND AFFIXED MY NOTARIAL SEAL IN THE STATE AND COUNTY AFORESAID ON THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

BY COMMISSION EXPIRES _____

_____, CITY CLERK OF THE CITY OF CAPE GIRARDEAU, MISSOURI, HEREBY DECLARE THAT THIS PLAT WAS PREPARED TO AND APPROVED BY THE CITY CLERK OF THE CITY OF CAPE GIRARDEAU, MISSOURI ON _____ DAY OF _____ 20____ BY ORDINANCE NO. _____

CITY CLERK

STATE OF MISSOURI
COUNTY OF CAPE GIRARDEAU

FILED FOR RECORD THIS _____ DAY OF _____ 20____ AND FILED

RECORDED IN DOCUMENT NUMBER _____

ANDREW DAVID BLAIR
RECORDS DEPARTMENT
OFFICE OF CAPE GIRARDEAU COUNTY, MISSOURI

A STRICKLAND ENGINEERING
CIVIL - MECHANICAL - ELECTRICAL ENGINEERING - LAND SURVEYING

RECORD PLAT FOR TARA ESTATES
CAPE GIRARDEAU, MISSOURI

SCALE AS SHOWN
DATE 8-22-19
DRAWN BY MTM
CHECKED BY BS
PROJECT # 18-039

ACCURACY STANDARD: TYPE SUBMERSE

SURVEYOR'S NOTE
1/2" IRON RODS WITH PLASTIC CAP SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.

FLOODPLAIN NOTE
NO LOTS IN THE SUBDIVISION ARE LOCATED WITHIN A FLOOD HAZARD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAPS. COMMUNITY PANELS OBTAINED E & 3/16/2016 AT THE CITY OF CAPE GIRARDEAU, MISSOURI.

ZONING CLASSIFICATION
R-1 SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT
MINIMUM LOT AREA: 10,000 SQ. FT.
MINIMUM LOT WIDTH: 50 FT.
MAXIMUM DENSITY: 4 UNITS / ACRE

TARA ESTATES
NO. OF LOTS: 3
LARGEST LOT SIZE: 42,893 SQ. FT. (LOT 3)
SMALLEST LOT SIZE: 36,803 SQ. FT. (LOT 2)
TOTAL LOT AREA: 122,976 SQ. FT. (2.82 ACRES)
PROPOSED DENSITY: 1.05 UNITS / ACRE

A VARIANCE IS SHOWN FOR A REDUCED LOT WIDTH FOR LOTS 1, 2, AND 3.

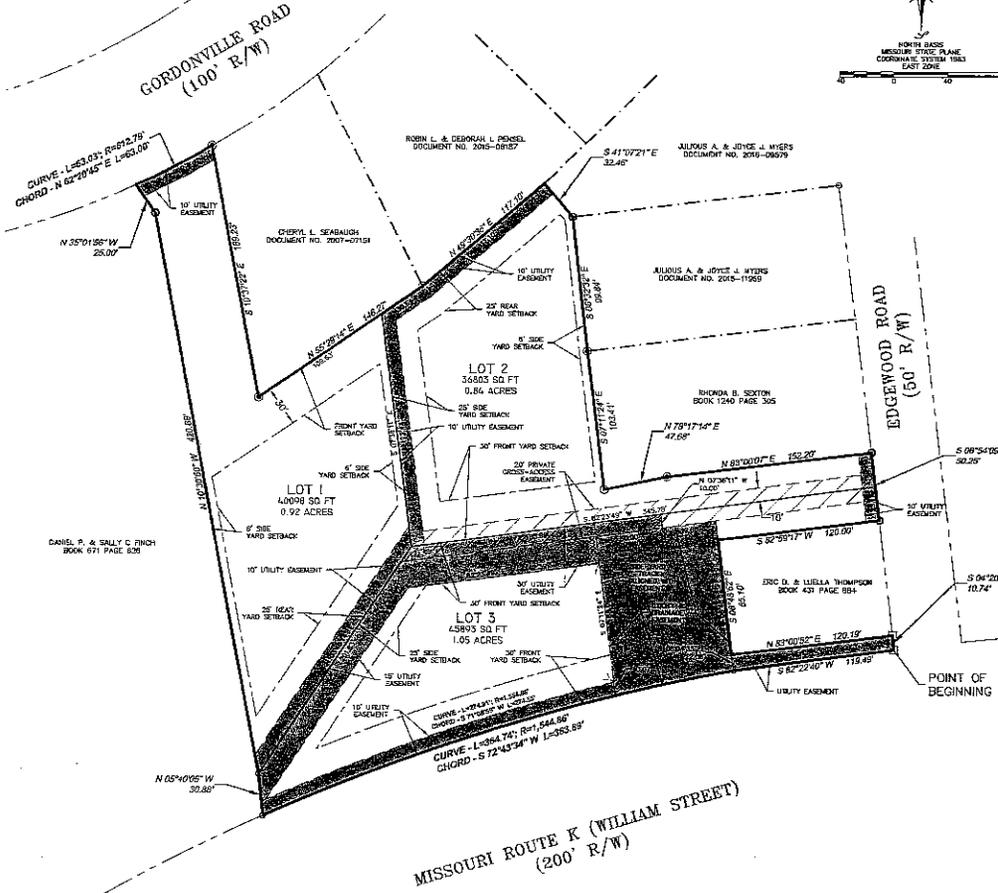
MINIMUM BUILDING SETBACKS (FOR R-1 ZONING)
30' FRONT SETBACKS
25' REAR SETBACKS
6' SIDE SETBACKS

ACTUAL SETBACKS FOR DEVELOPMENT AS SHOWN ON PLAT

- REFERENCES**
1. EDC NO. 2016-03-19 (SUBJECT)
 2. EDC NO. 2007-0013
 3. EDC NO. 2015-0017
 4. EDC NO. 2016-0019
 5. EDC NO. 2015-1159
 6. EDC NO. 2016-0019
 7. BOOK 431 PAGE 884
 8. BOOK 471 PAGE 828

- LEGEND**
1. 1/2" IRON ROD (SET)
 2. 5/8" IRON ROD w/ PLASTIC CAP (SET)
 3. IRON ROD w/ CAP (FOUND)
 4. IRON ROD (FOUND)
 5. IRON PIPE
 6. SPOKE
 7. COTTON PICKER SPINDLE
 8. AXLE
 9. ALUMINUM MOUNT
 10. RIGHT-OF-WAY MARKER
 11. HAWK
 12. (M)
 13. (M)

- SUBDIVISION BOUNDARY LINE
ADJOINER BOUNDARY LINE
NEW LOT LINE
EASEMENT LINE
BUILDING SETBACK LINE
RIGHT-OF-WAY LINE
UTILITY EASEMENT AREA
CROSS-ACCESS EASEMENT AREA



MISSOURI ROUTE K (WILLIAM STREET)
(200' R/W)

SURVEY CERTIFICATION
THIS IS TO CERTIFY THAT AT THE REQUEST OF B AND C PROPRIETORS, LLC, I HAVE SURVEYED PART OF LOT 2 OF THE RODNEY 400-ACRE TRACT IN U.S. PRIVATE SURVEY NO. 2190, TOWNSHIP 35 NORTH, RANGE 19 EAST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, AND HAVE SUBMITTED IT AS SHOWN ON THIS PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

IN WITNESS WHEREOF, I HAVE HEREIN SET MY SEAL AND SIGNATURE THIS _____ DAY OF AUGUST 2016.

BRIAN H. STRICKLAND, L.S. 192, P.L.S. 200200069
113 W. MAIN STREET
JACKSON, MISSOURI 64501

BILL NO. 19-150

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
TARA ESTATES

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

ARTICLE 1. The record plat of Tara Estates, being that part of Lot 2 of the Rodney 400-Arpen Tract in United States Private Survey No. 2199, Township 30 North, Range 13 East of the Fifth Principal Meridian in the City and County of Cape Girardeau, State of Missouri, submitted by B and C Properties, LLC, bearing the certification of Brian W. Strickland, a Registered Land Surveyor, dated the 26th day of August, 2019, including all exceptions and variances, 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 _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

Staff: Bruce W. Loy, Airport Manager
Agenda: 10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-216

SUBJECT

Execute a five (5) year Aviation Fuels Contract, with a five (5) year extension option, with Eastern Aviation Fuels, Inc., d/b/a Titan Aviation Fuels of New Bern, North Carolina, for the purpose of supplying the City with aviation fuels for use or resale at the Cape Girardeau Regional Airport.

EXECUTIVE SUMMARY

Since taking over Cape Aviation, the Fixed Base Operation (FBO) at the Cape Girardeau Regional Airport, in December, 2001, the airport's fuel supplier has been Eastern Aviation Fuels, Inc. (Eastern). At that time, the City contracted with Eastern to provide distribution of our 100 low lead and jet fuel supplies to be used for fuel resale at the City-owned Cape Aviation facility. That contract was renewed for five years, plus one additional year, in 2006. The contract with Eastern was renewed for five years in 2012 and for two years in 2017, to meet the fueling needs of new SkyWest Airlines Regional jet service to Chicago O'Hare Airport.

With that contract expiring in 2019, the airport issued a new RFP on June 27, 2019. With three fuel distributors responding, it was decided to keep Eastern, now d/b/a Titan Aviation Fuels, as our aviation fuels distributor. The new Aviation Fuels Contract with Eastern is attached for approval.

BACKGROUND/DISCUSSION

On December 1, 2001, the City took over the operation of the Fixed Base Operation (FBO), now known as Cape Aviation, at the Cape Girardeau Regional Airport. At that time, the City contracted with Eastern Aviation Fuels, Inc., to provide distribution of our 100 low lead and jet fuel supplies to be used for fuel resale at the City-owned Cape Aviation facility. That contract continued until August, 2006, at which time the Airport negotiated an additional five year agreement, plus one additional year.

On September 5, 2012, the City Council approved a new five year agreement with Eastern Aviation Fuels, Inc. (Eastern) to continue as the City aviation fuel distributor at Cape Aviation, the airport's Fixed Base Operation (FBO) at the Cape Girardeau Regional Airport. The agreement included an additional five year optional extension. With the Airport possibly changing Essential Air Service carriers starting December 1, 2017, the Airport Staff did not want to advertise for proposals with other possible fuel distributors and potentially jeopardize our fueling services with a new jet carrier. As such, staff negotiated an Amendment #1 with Eastern to include a two-year extension to avoid terminating their service.

With that contract expiring in 2019, the airport issued a new RFP on June 27, 2019. With three fuel distributors responding by July 19, 2019, Eastern d/b/a Titan Aviation Fuels, AvFuel, and Phillips 66, it was decided to keep Eastern d/b/a Titan Aviation Fuels as our aviation fuels distributor. The key difference in Eastern's proposal was one free year of refueler leasing, that their trucks were much newer trucks than either AvFuel or Phillips 66, and the monthly leases were considerably less expense. Additionally, Eastern was the only distributor who offered financial support (up to \$15,000) for refurbishing our self-service fueling facility. The new Aviation Fuels Contract with Eastern is attached for approval.

FINANCIAL IMPACT

For the 2018 calendar year, the Airport sold 577,256 gallons of fuel. This represents a 63% increase in total fuel sales, up from 354,037 for the 2017 calendar year. The majority of that increase is due to the fuel sold to SkyWest Airlines since starting scheduled air passenger jet service to Chicago O'Hare Airport in December, 2017. Those 2018 fuel sales saw over \$1.3 million in total 100LL and Jet A fuel sales. So far, through August, 2019 calendar year, the airport has sold 385,884 gallons of fuel for \$973,932 in sales, which is a 5% increase over the same period in 2018. With two direct daily round-trip flights proposed by the airline beginning in December, 2019, our fuel sales should see additional increases in fuel flow.

Additionally, the Eastern proposal will allow us to see one year of free refueler truck leasing, which will save the City \$36,600, plus we will have more than sufficient funds (\$15,000) to refurbish the 100LL Self Service unit.

STAFF RECOMMENDATION

It is recommended the City Council approve a resolution authorizing the City Manager to enter into the attached Aviation Fuels Contract Agreement with Eastern Aviation Fuels, Inc. d/b/a Titan Aviation Fuels of New Bern, North Carolina, to sell aviation fuels for use or resale at the Cape Girardeau Regional Airport.

ATTACHMENTS:

Name:	Description:
Aviation Fuels Contract Eastern Aviation Fuels dba Titan Airport.doc	Resolution
Cape Girardeau MO Aviation Fuels Contract 2019.pdf	Aviation Fuels Contract

BILL NO. 19-153

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIVE YEAR AVIATION FUELS CONTRACT WITH EASTERN AVIATION FUELS, INC., D/B/A TITAN AVIATION FUELS, AT THE CAPE GIRARDEAU REGIONAL AIRPORT

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

ARTICLE 1. The City Manager, for and on behalf of the City of Cape Girardeau, Missouri, is hereby authorized to execute a five (5) year Aviation Fuels Contract, with a five (5) year extension option, with Eastern Aviation Fuels, Inc., d/b/a Titan Aviation Fuels, at the Cape Girardeau Regional Airport. The Contract shall be in substantially the form attached hereto, 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.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Gayle L. Conrad, City Clerk

STATE OF MISSOURI

COUNTY OF CAPE GIRARDEAU

AVIATION FUELS CONTRACT

THIS AGREEMENT, entered into this ____ day of _____, 2019, by and between EASTERN AVIATION FUELS, INC. dba TITAN AVIATION FUELS of New Bern, North Carolina, hereinafter called "Seller" and the CITY OF CAPE GIRARDEAU hereinafter called "Buyer" as follows:

1. **AGREEMENT:** Seller agrees to sell and deliver, and Buyer agrees to purchase, receive and pay for from Seller, Buyer's entire requirements of aviation fuels for use or resale at the Cape Girardeau Regional Airport, at or near Cape Girardeau, MO.

2. **TERM:** This contract shall remain in force for a period of FIVE (5) years with one FIVE (5) year extension beginning on the 1st day of September, 2019 and for successive periods of twelve months each thereafter, unless and until terminated by either party upon notice in writing given at least thirty days before the end of any such twelve-month period.

3. **DELIVERIES:** The aviation fuels sold and purchased hereunder shall be the regular grade or grades of aviation fuels as currently supplied by TITAN AVIATION FUELS and deliveries to Buyer hereunder shall be by tank truck or pipeline at the place of business of Buyer at said Airport in approximately even quantities in such amounts and at such times during business hours as Buyer may direct. It is understood that Seller's obligation hereunder is limited to such grade or grades of aviation fuels as are distributed by Seller, at the time and place of delivery hereunder.

4. **PRICING:** Buyer agrees to pay for the aviation fuels covered by this contract as follows:

JET A Gulf Coast Platts plus (+) .1300*

AVIATION GASOLINE 100LL Seller's posted dealer price*

*As herein used, the words "Seller's posted dealer price" mean the price posted and displayed at the time of delivery, at Seller's office at location shown in paragraph 15 hereafter.

The prices for fuel are exclusive of airport fees, freight or any applicable taxes. Jet A differential and freight may be adjusted for any third-party increase beyond Seller's control. Any changes are subject to review and approval by Buyer.

5. **PAYMENTS:** If Seller shall extend credit to Buyer, Buyer shall pay Seller sums due under this Agreement net ten (10) days from delivery date via Electronic Funds Transfer.

- a. Seller extends these payment terms and a line of credit based upon the last review of Buyer's current financial condition. With prior written notice to Buyer, Seller may change the payment terms or line of credit if there is a material change in Buyer's financial status as determined by Seller.
- b. Seller may assess a delinquency charge on all overdue sums owing to Seller. Such delinquency charge shall be determined in accordance with applicable law and Seller's established delinquency charge policy in effect on the date of delivery.
- c. If Buyer fails to comply with payment requirements, Seller may suspend deliveries until Buyer pays all sums due hereunder or terminate this agreement forthwith. The

suspension or termination of this agreement because of failure of Buyer to perform any of the agreements herein contained shall not in any way prejudice Seller's other rights hereunder.

- d. If Buyer's account with Seller is in arrears, the Buyer hereby agrees that the Seller, at its discretion, may request credit card companies to reimburse Seller with Buyer's credit card receipts and hereby authorizes the credit card company to send credit card reimbursement to Seller.
- e. It is further agreed that the Seller, in lieu of reimbursing Buyer for credit card receipts, may apply the reimbursement to the outstanding balance on Buyer's account.

6. ATTORNEY AND/OR COLLECTION FEES: If the Buyer becomes in default of the terms of this agreement, Buyer agrees to a late payment charge on any delinquent balance in the amount of 1.5% per month, 18.0% per annum or the maximum amount permitted by law from the date of default. Buyer agrees to pay any attorney or collection fees if incurred in the collection of any delinquent balance or the enforcement of this contract.

7. TAXES, FEES, AND AIRPORT CHARGES: Any tax or other charge imposed by any governmental authority or other agency upon the commodity herein sold, or on the production, sale, transportation, or delivery thereof, or any feature thereof or of this agreement, existing at the time of delivery thereunder, shall be added to the price hereunder and paid by Buyer.

8. FAILURE TO PERFORM: If Seller's supplier should at any time during the life of this contract discontinue the marketing of any or all grades of aviation fuels in Buyer's territory, Seller shall be relieved of all obligation to sell or deliver such discontinued grade or grades to Buyer and Buyer shall be at liberty to purchase such discontinued grade or grades from other sources.

9. CONDITIONS: All orders hereunder will be filled with reasonable promptness, but it is mutually agreed that Seller shall not be obligated to furnish goods hereunder, nor be liable in damages for failure to do so, in the event acts of God, strikes, difficulties with its workers, lockouts, fires, foreign or domestic governmental authority, war conditions in this and any foreign country, accident, delays by railway or other methods of transportation, or other causes beyond its control, shall render it impossible for Seller to do.

10. TRADEMARKS: Seller grants to Buyer a nonexclusive, non-transferable right to use the "Shell Aviation" brand or licensed trademark in connection with the sale of Aviation Fuel at Buyer FBO. Buyer will conform to the branding rules of usage set forth by Seller. Nonconformance to these rules will result in the de-branding of the Buyer FBO.

11. HEALTH, SAFETY & ENVIRONMENTAL ("HS&E") COMPLIANCE:

(a) Product Handling - Buyer shall exercise extreme caution in the storing, handling, and dispensing of Aviation Fuel, including daily inspection of all storage and dispensing equipment to prevent or eliminate contamination in any form, including commingling with other fuels. Buyer shall, immediately notify Seller of any instance of Aviation Fuel contamination or commingling with other fuels.

(b) Environmental Compliance - Buyer shall observe any and all federal, state, and municipal laws, ordinances, rules and regulations, user permits, and the like pertaining to the composition, handling, storage and dispensing of Aviation Fuel purchased hereunder including, without limitation, any and all laws, ordinances, rules and regulations pertaining to the volatility or vapor pressure of Aviation Fuel and the storage of same in aboveground or underground storage tanks. Buyer shall comply with any reasonable program instituted by Seller to assure

compliance with any such laws, ordinances, rules and regulations.

12. INSURANCE TO BE MAINTAINED BY BUYER: Buyer shall purchase and maintain at Buyer's expense the following insurance coverage in order to be a branded Shell Aviation FBO:

(a) Commercial General Liability Insurance, including premises and operations as well as products/completed operations liability for aviation products and refueling operations with minimum limits of five hundred thousand dollars (\$500,000) without restrictive per person sub-limits for bodily injury and/or property damage.

(b) Name both Shell Aviation, d.b.a. Shell Oil Products Company U.S., LLC and Titan Aviation Fuels, Inc., as additional insured parties with respect to liability arising from Buyers aviation operations. Operations including refueling, de-fueling and/or lubrication of aircraft.

Excess Aviation Refueling Liability Insurance in the amount of 50 million dollars (\$50,000,000) will be provided Buyer free of charge provided Buyer secures and maintains said underlying insurance.

In the event Buyer is able to secure said insurance, only with \$100,000 per-person sub-limits for bodily injury Buyer will be permitted to be a branded Shell Aviation FBO, but will not be eligible for the 50 million excess liability insurance program.

Buyer may elect not to participate in the Excess Aviation refueling Liability Insurance program, but will be required to maintain insurance meeting the above criteria to be a branded Shell Aviation FBO.

13. CHARGE / CREDIT CARD PROGRAM : Invoices from credit and charge card sales may be purchased by Seller from Buyer for approved charge and credit cards, but only as to such merchandise and services and upon such express regulations and instructions as may be set forth in the "Shell Merchant Terms and Operating Procedures Manual" published by Seller and furnished to Buyer from time-to-time. Upon failure by Buyer to comply strictly with such regulations and instructions, Seller shall have the right to charge back to Buyer any amounts represented by non-complying sales. Such regulations and instructions, as amended or supplemented from time-to-time at Seller's sole discretion, shall be deemed part of this Agreement. Buyer shall accept and honor all credit card, charge card, fuel card, contract fuel, and other payment methods designated by Seller. All transactions shall be processed via point-of-sale devices and web-enabled processing solutions that are designated and provided by Seller or 3rd party software vendors designated and approved by Seller.

14. CONTRACT FUEL PROGRAM: Seller offers a comprehensive Contract Fuel Program, and Buyer agrees to participate in this program exclusively. This does not include the Military Contract Fuel Program, which the Cape Aviation is currently using. Buyer represents and warrants that all contract fuel sales will be through Seller's Contract Fuel Program and that it will not use any other Supplier or Reseller Contract Fuel Program. Buyer agrees that into-wing services provided by Buyer to Seller's contract fuel customers will be at a fee lower than any other fee offered to other Resellers. Buyer agrees to process all Reseller transactions via Seller's Contract Fuel Program.

15. NOTICES: Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be sent by certified or registered mail, return receipt requested:

SELLER: TITAN AVIATION FUELS
Post Office Box 12327
New Bern, North Carolina 28561

BUYER: CITY OF CAPE GIRARDEAU
P.O. Box 617
Cape Girardeau, MO 63702

16. MERGER: There is no arrangement, agreement or understanding, by or between the contracting parties expressed or implied in any manner relating to the subject matters hereof nor herein specifically stated, and this Agreement shall not be altered or amended except in writing signed by both Buyer and Seller.

This the ____ day of _____, 20 ____.

**EASTERN AVIATION FUELS, INC dba TITAN AVIATION
FUELS**

By: _____
Robert L. Stallings, IV, President

ATTEST: _____

CITY OF CAPE GIRARDEAU

By: _____
Scott Meyer, City Manager

ATTEST: _____
Gayle Conrad, City Clerk

Staff: Kelly Green, P.E., City Engineer
Agenda: 10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-217

SUBJECT

A Resolution authorizing the City Manager to execute a License and Indemnity Agreement with Grace Works, LLC., a Missouri Limited Liability Company for installation of two projecting signs that will be located at the Bakery entrance and lounge entrance. Each sign will be 36" wide and 24" long and be 11'9" and 11'5" above the sidewalk located at 125 N. Water Street, in the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

Grace Works, LLC, a Missouri Limited Liability Company, has requested the City Manager execute a License and Indemnity Agreement to place projecting signs at 125 N. Water Street, in the City of Cape Girardeau, Missouri. The attached License and Indemnity Agreement sets out the responsibilities, conditions, and liabilities assumed by Grace Works LLC a Missouri Limited Liability Company right-of-way as requested.

FINANCIAL IMPACT

There will be no financial impact for the City of Cape Girardeau.

STAFF RECOMMENDATION

Staff recommends approval of the attached Resolution authorizing the City Manager to enter into a License and Indemnity Agreement with Grace Works, LLC., a Missouri Limited Liability Company for installation of two projecting signs that will be located at 125 N. Water Street, in the City of Cape Girardeau, Missouri.

ATTACHMENTS:

Name:	Description:
License_and_Indemnity_agreement_Grace_Works_125_N_water_street.doc	Resolution
L 1 125 N. Water - Bon bon.doc	L&I
Bon_Bons_Sign_1.pdf	Exhibit
Bon_Bons_Sign_2.pdf	exhibit 2
Bon_Bons_Sign_3.pdf	exhibit 3

BILL NO. 19-158

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH GRACE WORKS, LLC, FOR TWO PROJECTING SIGNS TO BE LOCATED AT 125 NORTH WATER STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

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

ARTICLE 1. The City Manager, for and on behalf of the City of Cape Girardeau, Missouri, is hereby authorized to execute a License and Indemnity Agreement with Grace Works, LLC, for the installation of two projecting signs to be located at 125 North Water Street, in the City of Cape Girardeau, Missouri. The Agreement shall be in substantially the form attached hereto, which document is hereby approved by the City Council, with such changes therein as shall be approved by the officers of the City executing the same.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Gayle L. Conrad, City Clerk

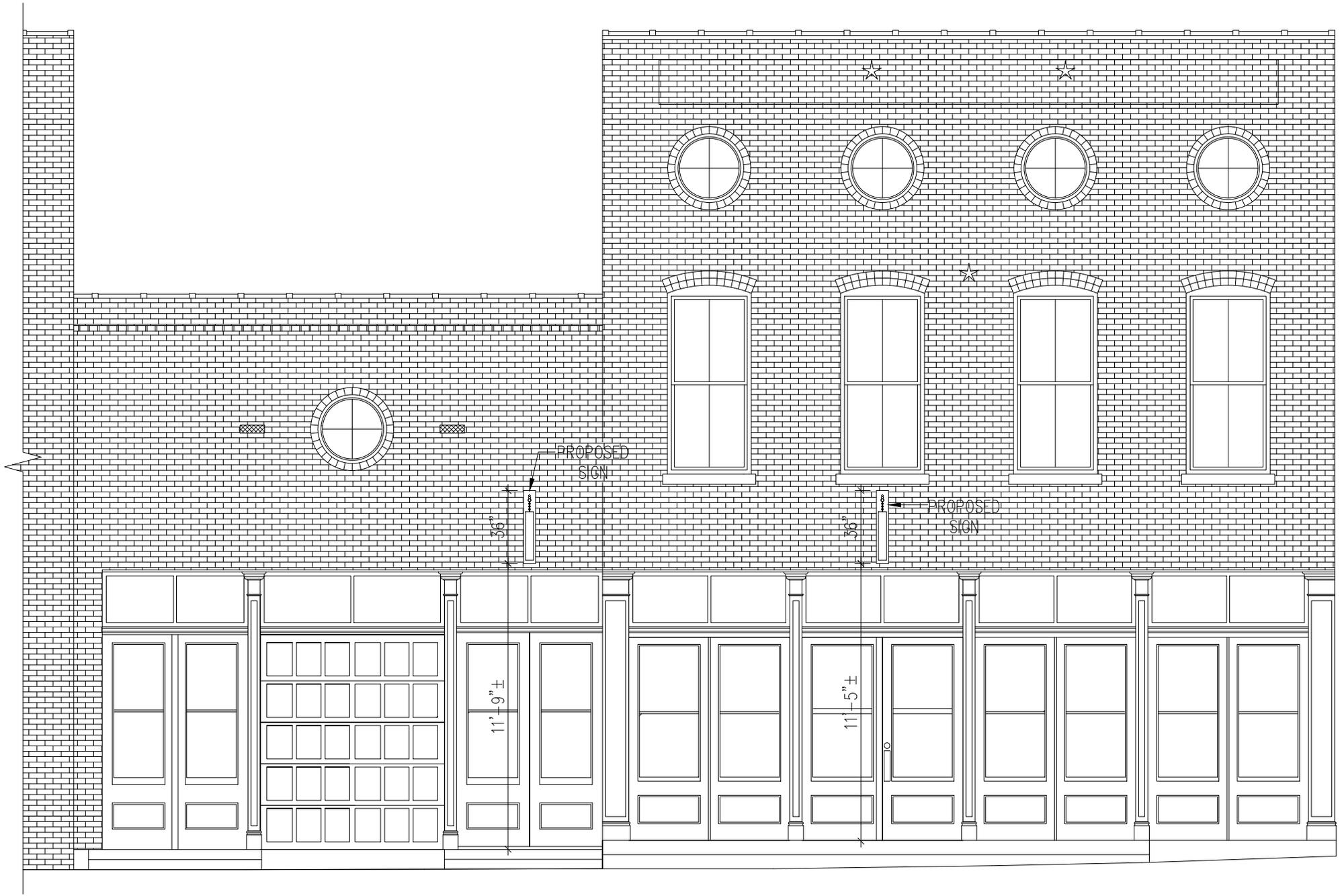
LICENSE AND INDEMNITY AGREEMENT
125 N. Water Street
Cape Girardeau, MO 63701

In consideration of the City Council of the City of Cape Girardeau, Missouri, hereinafter known as "City", granting Grace Works, LLC, a Missouri Limited Liability Company hereinafter known as "Licensees", permission to use and place certain improvements on City property which is adjacent to 125 N. Water Street in the City of Cape Girardeau, Missouri, Cape Girardeau County, Missouri, the parties hereto state as follows:

1. The City of Cape Girardeau, Missouri, hereby grants to Licensees a license to use and place certain improvements to-wit:

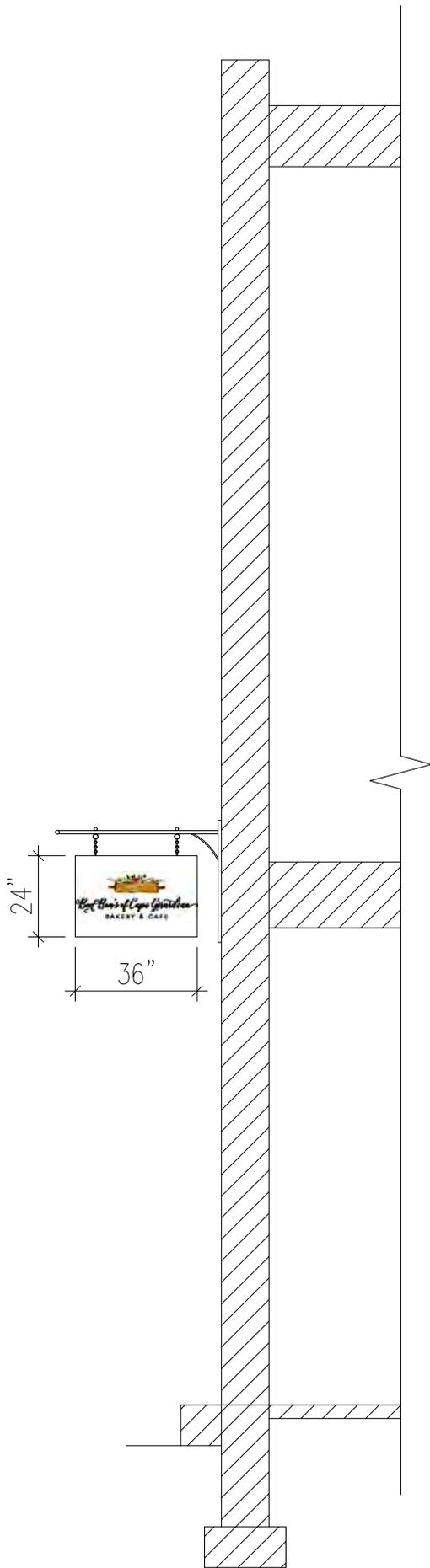
To install Two Projecting Signs, one at the Bakery entrance and one at the Lounge entrance. Each sign will be 36" wide and 24" long and be 11'9" and 11'5" above the sidewalk.

2. Licensees, and their successors, heirs and assigns all agree as follows:
 - A. That they will assume all risk of personal injury or death and property damage or loss from whatever causes arising while any person approaches, enters, uses or leaves the aforementioned property, which may occur directly or indirectly from the placing of said improvements or the conduct of such activities on City property.
 - B. That they do hereby release the City of Cape Girardeau, its officers, employees, agents, servants and assigns from any liability which might occur from the placing or use of such improvements or the conduct of such activities.
 - C. That they will indemnify and hold harmless the City of Cape Girardeau, its officers, employees, agents and servants from all suits and actions of every name and description brought against the City, its officers, employees, agents and servants for or on account of any injuries or damages received or sustained by any parties or alleged to be received or sustained by any parties or party which may result directly or indirectly from the placing or use of said improvement or the conduct of such activities on City property.
 - D. That they will keep said improvements which are placed on the City property in a state of good repair and will cooperate with the City by making necessary repairs as requested by the City so as to protect the health and safety of the Citizens.
 - E. That they will not maintain on the property any hazardous or toxic waste or substances, as defined under all applicable federal, state and local environmental laws, including, but not limited to, hazardous waste as defined in the Resource Conservation and Recovery Act of 1976 as amended ("RCRA"), hazardous substances as defined in the Comprehensive Environmental Response Compensation and Liability Act as amended ("CERCLA") and toxic substances as defined in the Toxic Substances Control Act as amended ("TSCA"). Any operations on the property shall not be in violation of any laws, regulations, ordinances, statutes, orders or decrees of any governmental body, arbitration tribunal or court, including, without limitation, RCRA, CERCLA, TSCA and all regulations thereunder. There shall be no conduct of business on the property which constitutes a violation of Environmental Laws or any other laws, regulations, ordinances, statutes, order or decrees of any governmental body.
 - F. Nothing in this agreement or actions of the City in granting permission to place said improvements or conduct of such activities on the described property shall be construed to give the Licensee, any irrevocable rights to keep said improvements or activities on such property. The City Council reserves the right for the City Manager to terminate this agreement and to order the removal of said improvements and/or the cessation of said



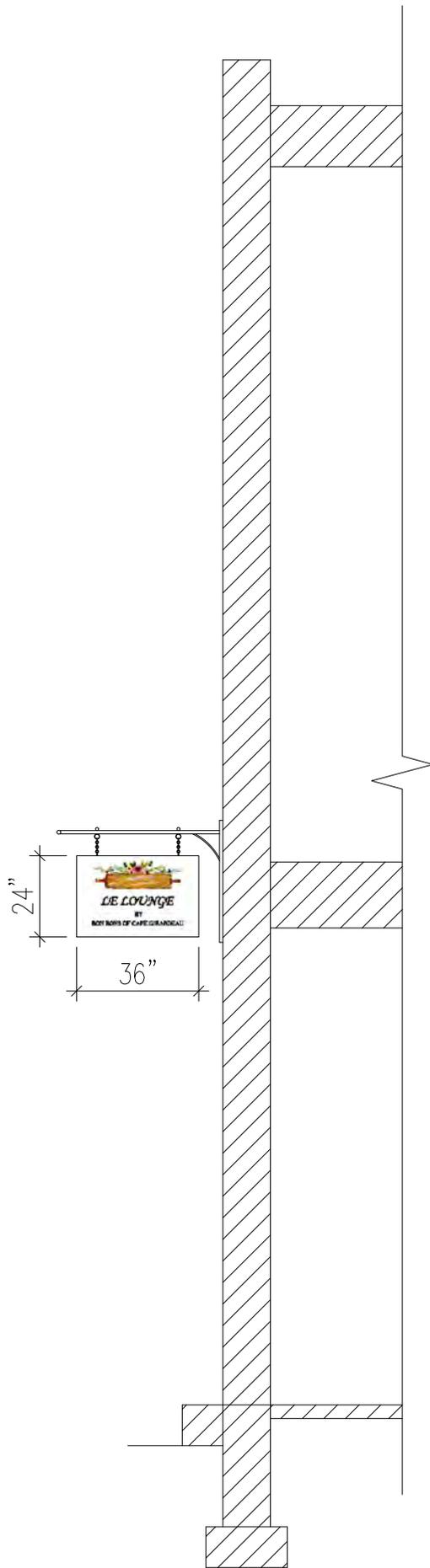
FRONT ELEVATION

SCALE: $1/4'' = 1'-0''$



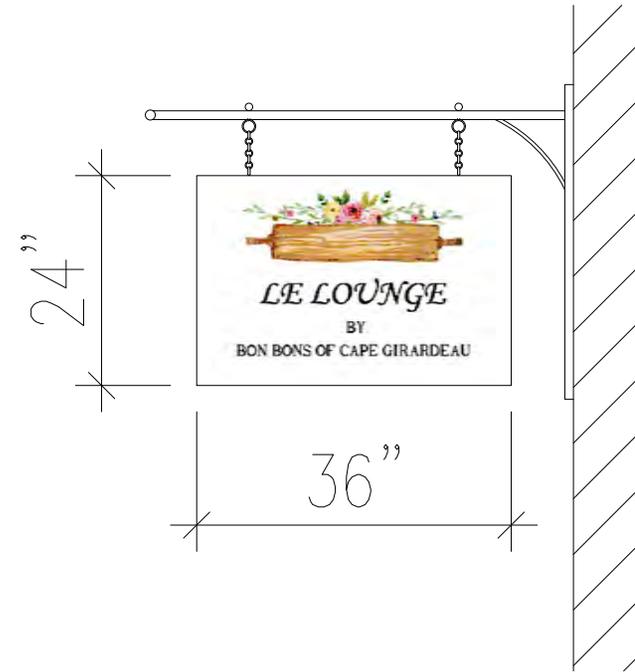
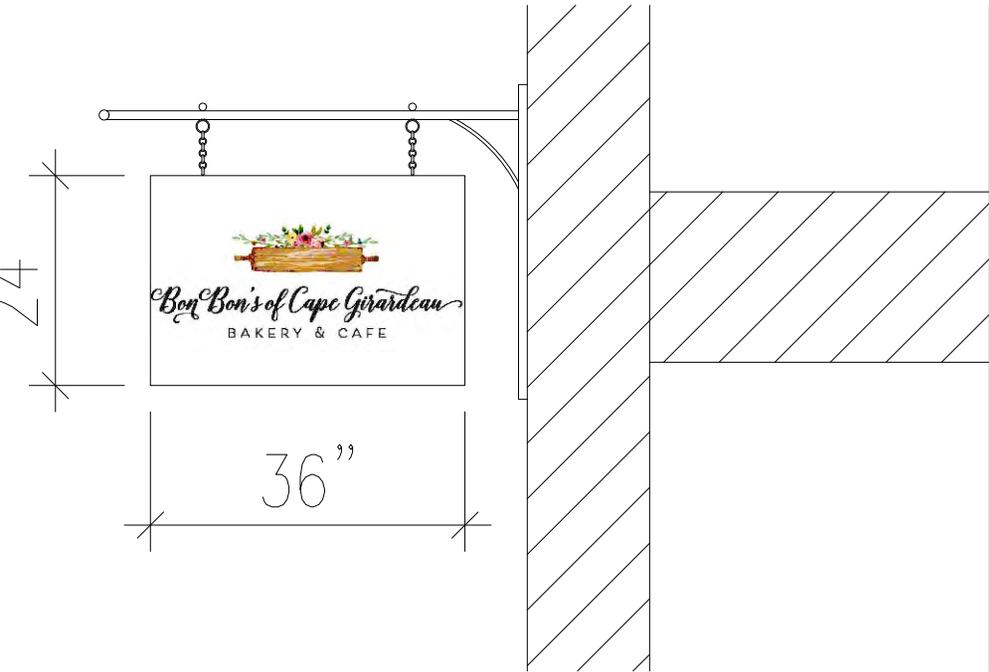
SIDE ELEVATION

SCALE: 1/4" = 1'-0"



SIDE ELEVATION

SCALE: 1/4" = 1'-0"



Staff: Kelly Green, P. E., City Engineer
Agenda: 10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-218

SUBJECT

Accept the improvements and authorize final payment to the contractor for Masonry for Capaha Park Comfort Station.

EXECUTIVE SUMMARY

This project consisted of the installation of concrete masonry units, masonry accessories, metal door frames, and all other appurtenances as described in the contract documents for the Re-Bid for the Masonry for Capaha Park Comfort Station. The contract was bid with the plan that the Parks Department would pour the foundation of the building first, thus causing a delay in starting the project.

BACKGROUND/DISCUSSION

These improvements were inspected by City Staff, were satisfactorily completed, and are ready for acceptance into the City's systems.

FINANCIAL IMPACT

The construction work was completed for a total of \$43,821.07. Funding for this project was provided by the Parks and Recreation Stormwater Tax Fund (PRS1).

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

The addition of the Comfort Station at Capaha Park provide much needed amenities for the general public due to the volume of visitors the park sees on a regular basis.

STAFF RECOMMENDATION

Staff recommends Council, by motion, accept the improvements as indicated and approve final payment to Boulder Construction, LLC.

ATTACHMENTS:

Name:	Description:
Engineer's Final Report.pdf	Engineer's Final Report

September 26, 2019

Engineer's Final Report on Masonry for the Capaha Park Comfort Station

To the City Manager
Of the City of Cape Girardeau, Missouri

Dear Sir:

I hereby report that the improvements under the Masonry for the Capaha Park Comfort Station which consisted of the installation of concrete masonry units, masonry accessories, metal door frames, and all other appurtenances as described in the contract documents for the Comfort Station in Capaha Park have been completed by Boulder Construction, LLC. The work was satisfactorily completed in accordance with the plans, specifications, contract and ordinances adopted by the City Council.

The original contract time was forty-five (45) calendar days for substantial completion and seventy-five (75) for final completion; however the contractor had to wait until the Parks Department poured the foundation of the Comfort Station before they could begin work. The Notice to Proceed was issued on April 5, 2019. The contractor completed the project within the original deadlines for both substantial and final completion.

I have computed the cost of said construction as follows:

<u>No.</u>	<u>Item</u>	<u>Qty.</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Completed Price</u>
1	Masonry for the Capaha Comfort Station	1	LS	\$ 39,176.00	\$ 39,176.00
TOTAL CONTRACT ITEMS					\$ 39,176.00
	LESS PREVIOUS PAYMENTS		\$	0.00	
	AMOUNT DUE THE CONTRACTOR		\$	39,176.00	
	CITY ENGINEERING DESIGN COSTS				\$ 3,586.70
	OTHER COSTS				\$ 1,659.38
	TOTAL PROJECT COSTS				\$ 44,422.08

This project used a City standard restroom design from Mitchell Blake Malone, Architect. The project was first bid on December 11, 2018. One bid was submitted from Kenneth E. Foeste Masonry, Incorporated in the amount of \$64,880.00. The City estimated the project costs at approximately \$30,000.00. The City wished to rebid the project without prevailing wage requirements, as the cost of the project was less than \$75,000.00.

The project was re-advertised and bids were taken on January 15, 2019. One bid was received but had to be rejected due to the bidder's misunderstanding of the time of the bid opening.

The Notice to Bid was publicly advertised again and on February 26, 2019, one (1) bid was received from Boulder Construction, LLC in the amount of \$39,176.00 which was only \$9,176.00 above the Engineer's Estimate.

Parks and Recreation Stormwater Tax Fund provided the monies for the costs associated with this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'KAGS', written over a horizontal line.

Kelly Green, P.E.
City Engineer

KG/kj

Project Reference Code – 3837030-71140-P1806

Purchase Order No. – 192337

Engineering Division Project # 4257

GENERAL NOTES

1. ALL CONSTRUCTION IS TO MEET THE CITY OF CAPE GIRARDEAU STANDARDS INCLUDING SPECIFICATIONS AND DETAILS.
2. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING CONSTRUCTION PHASE OF THIS PROJECT. THE CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASE OF THIS PROJECT.
3. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE PROJECT. THE CONTRACTOR SHALL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASE OF THIS PROJECT.

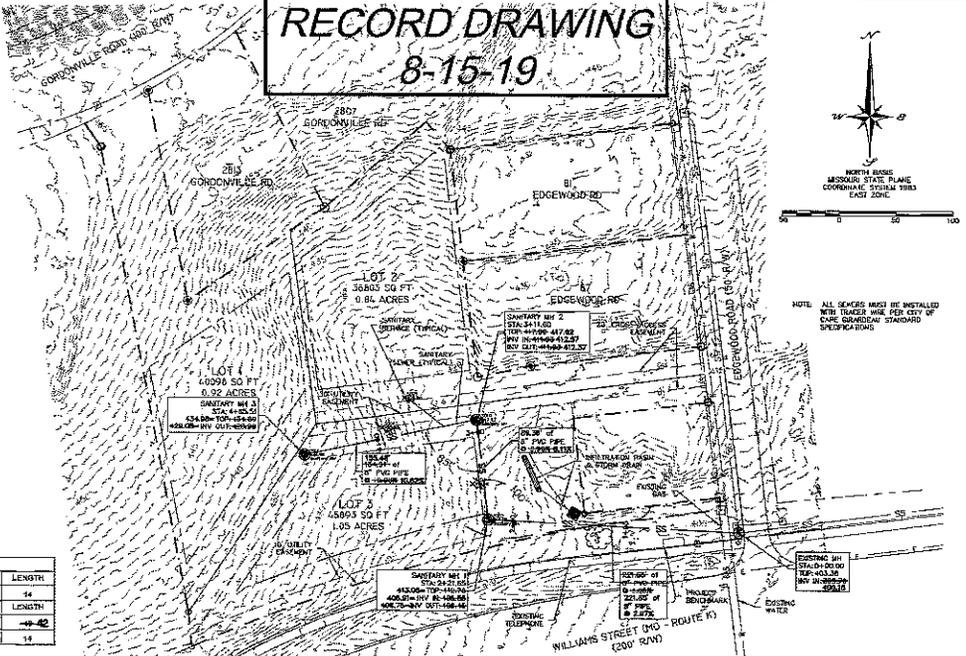
SEWERAGE AND DRAINAGE NOTES

1. POLYVINYL CHLORIDE (PVC) SEWER PIPE AND FITTINGS: ASTM D 3034 (4" - 18"), SDR 35, FOR GASKETED JOINTS.
2. REINFORCED-CONCRETE SEWER PIPE AND FITTINGS: ASTM C 76, CLASS III, W-8, 8, FOR GASKETED JOINTS.
3. HIGH-DENSITY POLYETHYLENE (HDPE) PIPE AND FITTINGS: AASHTO M 254, FOR GASKETED JOINTS.
4. PRECAST CONCRETE MANHOLES: ASTM C 478, PRECAST REINFORCED CONCRETE, OF DEPTH INDICATED, WITH PROVISION FOR RIBBED RASPED JOINTS OR BULKHEAD MATING SEALS.
5. INSTALL PIPING BEGINNING AT LOW POINT OF SYSTEMS TRUE TO GRADE AND ADJUSTMENT INDICATED WITH APPROVED CONTINUITY OF INVERT. PLACE BELL ENDS OF PIPING PACKING UPSTREAM. INSTALL GASKETS, SEALS, SURVEYS, AND COUPLERS ACCORDING TO MANUFACTURER'S RECOMMENDATIONS FOR USE OF COUPLERS, JOINTS, AND GASKETS. INSTALLATION REQUIREMENTS: MANHOLE ENDS OR DRAG IN LINE AND PULL PAST EACH JOINT AS IT IS COMPLETED.
6. USE PROPER SIZE REDUCERS, REDUCERS AND COUPLERS, WHERE DIFFERENT SIZES OF MATERIALS OF PIPES AND FITTINGS ARE CONNECTED. REDUCTION OF THE SIZE OF PIPING IN THE DIRECTION OF FLOW IS PROMOTED.
7. JOINT PIPING MADE OF DIFFERENT MATERIALS OR DIMENSIONS WITH COUPLERS MADE FOR THE APPLICATION. USE COUPLERS THAT ARE COMPATIBLE WITH THE PIPE BOTH SYSTEMS' MATERIALS AND DIMENSIONS.
8. SEWER LINE SHALL BE LAID AT LEAST TEN (10) FEET HORIZONTALLY FROM ANY DRAINAGE OR PROPOSED WATER MAIN. THE DISTANCE SHALL BE MAINTAINED THROUGH-OUT. SEWERS CROSSING WATER MAINS SHALL BE LAID TO PROMOTE A MINIMUM VERTICAL DISTANCE OF TWENTY FOUR (24) INCHES BETWEEN THE OUTSIDE OF THE WATER LINE AND THE OUTSIDE OF THE SEWER LINE. THIS SHALL BE TWO FEET ABOVE THE WATER MAIN IF COVER ABOVE OR BELOW THE SEWER.
9. THE PIPING MANHOLE LOCATIONS SHALL CONFORM TO ASTM CODE AND BE ASSIGNED TO THE REQUIRED HEIGHT. MANHOLE PRECAST MANHOLES ARE TO BE INSTALLED TOGETHER WITH SEWER PIPING. MANHOLE COVERS SHALL BE LAID TO MATCH THE FINISH GRADE. ALL MANHOLE JOINTS SHALL BE PROTECTED WITH AN EXTERNAL JOINT SEAL. ALL MANHOLE JOINTS SHALL BE PROTECTED WITH AN EXTERNAL JOINT SEAL. ALL MANHOLE JOINTS SHALL BE PROTECTED WITH AN EXTERNAL JOINT SEAL. ALL MANHOLE JOINTS SHALL BE PROTECTED WITH AN EXTERNAL JOINT SEAL.
10. INSTALL CLEANOUTS AND ROSTER COVERS FROM SEWER PIPE TO CLEANOUT AT GRADE. USE CAST-IRON SOIL PIPE FITTINGS AT SEWER PIPES AT CLEANOUTS FOR DRAINAGE AND CAST-IRON SOIL PIPE FOR ROSTER EXTENDING TO CLEANOUT. INSTALL PIPING SO CLEANOUTS OPEN IN DIRECTION OF FLOW IN SEWER PIPE. CLEANOUT FRAMES AND COVERS AT ENDS IN A CAST-IN-PLACE CONCRETE BLOCK 18 BY 18 BY 12 INCHES DEEP. SET WITH ROSTER 1 INCH ABOVE SURFACE GRADE WITH GRADE. SET CLEANOUT FRAMES AND COVERS IN CONCRETE WITH TOPS FINISH WITH SURFACE OF FINISH.
11. MAKE CONNECTIONS TO EXISTING PIPING AND UNDERGROUND STRUCTURES AS FINISHED WORK CONTAINING AS NEARLY AS PRACTICABLE TO REQUIREMENTS FOR NEW WORK. USE COMPARABLE MANUFACTURED JOINT FITTINGS FOR PIPING JOINER CONNECTIONS FOR POLYETHYLENE OR POLYPROPYLENE. THE JOINT FITTINGS SHALL HAVE AN INTERNAL DAMPER AS REQUIRED ON THE SLABS AND SHALL BE OF SHAP MATERIALS, CLASS AND QUALITY AS STIPULATED FOR COVERED LINE. PREVENT EXISTING PIPING AND STRUCTURES TO BE DAMAGED OR DISRUPTED FROM EXISTING WHILE MAKING NEW CONNECTIONS. REMOVE DEBRIS OR OTHER EXTRANEOUS MATERIAL THAT MAY ACCUMULATE.

LEGEND

---	PROPERTY/ADJACENT LINE
---	RIGHT-OF-WAY LINE
---	BUILDING SETBACK LINE
---	EASEMENT LINE
---	LIMITS OF DISTURBANCE
---	PROPOSED SALT FENCE
---	EXISTING CONTOUR (1:10)
---	PROPOSED CONTOUR
---	WATER LINE
---	SANITARY SEWER LINE
---	STORM SEWER LINE
---	EXISTING TELEPHONE
---	EXISTING GAS
---	SOIL
---	FIRE HYDRANT
---	WATER VALVE
---	CLEAR CUT
---	GRADED DRAIN
---	SANITARY MANHOLE
---	SANITARY MANHOLE

RECORD DRAWING
8-15-19



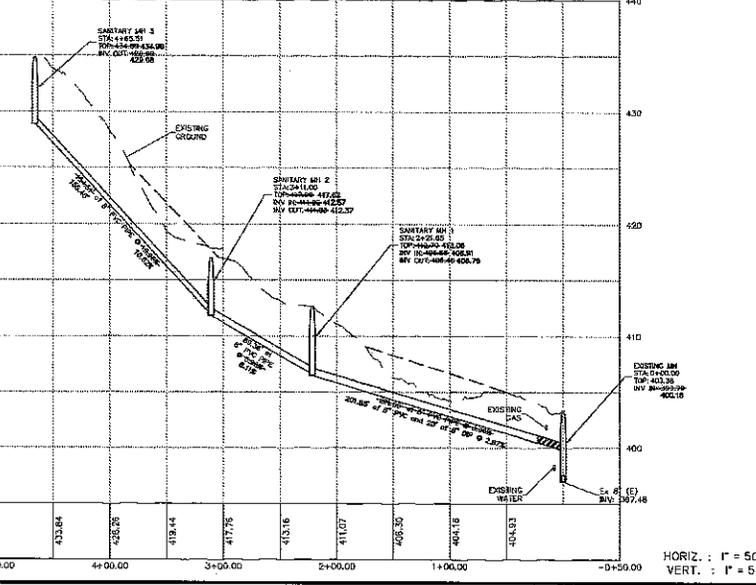
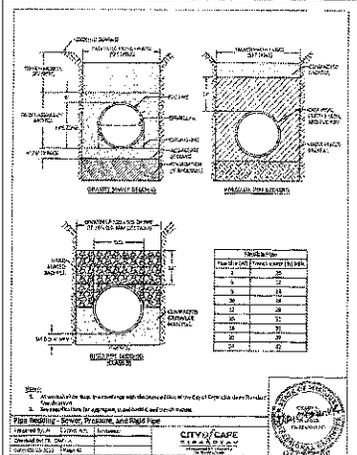
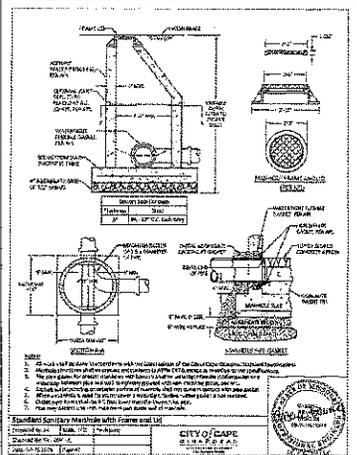
REV	DESCRIPTION	DATE

STRUCTURE SCHEDULE

STRUCTURE NAME	TOP ELEVATION	PIPE SIZES & INVERT ELEVATION			
		N	S	E	W
Ex Sanitary MH	403.38			400.18	400.18
Sanitary MH 1	404.00	404.00	404.00	404.00	404.00
Sanitary MH 2	407.82	407.82	407.82	407.82	407.82
Sanitary MH 3	404.56	404.56	404.56	404.56	404.56

SANITARY WYE TABLE

LOT NO.	Dist From DB MH	DB MH TO US MH	DIRECTION	LENGTH
3	21	MH 1 - MH 2	LT	14
2	31.5	MH 2 - MH 3	RT	42
1	70	MH 2 - MH 3	RT	14



SANITARY SEWER RECORD DRAWINGS
TARA ESTATES
CAPE GIRARDEAU, MISSOURI

STRICKLAND
ENGINEERING

10 WEST MAIN STREET
JACKSON, MISSOURI 64315
PHONE: 573-533-2100
FAX: 573-533-2109

CIVIL - MECHANICAL - PLUMBING - ELECTRICAL - ENGINEERING
LAND SURVEYING

DRAWING TITLE
SANITARY PLAN & PROFILE

GENERAL NOTES

SCALE	As Noted
DATE	7-5-18
DRAWN BY	MTM
JOB No.	18-039
DRAWING NUMBER	2

CONSECUTIVE NUMBER
OF 2

GRADING & EROSION GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH THE CITY OF CAPE GIRARDEAU AND STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES LAND DISTURBANCE REGULATIONS.
2. THE CONTRACTOR SHALL MAINTAIN THE DISTURBANCE OF THE SITE IN ACCORDANCE WITH THE EROSION CONTROL SCHEDULE SHOWN ON THIS PLAN AND UNLESS OTHERWISE SPECIFIED OR UNLESS OTHERWISE SPECIFIED BY THE CITY OF CAPE GIRARDEAU. THE GOAL IS TO MINIMIZE THE OCCURRENCE OF EROSION PROBLEMS.
3. THE FINAL CONTOURS SHOWN ON THE PLAN ARE APPROXIMATE AND MAY BE CHANGED IN THE FIELD WITH THE APPROVAL OF THE ENGINEER. THE GOAL IS TO STABILIZE THE SITE TO MINIMIZE THE OCCURRENCE OF EROSION PROBLEMS.
4. SLOPES SHALL BE LEFT IN A BOLDED CONDITION DURING THE GRADING PHASE TO REDUCE EROSION AND TO PROVIDE A PROTECTIVE COVER TO THE SOIL.
5. THE CITY OF CAPE GIRARDEAU REQUIRES THAT THE CONTRACTOR HAVE CONSTRUCTION TESTING PERFORMED ON ALL FILL AREAS. THIS DATA MUST BE SUBMITTED TO THE CITY OF CAPE GIRARDEAU IN A FORM THAT ALLOWS THE TEST SITES TO BE LOCATED ON A PLAN. THE TESTING REQUIRED SHALL BE ONE PASSING TEST PER EACH 500 SQUARE FEET OF FILL WITHIN THE FILL AREAS.
6. ALL SOIL COMPACTION RECORDING SHALL BE SUBMITTED TO THE CITY OF CAPE GIRARDEAU ON ALL PROJECTED FILL AREAS.
7. THE EROSION PREVENTION PLAN IS COMPRISED OF THE DRAWING (SITE GRADING & EROSION CONTROL PLAN) AND THE STANDARD DETAILS, SPECIFICATIONS, PLUS THE NOTES AND ALL SUBSEQUENT REVISIONS AND RELATED DOCUMENTS. IN CASE OF CONFLICTS BETWEEN THE PLANS, SPECIFICATIONS AND PERMITS, THE MOST STRINGENT REQUIREMENTS SHALL APPLY.
8. IF PROPOSED MAINTENANCE PLAN WILL PROVIDE AN EROSION CONTROL PLAN FOR CONTROLLING EROSION, HOWEVER IT IS ADDED TO THE PLAN AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS AND TESTING REQUIRED TO BE SUBMITTED TO THE CITY OF CAPE GIRARDEAU. THE CONTRACTOR SHALL INCLUDE IN THE BIDDING AND ADVISORY FILING SET PROVIDE ALL EROSION CONTROL MEASURES NECESSARY TO COMPLY WITH THE CODES FOR THE DURATION OF THE CONSTRUCTION PROJECT.
9. CONTRACTOR SHALL IMPLEMENT BEST MANAGEMENT PRACTICES AS REQUIRED BY THE EROSION CONTROL PLAN AND ADVISORY BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AS DIRECTED BY CONDITIONS AT NO ADDITIONAL COST TO OWNER THROUGHOUT ALL PHASES OF CONSTRUCTION.
10. THE EROSION CONTROL MEASURES ARE SHOWN ON THE PLAN USING SYMBOLS. REFER TO THE LEGEND FOR A LIST OF MEASURES OF THE SYMBOLS.
11. ALL AREAS SHALL BE STABILIZED WITHIN 7 DAYS OF THE COMPLETION OF GRADING. SEEDING MAY BE PERMITTED SO THAT GROUND COVER IS ESTABLISHED SOONER. ALL SLOPES GREATER THAN 3:1 SHALL BE STABILIZED WITH SEEDING WITHIN 30 DAYS OF COMPLETION OF GRADING.
12. SOIL TO BE A LOCALLY GROWN TURF FESCUE 900 SELECTED FROM PROVENAL SUPPLIER AND TO BE SUITABLE FOR PROJECT LOCATION.
13. ALL STRUCTURAL MEASURES SHALL BE MAINTAINED AND THE WASTE MATERIALS REMOVED AND DISPOSED OF PROPERLY.
14. BEST MANAGEMENT PRACTICES (BMPs) AND CONTROLS SHALL CONFORM TO FEDERAL, STATE OR LOCAL REQUIREMENTS OR MANUALS OF PRACTICES AS APPLICABLE. CONTRACTOR SHALL IMPLEMENT ADDITIONAL CONTROLS AS DIRECTED BY PERMITTING AGENCY OR OWNER.
15. ALL WASTE WATER (CONCRETE CURING, VEHICLE CLEANING, EQUIPMENT CLEANING, ETC.) SHALL BE CONTAINED AND PROPERLY TREATED OR DISPOSED.
16. SUFFICIENT OIL AND GREASE ABSORBING MATERIALS AND FLEETION BOARDS SHALL BE MAINTAINED ON SITE OR READILY AVAILABLE TO CONTAIN AND CLEAN-UP FUEL OR CHEMICAL SPILLS AND LEAKS.
17. RUBBER, BARK, SAWDUST, LITTER, OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEALED CONTAINERS. MATERIALS SHALL BE PREVENTED FROM LEAVING THE PROJECTS THROUGH THE ACTION OF WIND OR STORM WATER DISCHARGE INTO DRAINAGE SYSTEMS.
18. ALL DIRTED AREAS THAT WILL BE BURNED FOR 14 DAYS OR MORE MUST BE STABILIZED TEMPORARILY WITH THE USE OF FAST-GROWING ANNUAL GRASS SEED OR GRASS SEEDING. STORMWATER MUST BE COLLECTED AND PREVENTED FROM LEAVING THE PROJECTS THROUGH THE ACTION OF WIND OR STORM WATER DISCHARGE INTO DRAINAGE SYSTEMS.
19. DISTURBED PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITY IS COMPLETE SHALL BE PERMANENTLY STABILIZED AS SOON AS THE PLANS. THESE AREAS SHALL BE SEED, SOILED, AND/OR REVEGETATED AS SOON AS PRACTICABLE AFTER THE LAST CONSTRUCTION ACTIVITY OCCURRED IN THESE AREAS. SEEDING MAY BE PERMITTED SO THAT GROUND COVER IS ESTABLISHED SOONER.
20. LAND DISTURBANCE SITES SHOULD BE INSPECTED ON A REGULAR SCHEDULE AND WITHIN A REASONABLE TIME PERIOD (NOT TO EXCEED 48 HOURS) AFTER ANY RAIN EVENT THAT PRODUCE RUNOFF. REGULARLY SCHEDULED INSPECTIONS SHALL BE AT A MINIMUM OF ONCE PER WEEK. ANY DEFICIENCIES SHALL BE NOTED IN A WRITTEN REPORT OF THE INSPECTION AND CORRECTED WITHIN SEVEN CALENDAR DAYS OF THE REPORT. CONTRACTORS ARE REQUIRED TO SUBMIT TO CITY INSPECTOR SEVERAL COPIES OF THEIR INSPECTION REPORTS REQUIRED BY THE SUGGESTIVE EROSION PREVENTION PLAN (ENRPP) ON A MONTHLY BASIS.
21. IF THE ACTION OF VEHICLES TRAVELING OVER THE GRAVEL CONSTRUCTION ENTRANCES IS NOT SUFFICIENT TO REMOVE THE MAJORITY OF SOIL ON WHEELS, THEN THE WHEELS MUST BE WASHED BEFORE THE VEHICLES ENTER A PUBLIC ROAD. IF WASHING IS USED, PROMISONS MUST BE MADE TO INTERCEPT THE WASH WATER AND THAT THE WASHING SYSTEM IS CAPABLE OF CAPTURING ONLY USE WASH/WATER LOCATING AS PROVIDED.
22. ALL MATERIALS SHIPPED, DROPPED, UNLOADED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STREAM CHANNELS MUST BE PROPERLY MAINTAINED.
23. ON-SITE & OFF-SITE SOIL, SEDIMENT AND BURROW AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION THROUGH IMPLEMENTATION OF BEST MANAGEMENT PRACTICES AND SHALL BE MAINTAINED UNTIL PERMANENT STABILIZATION IS ACHIEVED. SEDIMENT AND BURROW AREA LOCATIONS SHALL BE NOTED ON THE SITE MAP AND MAINTAINED IN ACCORDANCE WITH GOOD PRACTICE REQUIREMENTS.
24. IN ORDER TO PERMIT A STAKE OPERATING PERMIT, THE MISSOURI DEPARTMENT OF NATURAL RESOURCES (DMNR) REQUIRES THAT THE PERMITTEE SUBMIT A COMPLETED FORM (INCLUDED WITH THE APPROVED PERMIT) TO THE DMNR. A PERMIT IS ELIGIBLE FOR TERMINATION WHEN EITHER PERMANENT VEGETATION, PERMANENT BARRIERS, OR STRUCTURES ARE PERMANENTLY MAINTAINED ON ALL AREAS THAT HAVE BEEN DISTURBED. VEGETATION COVER SHALL BE AT LEAST 90% OF JULY ESTABLISHED PLANT DENSITY WITHIN 30 DAYS OF THE DISTURBED AREA. A COPY OF PERMIT SHOULD BE SUBMITTED TO THE CITY AT WHICH TIME THE CITY WILL REMOVE THE PROJECT FROM ITS INSPECTION SCHEDULE.

EROSION CONTROL SCHEDULE

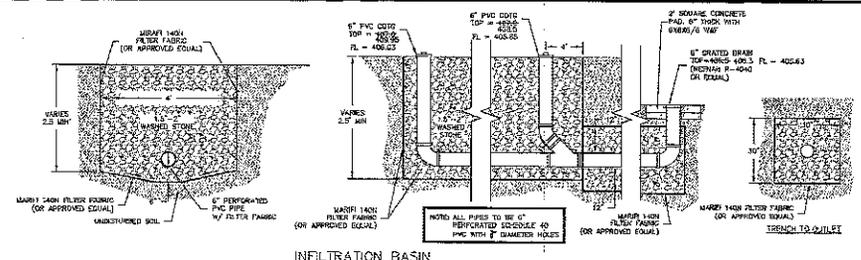
- THE LAND DISTURBANCE ACTIVITIES FOR THIS PROJECT WILL OCCUR IN THE FOLLOWING ORDER:
1. INSTALL SILT FENCE.
 2. CLEAR TREES AND STRIPING AND STOPPING UP VEHICLE.
 3. SITE GRADING FOR DETENTION BASIN.
 4. INSTALL SANITARY SEWER.
 5. SPREAD TOPSOIL ON SURFACE OF VEGETATIVE AREA & IMMEDIATELY SEED, ROLL, FERTILIZE AND WATER.

ACREAGE SUMMARY

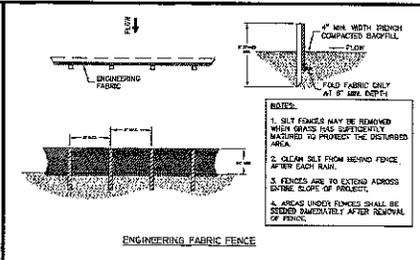
TOTAL PROJECT SITE AREA: 2.82 ACRES
 DISTURBED AREA: 0.42 ACRES

MAINTENANCE NOTE
 OWNER IS RESPONSIBLE FOR ALL MAINTENANCE OF INFILTRATION BASIN.

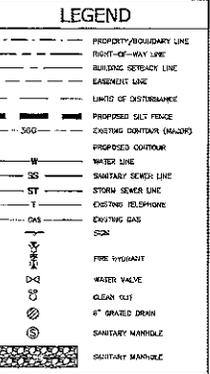
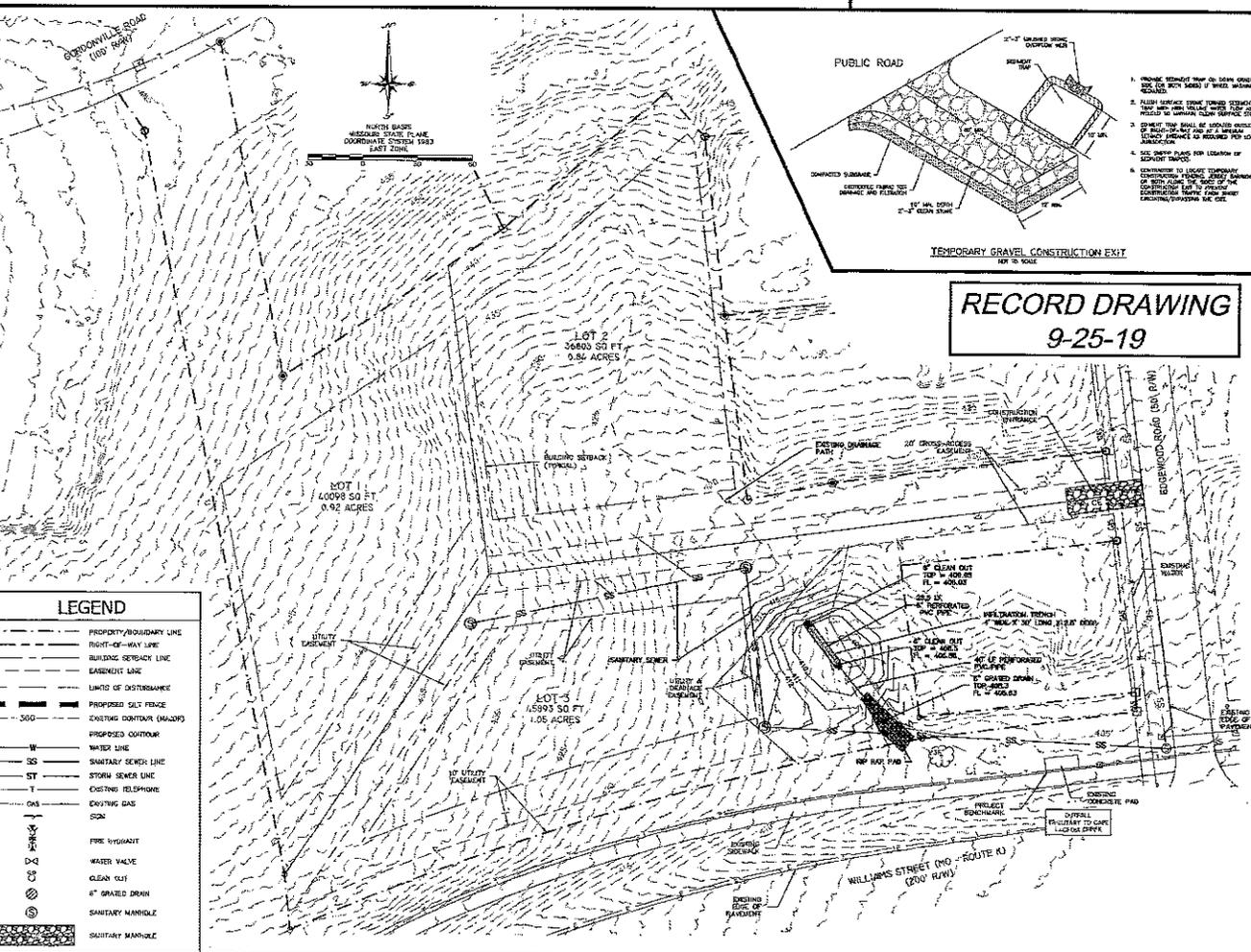
EROSION CONTROL MAINTENANCE NOTE
 ALL MAINTENANCE OF EROSION CONTROL MEASURES SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL ACCEPTABLE VEGETATION IS ESTABLISHED.



INFILTRATION BASIN
NOT TO SCALE



- NOTES:**
1. SILT FENCES MAY BE REMOVED WHEN WASHING HAS SUCCESSFULLY MAINTAINED TO PROTECT THE DISTURBED AREA.
 2. CLEAR SILT FROM BEHIND FENCE AFTER EACH RAIN.
 3. FENCES ARE TO EXTEND ACROSS ENTIRE SLOPE OF PROJECT.
 4. AREAS UNDER FENCES SHALL BE SEEDED IMMEDIATELY AFTER REMOVAL OF FENCES.



RECORD DRAWING
 9-25-19



REV	DATE	DESCRIPTION

SANITARY SEWER RECORD DRAWINGS
TARA ESTATES
 CAPE GIRARDEAU, MISSOURI

STRICKLAND ENGINEERING
 10 WEST MAIN STREET
 JEFFERSON, MISSOURI 63105
 PHONE: 572-203-0000
 FAX: 572-203-0000

CIVIL - MECHANICAL - PLUMBING - ELECTRICAL ENGINEERING
 LAND SURVEYING

DRAWING TITLE: **SITE GRADING & EROSION CONTROL PLAN**

SCALE: As Noted
 DATE: 7-5-18
 DRAWN BY: MTM
 JOB NO.: 18-039
 DRAWING NUMBER: 3
 CONSECUTIVE NUMBER OF: 3

Staff: Kelly Green P.E., City Engineer
Agenda: 10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-219

SUBJECT

Acceptance of public improvements to serve Tara Estates, in the City of Cape Girardeau.

BACKGROUND/DISCUSSION

B and C Properties, LLC (Christopher Lix and Henry Holyfield) constructed public improvements to serve Tara Estates. These improvements consisted of **sanitary sewer infrastructure**.

Sanitary Sewer

- 3 Standard Manholes
- 447 LF of 8 inch SDR-35 PVC Sanitary Sewer Main
- 20 LF of 8 inch DIP Sewer Main

The improvements are complete and ready to be accepted into the City's system. These improvements were inspected by City Staff and were completed generally in accordance with the approved plans.

FINANCIAL IMPACT

The improvements were installed by private contract. Once accepted into the City's system, the City will be responsible for routine maintenance and, if necessary, any repairs.

STAFF RECOMMENDATION

Staff recommends the Council accept, by motion, the public improvements to serve Tara Estates into the City's System.

ATTACHMENTS:

Name:	Description:
 Tara_Estates.pdf	TARA ESTATE AS-BLTS

Staff: Kelly Green P.E., City Engineer
Agenda: 10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-220

SUBJECT

Acceptance of public improvements to serve Barnabas Acres Sanitary Sewer System, in the City of Cape Girardeau.

BACKGROUND/DISCUSSION

Barnabas #3 LLC constructed public improvements to serve Barnabas Acres Sanitary Sewer System. These improvements consisted of **sanitary sewer infrastructure**.

Sanitary Sewer

191 LF of 2 inch PVC Forced Sanitary Sewer Main (within the City's right-of-way)

The improvements that were constructed within the City's right-of-way are complete and ready to be accepted into the City's system. These improvements were inspected by City Staff and were completed generally in accordance with the approved plans.

FINANCIAL IMPACT

The improvements were installed by private contract. Once accepted into the City's system, the City will be responsible for routine maintenance and, if necessary, any repairs.

STAFF RECOMMENDATION

Staff recommends the Council accept, by motion, the public improvements to serve Barnabas Acres Sanitary Sewer System into the City's System.

ATTACHMENTS:

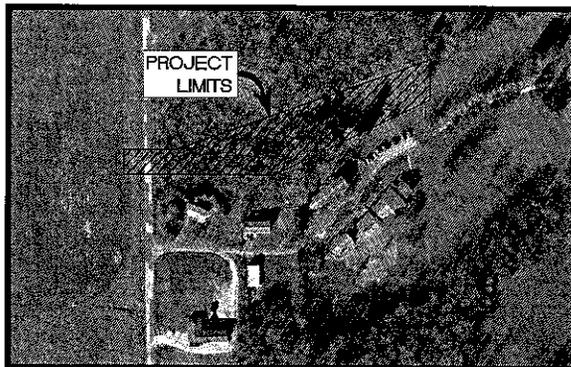
Name:	Description:
 Barnabas_As-Blts - Council.pdf	Barnabas Acres - As Blts

IMPROVEMENT PLANS TO SERVE

BARNABAS #3 LLC

PART OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST
OF THE FIFTH PRINCIPAL MERIDIAN,
CAPE GIRARDEAU COUNTY, MISSOURI

Sheet Title	Sheet Number
COVER	1
SEWER PLAN	2
DETAILS 1 OF 2	3
DETAILS 2 OF 2	4



LOCATION MAP
NOT TO SCALE

OWNER
BARNABAS #3 LLC
25896 PLEASANT VALLEY ROAD
WELLSVILLE, KS
(913) 416-2232

ENGINEER

STRICKLAND
ENGINEERING

CIVIL MECHANICAL ELECTRICAL
ENGINEERING

LAND SURVEYING

113 WEST MAIN STREET
JACKSON, MISSOURI 63755
TEL: 573-243-4080
FAX: 573-243-2191

GENERAL NOTES

1. ALL CONSTRUCTION IS TO MEET THE CITY OF CAPE GIRARDEAU SPECIFICATIONS AND DETAILS.
2. FORCE MAIN SHALL BE PVC SDR 21 PRESSURE PIPE.
3. POLYETHYLENE (HD) SINKER PIPE AND FITTINGS: ASTM D 2634 (4" - 15"), SDR 35, FOR SPARKLED JOINTS.
4. OWNER TO PROVIDE CONSTRUCTION STAKING FOR THE PROJECT. CONTRACTOR WILL BE CHARGED FOR RESTORING IF DESTROYED BY CONTRACTOR'S OPERATIONS.
5. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING CONSTRUCTION PHASES OF THIS PROJECT. THE CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
6. SAFETY NOTICE TO CONTRACTOR:
IF NECESSARY WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONSIDERING JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE RESPONSIBILITY WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
7. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT NECESSARILY ALL THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE APPROPRIATE UTILITY COMPANY AT LEAST 10 WORKING HOURS BEFORE EXCAVATION TO DETERMINE THE EXACT LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES PRIOR TO THE INITIATION OF ANY CONSTRUCTION. CONTRACTOR SHALL ALSO ASSUME FULL RESPONSIBILITY FOR DAMAGE TO ANY UTILITIES ENCOUNTERED WITHIN THE CONSTRUCTION LIMITS.

UTILITY JURISDICTION

- WATER
CITY OF CAPE GIRARDEAU
2807 SOUTHERN EIGHTH
CAPE GIRARDEAU, MO 63703
(573) 335-1564
 - GAS
AMEREN MISSOURI
45 SOUTH MINNESOTA ST
CAPE GIRARDEAU, MO 63703
(573) 651-5860
 - TELEPHONE
CHARTER COMMUNICATIONS
600 S SILVER SPRINGS RD 2500
CAPE GIRARDEAU, MO 63703
(888) 757-7329
 - ELECTRIC
AMEREN MISSOURI
45 SOUTH MINNESOTA ST
CAPE GIRARDEAU, MO 63703
(573) 651-5860
- MISSOURI ONE CALL
1-800-DIG-RTX



THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON IS BASED ON RECORD DRAWINGS, SURVEY DATA AND INFORMATION PROVIDED BY THE UTILITY COMPANIES. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE TO ANY UTILITIES ENCOUNTERED WITHIN THE CONSTRUCTION LIMITS.

REV	DESCRIPTION	DATE

**IMPROVEMENT PLANS FOR
BARNABAS ACRES WWTF**

113 WEST MAIN STREET
JACKSON, MISSOURI 63755
TEL: 573-243-4080
FAX: 573-243-2191

STRICKLAND
ENGINEERING

DRAWING TITLE

COVER

RECORD DRAWING

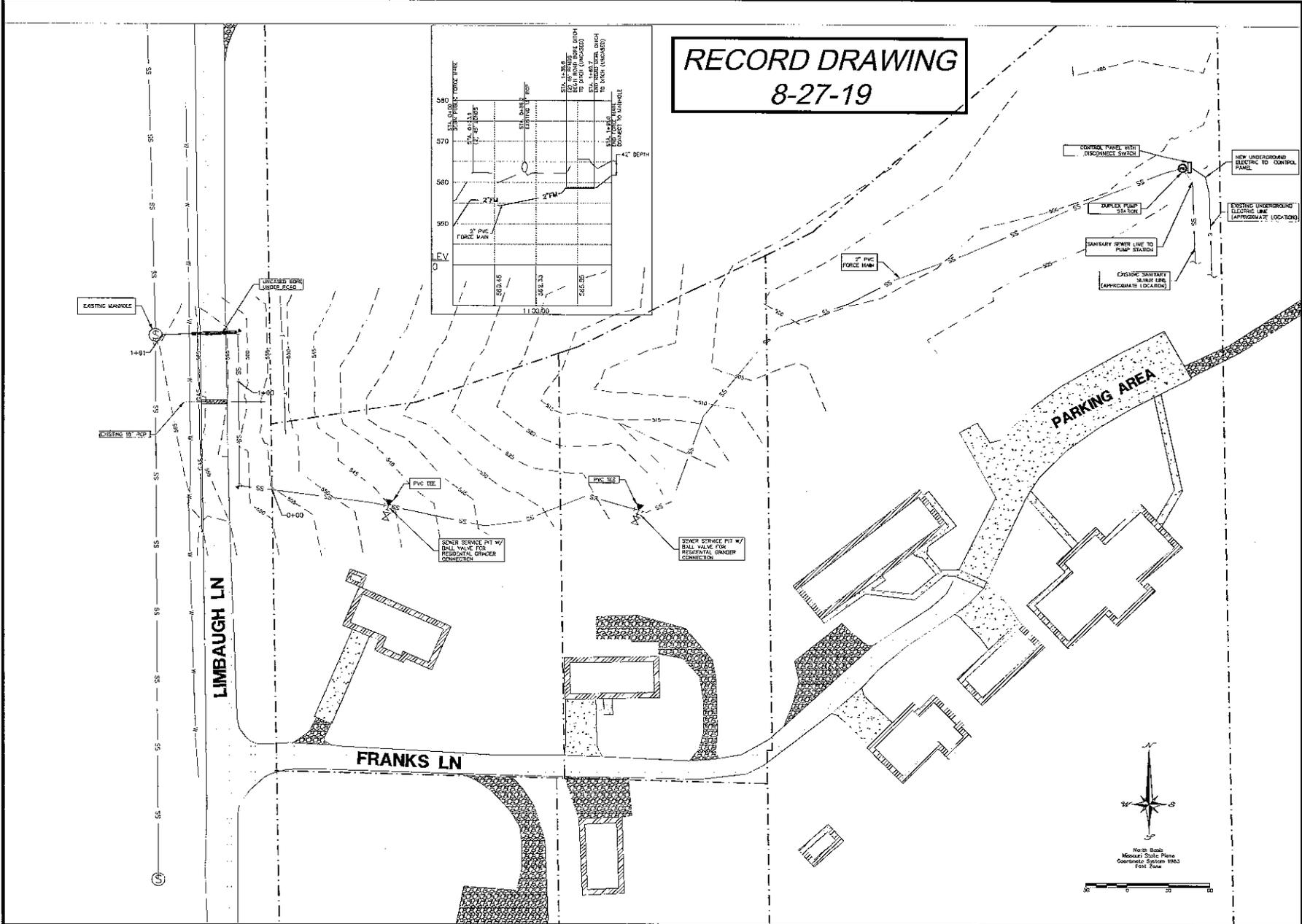
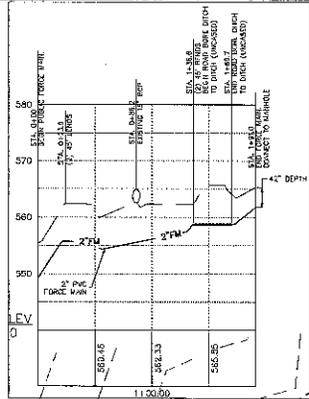
8-27-19

SCALE	As Noted
DATE	6-27-17
DRAWN BY	MRM
JOB No.	17-023
DRAWING NUMBER	1
CONSECUTIVE NUMBER OF	1 4

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PROJECTIONS: 4874, 4875, 4876, 4877, 4878, 4879, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, 4899, 4900, 4901, 4902, 4903, 4904, 4905, 4906, 4907, 4908, 4909, 4910, 4911, 4912, 4913, 4914, 4915, 4916, 4917, 4918, 4919, 4920, 4921, 4922, 4923, 4924, 4925, 4926, 4927, 4928, 4929, 4930, 4931, 4932, 4933, 4934, 4935, 4936, 4937, 4938, 4939, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4947, 4948, 4949, 4950, 4951, 4952, 4953, 4954, 4955, 4956, 4957, 4958, 4959, 4960, 4961, 4962, 4963, 4964, 4965, 4966, 4967, 4968, 4969, 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, 4981, 4982, 4983, 4984, 4985, 4986, 4987, 4988, 4989, 4990, 4991, 4992, 4993, 4994, 4995, 4996, 4997, 4998, 4999, 5000

RECORD DRAWING 8-27-19



Rev	Description	DATE

**IMPROVEMENT PLANS FOR
BARNABAS ACRES WWTF**

210 FRANKS LANE, CAPE GIRARDEAU, MO 63701

**STRICKLAND
ENGINEERING**

CIVIL - MECHANICAL - PLUMBING - ELECTRICAL ENGINEERING
LAND SURVEYING

183 WEST MAIN STREET
JACKSON, MISSOURI 62235
PHONE: 636-733-2191
FAX: 636-733-2191

DRAWING TITLE

SEWER PLAN

SCALE	As Noted
DATE	8-27-17
DRAWN BY	MRM
JOB No.	17-023
DRAWING NUMBER	2
CONSECUTIVE NUMBER OF	2 4

STRICKLAND ENGINEERING, L.C.
 183 WEST MAIN STREET
 JACKSON, MISSOURI 62235
 PHONE: 636-733-2191
 FAX: 636-733-2191



REV	DESCRIPTION	DATE

**IMPROVEMENT PLANS FOR
BARNBAS ACRES WWTF**

**STRICKLAND
ENGINEERING**

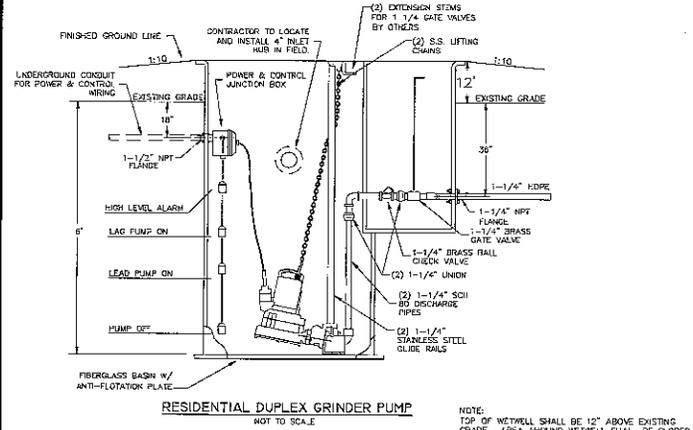
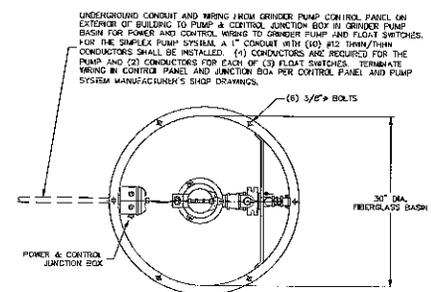
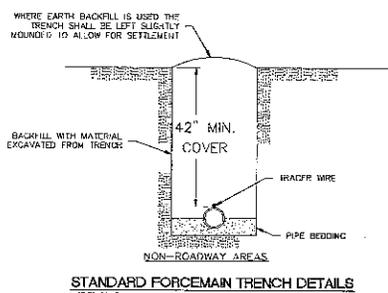
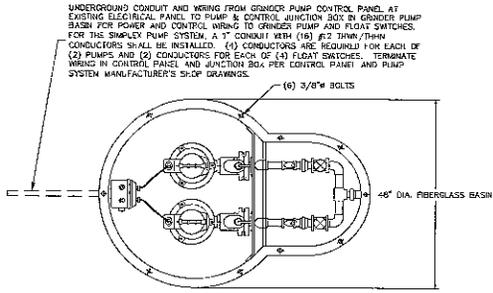
210 FRANKS LANE, CAPE GIRARDEAU, MO 63701
1000 W. MAIN STREET
JUNCTION, MISSOURI 63115
TEL: 636-263-0300
FAX: 636-263-0301

CIVIL - MECHANICAL - ELECTRICAL ENGINEERING
LAND SURVEYING

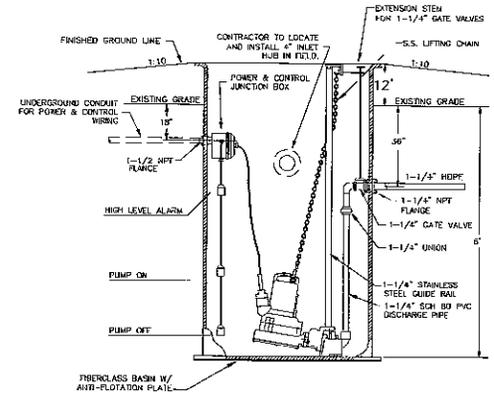
DRAWING TITLE

DETAILS 1 OF 2

SCALE As Noted
DATE 8-27-17
DRAWN BY MRM
JOB NO. 17-023
DRAWING NUMBER **3**
CONSECUTIVE NUMBER OF 3 4

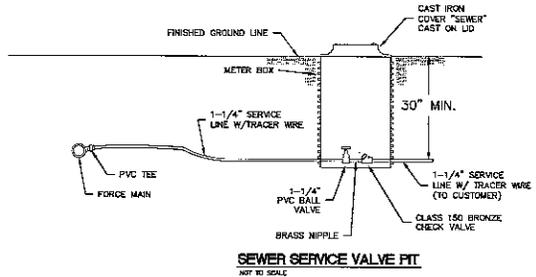


NOTE:
TOP OF WETWELL SHALL BE 12" ABOVE EXISTING GRADE. AREA AROUND WETWELL SHALL BE SLOPED AND GRADED TO MATCH EXISTING GRADE. IF TOP ELEVATION OF WETWELL IS HIGHER THAN SERVICE FINISHED FLOOR ELEVATION, THE SERVICE LINE SHALL BE EVALUATED TO DETERMINE IF A BACKWATER VALVE IS NEEDED. IF BACKWATER VALVE IS REQUIRED, IT SHALL BE INSTALLED AS CLOSE AS PRACTICABLE TO WETWELL.



NOTE:
TOP OF WETWELL SHALL BE 12" ABOVE EXISTING GRADE. AREA AROUND WETWELL SHALL BE SLOPED AND GRADED TO MATCH EXISTING GRADE. IF TOP ELEVATION OF WETWELL IS HIGHER THAN SERVICE FINISHED FLOOR ELEVATION, THE SERVICE LINE SHALL BE EVALUATED TO DETERMINE IF A BACKWATER VALVE IS NEEDED. IF BACKWATER VALVE IS REQUIRED, IT SHALL BE INSTALLED AS CLOSE AS PRACTICABLE TO WETWELL.

ONE (1) OR TWO (2) SERVICE CONNECTIONS
RECOMMENDED: SULLZER WIRNHA S21 2HP PUMP



RECORD DRAWING
8-27-19

DATE PLOTTED: 8/27/17 10:58 AM; PLOTTER: HP DESIGN PLOTTER; PLOT SCALE: 1"=1'-0"; PLOT SHEET: 17-023-3

Staff: Bruce W. Loy, Airport Manager
Agenda: 10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-221

SUBJECT

An ordinance authorizing the City Manager to enter into an Air Traffic Control Tower Operating Assistance Grant Agreement, No. AIR 196-077A-2, for the fiscal year 2019-2020 in the amount of \$167,000.

EXECUTIVE SUMMARY

Annually, Missouri State legislation provides up to \$167,000 for reimbursement of air traffic control tower (ATCT) operational expenses for Missouri municipalities currently funding their own air traffic control tower operation. The City of Cape Girardeau is eligible for these funds and the attached Air Traffic Control Tower Operating Assistance Grant Agreement will reimburse the City up to \$167,000 for the direct costs to operate the air traffic control tower for the period of the fiscal year 2019-2020, which begins July 1, 2019 and ends on June 30, 2020.

BACKGROUND/DISCUSSION

The Air Traffic Control Tower Operating Assistance Grant Agreement funds are available to the City as the result of language within the Missouri State Jet Fuel Tax legislation. The Jet Fuel Tax funds the Missouri State Aviation Trust Fund annually at varying levels. In addition to the Air Traffic Control Tower funding, Aviation Trust funds are utilized by the Missouri Department of Transportation Aviation Division to fund a variety of airport maintenance and capital improvement projects at over one hundred airports throughout the state.

FINANCIAL IMPACT

The \$167,000 grant will fund roughly 75% of the total Air Traffic Control Tower operational expenses, which total approximately \$220,000 annually.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

This grant provides much needed funding which allows the City to sustain an operating air traffic control tower at the Cape Girardeau Regional Airport. These funds can cover any operational expense for the ATCT, including personnel and building maintenance expenses.

STAFF RECOMMENDATION

It is recommended that the City Council approve an ordinance authorizing the City Manager to execute the attached Air Traffic Control Tower Operating Assistance Grant Agreement with the Missouri Highways and Transportation Commission, Project No. AIR 196-077A-2, in the amount of \$167,000, to assist funding the Air Traffic Control Tower operations for the fiscal year 2019-2020 at the Cape Girardeau Regional Airport.

ATTACHMENTS:

Name:	Description:
📎 Air Traffic Control Grant Agreement 2019-2020 (2).doc	Ordinance
📎 ATCT Agreement City of Cape Girardeau AIR 196-077A-2.pdf	196-077A-1 Air Traffic Control Tower Assistance

BILL NO. 19-152

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIR TRAFFIC CONTROL TOWER OPERATING ASSISTANCE GRANT AGREEMENT FOR THE FISCAL YEAR 2019-2020, WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FOR THE CAPE GIRARDEAU REGIONAL AIRPORT

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, an Air Traffic Control Tower Operating Assistance Grant Agreement for the fiscal year 2019-2020, for Project No. AIR 196-077A-2, between the City of Cape Girardeau and the Missouri Highways and Transportation Commission for the Cape Girardeau Regional Airport. The City Clerk is hereby authorized and directed to attest to said document and to affix the seal of the City thereto. The Agreement shall be in substantially the form attached hereto, which document is hereby approved by the City Council, 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 _____, 2019.

Bob Fox, Mayor

Gayle L. Conrad, City Clerk

CCO Form: MO13
Approved: 1/99 (RMH)
Revised: 03/17 (MWH)
Modified:

Sponsor: City of Cape Girardeau
Project No.: AIR 196-077A-2

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
AIR TRAFFIC CONTROL TOWER OPERATING
ASSISTANCE GRANT AGREEMENT**

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

WITNESSETH:

WHEREAS, the purpose of this Agreement is to provide financial assistance to the Sponsor for the operation of the Air Traffic Control Tower (hereinafter, "Tower") at the Cape Girardeau Airport (hereinafter, "Airport") pursuant to section 305.230 RSMo, and to set forth the conditions upon which the assistance will be provided.

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

(1) SCOPE OF WORK: The Sponsor agrees to operate the Tower in accordance with all rules and regulations of the Federal Aviation Administration and with all applicable Federal and State requirements.

(2) AMOUNT OF GRANT: The Commission agrees to reimburse the Sponsor up to One Hundred Sixty-Seven Thousand Dollars (\$167,000); provided, however, that in the event that state funds available to the Commission under section 305.230 RSMo are reduced so that the Commission is unable to completely satisfy its obligations to all Cities for the current state fiscal year, the Commission may recompute and reduce this grant. The designation of this grant does not create a lump sum quantity contract, but rather only represents the amount of funding available for qualifying expenses to operate the Tower during the period of July 1, 2019 to June 30, 2020. The release of all funding under this Agreement is subject to the Commission's review and approval of all project expenses to ensure that they are qualifying expenses under this program. The grant funds in this paragraph not expended or duly obligated during the project time period shall be released for use in other projects under §305.230 RSMo.

(3) PERFORMANCE OF AGREEMENT: The Sponsor shall immediately notify the Commission in writing of any condition or event which may significantly affect its ability to perform the activities in accordance with the provisions of the Agreement.

(4) COMMISSION'S RIGHT TO INSPECT DOCUMENTS AND AUDIT RECORDS:

(A) The Sponsor shall submit to the Commission such data, reports, documents, and other information relating to the operation of the Tower as the Commission may require at any time.

(B) The Sponsor must maintain all records relating to this Agreement, including, but not limited to, invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees and representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(5) THIRD PARTY CONTRACTS:

(A) Prior to execution by either party, the Sponsor shall submit to the Commission for review, comment, and approval all contracts for services included in the Scope of Work Statement to be provided to the Sponsor by a third party.

(B) The Commission shall not be liable to the contractors or subcontractor of the Sponsor or any other person not a party to this Agreement in connection with the performance of this project without specific written consent of the Commission.

(6) PAYMENTS:

(A) Timing of Payments: The Commission's payments to the Sponsor will be made on a quarterly basis. The Commission will provide a reimbursement form to be completed by the Sponsor when requesting funds.

(B) Limitations on Commission Contribution: Funds made available to the Commission and the Sponsor are subject to appropriations made by the General Assembly.

(7) RIGHT OF COMMISSION TO TERMINATE AGREEMENT: Upon written notice to the Sponsor, the Commission reserves the right to suspend or terminate all or part of the financial assistance herein provided if the Sponsor is, or has been, in violation of any of the terms of this Agreement.

(8) COMMISSION'S REPRESENTATIVE: The Commission's Chief Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of the Agreement.

(9) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Sponsor 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 Sponsor's wrongful or negligent performance of its obligations under this Agreement.

(B) The Sponsor will require any contractor procured by the Sponsor to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) 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.

(10) NONDISCRIMINATION CLAUSE: The Sponsor shall comply with all state and federal statutes applicable to the Sponsor relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. Sections 2000d and 2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. Section 12101, *et seq.*).

(11) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Sponsor shall comply with all local, state and federal laws and regulations relating to the performance of the Agreement.

(12) 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 respecting its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(13) NONSOLICITATION: The Sponsor warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Sponsor, to solicit or secure this Agreement, and that it has not paid or agreed to pay

any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingency upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the Commission shall have the right to annul this Agreement without liability, or in its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gifts, or contingent fee.

(14) AMENDMENTS: Any change in the Agreement, whether by modification or supplementation, must be accomplished by a supplemental agreement signed and approved by the duly authorized representatives of the Sponsor and the Commission.

(15) DISPUTES: Any disputes that arise under this Agreement shall be decided by the Commission or its representative.

(16) ASSIGNMENT: The Sponsor shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(17) BANKRUPTCY: Upon filing for any bankruptcy or insolvency proceeding by or against the Sponsor, whether voluntarily, or upon the appointment of a receiver, trustee, or assignee, for the benefit of creditors, the Commission reserves the right and sole discretion to either cancel this Agreement or affirm this Agreement and hold the Sponsor responsible for damages.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into this agreement on the last date written below.

Executed by the Sponsor this _____ day of _____, 20____.

Executed by the Commission this _____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF CAPE GIRARDEAU

Title _____

By _____
Title _____

Attest:

Attest:

Secretary to the Commission

By _____
Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title _____

Ordinance No. _____

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-222

SUBJECT

An Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by changing the zoning of property located at 621 Perry Avenue, in the City and County of Cape Girardeau, Missouri, from R-3 to C-1.

EXECUTIVE SUMMARY

The attached ordinance rezones property at 621 Perry Avenue from R-3 (High Density Single-Family Residential District) to C-1 (General Commercial District). The City Council's public hearing on the rezoning request was held on October 7, 2019.

BACKGROUND/DISCUSSION

An application has been submitted to rezone property at 621 Perry Avenue from R-3 (High Density Single-Family Residential District) to C-1 (General Commercial District).

The immediately surrounding properties are zoned R-3 (High Density Single-Family Residential District) to the north, C-1 (General Commercial District) to the south and west, and R-1 (Single-Family Suburban Residential District) to the east. This area consists of a mix of residential, commercial, and open space/recreational uses. The Comprehensive Plan's Future Land Use and Infrastructure Map shows the subject property as High Density Residential.

The attached ordinance rezones the property from R-3 to C-1. The City Council's public hearing on the rezoning request was held on October 7, 2019.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

In considering a rezoning request, both the Planning and Zoning Commission and the City Council must determine if the proposed zoning district is reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties. The subject property is adjacent to commercial development on two sides, and the development to the south is proposed to be redeveloped. The developer is interested in purchasing the subject property and demolishing the existing house to provide space for additional parking, if needed. If the developer's plans move forward, the subject property would need to be rezoned to C-1 because it would be combined with the property to the south. Even in the absence of the developer's plans, the rezoning request is reasonable due to the subject property's adjacency to the C-1 zoned properties. It should be noted that the Development Code (Chapter 25 of the City's Code of Ordinances) requires a 20 foot wide bufferyard along any property line adjacent to a residential use or district. If the rezoning is approved, the bufferyard will be required to be installed along the north property line in order to establish a commercial use on the property. The bufferyard will provide screening for the adjacent residence and mitigate potential adverse effects due to the rezoning.

STAFF RECOMMENDATION

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

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission held a public hearing on September 11, 2019 and recommended approval of the rezoning request by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on September 22, 2019. In addition, a sign containing the date, time, location and subject of the Planning and Zoning Commission and City Council public hearings was posted on the property. Notices were also mailed to the adjacent property owners.

ATTACHMENTS:

Name:	Description:
621 Perry Avenue Rezone.doc	Ordinance
Staff Review-Referral-Action Form.pdf	621 Perry Avenue - Staff RRA Form
Map - Zoning - 621 Perry Avenue.pdf	621 Perry Avenue - Zoning Map
Map - FLU - 621 Perry Avenue.pdf	621 Perry Avenue - FLU Map
Application - 621 Perry Avenue Rezoning.pdf	621 Perry Avenue - Application
R-3.pdf	R-3 District Regulations
C-1 Updated for Medical Marijuana.pdf	C-1 District Regulations

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF PROPERTY LOCATED AT 621 PERRY AVENUE, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-3 TO C-1

WHEREAS, the City Planning and Zoning Commission has recommended rezoning all of the property described in Article 1 of this Ordinance from R-3, High Density Single-Family Residential District, to C-1, General Commercial District; and

WHEREAS, Public Notice of such change was given as prescribed in Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and a public hearing was held on Monday, October 7, 2019, and

WHEREAS, the City Council of the City of Cape Girardeau, Missouri, has elected to rezone the property described in Article 1 from R-3, High Density Single-Family Residential District, to C-1, General Commercial District.

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

ARTICLE 1. Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, is hereby amended to change the zoning from the present R-3, High Density Single-Family Residential District, to C-1, General Commercial District, for the following described property:

621 Perry Avenue

All of Lot 8 in Block 1 of Whitelaw's Subdivision as recorded in Plat Book 4 at Page 7 of the land records of Cape Girardeau County, Missouri, and the northern eight (8) feet of the alley vacated in City Manager Form Ordinance Number 106, in the City and County of Cape Girardeau, Missouri.

ARTICLE 2. The City Council hereby finds and declares that the property described in Article 1 hereof is at the present time particularly suitable for the purposes and uses of the C-1, General Commercial District, and that such changes authorized hereby are reasonable and in reasonable conformity with the

existing uses and value of the immediately surrounding properties.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Gayle L. Conrad, City Clerk

CITY OF CAPE GIRARDEAU, MISSOURI

City Staff Review, Referral and Action on Rezoning/Special Use Permit Application

FILE NO. 1389

LOCATION: 621 Perry Avenue

STAFF REVIEW & COMMENTS:

Ms. Ann W. Ritter is requesting to rezone property at 621 Perry Avenue from R-3 (High Density Single-family Residential) to C-1 (General Commercial). SEE STAFF REPORT FOR FURTHER INFORMATION

[Signature]
City Planner

7/30/19
Date

W. ERIC WINNINGHAM
City Attorney

JULY 30, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

7-31-19
Date

Planning & Zoning Commission

Public Hearing Sign Posting Date: _____ Public Hearing Date: 9-11-19

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 6 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

[Signature]
Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

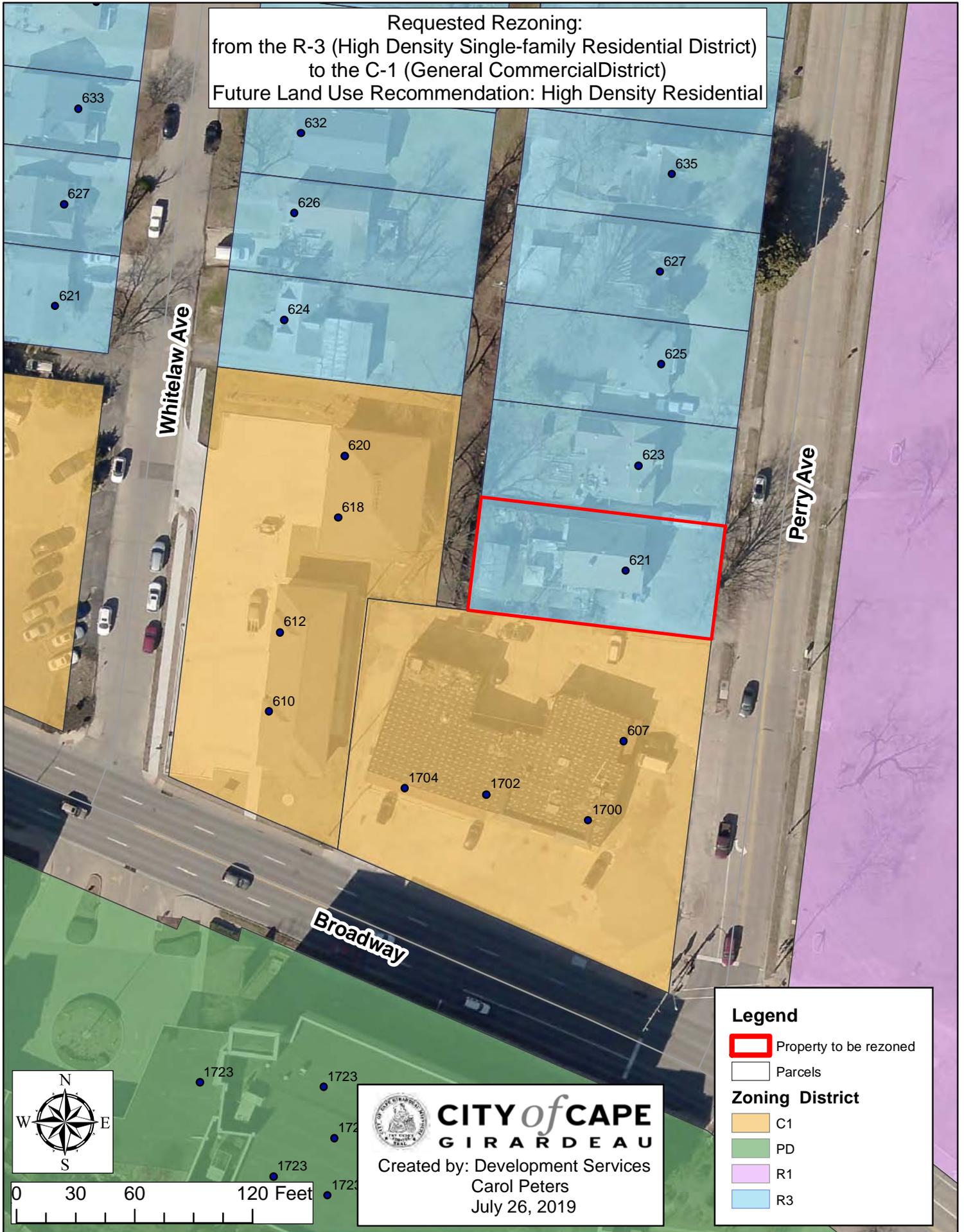
Posting Dates: Sign _____ Newspaper 9-22-19 Public Hearing Date: 10-7-19
Ordinance 1st Reading: 10-7-19 Ordinance 2nd & 3rd Reading: _____

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ **Effective Date:** _____

Rezoning Request - 621 Perry Avenue

Requested Rezoning:
from the R-3 (High Density Single-family Residential District)
to the C-1 (General Commercial District)
Future Land Use Recommendation: High Density Residential



Legend

 Property to be rezoned

 Parcels

Zoning District

 C1

 PD

 R1

 R3

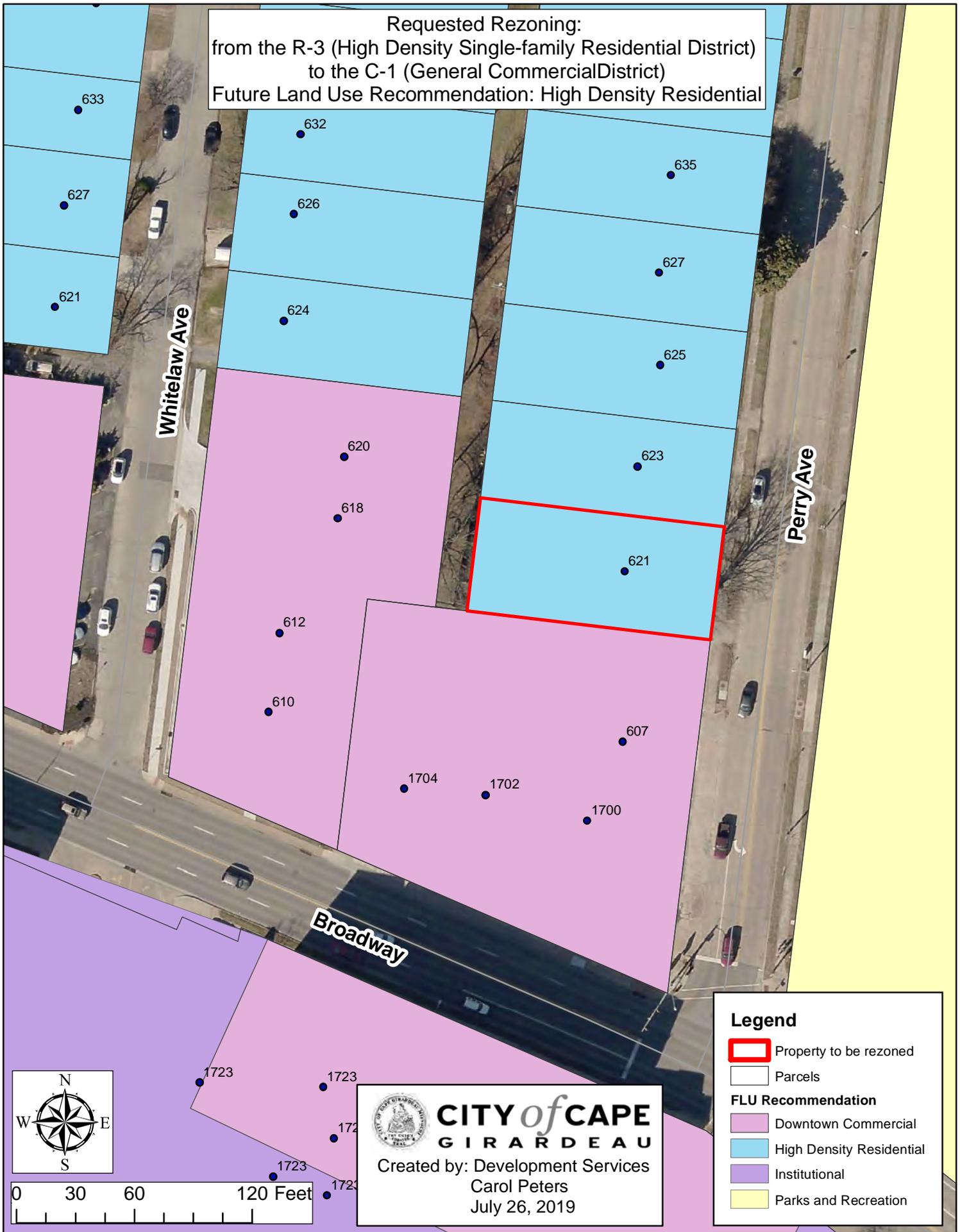


**CITY of CAPE
GIRARDEAU**

Created by: Development Services
Carol Peters
July 26, 2019

Rezoning Request - 621 Perry Avenue

Requested Rezoning:
from the R-3 (High Density Single-family Residential District)
to the C-1 (General Commercial District)
Future Land Use Recommendation: High Density Residential





REZONING / SPECIAL USE PERMIT APPLICATION
CITY of CAPE GIRARDEAU

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

Property Address/Location 621 Perry Ave			
Applicant Ann W Ritter c/o Boulder Construction LLC		Property Owner of Record (if other than Applicant) Ann W Ritter Trust	
Mailing Address	City, State, Zip	Mailing Address	City, State, Zip
2075 Corporate Circle	Cape Girardeau MO 63703	2551 Palomino Dr	Cape Girardeau MO 63701
Telephone	Email	Telephone	Email
573-332-1182	gabew@boulderconstructionllc.com	573-450-9916	marycaroharding@gmail.com
Contact Person (If Applicant is a Business or Organization) Gabe Wunderlich		(Attach additional owners information, if necessary)	
Type of Request: Rezoning, Special Use Permit, or Both Rezoning			
Existing Zoning District R-1 High Density Single Family Residential		Proposed Zoning District (Rezoning requests only) C-1 General Commercial	

Legal description of property to be rezoned and/or upon which the special use is to be conducted
 Part of Vacated Alley & Lot 8 Block 1 of Whitelaws Subdivision

Describe the proposed use of the property.
 Requesting the property to be zoned C-1 so it could be an option to be developed for future parking for 1704 Broadway. 1704 Broadway is owned by West Broadway Properties LLC which is owned by the Ann Ritter Family

Application continues on next page

OFFICE USE ONLY			
Date Received & By	File No.	MUNIS Application No.	
7-24-19	1389	9055	
Planning & Zoning Commission Recommendation		Date	
City Council Final Action		Date	

1. 623 Perry Ave James A & Sheri L Hunt
623 Perry Ave
Cape Girardeau, MO 63701

2. 1704 Broadway West Broadway Properties, LLC
2551 Palomino Dr
Cape Girardeau, MO 63701

3. 610 Whitelaw Ave R Hetzel Properties, LLC
PO Box 965
Cape Girardeau, MO 63702

4. 627 Capaha Dr City of Cape Girardeau
401 Independence
Cape Girardeau, MO 63703

5. 1723 Broadway Southeast Missouri Hospital Assoc
1701 Lacey
Cape Girardeau, MO 63701

Sec. 30-324. - R-3, high density single-family residential district.

- (a) *Purpose.* This district is intended to accommodate single-family, two-family and townhouse residential developments at maximum densities of up to nine (9) units per acre. This district will serve as a transition between lower density and higher density residential districts. Certain other structures and uses necessary to serve the area are allowed as permitted uses or through the approval of a special use permit, subject to restrictions intended to preserve and protect the residential character of this district.
- (b) *Permitted principal uses.*
- (1) Single-family detached dwellings, with only one (1) dwelling per lot.
 - (2) Duplexes, two-family dwelling units.
 - (3) Townhouses.
 - (4) Cluster subdivisions, as permitted in chapter 25 of the City Code.
 - (5) Public parks, playgrounds, and recreational facilities.
 - (6) Police and fire stations.
 - (7) Elementary and middle schools, or development centers for elementary and middle school age children with handicaps or development disabilities, on a minimum of five (5) acres of land.
 - (8) Noncommercial, not-for-profit residential neighborhood facilities consisting of indoor and outdoor recreational facilities, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association.
 - (9) Home for eight (8) or fewer unrelated mentally or physically handicapped persons, including no more than two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the handicapped persons residing in the home, provided that:
 - a. The exterior appearance of the home and property shall reasonably conform to the exterior appearance of other dwellings and property in the neighborhood; and
 - b. Such home shall not be located closer than three hundred seventy (370) feet to any other such home.
 - (10) A private residence licensed by the Missouri Division of Family Services or Missouri Department of Mental Health to provide foster care to one (1) or more, but less than seven (7), children who are unrelated to either foster parent by blood, marriage or adoption, provided that all applicable building and safety codes are met and an occupancy permit issued therefor.
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory structures, as permitted in section 30-403, supplemental regulations.
 - (2) Home occupations, as permitted in section 30-405, supplemental regulations.
 - (3) Home day cares, with no more than four (4) unrelated children in a twenty-four-hour period as permitted in section 30-408, supplemental regulations.
 - (4) In home elderly care, with a maximum of three (3) persons as permitted in section 30-411, supplemental regulations.
 - (5) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (6) Short term use of shipping containers for accessory uses, as permitted in section 30-402,

supplemental regulations.

(d) *Special uses.*

- (1) Home day cares, with five (5) or more unrelated children, as permitted in section 30-408, supplemental regulations.
- (2) Bed and breakfasts.
- (3) Cemeteries, on a minimum of ten (10) acres of land.
- (4) Transitional housing.
- (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (6) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
- (7) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.

(e) *Height, area, bulk and setback requirements.*

(1) *Maximum height:*

- a. When side yards are less than fifteen (15) feet in width, two and one-half (2½) stories not to exceed thirty-five (35) feet.
- b. When side yards are fifteen (15) feet in width or greater, three (3) stories, not to exceed forty-five (45) feet.

(2) *Minimum lot area:*

- a. Each townhouse must be on a separate platted lot consisting of at least one thousand four hundred (1,400) square feet.
- b. Duplexes, three thousand seven hundred fifty (3,750) square feet per unit.
- c. Single-family, five thousand (5,000) square feet.

(3) *Maximum density:* Nine (9) units per one (1) acre. Higher densities may be approved with a cluster subdivision as permitted in chapter 25 of the City Code.

(4) *Minimum lot width:*

- a. *Townhouses and duplexes:* Twenty (20) feet.
- b. *All other uses:* Thirty (30) feet.

(5) *Minimum yard requirements:*

a. *Front yard:*

1. *Each townhouse:* Ten (10) feet.
2. *All other uses:* Twenty (20) feet.

b. *Rear yard:*

1. *Each townhouse:* Twenty (20) feet.
2. *All other uses:* Twenty (20) feet.

c. *Side yard:*

1. *Townhouses and duplexes:* None.
2. *All other uses:* Three (3) feet.

- (f) *Open space, landscaping and bufferyard requirements.* For any nonresidential uses:
- (1) A minimum of twenty (20) percent of the total lot area shall be devoted to open space, including required yard and buffer yards.
 - (2) Landscaping, shall be provided as required in chapter 25 of the City Code.
 - (3) A 20-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, or R-2 zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (g) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202. No parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of twenty-four thousand (24,000) pounds, except as provided in sections 26-137 and 26-256 of the Code of Ordinances.

(Ord. No. 5012, art. 4, 10-2-17)

Editor's note— Ord. No. 5012, art. 4, adopted Oct. 2, 2017, repealed the former § 30-324 and enacted a new section as set out herein. The former § 30-324 pertained to similar subject matter and derived from Ord. No. 4109, art. 2, adopted March 1, 2010; Ord. No. 4149, art. 4, adopted Aug. 16, 2010; and Ord. No. 4206, arts. 7, 9, adopted March 7, 2011.

Sec. 30-333. - C-1, general commercial district.

- (a) *Purpose.* The C-1 district is primarily intended for areas of the city located along minor thoroughfares and adjacent to residential districts. Appropriate uses for this district include commercial developments not requiring long term outdoor display of merchandise, as well as certain governmental, institutional, and community service facilities. Other uses having the potential to significantly affect adjacent residential districts may be allowed with approval of a special use permit.
- (b) *Permitted principal uses.*
- (1) Art galleries or museums.
 - (2) Banks or other financial institutions.
 - (3) Bed and breakfasts.
 - (4) Commercial day cares.
 - (5) Commercial recreation facilities, excluding driving ranges or outdoor shooting or racing.
 - (6) Funeral homes or mortuaries.
 - (7) Governmental facilities.
 - (8) Health or fitness centers.
 - (9) Institutions of higher education, including business, career or technology schools.
 - (10) Instructional schools for art, dance, music, martial arts or other disciplines.
 - (11) Libraries.
 - (12) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.
 - (13) Microbreweries.
 - (14) Middle schools, secondary schools, or development centers for people with physical, mental or developmental disabilities.
 - (15) Nurseries or greenhouses.
 - (16) Nursing homes.
 - (17) Offices.
 - (18) Parks or playgrounds.
 - (19) Personal service establishments.
 - (20) Pet grooming facilities, excluding kennels.
 - (21) Police or fire stations.
 - (22) Residential treatment facilities.
 - (23) Restaurants or bars.
 - (24) Retail or rental establishments, excluding the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
 - (25) Television or radio studios, including any transmitting facilities.
 - (26) Transit terminals.
 - (27) Veterinary clinics or animal hospitals, excluding livestock.
 - (28) Wineries.
- (c) *Permitted accessory uses.*

- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (2) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (d) *Special uses.*
- (1) Banquet facilities.
 - (2) Hotels or motels.
 - (3) Kennels.
 - (4) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (5) Meeting halls.
 - (6) Mini warehouses or self-storage units.
 - (7) Public utilities, except for buildings or accessory structures that are normal and customary in a zoning district which would allow other buildings or structures of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Telecommunication towers, as permitted in section 30-404, supplemental regulations.
 - (10) The allowance of additional height up to a total of sixty (60) feet, not to exceed a total of five (5) stories.
 - (11) Transitional housing.
 - (12) Uses involving the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
 - (13) Vehicle fueling, service or repair facilities, excluding body or paint shops.
 - (14) Vehicle washing facilities, including automatic or hand wash.
 - (15) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (e) *Standards.*
- (1) All storage of merchandise, materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the items being stored are not visible from the street or any adjacent property.
 - (2) Outdoor display of merchandise is prohibited, except as follows:
 - a. Merchandise may be displayed outdoors as part of a temporary use, as permitted in section 30-406, supplemental regulations. Nursery stock, accessory landscaping decorations, and seasonal and holiday decorations may also be displayed outdoors during the appropriate season. Such displays are permitted in accordance with the following provisions:
 1. Displays shall not be located in a right-of-way.
 2. Displays shall not be located in parking spaces used to meet the minimum number of parking spaces as required elsewhere in the City Code. Displays that are part of a bazaar, craft sale, garage or yard sale, or similar temporary event are exempt from this requirement, as determined by the city manager.
 3. Displays shall not impede vehicular or pedestrian access.

4. Displays shall not alter the structure of any building.
 5. Displays shall not create a health or safety hazard.
 6. Displays shall be well kept and orderly.
 7. Signs may be displayed as permitted elsewhere in the City Code.
 8. The display of seasonal items shall be limited to a time period that is customary for the season associated with the display, which shall be at the discretion of the city manager.
- (3) Outdoor service areas and equipment such as loading docks, mechanical equipment, storage areas or waste containers shall be located in the rear or side yard and screened as required elsewhere in the City Code.
- (f) *Height, area, width, setback and open space requirements.*
- (1) Maximum height: Forty (40) feet, not to exceed three (3) stories.
 - (2) Minimum lot area: None.
 - (3) Minimum lot width: None.
 - (4) Minimum setbacks:
 - a. Front yard: Twenty-five (25) feet.
 - b. Rear yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - c. Side yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - (5) Minimum open space. Fifteen (15) percent of the lot area.

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-223

SUBJECT

An Ordinance granting a Special Use Permit to Sandy McLane Donley, Gill Family Properties, LLC, and Robinson Outdoor, LLC, for purposes of constructing, maintaining, and operating a billboard at 101 North Kingshighway, in the City and County of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

The attached ordinance grants a special use permit for a billboard at 101 North Kingshighway. A public hearing on the special use permit request was held on October 7, 2019.

BACKGROUND/DISCUSSION

A special use permit application has been submitted for the property at 101 North Kingshighway, zoned M-1 (Light Manufacturing/Industrial). The property contains a vacant commercial building. The application requests approval of a proposed V-shaped digital billboard near the southeast corner of the building. Section 25-401 of the Development Code (Chapter 25 of the City Code) contains requirements specific to billboards. Refer to the application for more information about the proposed billboard and the applicant's responses to the requirements. Kingshighway, also known as U.S. Highway 61, is under the jurisdiction of the Missouri Department of Transportation (MoDOT). The applicant has obtained a permit from MoDOT for the billboard. The MoDOT permit is in addition to required City approvals and permits.

Certified copies of the application, application file, and the following applicable sections of the City Code are attached:

Section 30-335 - M-1, Light Manufacturing/Industrial District
Section 30-401 - Special Use Permits
Section 25-401 - Billboards

The attached ordinance grants a special use permit for the proposed billboard. A public hearing on the special use permit request was held on October 7, 2019.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

See the attached staff report for analysis.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the special use permit request, subject to several conditions.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission held a public hearing on September 11, 2019 and recommended approval of the special use permit request, subject to the staff recommended conditions, with a vote of 6 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on September 22, 2019. In addition, a sign containing the date, time, location, and subject of the Planning and Zoning Commission and City Council public hearings was posted on the property. Notices were also mailed to the adjacent property owners.

ATTACHMENTS:

Name:	Description:
SUP_101_N_Kingshighway_Gill_Family_Properties_Robinson_Outdoor.doc	Ordinance
Staff_Review-Referral-Action_Form.pdf	101 North Kingshighway - Staff RRA Form
Staff_Report_P_Z_SUP_101_North_Kingshighway_Billboard.pdf	101 North Kingshighway - Staff Report
Map_-_101_N_Kingshighway_SUP_-_Zoning.pdf	101 North Kingshighway - Zoning Map
Map_-_101_N_Kingshighway_SUP_-_FLU.pdf	101 North Kingshighway - FLU Map
Application_-_No_Rendering_or_Plan.pdf	101 North Kingshighway - Application
Rendering.pdf	101 North Kingshighway - Renderings
Billboard_Plans.pdf	101 North Kingshighway - Billboard Plans
Digital_Specs.pdf	101 North Kingshighway - Digital Specs
M-1_Updated_for_Medical_Marijuana.pdf	M-1 District Regulations
Sec_30-401_-_Special_Use_Permits.pdf	Section 30-401 Special Use Permits
ARTICLE_IV_-_BILLBOARDS.pdf	Section 25-401 Billboards

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO SANDY MCLANE DONLEY, GILL FAMILY PROPERTIES, LLC, AND ROBINSON OUTDOOR, LLC, FOR PURPOSES OF CONSTRUCTING, MAINTAINING, AND OPERATING A BILLBOARD AT 101 NORTH KINGSHIGHWAY, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

WHEREAS, Sandy McLane Donley is the owner of certain property on which Gill Family Properties, LLC, and Robinson Outdoor, LLC, desire to construct, maintain, and operate a billboard, in the City and County of Cape Girardeau, Missouri; and

WHEREAS, the proposed location of said billboard is 101 North Kingshighway, Cape Girardeau, Missouri, which property is presently zoned M-1, Light Manufacturing/Industrial District; and

WHEREAS, a Special Use Permit is required for said use in the M-1, Light Manufacturing/Industrial District.

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

ARTICLE 1. The City Council, having duly considered the application, finds that the granting of the Special Use Permit will not substantially increase traffic hazards, congestion, or fire hazards, nor will it adversely affect the general character of the neighborhood or the general welfare of the community, nor will it overtax public utilities or be in conflict with the comprehensive plan.

ARTICLE 2. A Special Use Permit for the purposes of constructing, maintaining, and operating a billboard located at 101 North Kingshighway, in the City and County of Cape Girardeau, Missouri, located on the following described property:

That part of Lots No. 4 and 5 of R L Sturdivant's Subdivision of Outlot No 81 in U S P Survey No. 2199, City and County of Cape Girardeau, State of Missouri, described as follows:

Commence at the intersection of the East line of Leming Lane, and the North line of Independence Street (formerly Missouri State Route "K") marked by a 1/2" iron pin, thence with the East line of Leming Lane, North 2° 54' 00" East, 194.17 feet, to the Point of Beginning, thence continue North 2° 54' East, 205.73 feet, to a 1" iron

pipe; thence South 81° 48' 00" East, 299.95 feet, to a point on the West right-of-way line of Highway 61, from which a cross mark cut in concrete bears North 81° 48' West, 0.22 feet, thence with the West line of said highway, South 6°13' 55" East, 78.95 feet; thence leaving the West right-of-way line of U.S. Route 61, North 80° 32' 33" West, 96.40 feet, thence North 50°12' 01" West, 3.44 feet, thence North 80° 50' 24" West, 104.63 feet, thence South 53° 08' 06" West, 25.00 feet; thence North 86° 51' 54" West, 10.00 feet, to the Northeast Corner of the United Oil Warehouse, thence with the East Building Line of said Warehouse, South 3° 08' 06" West, 100.00 feet to the Southeast Corner of said Warehouse; thence with the South Building Line of said Warehouse and said South line extended, North 86° 51' 54" West, 98.16 feet to the East line of Leming Lane, being also the Point of Beginning and containing 0.809 acres, more or less.

is hereby granted to Sandy McLane Donley, Gill Family Properties, LLC, and Robinson Outdoor, LLC, to be effective ten (10) days after the date of passage and approval of this ordinance. The special use must comply with all regulations set forth in the Zoning Code for the district in which the use is located except those which have been specifically excepted under this permit, and all other applicable ordinances of the City of Cape Girardeau, Missouri, and any special conditions contained in the Special Use Permit, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference. The City Manager is hereby given the power to execute the Special Use Permit for and on behalf of the City of Cape Girardeau, Missouri.

ARTICLE 3. Attached hereto as Exhibit "B" and incorporated herein by reference is the formal Findings and Conclusions of the City Council.

ARTICLE 4. This ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Gayle L. Conrad, City Clerk

SPECIAL USE PERMIT

Sandy McLane Donley, Gill Family Properties, LLC, and Robinson Outdoor, LLC, are hereby granted a Special Use Permit for the purposes of constructing, maintaining, and operating a billboard located at 101 North Kingshighway, in the City and County of Cape Girardeau, Missouri, on the following described property for an indefinite period of time:

That part of Lots No. 4 and 5 of R L Sturdivant's Subdivision of Outlot No 81 in U S P Survey No. 2199, City and County of Cape Girardeau, State of Missouri, described as follows:

Commence at the intersection of the East line of Leming Lane, and the North line of Independence Street (formerly Missouri State Route "K") marked by a 1/2" iron pin, thence with the East line of Leming Lane, North 2° 54' 00" East, 194.17 feet, to the Point of Beginning, thence continue North 2° 54' East, 205.73 feet, to a 1" iron pipe; thence South 81° 48' 00" East, 299.95 feet, to a point on the West right-of-way line of Highway 61, from which a cross mark cut in concrete bears North 81° 48' West, 0.22 feet, thence with the West line of said highway, South 6°13' 55" East, 78.95 feet; thence leaving the West right-of-way line of U.S. Route 61, North 80° 32' 33" West, 96.40 feet, thence North 50°12' 01" West, 3.44 feet, thence North 80° 50' 24" West, 104.63 feet, thence South 53° 08' 06" West, 25.00 feet; thence North 86° 51' 54" West, 10.00 feet, to the Northeast Corner of the United Oil Warehouse, thence with the East Building Line of said Warehouse, South 3° 08' 06" West, 100.00 feet to the Southeast Corner of said Warehouse; thence with the South Building Line of said Warehouse and said South line extended, North 86° 51' 54" West, 98.16 feet to the East line of Leming Lane, being also the Point of Beginning and containing 0.809 acres, more or less.

This Special Use Permit is granted upon the condition that the grantees be bound by all City ordinances which pertain to the Special Use Permit and that the grantees be bound by the following special conditions which are imposed as a condition of issuance of this Special Use Permit. Upon the failure of the grantees to

On this _____ day of _____, 2019, before me appeared Scott A. Meyer, to me personally known, who, being by me duly sworn, did say that he is the City Manager of the City of Cape Girardeau, Missouri, a Municipal Corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the seal of said City and that said instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Cape Girardeau, Missouri, the day and year first above written.

Notary Public

My Commission Expires:

(IF APPROVED)
CITY OF CAPE GIRARDEAU, MISSOURI
CITY COUNCIL
FINDINGS AND CONCLUSIONS

Now on this _____ day of _____, 20____, the Cape Girardeau City Council considered the application for a Special Use Permit dated August 21, 2019 filed by Gill Family Properties, LLC, and Robinson Outdoor, LLC, for the property located at 101 North Kingshighway, Cape Girardeau, Missouri for the purpose of constructing, maintaining, and operating a billboard.

In examining this application, the following factors were considered and found as noted:

<u>City Council Findings:</u>	Yes	No	N/A
The Proposed Special Use, with the stated conditions, would:			
1. Substantially increase traffic hazards or congestion	_____	<u> X </u>	_____
2. Substantially increase fire hazards	_____	<u> X </u>	_____
3. Adversely affect the character of the neighborhood; or in respect to special use permits for dwelling purposes where required, be adversely affected by the character of the neighborhood.	_____	<u> X </u>	_____
4. Adversely affect the general welfare of the community	_____	<u> X </u>	_____
5. Overtax public utilities.	_____	<u> X </u>	_____

The comments, testimony, evidence, exhibits, and all other matters presented at the required public hearing are incorporated herein by reference.

Following consideration of the application, the requirements of Section 30-401 and other relevant provisions of the City Code, testimony, exhibits and file contents, the City Council duly deliberated the facts pertaining to the proposal and issued the following conclusion:

THE APPLICATION IS:

- _____ Approved
- _____ Denied
- X Approved with conditions specified on the attached Special Use Permit

(SEAL)

CITY OF CAPE GIRARDEAU, MISSOURI

ATTEST:

 Bob Fox, Mayor

 Gayle L. Conrad, City Clerk

(IF DENIED)
CITY OF CAPE GIRARDEAU, MISSOURI
CITY COUNCIL
FINDINGS AND CONCLUSIONS

Now on this _____ day of _____, 20____, the Cape Girardeau City Council considered the application for a Special Use Permit dated August 21, 2019 filed by Gill Family Properties, LLC, and Robinson Outdoor, LLC, for the property located at 101 North Kingshighway, Cape Girardeau, Missouri for the purpose of constructing, maintaining, and operating a billboard.

In examining this application, the following factors were considered and found as noted:

<u>City Council Findings:</u>	Yes	No	N/A
The Proposed Special Use, with the stated conditions, would:			
1. Substantially increase traffic hazards or congestion	_____	_____	_____
2. Substantially increase fire hazards	_____	_____	_____
3. Adversely affect the character of the neighborhood; or in respect to special use permits for dwelling purposes where required, be adversely affected by the character of the neighborhood.	_____	_____	_____
4. Adversely affect the general welfare of the community	_____	_____	_____
5. Overtax public utilities.	_____	_____	_____

The comments, testimony, evidence, exhibits, and all other matters presented at the required public hearing are incorporated herein by reference.

Following consideration of the application, the requirements of Section 30-401 and other relevant provisions of the City Code, testimony, exhibits and file contents, the City Council duly deliberated the facts pertaining to the proposal and issued the following conclusion:

THE APPLICATION IS:

- _____ Approved
- _____ **X** Denied
- _____ Approved with conditions specified on the attached Special Use Permit

(SEAL)

CITY OF CAPE GIRARDEAU, MISSOURI

ATTEST:

 Bob Fox, Mayor

 Gayle L. Conrad, City Clerk

CITY OF CAPE GIRARDEAU, MISSOURI

City Staff Review, Referral and Action on Special Use Permit Application

FILE NO. 1390

LOCATION: 101 North Kingshighway

STAFF REVIEW & COMMENTS:

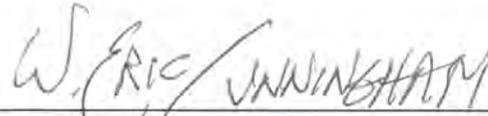
Gill Family Properties, LLC and Robinson Outdoor, LLC are requesting a SUP to place a billboard on property in the M-1 (Light Manufacturing/Industrial) zoning district at 101 North Kingshighway. SEE STAFF REPORT FOR FURTHER INFORMATION.



City Planner

9/28/19

Date

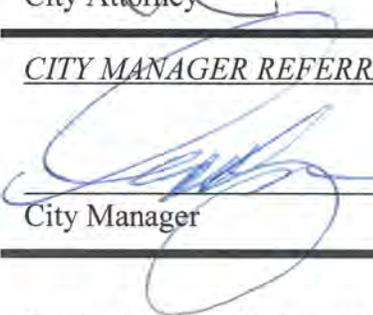


City Attorney

AUGUST 28, 2019

Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:



City Manager

Aug 29, 2019

Date

Planning & Zoning Commission

Public Hearing Posting Date: _____ Public Hearing Date: 09/11/19

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 6 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:



Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

Public Hearing Posting Date: 9-22-19 Public Hearing Date: 10-7-19

Ordinance 1st Reading: 10-7-19 Ordinance 2nd & 3rd Reading: _____

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ Effective Date: _____

STAFF REPORT

TO: Planning and Zoning Commission

FROM: Ryan Shrimplin, City Planner

MEETING DATE: September 11, 2019

SUBJECT: Special Use Permit Request for Billboard at 101 North Kingshighway

A special use permit application has been submitted for the property at 101 North Kingshighway, zoned M-1 (Light Manufacturing/Industrial). The property contains a vacant commercial building. The application requests approval of a proposed V-shaped digital billboard near the southeast corner of the building. Section 25-401 of the Development Code (Chapter 25 of the City Code) contains requirements specific to billboards. Refer to the application for more information about the proposed billboard and the applicant's responses to the requirements. Kingshighway, also known as U.S. Highway 61, is under the jurisdiction of the Missouri Department of Transportation (MoDOT). The applicant has obtained a permit from MoDOT for the billboard. The MoDOT permit is in addition to required City approvals and permits.

The Zoning Code (Chapter 30 of the City Code) authorizes the City Council to approve special use permits in accordance with Section 30-401. In order for a Special Use Permit to be approved, both the Planning and Zoning Commission and the City Council must consider and make findings of fact with regard to certain criteria. Staff has reviewed the criteria and made the following determinations:

Criterion #1: The proposed special use will not substantially increase traffic hazards or congestion.

Finding: There are numerous billboards and other signs along Kingshighway, which have not been found to create traffic hazards. The requirements in Section 25-401 are in place to ensure that new billboards do not contain features which could impair or confuse drivers. The proposed billboard does not contain any such features.

Criterion #2: The proposed special use will not substantially increase fire hazards.

Finding: The proposed billboard will be constructed in compliance with the City's construction codes and thus will not increase fire hazards.



Criterion #3: The proposed special use will not adversely affect the character of the neighborhood.

Finding: The subject property is located on a State highway and within a major commercial corridor, making it an appropriate location for a billboard. There are no residential neighborhoods near the site.

Criterion #4: The proposed special use will not adversely affect the general welfare of the community.

Finding: The proposed billboard meets the requirements of Section 25-401 (except as noted below) and Section 30-401, and staff is not aware of any potential adverse effects on the community.

Criterion #5: The proposed special use will not overtax public utilities.

Finding: The only utility needed for the proposed billboard is electric, which is available on the property. The energy-efficient digital components will not overtax the electric power supply.

In reviewing the application, staff identified two exceptions. The first exception is for distance from the right-of-way. Section 25-401(d) states that, "No billboard shall be placed within thirty (30) feet of a street right-of-way." The proposed billboard pole location is 13.7 feet from the North Kingshighway right-of-way line. The second exception is for height. Section 25-401(i) states that, "There shall be a minimum clearance of ten (10) feet from grade of the street to which the billboard is oriented to the bottom of a billboard sign face. There shall be a maximum height of thirty (30) feet from grade of the street to which the billboard is oriented to the top of a billboard sign face." The proposed billboard height is 37 feet. Staff supports both exceptions because the proposed billboard is below the maximum sign face area (300 square feet) and length (30 feet). If the applicant agrees to restricting the billboard approval to the proposed sign face area (288 square feet) and length (24 feet), it will serve as a substantial equivalent.

Based on the above findings, staff recommends approval of the special use permit request, subject to the following conditions:

1. This special use shall meet all applicable requirements of the Zoning and Development Codes except for the exceptions noted herein.
2. Major modifications to this special use shall require the approval of the City Council.



3. This permit shall automatically expire twelve (12) months from the date of issuance if the use for which it was granted has not commenced.
4. This permit is not transferable without the consent of the City Council.
5. Exceptions from Section 25-401(d) and Section 25-401(i) of the Development Code are granted as part of the approval of this permit. The billboard pole shall not be located closer to the existing North Kingshighway right-of-way line than 13.7 feet. Additionally, the billboard shall not exceed 37 feet in height, nor 288 square feet in sign face area, nor 24 feet in sign face length.





REZONING / SPECIAL USE PERMIT APPLICATION
CITY of CAPE GIRARDEAU

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

Property Address/Location 101 N Kingshighway			
Applicant Gill Family Properties LLC /Robinson Outdoor LLC		Property Owner of Record (if other than Applicant) Sandy McLane Donley	
Mailing Address 512 N 1 Mile Road		Mailing Address 237 Kensington Lane	
City, State, Zip Dexter, MO 63841		City, State, Zip Cape Girardeau, MO 63701	
Telephone 800-428-3320	Email chad.gill@gillgroup.com	Telephone 573-335-1229	Email micpropertymanager@gmail.com
Contact Person (If Applicant is a Business or Organization) Chad Gill		(Attach additional owners information, if necessary)	
Type of Request: Rezoning, Special Use Permit, or Both Special Use Permit			
Existing Zoning District C-2 / M-1		Proposed Zoning District (Rezoning requests only)	

Legal description of property to be rezoned and/or upon which the special use is to be conducted

That part of Lots No. 4 and 5 of R L Sturdivant's Subdivision of Outlot No 81 in U S P Suervey No. 2199, City and County of Cape Girardeau, State of Missouri, described as follows:

Commence at the intersection of the East line of Leming Lane, and the North line of Independence Street (formerly Missouri State Route "K") marked by a 1/2" iron pin, thence with the East line of Leming Lane, North 2 degrees 54' 00" East, 194.17 feet, to the Point of Beginning, thence continue North 2 degrees 54' East, 205.73 feet, to a 1" iron pipe; thence South 81 degrees 48' 00" East, 299.95 feet, to a point on the West right of way line of Highway 61, from which a cross mark cut in concrete bears North 81 degrees 48' West, 0.22 feet, thence with the West line of said highway, South 6 degrees 13' 55" East, 78.95 feet; thence leaving the West right of way line of U S Route 61, North 80 degrees 32' 33" West, 96.40 feet, thence North 50 degrees 12' 01" West, 3.44 feet, thence North 80 degrees 50' 24" West, 104.63 feet, thence South 53 degrees 08' 06" West, 25.00 feet; thence North 86 degrees 51' 54" West, 10.00 feet, to the Northeast Corner of the United Oil Warehouse, thence with the East Building Line of said Warehouse, South 3 degrees 08' 06" West, 100.00 feet to the Southeast Corner of said Warehouse; thence with the South Building Line of said Warehouse and said South line extended, North 86 degrees 51' 54" West, 98.16 feet to the East line of Leming Lane, being also the Point of Beginning and containing 0.809 acres, more or less.

Describe the proposed use of the property.

We are requesting a development code exemption from Section 25-401(d) to erect an off-premise digital billboard with an overall height of 37' closer than 30' from the right-of-way.

Application continues on next page

OFFICE USE ONLY			
Date Received & By	8-21-19	File No.	1390
		MUNIS Application No.	9156
Planning & Zoning Commission Recommendation		Date	
City Council Final Action		Date	

Special Use Criteria (Special Use Permit requests only)

Explain how the Special Use Permit request meets the criteria below. Attach additional sheets, if necessary.

- 1) The proposed special use will not substantially increase traffic hazards or congestion.
No
- 2) The proposed special use will not substantially increase fire hazards.
No
- 3) The proposed special use will not adversely affect the character of the neighborhood.
No
- 4) The proposed special use will not adversely affect the general welfare of the community.
No
- 5) The proposed special use will not overtax public utilities.
No

**ADDITIONAL ITEMS
REQUIRED**

See Instructions for more
information.

- In addition to this completed application form, the following items must be submitted:
- ___ Application fee (\$135.00 payable to City of Cape Girardeau + additional \$80 for Planned Development rezonings)
 - ___ One (1) list of names and mailing addresses of adjacent property owners
 - ___ One (1) set of mailing envelopes, stamped and addressed to adjacent property owners
 - ___ One (1) full size copy of a plat or survey of the property, if available
 - ___ One (1) full size set of plans, drawn to an appropriate scale, depicting existing features to be removed, existing features to remain, and all proposed features such as: buildings and structures, paved areas, curbing, driveways, parking stalls, trash enclosures, fences, retaining walls, light poles, detention basins, landscaping areas, freestanding signs, etc. (Planned Development rezonings and Special Use Permits only)
 - ___ Digital file of the plans in .pdf format (Planned Development rezonings and Special Use Permits only; can be emailed)
 - ___ One (1) set of Planned Development documents (Planned Development rezonings only)

CERTIFICATIONS

The undersigned hereby certifies that:

- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They acknowledge that an approved Special Use Permit becomes null and void if the use for which the permit was granted does not commence within twelve (12) months of the approval date, unless an extension has been granted; and
- 3) They acknowledge that they are responsible for ensuring that all required licenses and permits are obtained prior to commencing any use or work on the property.

Sandy Dowley *Sandy Dowley*
Property Owner of Record Signature and Printed Name

Aug 19 2019
Date

(Provide additional owners signatures and printed names in the space below, if applicable)

The undersigned hereby certifies that they are an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf, and that the Property Owner(s) of Record hereby agree to the above certifications.

Charles Chad Gill
Applicant Signature and Printed Name

8-19-19
Date

Special Use Criteria Answers:

1. The structure will be built to code and will not obstruct the view of traffic. The billboard will be used as advertisement for companies and will not draw extra traffic.
2. The structure will be built to code, therefore there should be no fire hazard.
3. This neighborhood is commercially zoned for businesses which will not affect the character.
4. The structure will be built to code and the images displayed will be for 8 seconds and regulated by the city of Cape Girardeau and MoDOT. The structure is located in a commercial area, not residential.
5. The only utility use is electric. The structure will have it's own meter and will be paid by Robinson Outdoor LLC.

- The height of the existing building is 20'
- The height of the structure is 25' to the base, which gives a 5' clearance from roof of building.
- Overall height of the billboard will be 37'
- The total square footage of the face of the billboard is 288 square feet – 12' x 24'
- Total distance from closest billboard north on the same side of Kingshighway is 1,567 feet. That structure belongs to Lamar located at Broadway and Kingshighway.
- Total distance from closest billboard south on the same side of Kingshighway is 1,728 feet. That structure belongs to DSW located at William and Kingshighway.
- The distance from the pole to the East property line is 13.7 feet.
- The distance from the pole to the South property line is 14.1 feet.
- The distance from the pole to the building is 6.44 feet.
- The pole diameter is 36 inches
- The hole drilled will be 4' in diameter and 15 feet deep.
- MoDot has approved the site and we are waiting on the State permit.
- The structure will be 10' away from water main.
- The sale of the property is contingent to billboard permits being issued to Gill Properties/Robinson Outdoor in order for the existing vacant building to be remodeled and leased out as office space.

GILL FAMILY PROPERTIES LLC

Missouri Department of Transportation
PO Box 160
Sikeston, MO 63801

City of Cape Girardeau
401 Independence Street
Cape Girardeau, MO 63703

Date: Aug 19 2019

To Whom it May Concern,

An agreement has been reached between Sandy McLane Donley, Landowner(s), and Gill Family Properties LLC ("Gill"), granting Gill permission to erect and maintain an outdoor advertising structure on our property. Please issue the required permit(s).

Should you need a verbal confirmation, please reach out to me at 573-579-7876
(phone number)

Sincerely,



Landowner(s)

cc: File



MISSOURI DEPARTMENT OF TRANSPORTATION

OUTDOOR ADVERTISING PERMIT

MoDOT Permit Number: 208481

Expiration Date: 8/21/2021

Conforming Permit Conforming Out of Standard Nonconforming Permit

In accordance with Section 226.550 RSMo and 7 CSR 10-6.070, this BILLBOARD permit is being issued to GILL FAMILY PROPERTIES, LLC, 512 N ONE MILE RD, DEXTER, MO 63841 for a CONFORMING sign in a(n) COMMERCIAL area located along US 61 S at county log mile 25.342 on the RIGHT side of the road in CAPE GIRARDEAU County on property owned by SANDY DONLEY MCLANE, 237 KENSINGTON LN , CAPE GIRARDEAU, MO 63701.

This permit is conditioned upon the accuracy and continued existence of the material facts as represented by the applicant in the "Missouri Department of Transportation Application for Permit to Erect and/or Maintain Outdoor Advertising" (**Permit Application**) and on the applicant's complete compliance with Sections 226.500 to 226.600 RSMo, as amended and 7 CSR 10-6, as amended. This Outdoor Advertising Permit incorporates by reference the Permit Application and any written amendments thereto, as if restated herein word for word. At any time after the permit is issued, the Missouri Highways and Transportation Commission reserves the right to remove the sign at the applicant's expense if it finds, in its sole determination, that the applicant misrepresented the facts in the Permit Application, the material facts represented in the Permit Application cease to exist, or the applicant failed to comply with the above referenced statutes and regulations. If at any time, this sign is completely destroyed, this permit becomes void and the sign cannot be rebuilt until a new permit is issued.

Ed Hassinger
Chief Engineer

Date Printed: 8/21/2019

Additional forms and information available at http://www.modot.org/business/Outdoor_Advertising

Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.



Formetco Digital Operation Guidelines for **Robinson Outdoor**.

The Formetco Digital Billboard System offers features which enable Billboard Operators to comply with variable ordinance requirements. Below are the methodologies in which the Formetco software is able to provide billboard operators the ability to adapt to the specific requirements within their zoning market and operate within the specific set guidelines.

Global Display Settings per face - Upon initial set up into the Formetco Content Management System, each display has a dwell time feature that is set according to the Billboard Operators requirements and local hold time regulations. This dwell time dictates the duration that each scheduled message is consistently displayed. This is a global administrative setting and is only editable by the Billboard Operators Administrative level users, who are categorized as the highest level users.

The screenshot shows a software interface with a dark background and white text. At the top, there are tabs labeled 'Profile', 'ID', 'Communications', 'Display', and 'Service'. Below the tabs, there are several input fields and sections:

- 'Dwell Time (in Seconds):' with a text input field containing the number '10'.
- 'Total Spots For This Display:' with a dropdown menu showing '49'.
- 'Zoning Information:' with a large empty rectangular box.
- 'Advertising Restrictions:' with another large empty rectangular box.

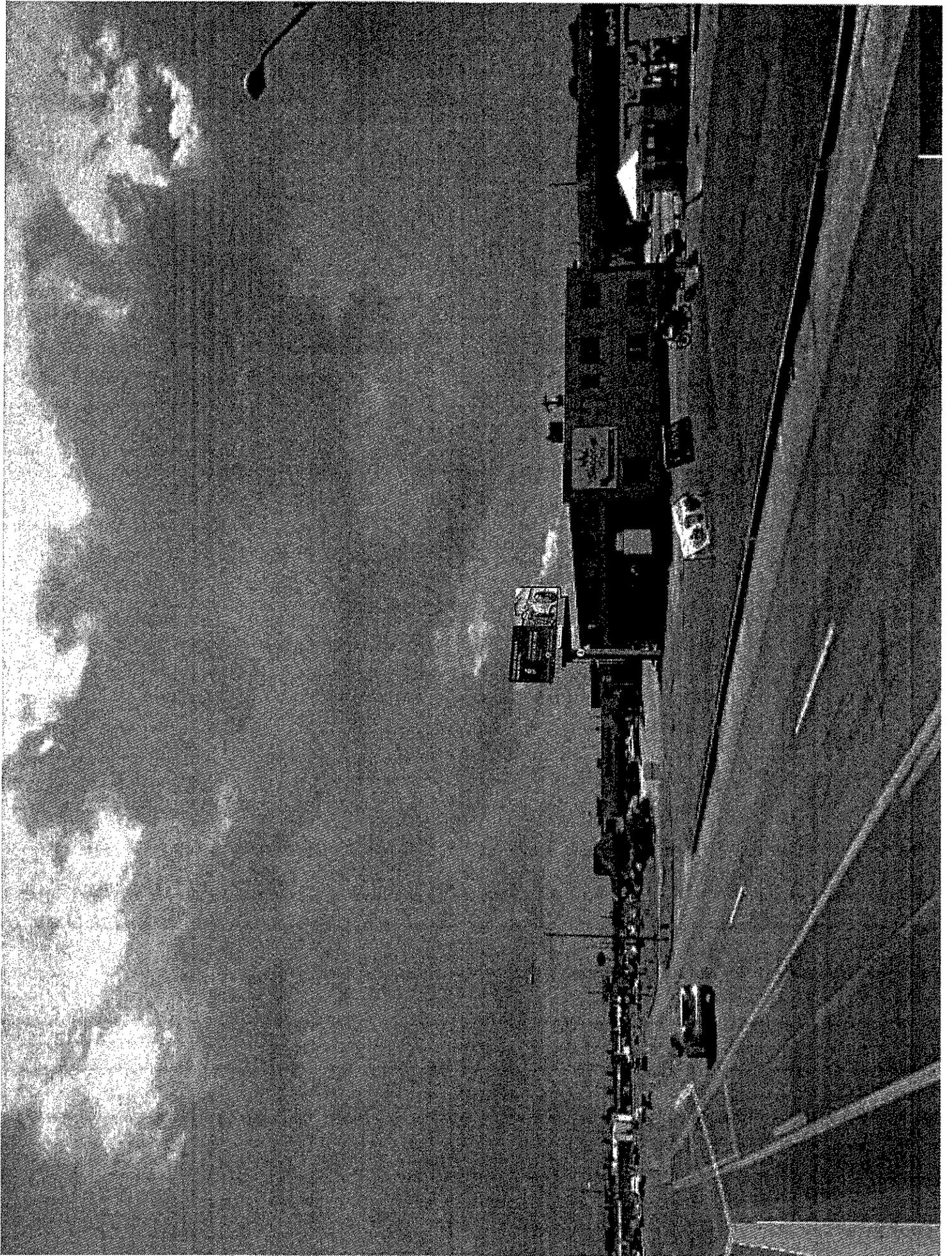
At the bottom of the interface, there is a small note: 'Items in light blue affect display operation'.

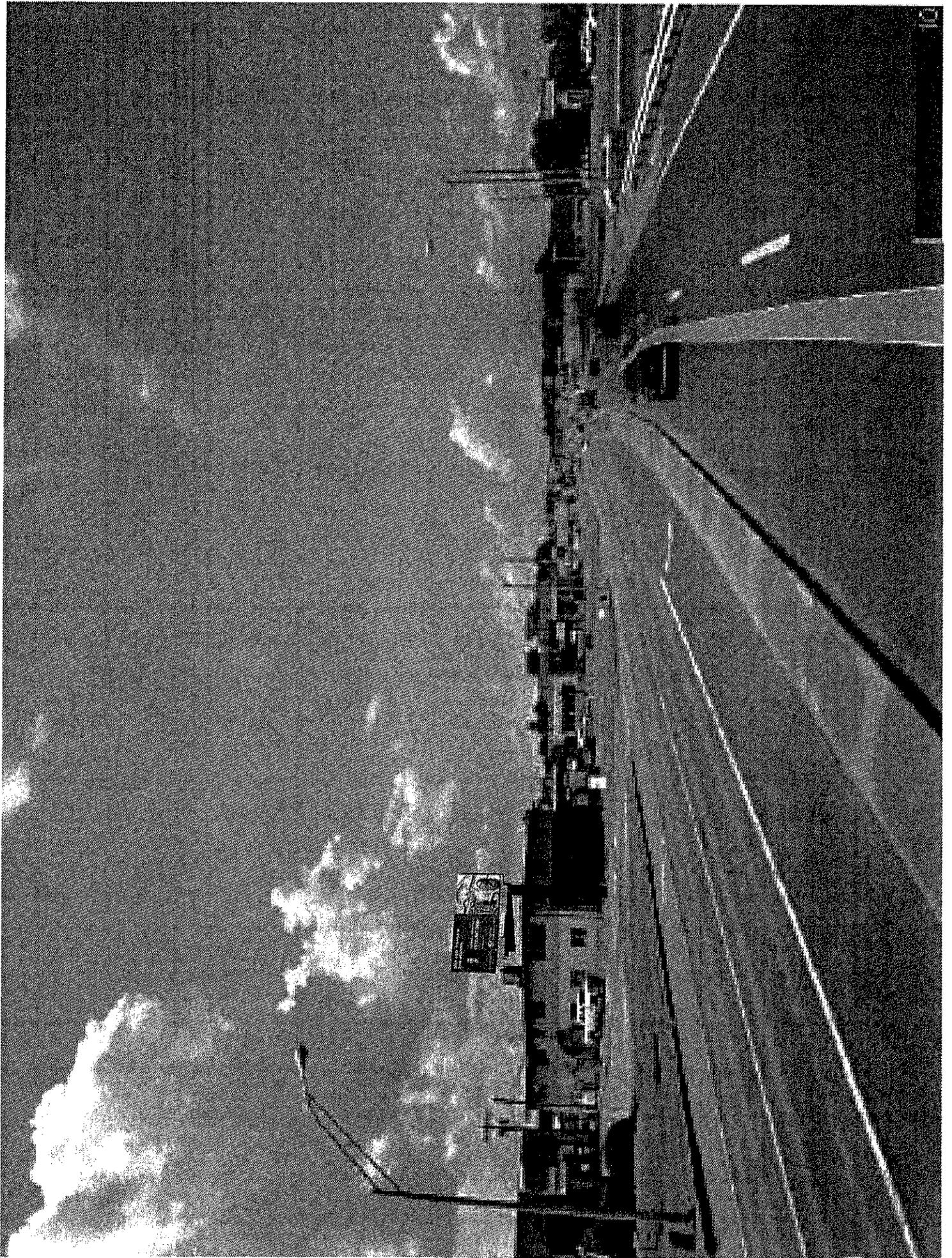
Valid art work file extension types for upload to the scheduling platform include:

JPEG, PNG, BMP, TIFF and RTD

These files types prevent the sign from displaying any content that may flash, twinkle, blink, fading, rolling, shading, dissolving or any type of animation.

Transitions between messages are instant and seamless and occur over the entire face of the sign.





FORMETCO®

POWERED BY AdTech

Brightness – Illumination of the sign is closely monitored, each sign is preset at the factory for daytime (7500 NITs) and nighttime (200 NITs) operating levels. A Konica-Minolta CS-100A is used to set the levels.



Calibration Sticker



CS-100A in use at factory



Example: NIT Reading of 6,590



Sign under testing, using Full White

Signs are tested at FULL White. A factory set configuration table limits the upper and lower end brightness.

(Source – Player PC Server.cfg file excerpt)



Each sign face has an onboard photocell that provides 255 brightness steps based on ambient light conditions at the face. Two independent safe guards are in place to monitor the proper brightness level of the sign. Upon loss of signal from the photocell, the sign automatically dims to the lower limit setting. If the control system for the face loses framing data from the player PC, the sign goes dark based on a configuration timer. This is typically set at 10 minutes.

Post installation, a technician will verify the ambient light conditions applicable to the local ordinance. An Extech light meter is used to verify the night time ambient conditions. Typical factory settings provide for less than a 0.3 foot candle measurement at distances appropriate for the signs square footage. Brightness levels can be remotely adjusted as needed.

In addition to the above mentioned software/firmware precautions that monitor the brightness settings, onboard diagnostics alert operators to system problems via email notification. A redundant player PC provides for continued proper operation of the sign in the event that a failure is detected with the primary player PC. The system will also be equipped with a remote controllable power control relay that enables operators to remotely shut all power down to the face.

To summarize, our electronic outdoor advertising billboard is preset for 7500 NIT (daytime brightness) and 200 (nighttime brightness). They are equipped with automatic dimming-capability that adjusts the luminance of the displayed information based on ambient light conditions so as to not exceed 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance. The light intensity of the sign display can be preset to conform to the brightness levels established by the local code.

Sec. 30-335. - M-1, light manufacturing/industrial district.

- (a) *Purpose.* This district is intended primarily for uses engaged in light manufacturing, assembly, fabrication, warehousing, wholesaling and retail trade, and service operations which conduct all activities within a building with no external impact or effect. This district is intended to serve as a transition between more intense industrial development and commercial, office, or multifamily residential development.
- (b) *Permitted principal uses.*
- (1) Light manufacturing facilities.
 - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing, electrical, heating, plumbing and binding establishments.
 - (3) Health and fitness centers.
 - (4) Cemeteries.
 - (5) Commercial day cares.
 - (6) Funeral homes and mortuaries.
 - (7) Government buildings and uses, including police and fire stations.
 - (8) Heavy machinery and equipment sales, rental and service.
 - (9) Offices, administrative, business, finance and professional.
 - (10) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
 - (11) Public service and public utility uses as follows:
 - a. Wireless facilities.
 - b. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (12) Industrial schools and business schools.
 - (13) Mini warehouses or self-storage units.
 - (14) Residential treatment facilities.
 - (15) Television and radio studios including any transmitting facilities.
 - (16) Veterinary clinics, animal hospitals, and kennels.
 - (17) Warehouses, storage and distribution centers.
 - (18) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
 - (19) Recycling centers.
 - (20) Marinas or docks.
 - (21) Transitional housing.
 - (22) Restaurants and bars.
 - (23) Retail, including vehicle sales.
 - (24) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.
 - (25) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.

- (26) Medical marijuana-infused products manufacturing facilities, as permitted in section 30-415, supplemental regulations.
 - (27) Medical marijuana testing facilities, as permitted in section 30-415, supplemental regulations.
 - (28) Medical marijuana transportation facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.
 - (2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (4) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Emergency shelters, transitional service shelters for fifty (50) or fewer residents.
 - (2) Manufactured business units, for office use only.
 - (3) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (4) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (6) Billboards, as permitted in section 25-401.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) A site plan, meeting the requirements of chapter 25 of the City Code shall be submitted and approved.
 - (2) All storage shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible from the street or adjoining property. Any outdoor storage shall be at least one hundred (100) feet from any residential zoning district or use.
 - (3) No building shall be used for residential purposes, except for a night watchman or a caretaker employed on the premises.
 - (4) Utilitarian areas such as loading docks, mechanical equipment, storage areas, mechanical and electrical equipment, and dumpsters shall be located in the rear or side yard of the building.
 - (5) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25 of the City Code.
- (f) *Height, area, bulk and setback requirements.*
- (1) *Maximum height:* Forty (40) feet excluding silos, smoke stacks, and dust collection systems.

- (2) *Minimum lot area:* None.
- (3) *Minimum lot width:* None.
- (4) *Minimum yard requirements:*
 - a. *Front yard:* Twenty-five (25) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* None, except on a lot abutting a residential district there shall be a side yard of not less than ten (10) feet on the side of the lot abutting the residential district.
- (5) *Maximum building coverage:* None.
- (g) *Open space, landscaping and bufferyard requirements.*
 - (1) A minimum of fifteen (15) percent of the total lot area shall be devoted to open space, including required yard and bufferyards.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD and RMH zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202.

Sec. 30-401. - Special use permits.

- (a) *Purpose.* Subject to the provisions of this section, the city council may, by ordinance on its own motion or on application, grant a special use permit for any special use specifically identified in the zoning district in which the special use is proposed. The city council may impose appropriate conditions and safeguards for the issuance of the special use permit, such as a limitation of the duration of the special use, a limitation of the parties who may carry out such use, and limitations upon or requirements for the size or design of buildings and other improvements on the property. In cases where a special use permit application is submitted for a property in the H, historic overlay district, the historic preservation commission shall make a recommendation to the city council in lieu of approving or denying a certificate of appropriateness for any work covered by the special use permit.
- (b) *Application for special use permit.* Application for a special use permit shall be submitted to the city manager using a form provided by the city, and contain all necessary information as determined by the city manager. The special use permit fee shall be per the city's fee schedule. Such application shall be processed in the same manner as provided in section 30-206 relating to application for a zoning district change.
- (1) In reviewing an application for a special use permit, the city council shall determine whether or not the proposed special use will:
- a. Substantially increase traffic hazards or congestion;
 - b. Substantially increase fire hazards;
 - c. Adversely affect the character of the neighborhood;
 - d. Adversely affect the general welfare of the community; and
 - e. Overtax public utilities.
- (2) If the council's finding is negative as to all of the criteria in section 30-401(b)(1), the application may be granted; if affirmative as to any of the aforementioned criteria, then such special use permit shall be denied.
- (3) Any use for which a special use permit is granted shall otherwise comply with all of the regulations set forth in this chapter for the zoning district in which such use is located.

(Ord. No. 5012, art. 7, 10-2-17)

Editor's note— Ord. No. 5012, art. 7, adopted Oct. 2, 2017, repealed the former § 30-401 and enacted a new section as set out herein. The former § 30-401 pertained to similar subject matter and derived from Ord. No. 4109, art. 2, adopted March 1, 2010.

ARTICLE IV. - BILLBOARDS

Sec. 25-401. - Billboards.

Billboards shall be erected only upon approval of a special use permit, as set out in chapter 30, section 30-401. In addition to the requirements of section 30-401, the following regulations apply to the erection of billboards:

- (a) Billboards shall be allowed only in the C-2, PD, M-1 and M-2 zoning districts.
- (b) Billboards shall be allowed only on parcels of land bordering the following streets:
 - (1) Interstate 55.
 - (2) William Street (Route K), west of Kingshighway.
 - (3) Missouri Route 74, west of Kingshighway.
 - (4) Kingshighway from Boulder Crest Drive south to Interstate 55.
- (c) No billboard shall be placed within fourteen hundred (1,400) feet of another billboard. This paragraph shall not apply to billboards which are located on opposite sides of the street to which the billboard is oriented.
- (d) No billboard shall be placed within thirty (30) feet of a street right-of-way.
- (e) No billboard shall be placed within one hundred (100) feet of a property line of a property which is used for residential purposes.
- (f) For purposes of placing billboards, a V-shaped billboard or a back-to-back type of billboard shall be considered one (1) billboard. Sign faces of less than one hundred fifty (150) square feet may be placed between billboard faces at the apex of the "V" or across the rear of the "V," but no such sign shall be oriented toward a street upon which billboards are not allowed. The angle of all sign faces shall be oriented so that they are between seventy-five (75) degrees and ninety (90) degrees to the street on which the billboard is permitted.
- (g) No billboard shall be located in such a manner as to obscure an official traffic sign, signal or device, or obstruct a driver's view of approaching or intersection traffic.
- (h) The maximum area of a billboard sign face shall be three hundred (300) square feet. The maximum length of a billboard sign face shall be thirty (30) feet. The maximum total sign face area of a billboard shall be six hundred (600) square feet.
- (i) There shall be a minimum clearance of ten (10) feet from grade of the street to which the billboard is oriented to the bottom of a billboard sign face. There shall be a maximum height of thirty (30) feet from grade of the street to which the billboard is oriented to the top of a billboard sign face.
- (j) Audio speakers are prohibited in association with any billboard.

- (k) Electronic, video or digital billboard images or any portion thereof shall have a minimum duration of at least eight (8) seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.
- (l) Billboards may be illuminated, subject to the following instructions:
 - (1) No revolving or rotating beam or beacon of light shall be permitted as part of any billboard. Flashing devices shall not be permitted upon a billboard. However, changeable copy signs, such as those used for time and temperature displays, shall be permitted, but shall not be permitted to operate in a flashing or scrolling manner.
 - (2) External lighting, such as flood lights, thin line and gooseneck reflectors, are permitted, provided the light source is directed on the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street.
 - (3) The illumination of any billboard within one hundred (100) feet of a property line which is used for residential purposes shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.
 - (4) Electronic, video or digital billboard images shall be equipped with automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. The maximum luminance produced by electronic, video or digital billboard images shall not exceed three-tenths (0.3) footcandle greater than the ambient light level.
- (m) The following billboards shall not be permitted to remain or to be erected:
 - (1) Billboards which have been erected without a building permit.
 - (2) Billboards that employ any stereopticon or motion picture projection, or any portion of which gives the illumination of motion. This includes any electronic graphic signs or video displays, but does not include signs that contain changeable copy, such as time and temperature.
 - (3) Billboards which are not clean, not in good repair, not structurally sound, or obsolete (billboards shall not be considered obsolete solely because they temporarily do not carry an advertising message).
 - (4) Billboards which appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
 - (5) Billboards which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
 - (6) Billboards which are nonconforming and damaged or destroyed to an extent of more than sixty (60) percent of the replacement cost.

(7) Billboards that prevent ingress or egress from any doors, windows, or fire escapes.

(8) Billboards that are attached to a standpipe or fire escape.

(Ord. No. 4178, art. 1, 12-6-10)

Secs. 25-402—25-500. - Reserved.

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-224

SUBJECT

An Ordinance approving the Record Plat of A Resubdivision of Lot 2 of a Minor Subdivision of Lot B of Cape West Crossings - Phase II Amended.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for a two-lot subdivision in the Cape West Crossings development.

BACKGROUND/DISCUSSION

A record plat has been submitted for A Resubdivision of Lot 2 of A Minor Subdivision of Lot B of Cape West Crossings – Phase II Amended, located south of Bloomfield Road between Interstate 55 and South Mount Auburn Road. The subdivision is zoned C-2 (Highway Commercial District). The plat subdivides a single lot into two lots. As part of the plat, the developer is requesting that the City release certain existing easements which will no longer be needed due to the relocation of the sanitary sewer main.

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 March 14, 2018 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

ATTACHMENTS:

Name:	Description:
Record Plat Cape West Crossing Phase II amended.doc	Ordinance
Staff Review-Referral-Action Form.pdf	Resub Lot 2 of Sub of Lot B Cape West Crossings Ph II Amended - Staff RRA Form
Map - A_Resubd.pdf	Resub Lot 2 of Sub of Lot B Cape West Crossings Ph II Amended - Map
Application - Cape West Crossings Resub. of Minor Sub. of Lot B.pdf	Resub Lot 2 of Sub of Lot B Cape West Crossings Ph II Amended - Application
36575 - Record Plat - Lot 2 Resubdivision- REV2 10-18-2018.pdf	Resub Lot 2 of Sub of Lot B Cape West Crossings Ph II Amended - Record Plat

BILL NO. 19-156

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF A
RESUBDIVISION OF LOT 2 OF A MINOR SUBDIVISION
OF LOT B OF CAPE WEST CROSSINGS - PHASE II
AMENDED

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

ARTICLE 1. The record plat of A Resubdivision of Lot 2 of A Minor Subdivision of Lot B of Cape West Crossings - Phase II Amended, being all of Lot 2 of A Minor Subdivision of Lot B of Cape West Crossings - Phase II Amended, a subdivision on file in the land records of Cape Girardeau County in Document Number 2017-05952, City and County of Cape Girardeau, State of Missouri, submitted by Mayson Investments, LLC, and CWC-RE Holdings, LLC, bearing the certification of Christopher L. Koehler, a Registered Land Surveyor, dated the 18th day of September, 2019, 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 _____, 2019.

Bob Fox, Mayor

ATTEST:

Gayle L. Conrad, City Clerk

CITY OF CAPE GIRARDEAU, MISSOURI
 City Staff Review, Referral and Action - Subdivision Application

**FILE: A Resubd. Of Lot 2 of a Minor Subd. Of Lot B
 of Cape West Crossings - Phase II Amended**

LOCATION: Cape West Crossings

STAFF REVIEW & COMMENTS:

A record plat has been submitted to subdivide a parcel into two (2) lots on Cape West Crossings. SEE STAFF REPORT FOR MORE DETAILS.

By [Signature]
 City Planner

3/5/18
 Date

[Signature]
 City Attorney

MARCH 5, 2018
 Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
 City Manager

3-5-18
 Date

Planning & Zoning Commission

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Scott McClanahan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 9 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

[Signature]
 Kevin Greaser
 Planning & Zoning Commission Secretary

City Council Action

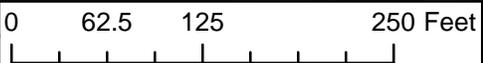
Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

ORDINANCE # _____ Effective Date: _____

A Resubd. of Lot 2 of A Minor Subd. of Lot B of
Cape West Crossings - Phase II Amended



 **CITY of CAPE GIRARDEAU**
Created by: Development Services
Carol Peters
February 26, 2018



Legend
— Plat Area
— Parcels

Source: Esri, DigitalGlobe, GeoEye, DS, USDA, USGS, AEX, Getmapping, CNES/Airbus, the GIS User Community, and other sources.



SUBDIVISION PLAT APPLICATION
CITY of CAPE GIRARDEAU

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

Name of Subdivision A Resub. Of A Minor Sub. Of Lt B of Cape W. Crossing-P2A		Type of Plat: Preliminary, Record, or Boundary Adjustment Record Plat	
Applicant Mayson Investments, LLC		Property Owner of Record (if other than Applicant) Mayson Investments, LLC	
Mailing Address 1610 N. Kingshighway, Suite 301	City, State, Zip Cape Girardeau, MO 63701	Mailing Address	City, State, Zip
Telephone (573) 450-2285	Email Jeff.Maurer@MaysonCapital.com	Telephone	Email
Contact Person (If Applicant is a Business or Organization) Jeff Maurer		<i>(Attach additional owners information, if necessary)</i>	
Professional Engineer/Surveyor (if other than Applicant) Chris Koehler		Developer (if other than Applicant) Same as Applicant	
Mailing Address 194 Coker Lane	City, State, Zip Cape Girardeau, MO 63701	Mailing Address	City, State, Zip
Telephone (573) 335-3026	Email ckoehler@koehlerengineering.com	Telephone	Email

ADDITIONAL ITEMS REQUIRED

See Instructions for more information.

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

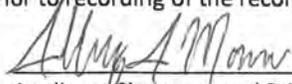
- Review Fee (payable to City of Cape Girardeau)
 - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
 - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
 - Non-Residential : \$20.00 per acre (\$100.00 minimum)
- Recording Fee Deposit (payable to City of 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. 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 record plat.

 Jeffrey J. Maurer
 Applicant Signature and Printed Name

02-20-2018
 Date

OFFICE USE ONLY	
Date Received & By <u>2/21/18 CP</u>	MUNIS Application No. <u>7387</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
10/7/2019

AGENDA REPORT
Cape Girardeau City Council

19-225

SUBJECT

An Ordinance authorizing the issuance of a Special Tax Bill for property located at 1418 North Spanish Street, for the demolition of a dangerous building and for the abatement of a nuisance under the provisions of Chapter 7 and Chapter 13 of the Code of Ordinances of the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

The attached ordinance authorizes the issuance of a special tax bill to recover costs incurred by the City in demolishing a condemned structure and abating a nuisance.

BACKGROUND/DISCUSSION

A structure at 1418 North Spanish Street was condemned on July 13, 2018. The City sent a letter to the property owner notifying her of the condemnation and her responsibilities under Chapter 7, Article VII of the City's Code of Ordinances. After the owner failed to respond by the deadline, the City held a public hearing, and the Building Supervisor issued an order to demolish the structure by October 22, 2018. The owner failed to comply with the order. As provided for in the Code, the City hired a contractor to demolish the structure at a cost of \$5,734.00. The Building Supervisor's order to issue a special tax bill and the contractor's invoice are attached. In addition to the demolition of the condemned structure, the City incurred \$1,309.49 in costs in abating a nuisance by the removal of weeds and trash under the provisions of Chapter 13 of the City's Code of Ordinances. The attached special tax bill has been prepared to recover the costs incurred by the City in demolishing the condemned structure and abating the nuisance (\$7,043.49 total).

FINANCIAL IMPACT

The special tax bill will bear an interest rate of eight percent (8%) annually on the outstanding balance until it is paid in full.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance authorizing the issuance of the special tax bill.

ATTACHMENTS:

Name:	Description:
Tax Bill Ord- 1418 North Spanish Street.doc	Ordinance
Tax Bill 1418 North spanish (Rear).pdf	1418 North Spanish Street - Building Supervisor's Order and Contractor's Invoice

BILL NO. 19-157

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A SPECIAL TAX BILL FOR PROPERTY LOCATED AT 1418 NORTH SPANISH STREET, FOR THE DEMOLITION OF A DANGEROUS BUILDING AND FOR THE ABATEMENT OF A NUISANCE UNDER THE PROVISIONS OF CHAPTER 7 AND CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI

WHEREAS, the Building Supervisor of the City of Cape Girardeau, Missouri, issued an Order causing a certain dangerous building located at 1418 North Spanish Street to be demolished; and

WHEREAS, the City of Cape Girardeau, Missouri did cause said building to be demolished in accordance with the Order, thereby incurring certain expenses; and

WHEREAS, the Abatement Hearing Officer of the City of Cape Girardeau, Missouri, issued an Order causing a certain nuisance located at 1418 North Spanish Street to be abated; and

WHEREAS, the City of Cape Girardeau, Missouri did cause said nuisance to be abated in accordance with the Order, thereby incurring certain expenses; and

WHEREAS, Chapter 7 and Chapter 13 of the Code of Ordinances of the City of Cape Girardeau, Missouri authorize the issuance of a special tax bill to recover said expenses.

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

ARTICLE 1. There is hereby levied, and the City Clerk is hereby authorized and ordered to place on file, the following Special Tax Bill issued in accordance with the Orders of the Building Supervisor and the Abatement Hearing Officer, which shall be a lien against the following described property in accordance with law, in the following amount, until paid or collected by the City of Cape Girardeau, Missouri:

\$7,043.49 - 1418 North Spanish Street

All of Lot Nine (9) in Block Ten (10) of Red Star Addition to the City of Cape Girardeau, Missouri, described by the following metes and bounds, to wit:

Commence at a point on the east line of Spanish Street 400 feet South from the northwest corner of said Block 10 of Red Star Addition to said City, said point being the

northwest corner of Lot 9 in Block 10 of Red Star Addition as will more fully appear by reference to recorded plat of said Addition of record in the Recorder's Office at Jackson, Missouri, in Plat Book 2 at Page 45; thence run East parallel with Johnson Street 143.66 feet to an alley; thence South along the west line of said alley 64 feet to the northeast corner of Lot 2 in Block 6 of Roberson and Gale Subdivision of a part of Out Lot 69 as will more fully appear by reference to the recorded plat of said Addition of record in the Recorder's Office at Jackson, Missouri, in Plat Book 2 at Page 20; thence West parallel with Johnson Street 143.66 feet to Spanish Street thence North along the east line of Spanish Street 64 feet to the point of beginning.

ARTICLE 2. Said Special Tax Bill shall bear an interest rate of eight per cent (8%) per annum.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Gayle L. Conrad, City Clerk

**ORDER OF BUILDING SUPERVISOR
CAUSING TAX BILLS TO BE ISSUED AGAINST PROPERTY**

COMES now the Building Supervisor of the City of Cape Girardeau, Missouri, this 23rd day of September, 2019, and hereby finds the following:

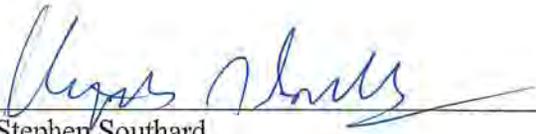
1. That the building on the property described as follows:

1418 North Spanish Street, Cape Girardeau, MO
Lot 9, Block 10 of Red Star Addition

has been demolished in accordance with the Order of the Building Supervisor dated the 22nd day of October, 2018.

2. That the costs incurred in the demolition of this building were five thousand seven hundred thirty-four dollars (\$5,734.00), a true and accurate copy of which are attached hereto and marked "Exhibit A".

WHEREFORE, the Building Supervisor enters an order directing the City Clerk of the City of Cape Girardeau, Missouri, to issue tax bills against the heretofore described property in the amount of five thousand seven hundred thirty-four dollars (\$5,734.00), for the costs incurred in said demolition.


Stephen Southard
Building Supervisor



Staff: Bruce Taylor, Deputy City Clerk
Agenda: 10/7/2019

MEMORANDUM
Cape Girardeau City Council

19-020

SUBJECT

One Appointment to the Airport Advisory Board for a term expiring April 30, 2021.

EXECUTIVE SUMMARY

One terms on the Airport Advisory Board is set to expire April 30, 2021. This position was held by Joe Hobbs who resigned August 12, 2019. A copy the board roster is attached for your review.

BACKGROUND/DISCUSSION

According to Section 4-2 of the City Code, “two members of the airport board may be residents of Cape Girardeau, Scott, Bollinger or Perry County. The remaining members must be residents of the City of Cape Girardeau.” Board members serve a three-year term. The following individuals have expressed interest in being appointed to the board and their board applications are attached.

Applicant	Ward	Citizen Academy Graduate
Eli Bohnert	1	Current/2019 Fall Participant
Hannah Seesing	2	No
Kevin Williams	4	No

GENERAL DIRECTION

Unless directed otherwise, one appointment to the Airport Advisory Board for a term expiring April 30, 2021, will appear on a future agenda for your consideration.

ATTACHMENTS:

Name:	Description:
Advisory Board Roster 09-03-2019.pdf	Airport Board Roster
roster_attendance.airport.pdf	Airport Board Attendance Roster
Bohnert.Eli.2-12-19.pdf	Bohnert, Eli
Seesing.Hannah.9-10-19.pdf	Seesing, Hannah
Williams.Kevin.03-17-18.pdf	Williams, Kevin

CITY OF CAPE GIRARDEAU, MISSOURI
Roster of Advisory Boards and Committees
September 3, 2019

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.

Airport Board

	<u>Date Appointed</u>	<u>Date Reappointed</u>	<u>Term Expires</u>
Mark Welker	September 5, 2014	----	April 30, 2020
Brian Ozark *	October 4, 2010	4/4/11; 5/5/14	April 30, 2020
Jeff Brune	April 17, 2017	----	April 30, 2020
Vacant*****			April 30, 2021
Mark Seesing	July 5, 2016	04/16/18	April 30, 2021
Joseph Uzoaru	April 16, 2018	----	April 30, 2021
Richard Knot	June 18, 2018	04/15/19	April 30, 2022
Justin Davidson	March 4, 2019	04/15/19	April 30, 2022
Ryan Dewrock	July 5, 2016	04/15/19	April 30, 2022

Serve three year terms, appointed by Council. *Two members may be residents of Cape Girardeau, Scott, Bollinger or Perry Counties. Meetings held second Tuesday at 5:00 p.m. at the Airport Restaurant at the Cape Girardeau Regional Airport. A council member may serve as liaison. Staff contact –Bruce Loy, Airport Manager, 334-6230.

AIRPORT ADVISORY BOARD Attendance Record

Ordinance effective April 13, 2000

P = present; A = absent

2019 2nd Tuesday	Jan 8	Feb 12	Mar 12	April 9	May 14	Jun 11	Jul 9	Aug 13	Sept 10	Oct 8	Nov 12	Dec 10	1st letter	2nd letter	3rd letter	termi- nated
Brune, Jeff	P	P	P	P	P	P	P	P	A							
Davidson, Justin	Appointed 3/4/19			P	P	P	A	A	P				08/19/19			
Dewrock, Ryan	P	P	P	P	P	P	P	P	P							
Hobbs, Joe	P	P	P	P	P	P	P	A	Resigned 8/14/19							08/14/19
Knote, Richard	P	P	P	P	P	P	P	P	P							
Mingus, Paul	Resigned 1/7/19															01/07/19
Ozark, Brian	P	P	P	P	P	A	P	P	P							
Seesing, Mark	P	P	A	P	P	P	A	P	P							
Uzoaru, Joseph	P	P	P	P	P	P	P	A	P							
Welker, Mark	P	P	A	P	P	P	P	P	P							

2018 2nd Tuesday	Jan 9	Feb 13	Mar 13	April 10	May 8	Jun 12	Jul 10	Aug 14	Sept 11	Oct 9	Nov 13	Dec 11	1st letter	2nd letter	3rd letter	termi- nated		
Albright, Justin	P	P	P	P	Resigned												04/25/18	
Brune, Jeff	P	P	P	P	P	P	P	P	P		P	P						
Cork, Robert	P	P	P	P	Resigned													04/24/18
Dewrock, Ryan	P	P	P	P	P	P	P	P	P		P	P						
Hobbs, Joe	P	P	A	P	P	P	P	P	P		P	P					04/16/18	
Knote, Richard	Appt June 18, 2018						P	P	P		A	P						
Mingus, Paul	P	P	A	A	P	P	P	P	P		P	A						
Ozark, Brian	P	P	P	P	P	P	P	P	P		P	A						
Seesing, Mark	P	P	A	P	P	P	P	P	P		P	P						
Uzoaru, Joseph	Appointed 4/16/18				P	P	P	P	P		P	A						
Welker, Mark	P	P		P	P	P	P	P	P		A	P						

Staff: Bruce Taylor, Deputy City Clerk
Agenda: 10/7/2019

MEMORANDUM
Cape Girardeau City Council

19-021

SUBJECT

Appointment of four members to the Parks and Recreation Advisory Board for terms expiring October 29, 2022.

EXECUTIVE SUMMARY

Nicholas Snyder, Ken Stilson, Tracey Glenn, and David Cantrell are currently serving terms on the Parks and Recreation Advisory Board that expire October 29, 2019. A copy of the roster is attached for your review.

BACKGROUND/DISCUSSION

Section 18-27 of the City Code states that a person appointed to the board shall be a taxpayer, qualified voter and resident of the city. The following individuals have expressed an interest in serving on the board, and their board applications are attached.

Applicant	Ward	Citizen Academy Graduate
Mark Buerck	6	n
Tracey Glenn	4	n
Rick Gross	5	n
James Newman	5	y
Will Rhymer	1	n
Ashley Roney	3	y
Nicholas Snyder	1	n
Ken Stilson	4	n

GENERAL DIRECTION

Unless directed otherwise, four appointments to the Parks and Recreation Advisory Board for terms expiring October 29, 2022 will appear on a future agenda for consideration.

ATTACHMENTS:

Name:	Description:
Buerck.Mark.03-08-19.pdf	Buerck, Mark
Glenn.Tracey.9-30-19.pdf	Glenn, Tracey
Gross.Richard.08-19-19.pdf	Gross, Rick
Newman.James.8-23-19.pdf	Newman, James
Rhymer.Will.10-12-18.pdf	Rhymer, Will
Roney.Ashley.10-10-18.pdf	Roney, Ashley
Snyder.Nicholas.9-13-19.pdf	Snyder, Nicholas

Stilson.Kenneth.9-11-19.pdf	Stilson, Kenneth
parks_and_rec_roster_(7).docx	Park Board Roster
roster_attendance.park_(6)_(6).pdf	Park Board Attendance Roster

CITY OF CAPE GIRARDEAU, MISSOURI
Roster of Advisory Boards and Committees
September 3, 2019

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.

	<u><i>Date Appointed</i></u>	<u><i>Date Reappointed</i></u>	<u><i>Term Expires</i></u>
Council, ex-officio			
Nicholas Snyder	April 15, 2019		October 29, 2019
Tracey Glenn	October 17, 2016	---	October 29, 2019
Ken Stilson	March 15, 2017	---	October 29, 2019
David Cantrell	March 15, 2017	---	October 29, 2019
Beverly Evans (Tree Board Liason)	May 21, 2018	---	October 29, 2020
Kevin Noel	September 14, 2015	10/16/17	October 29, 2020
Pete Frazier	March 21, 2016	10/16/17	October 29, 2020
Roger Hudson	October 15, 2012	11/16/15; 10/15/18	October 29, 2021
Gunnar Knudtson	October 15, 2018	---	October 29, 2021
Bradley LaBruyere	October 15, 2018	---	October 29, 2021
Anne Dohogne	September 4, 2018	10/15/18; 4/16/19	October 29, 2021

Serve three year terms, appointed by Council. Regular meetings held second Monday at 5:30 p.m. in Council Chambers. A Council member may serve as liaison. Staff contact – Julia Jones, Parks & Recreation Director 339-6340.

PARKS AND RECREATION ADVISORY BOARD Attendance Record

Ordinance effective 4/13/00

P = present, A = absent

2019 2nd Monday	Jan 14	Feb 11	Mar 11	Apr 8	May 13	Jun 10	Jul 8	Aug 12	Sep 9	Oct 14	Nov 11	Dec 8	1st letter	2nd letter	3rd letter	appt'ed	termi- nated
Cantrell, David	P	P	P	P	P	A	A	P	P							05/15/17	
Dohogne, Ann	A	A	ated	P	P	A	P	P	P								02/22/19
Evans, Beverly	P	A	P	P	P	P	P	A	P							05/21/18	
Frazier, Pete	P	P	P	A	P	P	P	P	P							03/21/16	
Glenn, Tracey	P	P	P	P	P	A	P	P	P							10/17/16	
Hudson, Rodger	P	P	P	A	P	P	P	P	P								
Huston, Percy	P	P	P	P	Terminated 4/15/19								#####				04/15/19
Knudtson, Gunnar	P	P	P	A	A	P	P	P	P				#####			10/15/18	
LaBruyere, Bradley	P	P	A	P	P	P	P	A	P							10/15/18	
Noel, Kevin	P	P	P	P	A	P	P	P	P				#####				
Snider, Nick	Appointed 4/15/19				P	P	P	P	P								
Stilson, Ken	P	P	P	P	P	P	P	P	P							05/15/17	

2018 2nd Monday	Jan 9	Feb 12	Mar 12	Apr 9	May 14	Jun 11	Jul 9	Aug 13	Sep 10	Oct 8	Nov 12	Dec 10	1st letter	2nd letter	3rd letter	appt'ed	termi- nated
Billmeyer, Craig	S	P	A	P	P	P	P	P	P	P	ed out 10/1						10/15/18
Cantoni, Phillip	S	P	P	P	P	A	Terminated 6/20/18					12/28/17	01/02/18		11/16/15	06/20/18	
Cantrell, David	S	P	P	P	P	P	P	P	P	P	A					05/15/17	
Dohogne, Ann	Appointed September 4, 2018									P	P	A					
Evans, Beverly	Appointed May 21, 2018					P	A	P	P	P	P					05/21/18	
Frazier, Pete	A	P	P	P	P	P	P	P	A	P						03/21/16	
Glenn, Tracey	A	P	P	P	P	P	P	P	P	P						10/17/16	
Hudson, Roger	A	P	P	P	P	P	P	P	P	P							
Huston, Percy	A	P	P	P	P	P	P	P	P	P			#####				
Knudtson, Gunnar	A	Appointed 10/15/18													10/15/18		
LaBruyere, Bradley	A	Appointed 10/15/18													10/15/18		
Neff, Bari	A	P	P	P	P	P	P	P	P	P	ed out 10/1						
Noel, Kevin	A	P	P	P	P	A	P	P	P	P			A	#####			
Presson, Daniel	A	P	P	P	Resigned 4/13-Council Member											01/19/16	04/13/18
Stilson, Ken	A	P	P	P	P	P	P	P	P	P	P					05/15/17	

Staff:
Agenda: 10/7/2019

AGENDA REPORT
Cape Girardeau City Council

SUBJECT

Advisory Board Minutes

- Airport Advisory Board Minutes, September 10, 2019
- Cape Girardeau Community Ad-Hoc Aquatics Committee Minutes, June 5, 2019
- Cape Girardeau Community Ad-Hoc Aquatics Committee Minutes, July 17, 2019
- Cape Girardeau Community Ad-Hoc Aquatics Committee Minutes, August 28, 2019
- Public Library Board of Trustees Minutes, September 5, 2019
- Red House Interpretive Center Minutes, September 25, 2019
- SEMPO Board of Directors Minutes, August 21, 2019
- SEMPO Technical Planning Committee Minutes, September 4, 2019
- Transportation Trust Fund 6 Committee, August 25, 2019

ATTACHMENTS:

Name:	Description:
AIRPORT_BOARD_MINUTES_September_10_2019_(3).pdf	Airport Advisory Board Minutes
AquaticsCmtee.2019-06-05.Minutes_(2).pdf	Aquatics Committee Minutes, June
AquaticsCmtee.2019-07-17.Minutes_(2).pdf	Aquatics Committee Minutes, July
AquaticsCmtee.2019-08-28.Minutes_(2).pdf	Aquatics Committee Minutes, August
0919minutes.pdf	Public Library Board of Trustees Minutes
Red_House_-_Draft_Sept_5_2019_Minutes.pdf	Red House Interpretive Center Minutes
SEMPO_Minutes_Board_2019_08_21_DRAFT.pdf	SEMPO Board of Directors Minutes
SEMPO_Minutes_TPC_2019_09_04_DRAFT_(2).pdf	SEMPO Technical Planning Committee Minutes
TTF6_Committee_Minutes_2019-08-26.DRAFT.pdf	Transportation Trust Fund Committee Minutes

AIRPORT BOARD MINUTES
September 10, 2019
Sandy's Place Restaurant

Members Present: Justin Davidson, Ryan Dewrock, Richard Knote, Brian Ozark, Mark Seesing, Joe Uzoaru, Mark Welker,

Others Present: Bruce Loy, Airport Manager; Katrina Amos, Deputy Airport Manager; Derrick Irwin, Flight Line Supervisor; Stacy Kinder, City Council Liaison; Audrey Lorch, Airport Support Specialist

I. Minutes of Previous Meeting:

The meeting was called to order at 11:30am. Mr. Knote moved and Mr. Seesing seconded the motion to approve the minutes from the August 13, 2019 meeting. The motion was approved with a unanimous vote.

II. Appearances:

There were no appearances.

III. Old Business:

A. Airport Activity Report – Mr. Loy presented the August 2019 Airport Usage Report. Enplanement numbers were better than projected; year-to-date numbers are up 46%. Mr. Loy expects to reach 8,000 by the end of September. SkyWest completed 81 of 84 landings for the month. It was noted that the average load factor is close to 30%.

Mr. Loy reported year-to-date traffic was down slightly by 14%, however, August traffic is even with the same period last year.

B. Cape Aviation Report – Mr. Irwin presented the Cape Aviation Report to the Board. Mr. Irwin remarked that Cape Aviation assisted with the SEMO University football team charter flight. He reported everything went well. The charter did not purchase as much fuel as anticipated due to weight and balance issues.

He noted the contract with Titan Fuels, formerly Eastern Aviation, is in the final stages. He is also preparing for the FAA Part 139 inspection scheduled for mid-October.

IV. New Business:

A. Terminal Area Master Plan (TAMP) – Mr. Loy informed the Board the meeting with CMT September 6, 2019 went well. CMT has completed the 1st phase, which was to draft a scope detailing how the TAMP will be developed. Mr. Loy passed around a draft copy for the Board to review. It has to be approved by MoDOT and FAA before it can be finalized. Mr. Loy asked CMT to include the storm water drainage issues to the TAMP in hopes to remedy the flooding issues on the southwest side of the airfield. It was noted while the terminal and control tower is the primary focus because of the Capital

Improvement Sales Tax funding, the TAMP will take inventory of all airport facilities and make recommendations for short-term and long-term planning. MoDOT has agreed to utilize “turn-back” funds from other projects to fund this plan. Discussion continued on the topic.

- B. Election of Officers** – With the recent resignation of Board Chairman Joe Hobbs, Mr. Welker recommended the Board elect a new president. Mr. Welker nominated Ryan Dewrock as Chairman, Mark Seesing seconded. None Opposed. The nomination carried with unanimous vote. Mr. Welker will continue on in his role as Vice Chairman.
- C. Review of New Board Members** – Due to only receiving a couple applications for new board members, Mr. Dewrock moved and Mr. Uzoaru seconded a motion to extend the application process for new applicants to the October 8th meeting. All were in favor. The motion carried with a unanimous vote.
- D. SEMO Football Charter** – Mr. Loy reported the Allegiant Airlines Charter was successful departing Friday September 6, 2019 and returning Sunday September 8, 2019, with 160 passengers. This operation was not as smooth as the previous charter, primarily because of weight and balance issues. Security agents contracted by Allegiant Airlines required 100% screening of all passengers, whereas the other charter only required 10%; this delayed the departure time.

There was some frustration from passengers with the return flight time, which had to be coordinated with SkyWest staff to avoid conflict with the regularly scheduled morning flight. Mr. Loy noted airport staff will do whatever necessary to continue operating these flights out of Cape Girardeau. More discussion continued.

- E. Upcoming Sponsored Events** – Mr. Loy informed the Board CGI and United Airlines is sponsoring the Shipyard Music Festival, September 27-28 2019 and a Heartless Concert, in Jackson MO on October 6, 2019, as well as the River Campus Fault Line Film Festival in April 2020. Mr. Loy reported the airline and CGI also sponsors fireworks at SEMO home games after every touchdown as well as the end of every home game they win.
- F. Air Festival After Action Meeting Report** – Mr. Loy discussed the post meeting had with air show volunteers on September 4, 2019. The overall consensus was the Air Festival was a great success! There were a few communication issues as well as shuttle issues, given the weather and ticket sales success. There were no other major issues. The Board discussed the Spirit of St. Louis Air Festival held September 7, 2019, which both Mr. Loy and Mr. Seesing attended. The scenario was about the same there with record attendance and weather being an issue for their show as well.

V. Non-Agenda –

- A. Airport Primary Ambulance Service** - Mr. Uzoaru questioned North Scott County Ambulance response time whether they have Basic or Advanced Life Support capabilities. Ms. Amos offered to verify their capabilities but noted that North Scott

County is the airport's primary ambulance service when the Airport Emergency Plan is activated.

- B. Airport Foundation By-Laws** – Mr. Knote would like to work on establishing by-laws for the airport foundation and asked for recommendations of other foundations that might have by-laws the Board could use as a template. Ms. Amos recommended the Parks and Recreation Foundation, and agreed to request a copy. Ms. Amos will forward a copy to the Board upon receipt.

Adjournment:

There being no other business, Mr. Knote moved to adjourn the meeting and Mr. Welker seconded the motion. All were in favor. The meeting was adjourned at 12:18 pm.

Minutes prepared by:

Katrina Amos
Deputy Airport Manager

Cape Girardeau Community Ad-Hoc Aquatics Committee

Wednesday, June 5, 2019, 4:00 p.m.
Cape Girardeau Area Chamber of Commerce

Minutes

Committee Members Present:

Jeff Glenn, Stacy Kinder, Dave Cantrell, Penny Williams, Clay Hahs, Ryan Davis, Tyson Moyers, John Martin, Brady Barke, Jimmy Wilferth, Shawna Hoffman, Aaron Dombrowski, Harry Rediger, Jay Knudtson, Adrian Taylor, Wyky Jean, Cantrell Andrews

Committee Members Absent:

Jeff Graviett, Sam Sides, Tamara Zellars-Buck, Harry Kiefer

Call To Order:

The meeting was called to order by Chairman Jeff Glenn at 4:00 p.m. and introductions followed.

Historical Perspective/Update:

City of Cape Girardeau Mayor Bob Fox reviewed the relationship, history and purpose of the previous city/school aquatics committee that was established prior to the election held in April, 2019. This previous committee assessed the aquatic needs of the City and School District, gathered information, completed a survey, and worked with a design consultant for an aquatics center. The committee made a recommendation for the City and District to partner to construct an aquatics facility at Jefferson School, but it was not a unanimous recommendation. The School Board and City Council both unanimously supported this recommendation. The City agreed to commit \$6 million to an aquatics facility, and the School agreed to commit \$4 million. What the committee and public recommended will take approximately \$15 million to construct and additional annual operating costs. The District plans to make renovations to Jefferson School, and the aquatics center would be adjacent to the school. This will allow Jefferson School to incorporate aquatics in its STREAM initiative curriculum.

Central School District Superintendent Neil Glass reviewed the Proposition Y Initiative that was conducted for the April school bond election. It is the desire of the District and City to have a state of the art, regional aquatics facility with a 50 meter pool, but this will be dependent on the cost. The aquatics center discussion began when the District started looking to “redo” Jefferson School as a result of the Purpose Built school visit to Drew Elementary in Atlanta, Georgia. The center of that school/location was a pool/community center with daycares, programming, and other activities. At that time the District was examining the condition of the current bubble and what to do with it. The District had ideas for economic redevelopment of the area around Jefferson School. Students in that area need a positive choice and need to stay connected and engaged in school.

Mr. Glenn explained that Prop Y will provide \$12 million in funding with \$4 million designated for aquatics. The bonds for \$8 million were sold, and those projects, other than the aquatics center, are moving forward. The District committed to delay selling the additional \$4 million in bonds for the aquatics center to give this process time to take place and identify the best project and costs. Former City mayors are actively working to fundraise the gap in funding. Mr. Glass continued that of the \$8 million, \$1.5 million is for a preschool at Jefferson Elementary and \$3.5 million is for renovation of the rest of Jefferson. Construction savings could possibly be realized if the aquatics facilities are able to be built at the same time other renovations are occurring at Jefferson Elementary.

Clay Hahs stated that he was on the previous aquatics committee. Evaluation of aquatics facilities is greatly about available programming at the facility, as programs drive revenue. In his opinion, before any endeavor is undertaken to build, an assessment should be done on the program needs.

Committee Formation, Purpose, Transparency:

Mr. Glenn explained that this committee was formed to provide input into the decision making process. The final decision on an aquatics facility is with the City Council and School Board. Each committee member was asked to serve because he/she represents different community stakeholder groups who could utilize this facility. All members should get input from those stakeholder groups and be a conduit of information to and from them. Consultant Counsilman-Hunsaker will be working with this committee on cost estimation to build an aquatics facility. Members will be asked to share thoughts on what they think is needed in such a facility.

Mr. Glenn requested all members talk to their stakeholder groups and identify needs, wants and priorities for an aquatics facility. Each member should submit this information to Mr. Glenn by July 1. He will then compile the information and submit back to the committee prior to the July committee meeting. At the July meeting, the priorities will be reviewed, ranked, and then sent to the consultant. The consultant will review and provide cost estimates for those priorities. The committee will then come back together in the fall to review the consultant's information.

Timeline:

Dr. Glass reviewed the timeline for Jefferson Elementary. The pre-K facility will be built quickly, and the fifth grade facility must be ready for the 2020-21 school year. The consultant is not yet under contract. Dr. Fox continued that it is felt that in order to get another perspective on the project, a different consultant should be used than was used for the first aquatics committee. Mr. Glenn stated that the committee process is dependent on the consultant's timeline to return the information to the committee. Mr. Knudtson stated he felt that the expectation should be set with the consultant up front to provide the needed information for the committee to review in September.

Input Process:

Several committee members expressed their preferences for what is needed in an aquatics facility. Mr. Glenn reviewed the needs of local high school and traveling swim teams for both the school swim season and the long course season. Jackson, Central, Saxony and Notre Dame High School teams all utilize the current pool. Without a 50 meter pool, some swim meets could potentially stop being held in Cape. Ms. Williams continued that dive teams also utilize the pool. Some students travel a far distance to utilize the existing pool. A smaller pool would require later practice times on school nights. In addition, the sustainability of an aquatics facility includes more community programming, such as swim lessons, water aerobics, senior programming, and more. Competitive swimmers want a lower water temperature than recreational swimmers. One body of water will not meet the needs of all the users.

Mr. Jim Riley, attending the meeting at the request of Mr. Knudston and Mr. Rediger, stated that he was involved in Prop Y, and perception of this facility is a very big deal in the community. There are hidden costs that people do not understand. This group must effectively communicate operational costs, such as air quality and water temperature needs, to the general public. This committee must manage what realistically can be done and must be honest and straightforward with the community. He reviewed the previous school tax propositions and how they have been supported by the community as a comprehensive school redevelopment plan.

Mr. David Cantrell stated he felt the committee should not move backwards and should focus on a 50 meter aquatics facility, possibly including other entities in fundraising and looking at additional revenue streams. Ms.

Williams questioned if funding will be available by the time Jefferson wants to move forward with construction. Once an aquatics center is built, how will it be sustained? If the District is committed to using the facility during the day for school programs, how will other programs be managed, such as birthday, parties, swimnastics, and water aerobics, that produce revenue?

Ms. Shawna Hoffman questioned if other funding has been researched, such as grants. The USDA has grants for community buildings. With our community demographics, this could possibly qualify under health/wellness programs. Both hospitals have done a community health needs assessment, and there is a great need for this.

Fundraising:

Mr. Knudtson discussed the Prop Y success, including a donor matching pledge of \$2.5 million for the aquatics facility. It is now necessary to raise the money to match that pledge. He and Mr. Rediger are working with Jim Riley of Red Letter Communications to develop a business strategic plan to present to possible large donors. Mr. Rediger continued that this project is more than just a pool. It is about improving the south side of our City through the proven model of Purpose Built. The core of the Purpose Built revitalization in Atlanta was education, an aquatics center, and a cradle to career early childhood center. Mr. Riley is developing a proposed plan to present to possible donors to look at the City's south side, look at the schools, and look at this aquatics center and what this committee is doing.

Mr. Riley explained that this will be a targeted plan for the reinvention of the Cape Girardeau community. The plan will include an honest perspective of where the City is at, including the issue of generational poverty. The emphasis of this program will be towards people who have money and want to do more with their money through social benefit investing. It will be important to tell our story and to get these people engaged in our community.

Mr. Knudtson concluded that they will continue to work on private funding, but it could be that enough money cannot be raised to construct a 50 meter pool. If the costs are too high, then the committee must agree that it cannot be built, educate the public on why it cannot be built, and then move forward in a united way and look at available options.

Mr. Glenn reminded all committee members to forward their priority list to him by July 1.

Next Meeting:

July 17, 2019, 3:30 p.m., Cape Girardeau Chamber of Commerce

Notes taken and submitted by:

Gayle L. Conrad
Director of Citizen Services/City Clerk
City of Cape Girardeau, Missouri

Cape Girardeau Community Ad-Hoc Aquatics Committee

Wednesday, July 17, 2019, 3:00 p.m.
Cape Girardeau Area Chamber of Commerce

Minutes

Committee Members Present:

Jeff Glenn, Stacy Kinder, Penny Williams, Clay Hahs, Ryan Davis, Tyson Moyers, Renee Peters (for Jeff Graviett), Sam Sides, John Martin, Brady Barke, Tamara Zellars-Buck, Jimmy Wilferth, Shawna Hoffman, Harry Rediger, Adrian Taylor, Harry Kiefer

Committee Members Absent:

Dave Cantrell, Aaron Dombrowski, Jay Knudtson, Wyky Jean, Cantrell Andrews

Call To Order:

The meeting was called to order by Chairman Jeff Glenn at 3:00 p.m.

Adoption of Agenda:

Motion by Stacey Kinder, seconded by Tamara Zellars-Buck, to adopt the agenda as distributed. Motion was approved on unanimous vote.

Approval of Minutes:

Motion by Stacey Kinder, seconded by Ryan Davis, to approve the minutes of the June 5, 2019, meeting. Motion was approved on unanimous vote.

Information Item: Update on Consultant Conversations:

Mrs. Kinder stated the City Council approved a Resolution authorizing an Aquatic Center Study Agreement with Counsilman-Hunsaker. There was previously an agreement with a different consultant, and the city paid for only the services that were received. This second agreement will pick up where the first one left off. The consultant will have 120 calendar days to provide its report.

Mr. Harry Kiefer question what the consultant's report will contain. Mr. Glenn explained that this Aquatics Ad-Hoc Committee is charged with developing and ranking priorities of an aquatics facility. This will then be given to Counsilman-Hunsaker, who will develop a report on the capital costs and ongoing operating costs.

Discussion Item: Review Project Priority List Submitted by Committee Members

Mr. Glenn stated that he took the suggested priorities submitted by the committee members and put them in the following categories for review: competition pool, leisure pool, public spaces, office/storage, and non-pool related items. The committee now must determine the most critical components in each category.

The committee members discussed at length, and ranked the items to be included on the recommended priority list for this aquatics facility. Mr. Harry Rediger stated that as the committee is looking at the priority list, the project budget should be kept in mind. He had previously reported that the fundraising for this project could bring in up to \$5 million. However, since the last meeting, it appears that \$3 million in fundraiser is more realistic, bringing the total available funds for this project to \$13 million.

Mr. Josh Crowell, the previous Athletic Director for Central, stated that the school district has had discussions at the philosophical level that the pool, locker rooms, and other rooms could be located on a lower level with

an elevated deck level used for the Jefferson Elementary gym. The district also discussed that the school kitchen could be shared for concession use. Mrs. Kinder commented that this aquatics facility is only a portion of a larger issue. Purpose Built Communities has been discussed for several years and no clear comprehensive plan has been developed. Should this project be looked at with a larger vision in mind? Will more donors look to support an aquatics center or a broader community-based project? The committee discussed.

Mr. Rediger explained that Purpose Built is a 20-25 year multi-phased program that includes a much larger area than just Jefferson School and this aquatics facility. While it will be easier to fundraise for Purpose Built than for a pool, the purpose of this committee and the consultant agreement is to focus on an aquatics center. Ms. Zellars-Buck suggested presenting to the consultant the idea of future expansion to keep in mind while they are designing the aquatics center. The consultant should be made aware of the future Purpose Built vision so it can be considered in their recommended design.

Action Items: Approve Project Priority List

The committee discussed and ranked all of the suggested items on the priorities list.

Motion by Clay Hahs, second by Harry Kiefer, to approve the following priority list. Motion was approved on a unanimous vote

- **Priority: Sustainability**

Based on a private fundraising update provided to the committee, a construction budget of \$13 million, or less, is most realistic.

- **Priority: Competition Pool**

- 50-meter x 25-yard pool
- Diving well with two 1-meter boards and one 3-meter board
- Elevated spectator seating
- Adequate deck space to accommodate bleachers for competitions

In addition to those priorities, the committee also discussed the following amenities if budgets allow:

- Timing and scoreboard system for 10 lanes, hard-wired into the deck
- Record board
- Video Screen

- **Priority: Leisure Pool**

- Leisure/Recreational swimming components
 - Shallow/warm water pool to accommodate lap swimming/water aerobics/resistance walking
 - Slides
 - Spray pads
- A warm-water whirlpool

- **Priority: Other Spaces/Amenities**

- Locker rooms/Family style restrooms/changing areas
- Customer Service/Lobby/Staff Areas for management, supervision, coaches, safety equipment and operational parameters (office space, staff lockers, break area, computer access, customer service and reception)
- Adequate Equipment/Storage Space
- Adequate climate control and air quality control
- Controlled access
- Wet/Dry Multi-Purpose Room (large and dividable)
- Convenient concessions access
- Outside deck space if the pool is to be an open-air pool in the summer months

- Natural lighting
- The aquatics center is part of a larger Purpose-Built Community vision. A facility that is designed to accommodate future expansion is desirable
 - A community center incorporated into the aquatics center
 - A health clinic
 - Office space for Purpose-Built Communities
 - Office space for neighborhood law enforcement
 - A public library
 - Space for the Boys & Girls Club
 - Outdoor basketball courts
 - An outdoor pavilion
 - Shower facilities for homeless people
 - An accessible bridge to connect the campus to the Shawnee Sports Complex

Other Business: Fundraising

Mr. Rediger updated the committee on fundraising efforts. He thought he had a donor, but they have withdrawn due to diverse political views in the state of Missouri. He has been questioned why a 50 meter pool is necessary for Purpose Built Community, rather than just a normal public pool. It was Mr. Rediger's opinion that more donors will support Purpose Built rather than a 50 meter competitive swimming pool. As reported at the last meeting, Red Letter Communications developed a book to assist with fundraiser, but there is no one central project to put in the book. He indicated that \$3 million in fundraising is more realistic to achieve than the \$5 million mentioned at the last committee meeting.

Ms. Zellars-Buck stated she is a member of the PORCH Quarterback Committee (Purpose Built). This group is focused on economic empowerment and community revitalization for the south side of Cape. In doing fundraising for PORCH, they will be discussing this aquatics facility and Jefferson Elementary as part of the south side revitalization. However, while adjacent to the first targeted area by PORCH, Jefferson Elementary is outside this service area. PORCH is looking to hire an Executive Director within the next several months.

Next Meeting:

Mr. Glenn stated he will develop the list of recommendations to be sent to the City Manager for discussion with Councilman-Hunsaker. When the consultant provides a timeline for this project, he will contact the committee to set the next meeting.

Motion to adjourn by Tamara Zellars-Buck, seconded by Clay Hahs. Motion was approved on a unanimous vote.

Notes taken and submitted by:

Gayle L. Conrad
 Director of Citizen Services/City Clerk
 City of Cape Girardeau, Missouri

Cape Girardeau Community Ad-Hoc Aquatics Committee

Wednesday, August 28, 2019, 3:00 p.m.
Cape Girardeau Area Chamber of Commerce

Notes

Committee Members Present:

Jeff Glenn, Stacy Kinder, Gunnar Knudtson (for Dave Cantrell), Penny Williams, Clay Hahs, Ryan Davis, John Martin, Tamara Zellars-Buck, Shawna Hoffman, Harry Rediger, Jay Knudtson, Wyky Jean, Cantrell Andrews, Harry Kiefer

Committee Members Absent:

Aaron Dombrowski, Tyson Moyers, Jeff Graviett, Sam Sides, Brady Barke, Jimmy Wilferth, Adrian Taylor,

Call To Order:

The session was opened by Chairman Jeff Glenn at 3:00 p.m.

Next Meeting:

The next meeting was set for Thursday, September 12, 3:00 p.m. at the Chamber of Commerce Office.

Mr. Glenn explained that he previously sent a letter to City Manager Scott Meyer outlining the committee's priorities for an aquatics facility. This was sent to the consultant Counsilman-Hunsaker, who used it to put together information and costs on aquatics facilities to share with the committee at this meeting. The purpose of this meeting is to receive the information and ask questions of the consultant. The committee members are to then review the information with their respective stakeholder groups and bring feedback back to the next meeting for discussion. No discussion, decisions or actions will be taken by the committee at this meeting.

Mr. George Deines of Counsilman-Hunsaker began his presentation with a history of the company and its' experience with designing and developing aquatic centers. He presented a visual overview, which included review of the committee priorities, an aquatics overview, committee priority options, \$13M budget options, review of comparable facilities including joint school district/city projects and construction costs, operational comparisons including a review of expense budgets based on the type/size of aquatics facility, sponsorship opportunities, and types of building enclosures.

Mr. Deines continued that the cost of constructing a 50 meter pool does not change much, but it is the cost of the amenities and structures around the pool that drive the construction and operational costs. The costs he presented did not include site costs, parking or FFE. The committee discussed options and asked questions regarding a joint aquatics facility in Cape. Superintendent of Schools Neil Glass stated that by delaying some of the projects at Jefferson Elementary and coordinating construction with this aquatics facility, it could be possible to capitalize on the school's \$3.5 million budget allocation and use some of the amenities for dual purpose in both facilities, such as a gymnasium for spectator space, cafeteria for concession stand, shared locker rooms, shared lobby areas, and shared mechanical space. Ms. Williams discussed the operational costs and City subsidy for operation of the current 50 meter pool/bubble facility. Following discussion, it was agreed that the city and school staff would discuss possible shared spaces and current operational costs of the bubble and provide the information to Mr. Deines before the next committee meeting. Mr. Deines can then prepare revised construction costs, hard and soft costs, as well as operational cost estimates.

Upon questioning by Mr. Knudtson, Parks and Recreation Director Julia Jones discussed the study process used by the previous aquatics committee when developing a proposed plan for PRS2. It was clear at that time that the budget for an indoor 50 meter facility was beyond the funds allocated from PRS2 and it was hoped that the City could develop partnerships to be able to construct a 50 meter pool. Some committee members expressed concern with building a pool smaller than 50 meter as this would reduce the number of lanes needed by the different pool patrons during peak times.

It was agreed that additional information as stated above will be provided to the consultant, who will then update cost estimates and present at the next committee meeting.

Notes taken and submitted by:

Gayle L. Conrad

Director of Citizen Services/City Clerk

City of Cape Girardeau, Missouri

CAPE GIRARDEAU PUBLIC LIBRARY BOARD OF TRUSTEES
Board Meeting: Thursday, Sept 5, 2019 7am
Cape Girardeau Public Library

ATTENDANCE Present: Amy Trueblood, John McGowan, David Diveley, Red Redinger, John Voss, Cindy Schmidt, Emily Vines, Stacy Lane, Rekha Patterson
Also present: Director Katie Hill, Linda Bailiff, Adult Services Coordinator Kayla Thompson

PRESIDENT'S REPORT President Amy Trueblood called the meeting to order at 7:04 am. Amy welcomed the new Adult Services Coordinator, Kayla Thompson.

At 7:06 am John M. made a motion to go into closed session to discuss Director Hill's evaluation and compensation per RSMO 610.021(3), seconded by Dave. Motion passed.

The meeting was back in open session at 7:25 am.

Tax Rate Certification –In the past the tax rate has been approved by the board during the August meeting. Due to the change in meeting dates (from the 4th Thursday to the 1st Thursday each month) the timing for board approval and the certification process does not match. **Therefore, Stacy made a motion to state in the bylaws policy to allow the president of the board to sign off on the tax rate when presented, seconded by Dave. Motion passed.** The Bylaws and Policy Committee will meet to discuss this procedural change. **Stacy also made a motion to accept the current tax rate as presented, retroactive to September 1st, 2019, Dave seconded. Motion passed.**

Tax Rates
General Revenue 0.1652
(last year .1643)
General Revenue Temp 0.1500
(last year .1500)

MINUTES The minutes were reviewed. John M. noticed under “Strategic Plan Update” the word “of” should replace the word “or”. With this correction, **John M. made a motion to accept the minutes, seconded by Cindy. Motion passed.**

BILLS The bills were reviewed and discussed.

DIRECTOR'S REPORT
KATIE HILL **Staff Update:**
Adult Services Coordinator Kayla Thompson began work on August 5th. Wendy Lincoln and Kyle Campbell have been hired to fill openings in User Services. Both have previously worked for the library.

Patron Ban:
On Monday, August 26th, a patron urinated outside our front entrance. Before we could get out there the patron had run away. She was identified

and the police were called. Due to the severity of her action, and per our patron code of conduct policy, she was banned from the library for 1-year. When the police arrived, they issued a no trespass order and told us to call them if she returned. She returned two more times over the course of the week and was taken into custody the second time. She has not returned since.

Macmillan eBook Pricing:

Macmillan is one of the ‘Big 5’ publishers. We contract through them via Overdrive to have access to our eBook platform. Their new pricing model, which rolls out November 1st, 2019, would limit the number of copies a library can purchase of newly released titles for the first 8 weeks of the books release. After that the library could purchase additional titles. To make this new pricing system worse Macmillan considers our MOLIB2GO consortium as one library. Which means our consortium of over 100 libraries in MO would only be allowed to purchase 1 copy of a new release title for the first 8 weeks. ALA and MLA has urged libraries and library boards to object to this new pricing model. A “call to action” was recommended and **John M. made a motion to send the template letter available on behalf of the board, signed by President Amy Trueblood, seconded by Dave. Motion passed.**

John McGowan left the meeting at 7:50 and left his voting proxy to John Voss.

**BYLAWS AND
POLICY
COMMITTEE**

Stacy reported that the committee has met again with the recommendation concerning the Use Policy as it pertains to the district boundary, a copy of which is attached. **Stacy made a motion to accept the policy changes, John V. seconded the motion.** Motion passed. 7-2 Yes: Trueblood, Dively, Redinger, Schmidt, Vines, Lane, Patterson. No: Voss, McGowan
The board will review this after one year.

FRIENDS

The next Friends meeting will be held on September 17th at 4:30. Dave will attend.

**NEXT
MEETING**

Board Meeting and Retreat: Will schedule for Oct 10th or 17th from 5-8pm depending on board member availability. Location is undetermined. Library Department heads will be invited to give presentations.

ADJOURNMENT

Stacy made a motion to adjourn the meeting at 8:05am, seconded by Dave. Meeting adjourned.

Secretary: _____

Recorder: Linda Bailiff

(DRAFT)

RED HOUSE INTREPRETIVE CENTER

September 5, 2019

The Red House Interpretive Center Board met at the Osage Community Centre Center at 3:30 p.m. on September 5, 2019.

Present:

Brenda Schloss, Chairman	Debra Baughn, Board Member	Stan Baughn, Board Member
Dana Deisher, Board Member	Linda Nash, Board Member	Stan Downs, Board Member
Julia Jones, P & R Director	Stacey Welter, Adm. Secretary	

Board Absenteeism:

Christy Mershon, Board Member (PN) Beverly Hahs, Board Member (NN) Dr. Frank Nickell, Board Member (NN)

Guest:

INTRODUCTIONS:

I. APPROVAL OF MINUTES:

The August 8, 2019 minutes were approved by a motion from Linda Nash and seconded by Dana Deisher.

II. NEW BUSINESS:

1. Mission Statement

Chairman Brenda Schloss reported that she had been looking at the bi-laws for the Red House under "Purpose". She read the purpose of the Red House and asked if they should use that as the mission statement. The board agreed that that would be a good idea. If it is not on the website they would like to put in on there. They could use this on social media as well.

2. Purpose, Priorities, and Organization

Chairman Brenda Schloss explained that the purpose of the Red House was to give tours, hold events, provide educational programs, for historical reference, for public outreach, and to have partnerships with other organizations. At future meetings Julia would like to see the board focus on these areas. Stan Baughn questioned on whether or not first Friday events were worth it or not. They are a lot of work with not much return. They believe giving tours and education are their strong points and they should apply their efforts there. There need to explore ideas of how to make those areas the best they can be. Brenda expressed that having an intern is key. Linda suggested having two special exhibits a year to bring people in. High lighting Native American History could be an exhibit.

Brenda asked the board if they would be interested in a retreat, and they are. Julia suggested having a half day retreat to brain storm ideas. They are thinking about November for retreat. She would like everyone to come to the meeting in October with ideas for the retreat.

III. OLD BUSINESS

1. Docent Training

Carla from the Historic Center agreed to do the docent training, she is just waiting to get the go ahead. She is very educated. The training would be for current and new docents

2. First Friday Events

Tabled

3. Restaurants Fund Raisers

Stan Baughn reported that he has not contacted the Gordonville Grill yet but he will soon. Brenda reported that she has contacted the River City Players and they are interested in partnering. Linda suggested having the funds

RED HOUSE INTERPRETIVE CENTER MINUTES

September 5, 2019

PAGE 2

go towards a projector to display different slides at the Red House. Stan Baughns made a motion to apply additional partnering funds towards electronic equipment for historical education at the Red House. Linda Nash seconded the motion. Motion approved. Christy Mershon is still working on contacting Ebb and Flow for a partnership.

4. Marketing

Tabled. Brenda is working on the new rack card and book mark.

IV. REPORTS

1. September Staff Briefs and Projects Update

Spaghetti Day will be held November 7th. Deb and Stan Baughn are volunteering again this year for the event.

2. Building / Grounds Maintenance

The lights have been replaced along with the pad locks.

3. Docent Report

Stacey reported that the docents are now getting \$8.60 which is the new minimum wage. Deb Baughn mentioned that they may be getting a new docent, Julie Grueneberg.

4. Rose Hill Garden Report

No Report

V. OTHER BUSINESS

VI. ADJOURNMENT

There being no further discussion the meeting adjourned at 4:45 pm with a motion from Linda Nash and second from Dana Deisher. Motion passed. The next meeting will be held on Thursday, October 3, 2019 at the Osage Centre at 3:30 p.m.

Respectfully submitted,

Stacey Welter, Recording Secretary



BOARD OF DIRECTORS MEETING MINUTES

August 21, 2019

Osage Centre –Cape Girardeau, MO

Board Voting Members Present:

Mr. Bob Fox, City of Cape Girardeau
Mr. Dwain Hahs, City of Jackson
Mr. Scott Meyer, City of Cape Girardeau
Mr. Tom Mogelnicki, Cape Girardeau County Transit Authority (CTA)
Mr. Larry Payne, Cape Girardeau County (alternate for Mr. Charlie Herbst)
Mr. Jim Roach, City of Jackson
Mr. Jeremy Tanz, Southeast Missouri Regional Planning & Economic
Development Commission (SEMO RPC)

Board Non-Voting Members Present:

Ms. Mandi Brink, Southeast Missouri Regional Port Authority (SEMO Port)
Ms. Beth Glaus, Southeast Missouri State University (SEMO University)
(alternate for Ms. Kathy Mangels)
Mr. Mark Shelton, Missouri Department of Transportation (MoDOT)

Technical Planning Committee (TPC) Members Present:

Mr. Rodney Bollinger, City of Jackson
Mr. Drew Christian, Southeast Missouri Regional Planning & Economic
Development Commission (SEMO RPC)
Mr. Bruce Loy, Cape Girardeau Regional Airport (Cape Regional Airport)
Mr. Alex McElroy, City of Cape Girardeau
Mr. John Mehner, Cape Girardeau Area MAGNET
Mr. Brian Okenfuss, Missouri Department of Transportation (MoDOT)

Staff Present:

Mr. Ryan Shrimplin, City of Cape Girardeau

Program Administration/Support Consultant Present:

Ms. Kelly Green, KLG Engineering

Others Present:

Ms. Casey Brunke, City of Cape Girardeau
Mr. Brian Gerou, Jackson Chamber of Commerce
Mr. Cary Harbison, Southeast Missouri Regional Port Authority (SEMO Port)
Ms. Vicki Lantz, Lazy L Safari Park
Mr. Greg Pullum, The Cash-Book Journal
Mr. Rick Sinclair, Century 21
Mr. Rob Stephens, Heartland Custom Flooring
Ms. Kathy Swan, Missouri House Representative District 147
Mr. Steve Turner, Uptown Jackson Revitalization Organization
Mr. Jason Williams, Missouri Department of Transportation (MoDOT)
Mr. Jay Wolz, Southeast Missourian

Call to Order

Chairman Fox called the meeting to order at 2:00 p.m.

Introductions

The group went around the room, with each person giving a brief introduction.

Adoption of Agenda

The agenda of the August 21, 2019 Board of Directors Meeting was unanimously approved for adoption upon motion made by Mr. Meyer and seconded by Mr. Mogelnicki.

Approval of Minutes

The minutes of the July 17, 2019 Board of Directors Meeting and the July 26, 2019 Board of Directors Special Meeting were unanimously approved upon motion made by Mr. Hahs and seconded by Mr. Roach.

Communications from the Chairman

Chairman Fox stated that he will save his communications for Member Reports.

Public Comments Regarding Items Not on the Agenda

Chairman Fox asked if there are any comments from the public regarding items not on the agenda. There were none.

New/Unfinished Business

- **Center Junction Diverging Diamond Interchange Project – Discussion**

Chairman Fox asked if there are any comments from the public regarding this agenda item.

Mr. Gerau commented that Jackson businesses continue to have concerns about the project. The Jackson Chamber of Commerce is not opposed to the project, but does wish to express the concerns on behalf of its members. The proposed ramp closures will adversely affect business traffic and result in lost revenue for these businesses.

Mr. Shelton stated that since the last SEMPO Board meeting, MoDOT has agreed to the following as part of the project:

- MoDOT will add an incentive clause to the construction contract regarding the re-opening of the southbound exit ramp right turn lane to traffic. The milestone for re-opening is December 1, 2020. If this lane is re-opened in advance of the milestone, MoDOT will pay the contractor an additional \$1,000 for each week between the date the lane is re-opened and the date of the milestone. The contractor will not be allowed to close the ramp until they are ready to access the borrow areas.
- There is no milestone or incentive for re-opening the northbound entrance ramp right turn lane from US 61, but like the southbound exit ramp right turn lane, MoDOT will not allow the contractor to close it until they are ready to begin work in that area.
- MoDOT will have a temporary traffic signal installed at the intersection of US 61 and Veterans Memorial Drive to allow traffic exiting the SportsPlex to turn left on US 61. This will be on a trial basis; if traffic begins backing up on US 61 and the ramps, then the signal will be removed.

He then thanked SEMPO for its assistance and stated that it is partnerships such as this that produce the best projects. He noted that this project will provide two seismic-resistant bridges, a safer interchange, and new opportunities for economic development.

Mr. Hahs asked how the programmed amount was able to be increased. Mr. Shelton replied that the increase required approval from the Missouri Highways and Transportation Commission (MHTC). He added that MoDOT's funding is devoted to taking care of the system, and there is very little funding available for anything else. MHTC will not approve any further funding increases for the project.

In response to a question regarding what will happen to the outer road (County Road 313), Mr. Williams explained that the scope of the project has not changed. Only the staging has changed. The outer road will be resurfaced from Wedekind Street to Klaus Park Drive.

Chairman Fox asked about the coordination of signage for the closures. Mr. Shelton replied that MoDOT's communication staff will work with the communities on informing the public of the traffic closures and detours.

Mr. Hahs commented that the new programmed amount is within \$1 million to \$1.5 million of the low bid, yet the communities will still have to deal with a major detriment. He noted that even a 20% drop in revenue is significant to a business. The proposed ramp closures have the potential to cause an impact of this magnitude. He expressed his disappointment with MoDOT's latest proposal. He stated that the proposed incentive is very small relative to the contract amount and it is not likely to motivate a contractor to work hard to expedite the work.

Mr. Sinclair asked why MoDOT projects in large cities like St. Louis do not involve closing access points for several months, but projects in Southeast Missouri do.

Representative Swan asked if MHTC and MoDOT might consider going back to the original staging plan since the new programmed amount is so close to the low bid. Mr. Shelton clarified that the programmed amount includes non-construction costs, such as engineering and acquisition, while the bid was only for construction. He estimated the true difference between the original and revised project costs to be about \$2 million. Representative Swan noted that the State legislature is mindful of business revenue decreases because they result in a corresponding decrease in State tax revenue.

Mr. Shelton stated that the notion that transportation construction projects in large cities don't involve closing access points is not true, at least in Missouri.

Mr. Mehner noted that it is not possible to accurately predict how the number of trips on the detour routes will change during the project. He added that the concerns expressed are valid, but this region needs this project. He is not opposed to someone asking MHTC for more funding for the project, but he hopes that it doesn't cause the region to lose the project.

Mr. Hahs stated that it is also not possible to accurately predict the economic impact of the ramp closures. Mr. Mehner pointed out that Jackson could potentially benefit economically from the closures if Jackson residents who normally dine and shop in Cape Girardeau decide to stay local rather than deal with the construction zone or drive out of their way to get to Cape.

In response to a question, Mr. Shelton replied that MoDOT typically does not provide directional signage for specific businesses during a construction project unless the project involves temporarily removing their sign. Businesses always have the option to pay for a placard on the MoDOT highway exit signs.

Mr. Hahs asked if traffic control measures will be utilized at Exit 102 during the project. Mr. Shelton stated that MoDOT might use temporary signals.

Mr. Meyer commented that the project will have a major impact on travel patterns regardless of what staging plan is used. Many drivers avoid construction zones even if there are no closures.

- **RESOLUTION NO. 2019-06, A Resolution approving Amendment No. 1 to the FY 2020-2023 Transportation Improvement Program – Reading and Passage**

Chairman Fox introduced RESOLUTION NO. 2019-06. Mr. Christian stated that this is the first amendment utilizing the new TIP tool software, so the format is different from the previous amendments. The amendment includes changes to one existing SEMO Port project and ten existing MoDOT projects; it also adds twenty-five new MoDOT projects, including the Center Junction Diverging Diamond Interchange (DDI) project. Mr. Shelton explained that the programmed amount for the DDI project is \$17.7 million which, as he discussed previously, is the total cost. The construction portion is estimated at \$16.4 million. A motion was made by Mr. Meyer and seconded by Mr. Mogelnicki to approve RESOLUTION NO. 2019-06, which passed unanimously.

Member Reports

City of Cape Girardeau – Chairman Fox reported that the ballot measure for the renewal of the Capital Improvement Sales Tax passed. The tax will allow for \$500,000 per year to be devoted to street repairs. The Transportation Trust Fund 6 (TTF6) Committee is developing a list of potential specific projects for the upcoming public outreach sessions. The City is currently working on several projects that were approved as part of TT5. He thanked MoDOT for having the contractor diamond grind the roadway surface on US 61.

City of Jackson – Mr. Hahs reported that the City's concrete and asphalt programs are underway. The work on US 61 north of Uptown is going well, but it is presenting some traffic challenges now that the school year has begun. He noted the importance of good communication with citizens when it comes to construction projects. The East Main Street/Shawnee Boulevard Roundabout project was recently approved to be advertised for bids; it is hoped that the project can be completed prior to the start of the Center Junction DDI construction.

Cape Girardeau County – Mr. Payne stated that there is nothing new to report.

CTA – Mr. Mogelnicki stated that there is nothing new to report.

SEMO University – Ms. Glaus reported that the fall semester begins next Monday.

SEMO Port – Ms. Brink reported that the Port's grant projects are in various stages, but all are progressing.

Cape Regional Airport – Mr. Loy reported that the Cape Girardeau City Council recently recommended that the U.S. Department of Transportation (USDOT) award another two-

year Essential Air Service (ESA) contract to SkyWest Airlines, doing business as United Express. Beginning Dec 1st, all flights to Chicago will be direct flights.

MoDOT – Mr. Okenfuss reported that the application deadline for the Traffic Engineering Assistance Program (TEAP) is September 20th. The Federal Highway Administration (FHWA) is taking back unspent Off-System Bridge Replacement and Rehabilitation (BRO) funds, which primarily affects counties as opposed to cities. The application deadline for the Governor’s Transportation Cost Share program is October 1st. The program provides up to 50% of the construction cost and can be used for public road and bridge projects even if they are not on the State system. Economic benefit is one of the evaluation criteria.

Staff Report

Mr. Shrimplin welcomed Mr. Tanz, the new SEMO RPC executive director, to the SEMPO Board.

Other Business and Communications

There was no other business or communications.

Adjournment

There being no further business, the meeting was unanimously adjourned at 3:00 p.m. upon motion made by Mr. Meyer and seconded by Mr. Mogelnicki.

Respectfully submitted,

Kelly Green, P.E.



TECHNICAL PLANNING COMMITTEE MEETING MINUTES

September 4, 2019

Osage Centre – Cape Girardeau, MO

Technical Planning Committee (TPC) Voting Members Present:

Ms. Hannah Barnett, Bootheel Regional Planning & Economic Development
Commission (Bootheel RPC)
Mr. Rodney Bollinger, City of Jackson
Mr. Drew Christian, Southeast Missouri Regional Planning & Economic Development
Commission (SEMO RPC)
Mr. Bruce Loy, Cape Girardeau Regional Airport (Cape Airport)
Mr. Alex McElroy, City of Cape Girardeau
Mr. Larry Payne, Cape Girardeau County (alternate for Mr. Charlie Herbst)
Mr. Mark Phillips, Cape Special Road District
Ms. Kelley Watson, Cape Girardeau County Transit Authority (CTA)

Technical Planning Committee (TPC) Non-Voting Members Present:

Mr. Chris Crocker, Missouri Department of Transportation (MoDOT)
Mr. Joe Killian, Missouri Department of Transportation (MoDOT)
Mr. Andy Meyer, Missouri Department of Transportation (MoDOT)
Mr. Brian Okenfuss, Missouri Department of Transportation (MoDOT)
Mr. Mark Shelton, Missouri Department of Transportation (MoDOT)
Mr. Seiji Shimbo, Missouri Department of Transportation (MoDOT)
Ms. Eva Voss, Missouri Department of Transportation (MoDOT) (via teleconference)

Staff Present:

Mr. Ryan Shrimplin, City of Cape Girardeau

Program Administration/Support Consultant Present:

Ms. Kelly Green, KLG Engineering
Ms. Marla Mills, KLG Engineering

Call to Order

Chairman McElroy called the meeting to order at 11:00 a.m.

Introductions

The group went around the room, with each person giving a brief introduction.

Adoption of Agenda

The agenda of the September 4, 2019 Technical Planning Committee Meeting was unanimously approved for adoption upon motion made by Mr. Phillips and seconded by Ms. Watson.

Approval of Minutes

The minutes of the August 7, 2019 Technical Planning Committee Meeting were unanimously approved upon motion made by Mr. Bollinger and seconded by Mr. Phillips.

Communications from the Chairman

Chairman McElroy stated that he will save his communications for Member Reports.

Public Comments

Chairman McElroy asked if there are any comments from the public. There were none.

New/Unfinished Business

- **MoDOT STIP 2021-2025 – Identification and prioritization of needs**

The TPC continued work on the needs lists requested by MoDOT for the next Statewide Transportation Improvement Program (STIP). Upon discussion, it was determined that the TPC should make a recommendation on the road and bridge needs at this time and continue discussion of the multimodal needs at the next meeting. A motion was made by Mr. Bollinger and seconded by Mr. Payne to recommend the prioritized road and bridge list to the Board of Directors, which passed unanimously.

Member Reports

City of Cape Girardeau – Chairman McElroy reported that the TTF6 Committee will host two public outreach sessions: September 18 at Osage Centre and September 25 at Shawnee Park Center. Both sessions will be from 4:30-6:30 p.m. and will have an open house format. Each participant will be given \$10 million in “Cape Cash” and asked to vote with their dollars among sixteen specific projects totaling over \$27 million. The total budget for TTF6 is \$25 million but the Committee has set aside \$13 million for general maintenance and repair and \$2 million for contingency and safety.

City of Jackson – Mr. Bollinger reported that the electric line relocation project (in preparation for the Center Junction DDI project) has been advertised for bids. Phase 4 of The Water System Facility Plan is underway. The City will be opening bids later this month for the East Main Street/Shawnee Boulevard Roundabout project. The asphalt overlay improvement program is nearing completion.

Cape Special Road District – Mr. Phillips reported that Penzel Construction Company has started driving pile for the County Road 651 bridge project.

CTA – Ms. Watson stated that she has nothing to report.

Cape Airport – Mr. Loy reported that the airport is on target to finish the year with over 10,000 boardings. The Cape Girardeau City Council recently recommended that the U.S. Department of Transportation (USDOT) award another two-year Essential Air Service (ESA) contract to SkyWest Airlines, doing business as United Express. Beginning December 1, all flights to Chicago will be direct flights.

SEMO RPC – Mr. Christian reported that he has started on work on FY 2020-2023 TIP Amendment No. 2. He is working with DTS to correct some issues with the reporting function of the new TIP tool software.

Bootheel RPC – Ms. Barnett reported that the RPC is currently working with EDA and USDA on broadband expansion and workforce development. Work is progressing on the MO 25 and RT Y acceleration lanes. The RPC's annual dinner will be held on October 16 at the Hickory Log.

MoDOT – Mr. Okenfuss reported that applications are being accepted for the Governor's Transportation Cost-Share Program. \$50 million will be awarded for public road and bridge projects, both on and off the state highway system. The Cost Share Committee will be looking for shovel ready projects that have an economic impact. The application deadline is October 1. In late July, MoDOT was awarded an \$81.2 million Infrastructure For Rebuilding America (INFRA) grant, which will provide much-needed funds to replace the Rocheport Interstate 70 Bridge. The State legislature had authorized \$301 million in bonding, to be used for repair and replacement of other bridges across the state, if MoDOT was awarded the INFRA grant. MoDOT Southeast District staff will be reviewing the planning scenario needs lists that were submitted by SEMPO and the other regional planning partners in preparation for programming. The resurfacing work on US 61 and RT K is complete except for striping. Work on the Bill Emerson Memorial Bridge continues; the contractor is currently working on the eastbound lanes. Phase 2 of the US 61 resurfacing project in Jackson is complete, and Phase 3 has begun. The paving work is taking place at night.

Mr. Shelton reported that work continues on the Scott City Interchange project. The northbound and southbound lanes will be closed at various times. The contractor is currently painting beams and completing some hand pours in order to finish the mainline section. Seeding will begin soon. The project is scheduled to be completed in June 2020. There have been some issues with the soil, but the contractor is ahead of schedule. Mr. Meyer stated that the contractor is aiming to have the interchange open by October. Mr. Payne commented that the access closures have adversely affected some of the local businesses, including Kelso Kwik Stop, which is going out of business.

Mr. Killian reported that the next application deadline for MODOT's Cost Share Program is October 18.

Mr. Crocker reported that the application deadline for the Traffic Engineering Assistance Program (TEAP) is September 20. The Federal Highway Administration (FHWA) is taking back unspent Off-System Bridge Replacement and Rehabilitation (BRO) funds, which primarily affects counties as opposed to cities.

Staff Report

Mr. Shrimplin stated that he has nothing to report.

Other Business and Communications

There was no other business or communications.

Adjournment

There being no further business, the meeting was unanimously adjourned at 11:54 a.m. upon motion made by Mr. Payne and seconded by Mr. Phillips.

Respectfully submitted,

Kelly Green

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TRANSPORTATION TRUST FUND 6 COMMITTEE

Meeting Minutes

August 26, 2019

City Hall - Development Services Conference Room

Present: Trae Bertrand, Jeff Glenn, Harry Rediger, Bruce Skinner, Doug Spooler, John Voss, Tamara Zellars Buck

Absent: Kevin Greaser

Staff Present: Nicolette Brennan, Casey Brunke, Kelly Green, Alex McElroy, Molly Mehner, Ryan Shrimplin, Andrew Stone

Call to Order and Minutes

Chairman Rediger called the meeting to order at 7:00 a.m. He asked if there were any changes to the minutes of the previous meeting. There being no changes, the minutes were accepted.

Discussion of General and Specific Projects for Proposed TTF6 Program

Chairman Rediger stated he would like the Committee to compile two specific project lists: one including the complete VMD Phase 6 project and another including only the design, acquisition, and grading portions of VMD Phase 6.

Ms. Green explained that the discussions to date about modifying the Kiwanis Drive/Maria Louise Lane/Broadview Street intersection have involved shifting it slightly to the west, which would not produce much of a benefit. Staff has recently discussed possibly shifting the intersection all the way to Optimist Drive, but it is not known what design solution should be used. Staff is considering applying for a Traffic Engineering Assistance Program (TEAP) grant to collect traffic data on this intersection. If the City receives the grant, the data could be used by a consultant as part of a traffic study to analyze the traffic patterns and recommend a design solution. Staff recommended a \$50,000 budget figure for the study.

Chairman Rediger noted that the termini of two projects changed based on field verification of pavement conditions. Lexington Avenue from Rampart Street to Sherwood Drive is now Lexington Avenue from Carolina Lane to Sherwood Drive. Lexington Avenue from West Cape Rock Drive to Big Bend Road is now Lexington Avenue from West Cape Rock Drive to Sprigg Street.

Mr. Voss asked why the Bertling Street from Perryville Road to West End Boulevard and the Bertling Street from West End Boulevard to Sprigg Street projects did not rank higher in the scoring this time since they were TTF5 alternates. It was noted that the priority areas change over time. Bloomfield Road was not a priority during the development of the TTF5 specific project list. It is a priority now.

Mr. Glenn stated he supports breaking the Bloomfield Road from Kingshighway to West End Boulevard project into two projects. After discussion, the Committee decided to use Albert Street as the dividing point.

The Committee decided to withdraw the Old Hopper Road from Hopper Road to Mount Auburn Road and the County Road 208 from County Road 206 to Arnold Drive projects from consideration due to the number of higher priorities and the sentiment that Cape Special Road District should undertake these projects.

Ms. Zellars Buck expressed her support for the Sprigg Street from Southern Expressway to Shawnee Boulevard/Route 74 project. Mr. Stone explained that the \$2.9 million budget figure will allow the street to be improved so it can better handle heavy truck traffic.

Mr. Voss asked if the asphalt overlay projects include sidewalk upgrades. Ms. Green confirmed they do.

Mr. Spooler asked how much of the contingency funds are typically spent. Ms. Green stated the funds are fully used, for various purposes such as eminent domain lawsuits, additional design services, and safety upgrades.

After discussion, the Committee decided on the following budget for TTF6:

\$13 million	General Maintenance and Repair Projects
\$10 million	Specific Projects
<u>\$ 2 million</u>	<u>Contingency/Safety</u>
\$25 million	TOTAL

The Committee then prepared drafts of two lists: the A List and the B List. The A List included the complete VMD Phase 6 project and the B List included only the design, acquisition, and grading portions of VMD Phase 6. Mr. Voss and Ms. Mehner expressed concerns about including grading as part of the scope of work for VMD Phase 6 in the B List. It was agreed that should the partial scope version of VMD Phase 6 be approved by the voters, the grading work will not occur unless and until TTF7 is approved.

For the upcoming public outreach sessions, the Committee decided to use the full list of specific projects that were scored, with the following modifications:

- The Old Hopper Road and County Road 208 projects were removed;
- Bloomfield Road was split into two projects; and
- The two versions of VMD Phase 6 were included.

Preparation for Public Outreach Sessions

Chairman Rediger reminded the Committee of the dates and times of the public outreach sessions:

Wednesday, September 18, 4:30-6:30 p.m. at Osage Centre

Wednesday, September 25, 4:30-6:30 p.m. at Shawnee Park Center

Prior to the sessions, staff will make the modifications to the specific project list and send it to the Committee for review. As was done for TTF5, the public outreach sessions will be an open house format. Each participant will be given \$10 million in “Cape Cash” to put toward the projects they prefer (each project will have a poster with basic information and a voting box). The full project list is estimated to cost \$27.7 million, so participants will have to choose where to make their investments. Ms. Brennan stated the City’s Public Information staff will develop an online survey to obtain additional input from the public.

Other Business

The next meeting was scheduled for Monday, September 30, 2019 at 7:00 a.m. in the Development Services Conference Room at City Hall. The Committee will discuss the results of the public outreach sessions and the online survey before preparing a final proposal for the City Council.

Adjournment

There being no further business, the meeting was adjourned at 8:30 a.m.

Submitted by:

Nicolette Brennan, Public Information Manager

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