



CITY OF CAPE GIRARDEAU, MISSOURI

City Council Agenda

Bob Fox, Mayor
Dan Presson, Ward 1
Shelly Moore, Ward 2
Victor R. Gunn, 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

June 17, 2019
5:00 PM

Invocation

Pastor Karen Dumey of Westminster Presbyterian in Cape Girardeau

Pledge of Allegiance

Study Session

No action will be taken during the study session

Communications/Reports

- City Council
- Staff

Items for Discussion

- Planning and Zoning Commission Report
- Common Pleas/Annex Presentation
- Capital Improvements Tax Discussion
- Appearances regarding items not listed on the agenda

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

- Agenda review

Regular Session

Call to Order/Roll Call

Adoption of the Agenda

Public Hearing

1. A public hearing to consider the proposed voluntary annexation of property located at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane as requested by the City of Cape Girardeau, Ryland R. Meyr, and the Revocable Trust Agreement of Jerad Busch and Heather Busch dated January 19, 2017, and the proposed zoning of the same property as R-1, Single-Family Suburban Residential District.

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.

2. Approval of the June 3, 2019, City Council regular session minutes.
3. BILL NO. 19-87 , an Ordinance adopting the annual operating budget for the City of Cape Girardeau, Missouri, for the fiscal year beginning July 1, 2019. Second and Third Readings.
4. BILL NO. 19-88 , an Ordinance establishing utility rates for the City of Cape Girardeau, Missouri, by amending Chapter 22 relating to solid waste fees, and Chapter 29 relating to water rates. Second and Third Readings.
5. BILL NO. 19-89, 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 151 South Spanish Street, in the City and County of Cape Girardeau, Missouri, from R-4 to CBD. Second and Third Readings.
6. BILL NO. 19-90, an Ordinance authorizing the City Manager to execute a Transportation Planning Consolidated Grant Agreement with the Missouri Highways and Transportation Commission for Southeast Metropolitan Planning Organization expenses, in the City of Cape Girardeau, Missouri. Second and Third Readings.

7. BILL NO. 19-91, an Ordinance accepting four Permanent Utility Easements from SEMO Development, LLC, for the Highlands at Hopper Crossing, in the City of Cape Girardeau, Missouri. Second and Third Readings.
8. BILL NO. 19-92, an Ordinance accepting a Permanent Drainage Easement from Terry McDowell and Cynthia McDowell, for 2601 Hopper Road, in the City of Cape Girardeau, Missouri. Second and Third Readings.
9. BILL NO. 19-94, a Resolution authorizing the City Manager to execute an agreement with BFA, Inc., for Stormwater Consultant Services, in the City of Cape Girardeau, Missouri. Reading and Passage.
10. BILL NO. 19-98, a Resolution authorizing the City Manager to execute an Amendment to an Agreement with Marquette Tech District Foundation Inc., for installation of fiber optic cable, in the City of Cape Girardeau, Missouri. Reading and Passage.
11. BILL NO. 19-101, a Resolution authorizing the City Manager to execute a First Amendment to Performance Guarantee Agreement with Drury Properties, Inc., for Deerfield Estates Phase 1, in the City of Cape Girardeau, Missouri. Reading and Passage.
12. Accept Improvements and Authorize Final Payment to Lappe Cement Finishing Inc., for the Concrete Street Repair 2018 Project

Items Removed from Consent Agenda

New Ordinances

13. BILL NO. 19-95, an Ordinance approving the Record Plat of Ahrens First Subdivision. First Reading.
14. BILL NO. 19-96, an Ordinance approving the Record Plat of Midamerica Crossings Second Subdivision. First Reading.
15. BILL NO. 19-97, an Ordinance approving the Record Plat of Teresa Connell Subdivision. First Reading.
16. BILL NO. 19-99, an Ordinance approving the Record Plat of Randolph Subdivision. First Reading.
17. BILL NO. 19-100, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Bicycle and Motorcycle Parking. First Reading.
18. BILL NO. 19-102, an Ordinance appropriating funds for operating expenditures, capital expenditures, debt service expenditures, and transfers for the fiscal year ending June 30, 2019, in the City of Cape Girardeau, Missouri. First Reading.

Appointments

19. Appointment to the Public Library Board of Directors

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.

- Legal actions and litigation, confidential communications with legal counsel, and property transactions, pursuant to RSMo. Sections 610.021(1), and (2).

Memos

- Cape Dogwood Community Improvement District Budget Ending June 30, 2020

Advisory Board Minutes

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-133

SUBJECT

A public hearing to consider the proposed voluntary annexation of property located at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane as requested by the City of Cape Girardeau, Ryland R. Meyr, and the Revocable Trust Agreement of Jerad Busch and Heather Busch dated January 19, 2017, and the proposed zoning of the same property as R-1, Single-Family Suburban Residential District.

EXECUTIVE SUMMARY

A public hearing is scheduled for June 17, 2019 to consider the proposed voluntary annexation and zoning of the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane. Ordinances for the annexation, zoning, and ward boundary extensions for these properties will appear on the July 1, 2019 City Council meeting agenda should the City Council decide to proceed with annexation.

BACKGROUND/DISCUSSION

On May 20, 2019, the City Council acknowledged receipt of annexation petitions for the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane. These properties are contiguous to each other and the city limits.

As part of the annexation process, each property must be assigned a City zoning district. The properties adjacent to the west side of 4196 Stone Crest are zoned R-1 (Single-Family Suburban Residential District). The property adjacent to the southeast corner of 4150 Thousand Oaks Lane is zoned RE (Rural Estate Single-Family District). The remaining adjacent properties are outside the city limits and are not zoned. This area consists of a mix of residential and agricultural uses. The Comprehensive Plan's Future Land Use and Infrastructure Map shows the subject properties as Large Lot/Estate.

In considering a proposed zoning district for each property to be annexed, the Planning and Zoning Commission and the City Council must determine if the district is reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties. The properties at 4196 Stone Crest and 4150 Thousand Oaks Lane contain or will contain single-family residences. The property at 4195 Stone Crest contains the City's LaSalle Water Tank facility. Given the zoning district options for this property, staff felt it would be best to zone it the same as the other two properties. Additionally, the City has other water tanks on property zoned R-1. For these reasons, staff believes the R-1 zoning district is reasonable and in reasonable conformity with the immediately surrounding properties and uses.

A public hearing is scheduled for June 17, 2019 to consider the proposed voluntary annexation and zoning of these properties. Ordinances for the annexation, zoning, and ward boundary extensions for these properties will appear on the July 1, 2019 City Council meeting agenda should the City Council decide to proceed with annexation.

FINANCIAL IMPACT

Annexing the properties will generate additional revenue for the City in terms of taxes and fees, which will be used toward the cost of providing City services to the properties.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

Annexing property is necessary for the orderly growth of the City. By annexing and zoning these properties, the property owners and the community as a whole will benefit from regulations intended to protect the public health, safety and general welfare.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended R-1 zoning for all three properties upon annexation.




BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its June 12, 2019 meeting, held a public hearing and recommended R-1 zoning for all three properties (upon annexation) with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

Notice of the City Council's public hearing was advertised in the Southeast Missourian on June 2, 2019. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the properties.

ATTACHMENTS:

Name:	Description:
 Staff_Review-Referral-Action_Form.pdf	4195 & 4196 Stone Crest and 4150 Thousand Oaks Lane - Staff RRA Form
 Map - Zoning - Stone Crest-Thousand Oaks Lane to be annexed.pdf	4195 & 4196 Stone Crest and 4150 Thousand Oaks Lane - Zoning Map
 Map - FLU - Stone Crest-Thousand Oaks Lane to be annexed.pdf	4195 & 4196 Stone Crest and 4150 Thousand Oaks Lane - FLU Map

CITY OF CAPE GIRARDEAU, MISSOURI

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

FILE NO. **1385**

LOCATION: 4195 Stone Crest, 4196 Stone Crest, 4150 Thousand Oaks Ln

STAFF REVIEW & COMMENTS:

Contiguous property being annexed at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane to be placed into an appropriate zoning district. SEE STAFF REPORT FOR FURTHER INFORMATION.

[Signature]
City Planner

5/29/19
Date

W. ERIC CUNNINGHAM
City Attorney

MAY 30, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

MAY 30, 2019
Date

Planning & Zoning Commission

Sign Posting Date: _____ Meeting Date: 06/12/19

RECOMMENDED ACTION:

	Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Favor	Oppose	Abstain
Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

Kevin Greaser
Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

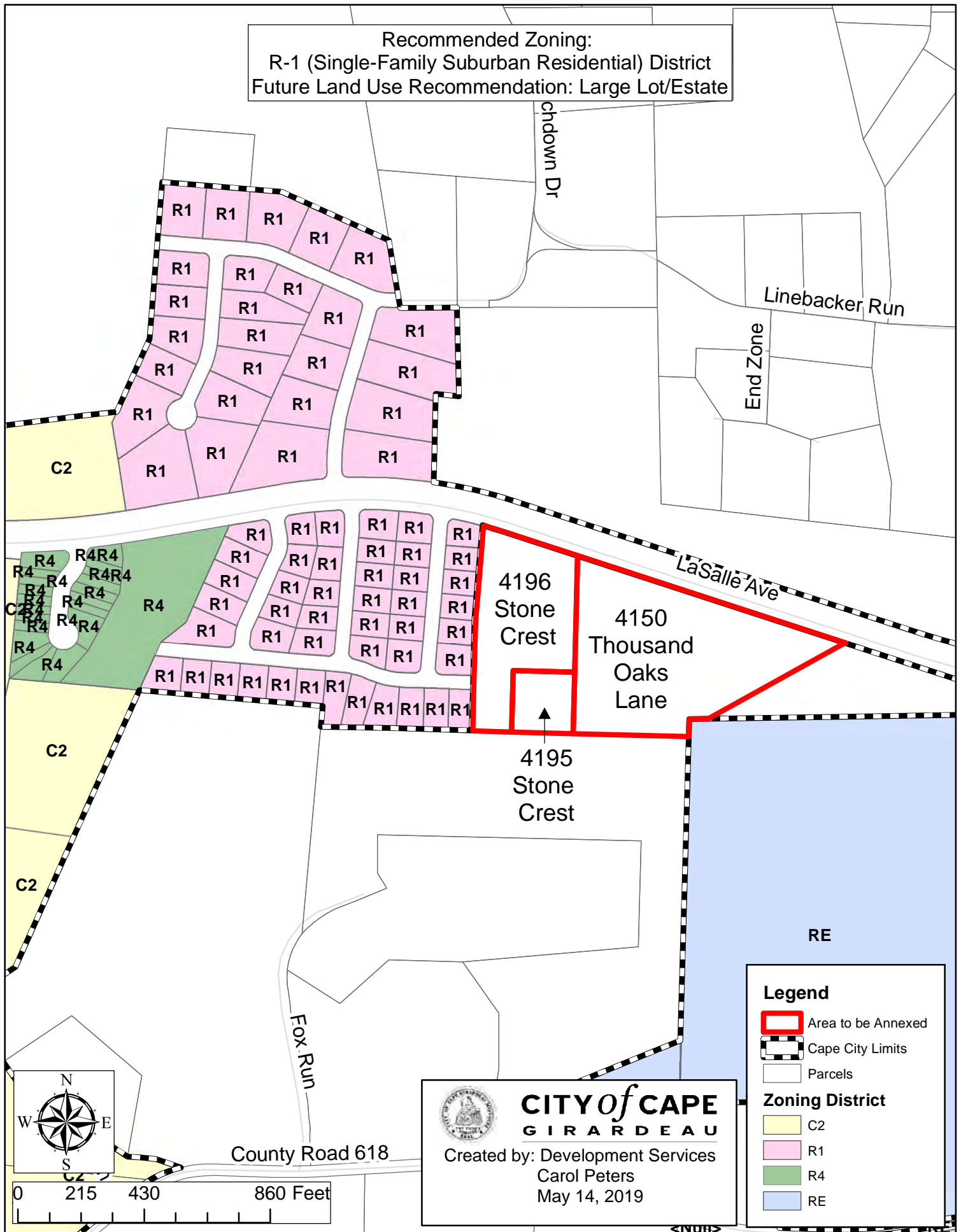
Posting Dates: Sign _____ Newspaper _____ Public Hearing Date: _____
Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ **Effective Date:** _____

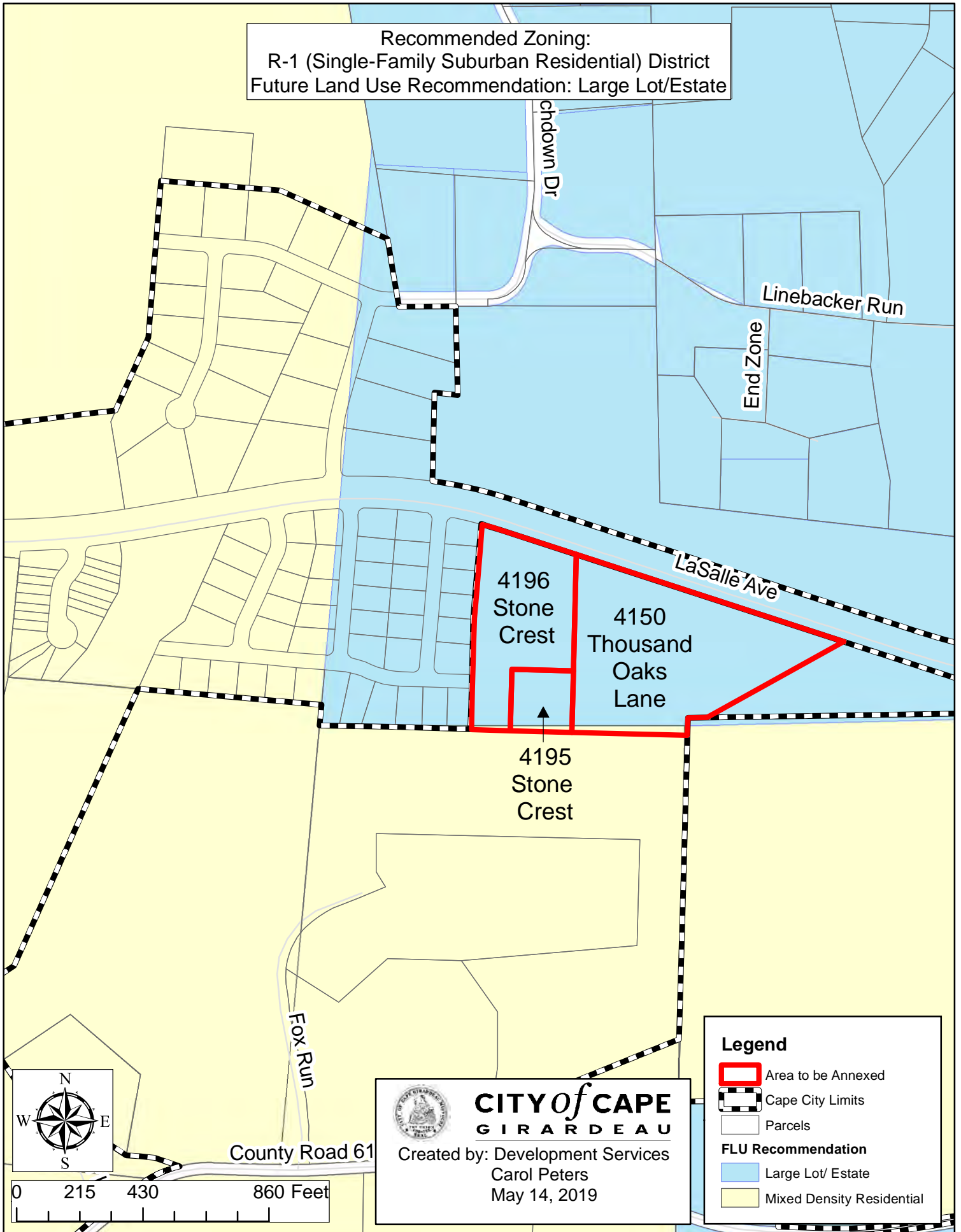
Zoning Recommendation for Property to be Annexed

Recommended Zoning:
R-1 (Single-Family Suburban Residential) District
Future Land Use Recommendation: Large Lot/Estate



Zoning Recommendation for Property to be Annexed

Recommended Zoning:
R-1 (Single-Family Suburban Residential) District
Future Land Use Recommendation: Large Lot/Estate



Staff: Bruce Taylor, Deputy City Clerk
Agenda: 6/17/2019

AGENDA REPORT
Cape Girardeau City Council

SUBJECT

Approval of the June 3, 2019, City Council regular session minutes.

ATTACHMENTS:

Name:	Description:
 2019.06.03_Cover_Agenda.pdf	Minutes 2019-06-03 regular session

Regular**June 3, 2019****KK-237****STUDY SESSION – June 3, 2019****NO ACTION TAKEN DURING THE STUDY SESSION**

The Cape Girardeau City Council held a study session at the Cape Girardeau City Hall on Monday, June 3, 2019, starting at 5:00 p.m. with Mayor Pro Tempore Victor Gunn presiding and Council Members Ryan Essex, Robbie Guard, Stacy Kinder, Shelly Moore, and Dan Presson present. Mayor Bob Fox was absent.

REGULAR SESSION – June 3, 2019**CALL TO ORDER**

The Cape Girardeau City Council convened in regular session at the Cape Girardeau City Hall on Monday, June 3, 2019, at 5:47 p.m., with Mayor Pro Tempore Victor Gunn presiding and Council Members Ryan Essex, Robbie Guard, Stacy Kinder, Shelly Moore, and Dan Presson present. Mayor Bob Fox was absent.

ADOPTION OF THE AGENDA

A Motion was made by Dan Presson, Seconded by Stacy Kinder to approve and adopt the Agenda.

Motion passed. 6-0. Ayes: Essex, Guard, Gunn, Kinder, Moore, Presson. Absent: Fox.

PUBLIC HEARING

A public hearing to consider the proposed annual operating budget for the City of Cape Girardeau, Missouri, for the fiscal year beginning July 1, 2019.

Mayor Pro Tempore Victor Gunn opened the Public Hearing.
There being no appearances, the Public Hearing was closed.

A public hearing to consider a request to rezone property at 151 South Spanish Street from R-4 (Medium Density Multifamily Residential District) to CBD (Central Business District).

Mayor Pro Tempore Victor Gunn opened the Public Hearing.
There being no appearances, the Public Hearing was closed.

APPEARANCES

None.

CONSENT AGENDA

Approval of the May 20, 2019, City Council regular session minutes.

BILL NO. 19-65, an Ordinance accepting Four Permanent Sanitary Sewer Easements for Deerfield Off Site, from Drury Southwest, Inc., in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-75, an Ordinance appropriating funds for certain grant funded expenditures for the fiscal year ending June 30, 2019. Second and Third Readings.

Regular**June 3, 2019****KK-238**

BILL NO. 19-77, an Ordinance authorizing the issuance of a Special Tax Bill for properties located at 2827 & 2829 South Sprigg Street, for the demolition of dangerous buildings under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-78, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Fences. Second and Third Readings.

BILL NO. 19-80, an Ordinance accepting a Temporary Construction Easement from D.L.G., LLC, for 1001 North Kingshighway for the Hopper Road Box Culvert Project, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-81, an Ordinance accepting a General Warranty Deed for property located at 1237 Rear North Water Street, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-82, an Ordinance accepting a Permanent Drainage Easement from DeJoy's of Shoney's, Inc., for 2640 Hopper Road, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-83, an Ordinance approving the Record Plat of Jones Dunklin Subdivision. Second and Third Readings.

BILL NO. 19-84, an Ordinance approving the Record Plat of Collins Mill Subdivision - Phase 3. Second and Third Readings.

BILL NO. 19-86, an Ordinance accepting four Permanent Sanitary Sewer and Utility Easements for Kensington Place Phase One, from Drury Properties, Inc., and Drury Southwest, Inc., in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-93, a Resolution authorizing the City Manager to execute a License and Indemnity Agreement with Southeast Missouri State University, for installation of conduit for security cameras along 350 North Henderson Avenue, in the City of Cape Girardeau, Missouri. Reading and Passage.

Accept Improvements and Authorize Final Payment to Lappe Cement Finishing, Inc., for the Bloomfield Road, Phase 5 Project.

Acceptance of public improvements to serve Collins Mill Subdivision Phase 2 and Collins Mill Subdivision Phase 3.

Robbie Guard abstained for financial reasons from Bill No. 19-80 related to accepting an easement from D.L.G., LLC, from Bill No. 19-84 related to the Record Plat of Collins Mill Subdivision Phase 3, and from the acceptance of public improvements to serve Collins Mill Subdivision Phase 2 and Collins Mill Subdivision Phase 3, due to his employment with MRV Banks.

A Motion was made by Robbie Guard, Seconded by Shelly Moore to approve and adopt. Motion passed. 6-0. Ayes: Essex, Guard, Gunn, Kinder, Moore, Presson. Absent: Fox.

BILL NO. 19-65 will be Ordinance No. 5185; BILL NO. 19-75 will be Ordinance No. 5186; BILL NO. 19-77 will be Ordinance No. 5187; BILL NO. 19-78 will be Ordinance No. 5188;

BILL NO. 19-80 will be Ordinance No. 5189; BILL NO. 19-81 will be Ordinance No. 5190; BILL NO. 19-82 will be Ordinance No. 5191; BILL NO. 19-83 will be Ordinance No. 5192; BILL NO. 19-84 will be Ordinance No. 5193; BILL NO. 19-86 will be Ordinance No. 5194; and BILL NO. 19-93 will be Resolution No. 3263.

NEW ORDINANCES

BILL NO. 19-87, an Ordinance adopting the annual operating budget for the City of Cape Girardeau, Missouri, for the fiscal year beginning July 1, 2019. First Reading.

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

BILL NO. 19-88, an Ordinance establishing utility rates for the City of Cape Girardeau, Missouri, by amending Chapter 22 relating to solid waste fees, and Chapter 29 relating to water rates. First Reading.

A Motion was made by Robbie Guard, Seconded by Stacy Kinder to approve.
Motion passed. 6-0. Ayes: Essex, Guard, Gunn, Kinder, Moore, Presson. Absent: Fox.

BILL NO. 19-89, 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 151 South Spanish Street, in the City and County of Cape Girardeau, Missouri, from R-4 to CBD. First Reading.

Council Member Stacy Kinder inquired why this proposed Ordinance is needed now, since it had been a salon for years. City Planner Ryan Shrimplin replied that the previous owner had obtained a Special Use Permit, which stated its transfer to a new owner must be approved by City Council. However, that approval did not occur within the required time. Additionally, the City's Zoning Ordinance has changed since the Special Use Permit was issued, and the current Zoning Ordinance does not allow this type of use either by right or with a special use permit. For that reason, City Staff and the Planning and Zoning Commission recommend the approval of this change in the zoning designation of the property.

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

BILL NO. 19-90, an Ordinance authorizing the City Manager to execute a Transportation Planning Consolidated Grant Agreement with the Missouri Highways and Transportation Commission for Southeast Metropolitan Planning Organization expenses, in the City of Cape Girardeau, Missouri. First Reading.

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

BILL NO. 19-91, an Ordinance accepting four Permanent Utility Easements from SEMO Development, LLC, for The Highlands at Hopper Crossing, in the City of Cape Girardeau, Missouri. First Reading.

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

Regular**June 3, 2019****KK-240**

BILL NO. 19-92, an Ordinance accepting a Permanent Drainage Easement from Terry McDowell and Cynthia McDowell, for 2601 Hopper Road, in the City of Cape Girardeau, Missouri. First Reading.

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

APPOINTMENTS

Appointments to the Historic Preservation Commission.

A Motion was made by Robbie Guard, Seconded by Dan Presson to appoint Michael McKeever to the Historic Preservation Commission, for a term expiring April 16, 2022.
Motion passed. 6-0. Ayes: Essex, Guard, Gunn, Kinder, Moore, Presson. Absent: Fox.

MEETING ADJOURNMENT

A Motion was made by Robbie Guard, Seconded by Dan Presson to adjourn.
Motion passed. 6-0. Ayes: Essex, Guard, Gunn, Kinder, Moore, Presson. Absent: Fox.

The Regular Session ended at 5:55 p.m.

Victor R. Gunn, Mayor Pro Tempore

Bruce Taylor, Deputy City Clerk



Staff: W. Victor Brownlees - Deputy
Agenda: Finance Director
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-126

SUBJECT

This ordinance adopts the budget for the fiscal year ending June 30, 2020.

EXECUTIVE SUMMARY

The City Charter requires a public hearing regarding the proposed city budget be held each year before the budget is adopted. This hearing was scheduled to be held at the June 3, 2019 City Council meeting. Council will be asked to approve the first reading of the budget ordinance after the public hearing has been held.

BACKGROUND/DISCUSSION

All material items included in this proposed budget have previously been discussed at the Council Retreat. The proposed budget maintains the same property tax levy as the current year. This budget proposes changes to the City's Inspection Service Fee Schedule, changes to various park and recreation fees and increases to water and solid waste fees. These changes and increases are detailed on pages 386-390, pages 391-400 and page 280 and page 288 of the proposed budget, respectively. The property tax levy will be adopted in August after a public hearing has been held.


STAFF RECOMMENDATION

Staff recommends approval of the first reading of the ordinance to adopt the annual operating budget following the public hearing. Any desired changes to the budget should be specifically agreed to at this meeting or no later than the June 17, 2019 City Council meeting before final readings of the budget ordinance.

PUBLIC OUTREACH

The 2019-2020 Proposed Operating Budget is on the City's web page at cityofcape.org/finance. It is also available for review in the City Clerk's office. Notice of the Public Hearing regarding the proposed annual operating budget for the City of Cape Girardeau, Missouri, for the fiscal year beginning July 1, 2019, was published in the May 19, 2019 edition of the Southeast Missourian newspaper.

ATTACHMENTS:

Name:	Description:
 2019-2020_Operating_Budget.doc	Ordinance

BILL NO. 19-87

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE CITY OF CAPE GIRARDEAU,
MISSOURI, FOR THE FISCAL YEAR BEGINNING
JULY 1, 2019

WHEREAS, the City Manager has submitted a proposed budget to the City Council in accordance with Section 6.02 of the City Charter; and

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

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

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

ARTICLE 1. The City Council hereby adopts the annual operating budget for the fiscal year of July 1, 2019 to June 30, 2020. A copy of this document is on file in the office of the City Clerk.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

Staff: W. Victor Brownlees - Deputy
Agenda: Finance Director.
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-127

SUBJECT

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

EXECUTIVE SUMMARY

This ordinance would approve water and solid waste fee increases assumed in the proposed 2019-2020 City Budget.

BACKGROUND/DISCUSSION

The proposed 2019-2020 budget includes 2% increases to the residential and commercial water rates effective for bills issued after July 1, 2019. Disconnect and reconnect fees charged by the City will increase to \$16.50 from \$16.00.

The proposed 2019-2020 budget also includes increases in the monthly residential solid waste charge to \$21.60 from \$20.75 and the transfer station tipping fee to \$64.50 per ton from \$62.00 per ton.

During the past 7 years, including this year's proposed increases, the average residential utility bill will have increased from \$73.84 per month to \$81.50 per month. This is equivalent to an average annual increase of 1.48% to average utility bill. Average annual inflation during that period was 1.58%.


FINANCIAL IMPACT

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

STAFF RECOMMENDATION

Staff recommends approval of this ordinance.

ATTACHMENTS:

Name:	Description:
 Ordinance-Rates.SolidWaste.Water.Sewer-2019.doc	Ordinance

BILL NO. 19-88

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING UTILITY RATES FOR
THE CITY OF CAPE GIRARDEAU, MISSOURI, BY
AMENDING CHAPTER 22 RELATING TO SOLID WASTE
FEES, AND CHAPTER 29 RELATING TO WATER RATES

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

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

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

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

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

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

(b) Haulers who dispose of less than twenty (20) tons of
solid waste per week at the city disposal facility shall

pay a rate of sixty-four dollars and fifty cents (\$64.50) per ton plus fuel surcharge, if applicable. The applicable fee shall be increased by twenty-five dollars (\$25.00) for each load that is not properly covered or secured in accordance with state and local law. Private haulers who regularly use the disposal facility and who regularly dispose of more than twenty (20) tons of solid waste per week at the city disposal facility shall have a rate established by contract based on the operating costs. The charge per ton will be increased when the previous month's average per gallon diesel fuel price exceeds three dollars and seventy-five cents (\$3.75). The charge per ton will be increased by one hundred percent (100%) of the difference between the previous month's average per gallon diesel fuel price and three dollars and seventy-five cents (\$3.75). All surcharges will be rounded up to the next cent. Average per gallon diesel fuel costs will be the average of the Midwest Region Index as published by the U. S. Department of Energy.

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

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

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

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

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

(c) Fuel surcharge. The monthly solid waste collection fee for residential customers shall be increased when the previous month's average per gallon diesel fuel price

exceeds three dollars and seventy-five cents (\$3.75). The charge will be increased by twenty-five (25) percent of the difference between the previous month's average per gallon diesel fuel price and three dollars and seventy-five cents (\$3.75). All surcharges will be rounded up to the next cent. Average per gallon diesel fuel costs will be the U. S. Average as published by the U.S. Energy Information Administration.

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

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

(a) Basic monthly charge. The basic monthly solid waste collection fee for residential customers shall be twenty-one dollars and sixty cents (\$21.60) per month per dwelling unit. Residential back door service may be provided on a contract basis subject to fees based on the additional operating costs associated with providing such service. Such basic charge shall include the following services:

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

(b) Additional container. Customers who receive a second sixty-four (64) gallon container for solid waste storage and collection shall pay an additional twenty-one dollars and sixty cents (\$21.60) per month per dwelling unit plus the basic monthly charge established in this section.

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

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

Sec. 29-62. Rates.

(a) *General water service.*

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

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

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

Meter Size(s) (inches)	Monthly Customer Charge (per meter)
5/8	\$ 8.48
¾	\$13.08
1	\$17.65
1 ½	\$33.04
2	\$50.47
3	\$94.55
4	\$156.04
6	\$326.23

plus;

(2) A commodity charge of:

	Bills Rendered Before July 1, 2018
--	---------------------------------------

First 60 CCF used per month--\$2.525 per CCF.

All over 60 CCF used per month--\$1.946 per CCF.

	Bills Rendered After July 1, 2018
--	--------------------------------------

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

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

(b) *Private fire protection service.*

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

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

Size of Connection	Rate Per Connection Effective July 1, 2018
4 inch or smaller	\$10.79 per month
6 inch	\$21.62 per month
8 inch	\$32.47 per month

(c) *Industrial water service.*

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

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

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

Meter Size(s) (inches)	Monthly Customer Charge (per meter)
5/8 or $\frac{3}{4}$	\$ 8.22
1	\$17.14
1 $\frac{1}{2}$	\$32.08
2	\$49.98
3	\$91.76
4	\$151.45
6	\$316.73

plus;

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

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

Sec. 29-62. Rates.

(a) *General water service.*

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

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

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

Meter Size(s) (inches)	Monthly Customer Charge (per meter)
5/8	\$ 8.65
$\frac{3}{4}$	\$13.34
1	\$18.00
1 $\frac{1}{2}$	\$33.70
2	\$51.48
3	\$96.44
4	\$159.16
6	\$332.75

plus;

(2) A commodity charge of:

	Bills Rendered Before July 1, 2019
--	---------------------------------------

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

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

	Bills Rendered After July 1, 2019
--	--------------------------------------

First 60 CCF used per month--\$2.628 per CCF.

All over 60 CCF used per month--\$2.025 per CCF.

(b) *Private fire protection service.*

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

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

Size of Connection	Rate Per Connection Effective July 1, 2019
4 inch or smaller	\$11.01 per month
6 inch	\$22.05 per month
8 inch	\$33.12 per month

(c) *Industrial water service.*

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

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

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

Meter Size(s) (inches)	Monthly Customer Charge (per meter)
5/8 or $\frac{3}{4}$	\$ 8.38
1	\$17.48

1 ½	\$32.72
2	\$50.98
3	\$93.60
4	\$154.48
6	\$323.06

plus;

- (2) A commodity charge of \$0.1620 per CCF for all water used during the billing month.

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

A fee of sixteen dollars (\$16.00) shall be charged to all accounts when a city employee or agent of the city is dispatched to disconnect water. If the water is reconnected or reinstated during regular office hours, an additional reconnection fee of sixteen dollars (\$16.00) shall be charged the account. If reconnection is requested by the customer and made after 5:00 p.m. on regular working days or on weekends or holidays, the reconnection or reinstitution charge shall be thirty-two dollars (\$32.00).

is hereby repealed in its entirety, and a new Section 29-63 is hereby enacted in lieu thereof, in words and figures, to read as follows:

A fee of sixteen dollars fifty cents (\$16.50) shall be charged to all accounts when a city employee or agent of the city is dispatched to disconnect water. If the water is reconnected or reinstated during regular office hours, an additional reconnection fee of sixteen dollars fifty (\$16.50) shall be charged the account. If reconnection is requested by the customer and made after 5:00 p.m. on regular working days or on weekends or holidays, the reconnection or reinstitution charge shall be thirty-three dollars (\$33.00).

ARTICLE 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held

invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Box Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-128

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 151 South Spanish Street, in the City and County of Cape Girardeau, Missouri, from R-4 to CBD.

EXECUTIVE SUMMARY

The attached ordinance rezones property at 151 South Spanish Street from R-4 (Medium Density Multifamily Residential District) to CBD (Central Business District). The City Council's public hearing on the rezoning request was held on June 3, 2019.

BACKGROUND/DISCUSSION

An application has been submitted to rezone property at 151 South Spanish Street from R-4 (Medium Density Multifamily Residential District) to CBD (Central Business District). The immediately surrounding properties are zoned R-4 (Medium Density Multifamily Residential District) except for the properties to the southeast, which are zoned CBD (Central Business District). This area consists of a mix of residential, commercial, and religious 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-4 to CBD. The City Council's public hearing on the rezoning request was held on June 3, 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 contains a historic home that has been converted to a day spa and salon. The mix of uses in this area and the CBD zoning of the properties to the southeast makes the rezoning request reasonable and in reasonable conformity with the surrounding properties.

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 May 8, 2019 and recommended approval of the rezoning request by a vote of 8 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on May 19, 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:
 151_South_Spanish_St_Rezone.doc	Ordinance
 Staff_Review-Referral-Action_Form.pdf	151 South Spanish Street - Staff RRA Form
 Map_-_Zoning_-_151_S_Spanish.pdf	151 South Spanish Street - Zoning Map
 Map_-_FLU_-_151_S_Spanish.pdf	151 South Spanish Street - FLU Map
 Application_-_151_South_Spanish_Street_Rezoning.pdf	151 South Spanish Street - Application

BILL NO. 19-89

ORDINANCE NO. _____

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 151 SOUTH SPANIS STREET, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-4 TO CBD

WHEREAS, the City Planning and Zoning Commission has recommended rezoning all of the property described in Article 1 of this Ordinance from R-4, Medium Density Multifamily Residential District, to CBD, Central Business 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, June 3, 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-4, Medium Density Multifamily Residential District, to CBD, Central Business 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-4, Medium Density Multifamily Residential District, to CBD, Central Business District, for the following described property:

151 South Spanish Street

The South Ninety-three (93) feet of Lot Nineteen (19) in Range "A" in the City 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 CBD, Central Business 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:

Bruce Taylor, Deputy City Clerk

CITY OF CAPE GIRARDEAU, MISSOURI

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

FILE NO. **1384**

LOCATION: 151 South Spanish Street

STAFF REVIEW & COMMENTS:

Matthew Stuchlik is requesting to rezone property at 151 South Spanish Street from R-4 (Medium Density Multi-family Residential District) to CBD (Central Business District). SEE STAFF REPORT FOR FURTHER INFORMATION

B. Szt.
City Planner

4/29/19
Date

W. (ERIC) VANNINGHAM
City Attorney

MAY 1, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

Molly Mehner
City Manager

5-6-19
Date

Planning & Zoning Commission

Public Hearing Sign Posting Date: _____ Public Hearing Date: _____

RECOMMENDED ACTION:

	Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Favor	Oppose	Abstain
Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

Kevin Greaser
Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

Posting Dates: Sign _____ Newspaper _____ Public Hearing Date: _____

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

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ **Effective Date:** _____

Rezoning Request - 151 South Spanish Street

Requested Rezoning:
from R-4 (Medium Density Multi-family Residential District)
to the CBD (Central Business District)
Future Land Use Recommendation: High Density Residential

Merriwether St

Main St

William St

Lorimer St



0 65 130 260 Feet



**CITY of CAPE
GIRARDEAU**

Created by: Development Services
Carol Peters
April 10, 2019

Legend

Area to be rezoned

Parcels

Zoning District

R4

CBD

Rezoning Request - 151 South Spanish Street

Requested Rezoning:
from R-4 (Medium Density Multi-family Residential District)
to the CBD (Central Business District)
Future Land Use Recommendation: High Density Residential

Merriwether St

Main St

William St

Lorimer St



0 65 130 260 Feet



**CITY of CAPE
GIRARDEAU**

Created by: Development Services
Carol Peters
April 10, 2019

Legend

Area to be rezoned

Parcels

FLU Recommendation

Downtown Commercial

High Density Residential

Institutional

Parks and Recreation



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 Eden Spa and Salon 151 S. Spanish St Cape Girardeau MO 63703			
Applicant Matthew Stuchlik		Property Owner of Record (if other than Applicant) Matthew Stuchlik	
Mailing Address 201 S. Spanish St Cape Girardeau, MO		Mailing Address 201 S. Spanish St Cape Girardeau, MO 63703	
City, State, Zip 63703	City, State, Zip Cape Girardeau, MO 63703	Telephone 573-270-5764	Telephone 573-270-5764
Email mattstuchlik@gmail.com	Email mattstuchlik@gmail.com	Contact Person (If Applicant is a Business or Organization) Tarah Kilela - Spouse	Contact Person (If Applicant is a Business or Organization) (Attach additional owners information, if necessary)
Type of Request: Rezoning, Special Use Permit, or Both Rezoning to CSD		Type of Request: Rezoning, Special Use Permit, or Both (Attach additional owners information, if necessary)	
Existing Zoning District CSD		Proposed Zoning District (Rezoning requests only) CSD	

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

151 S. Spanish St Cape Girardeau, MO 63703

Describe the proposed use of the property.

Day Spa and Salon. This business has been in operation a number of years of previous owners. I've heard it was operating under a special use permit.

Services offered include - massage, facials, hair, make-up, pedis, mani's

Application continues on next page

OFFICE USE ONLY

Date Received & By 4-9-19 File No. 1384 MUNIS Application No. 8700
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, in fact we are working on a deal for more parking in rear

- 2) The proposed special use will not substantially increase fire hazards.

No, it's been approved by the City Marshall for fire safety

- 3) The proposed special use will not adversely affect the character of the neighborhood.

We are not planning anything to change the character, in fact we
working to improve the historic value.

- 4) The proposed special use will not adversely affect the general welfare of the community.

Again we are continually re-investing in the property and the downtown

- 5) The proposed special use will not overtax public utilities.

No more then they already are being used, in fact, we only pay for
city water and sewer.

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 — check your records

☒ 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)

not changing
maybe adding
a couple more
light posts

CERTIFICATIONS

The undersigned hereby certifies that:

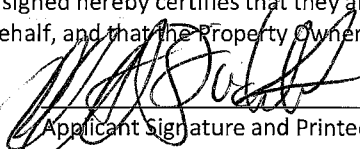
- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They acknowledge that an approved Special Use Permit becomes null and void if the use for which the permit was granted does not commence within twelve (12) months of the approval date, unless an extension 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.

 Matt Stuchlik
Property Owner of Record Signature and Printed Name

4-8-2019
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.

 Matt Stuchlik
Applicant Signature and Printed Name

4-8-2019
Date

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-129

SUBJECT

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

EXECUTIVE SUMMARY

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

BACKGROUND/DISCUSSION

The Southeast Metropolitan Planning Organization (SEMPO) is a federally mandated and funded policy-making organization that oversees transportation planning for the Cape Girardeau-Jackson urbanized area. As authorized in the Memorandum of Understanding, the City of Cape Girardeau provides administrative services and staff support for SEMPO. Each fiscal year, SEMPO receives grant funds from the Federal Highway Administration and the Federal Transit Administration to cover eligible expenses. The grant is administered by the Missouri Highways and Transportation Commission. As the administrative body for SEMPO, the City of Cape Girardeau receives the funds and therefore is required to execute a Transportation Planning Consolidated Grant Agreement. The agreement for FY 2020 is attached. The agreement period is from July 1, 2019 to June 30, 2020.

FINANCIAL IMPACT

The agreement authorizes the City of Cape Girardeau to receive funds up to \$235,656.90 for reimbursement of eligible expenses incurred by SEMPO during the agreement period. A 20% local match is required. Per the Memorandum of Understanding, the local match is to be divided among the member organizations, with the City of Cape Girardeau paying 28.6%.



SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

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

STAFF RECOMMENDATION

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

ATTACHMENTS:

Name:	Description:
 SEMPO_Grant_Agreement.doc	Ordinance
 FY2020_CPG_AGreement_-_City_of_Cape_Girardeau.pdf	Transportation Planning Consolidated Grant Agreement

BILL NO. 19-90

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A TRANSPORTATION PLANNING CONSOLIDATED GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR SOUTHEAST METROPOLITAN PLANNING ORGANIZATION EXPENSES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

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

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

Bruce Taylor, Deputy City Clerk

CCO Form: TP01
Approved: 12/93 (GWS)
Revised: 03/17 (BG)
Modified:

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
TRANSPORTATION PLANNING CONSOLIDATED GRANT AGREEMENT**

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

WITNESSETH:

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

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

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

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

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

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

(1) **PURPOSE AND SOURCE OF FUNDS:** The purpose of this Agreement is to assist the Grantee in financing project expenses that are eligible for federal financial assistance. The Commission will make a grant from available federal funds in a manner consistent with the rules of the USDOT, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) under 23 U.S.C. Sections 104(f) and 134 and 49 U.S.C. Section 5303. These rules include 2 C.F.R. Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. The

catalog of federal domestic assistance identification number (CFDA) is 20.205 for funds under 23 U.S.C. Sections 104(f) and 134 and 20.505 for funds under 49 U.S.C. Section 5303. The amount of available funds is limited by the unused portion of the above planning funds allocated to the Cape Girardeau urbanized area under the above acts and any amendments thereto.

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

(3) REPORTS:

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

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

(4) PUBLICATION PROVISIONS:

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

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

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

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

"The opinions, findings and conclusions expressed in this publication are those of the authors and not necessarily those of the Missouri Highways and Transportation Commission, the Federal Highway Administration or the Federal Transit Administration."

(E) Use of Data: After acceptance of reports, all parties are free to use the data and results for whatever purpose.

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

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

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

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

(7) INFORMATION AND WORK FURNISHED BY THE COMMISSION:

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

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

(8) PROJECT TIME PERIOD: Work under this Agreement shall begin July 1, 2019 and extend to June 30, 2020. No work shall be performed under this Agreement until a notice to proceed is received from the Commission.

(9) CONTRACT PRICE AND PAYMENT:

(A) Total Price: For the work described in this Agreement, the

Grantee shall receive payment based on actual costs, as defined in subparagraph B of paragraph (9) up to the maximum amount of \$235,656.90 defined as consolidated planning funds. The local matching share shall be 20 percent for funds provided under 23 U.S.C. Section 104(f) and under 49 U.S.C. Section 5303. The local matching share may be either cash or direct cost match or a combination of both.

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

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

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

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

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

5. Other direct costs charges shall be based on actual cost of

supplies and equipment purchased or rented for exclusive use of this project. Procurement of supplies and equipment should be in accordance with procedures established by the State of Missouri and Paragraph (26).

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

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

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

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

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

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

(H) Single Audit Requirement: If the Grantee receives \$750,000 or more per year total of all Federal assistance from all sources including Federal funds under this Agreement, it shall be required to have an independent annual single audit done in accordance with 2 C.F.R. Part 200, "*Uniform Administrative Requirements, Cost*

Principles, and Audit Requirements for Federal Awards." A copy of the audit report shall be submitted to the Missouri Department of Transportation (MoDOT) within 30 days of the issuance of the report. Subject to the requirements of 2 C.F.R. Part 200, if the Grantee obtains less than \$750,000, the Grantee may be exempt from 2 C.F.R. Part 200 auditing requirements, but records must be available for review by applicable State and Federal authorities in accordance with Paragraph (5). The Commission reserves the right to audit expenditures under this Agreement independently in a separate report.

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

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

(12) INDEMNIFICATION:

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

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

(13) TERMINATION OF AGREEMENT:

(A) Non-Performance: If Grantee shall for any cause fail to perform

any of the provisions of this Agreement or fail to complete any of the work described in this Agreement, the Commission may terminate this Agreement. Also, the Commission may terminate this Agreement if the conduct or progress of the work is such that it is not up to professional standards of objectiveness, fairness, accuracy and completeness.

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

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

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

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

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

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

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

(B) Administrative Rules: The Grantee shall comply with the

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

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

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

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

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

1. Withholding of payments to the Grantee under the Agreement until the Grantee complies; and/or
2. Cancellation, termination or suspension of the Agreement, in whole or in part.

(G) Incorporation of Provisions: The Grantee shall include the provisions of paragraph (15)(A) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the

USDOT. The Grantee will take such action with respect to any subcontract or procurement as the Commission or the USDOT may direct as means of enforcing such provisions, including sanctions for noncompliance; provided that in event the Grantee becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Grantee may request the United States to enter into such litigation to protect the interests of the United States.

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

(16) SECTION 504 ASSURANCES: The Grantee shall comply with all the requirements imposed by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sections 790 *et seq.*) and the administrative rules of the USDOT (49 CFR Subtitle A, Part 27).

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

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

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

(20) ENERGY CONSERVATION: The Grantee agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in

the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 USC 6321 *et seq.*).

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

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

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

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

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

(C) The Grantee agrees to include the above two clauses in each of its contracts financed in whole or in part with Federal assistance provided by FTA. It is

further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

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

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

(26) EQUIPMENT AND INSTRUMENTATION:

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

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

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

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

(29) DISADVANTAGED BUSINESS ENTERPRISES: Grantee agrees to prepare and submit for the Commission's approval, a disadvantaged business

enterprise plan as defined in 49 CFR Part 26, if Grantee receives financial planning assistance from the U.S. Department of Transportation and will award prime contracts exceeding \$250,000 in a single fiscal year or if Grantee is required to do so by 49 CFR Part 26.21.

(30) BUDGET:

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

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

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

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

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

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

(C) Procedures: The following procedures shall be followed when deviations from Appendix A or the scope of services program components occur or are anticipated to occur:

1. Cost Overruns:

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

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

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

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

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

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

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

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

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

(33) ASSIGNMENT: The Grantee shall not assign or delegate any interest in the Agreement and shall not transfer any interest in the Agreement, whether by assignment or notation without the prior written consent of the Commission.

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

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

[Remainder of Page Intentionally Left Blank]

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

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

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

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

GRANTEE

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

By _____

Title _____

Staff: Kelly Green P.E., City Engineer
Agenda: 6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-130

SUBJECT

An Ordinance accepting four Permanent Utility Easements for Highlands at Hopper Crossing Subdivision located in the city of Cape Girardeau, MO from SEMO Development, LLC, a Missouri Limited Liability Company

BACKGROUND/DISCUSSION

FINANCIAL IMPACT

The owner of Highlands at Hopper Crossing Subdivision have donated the Permanent Utility Easements to the City of Cape Girardeau.




SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

The easements are necessary to grant the City the right to excavate, build, construct, operate, maintain, and repair the sanitary sewers and utilities and their related components in the easement areas.

STAFF RECOMMENDATION

Staff recommends Council approve the attached Ordinance accepting Permanent Sanitary Utility Easements for Highlands at Hopper Crossing Subdivision, located in the city of Cape Girardeau, MO from SEMO Development.

ATTACHMENTS:

Name:	Description:
 <u>Perm_Utility_Easements_4_Highlands_Hopper_Crossing.doc</u>	Ordinance
 <u>Highlands_Utility_Easement_executed.pdf</u>	easement
 <u>36878_Highlands_at_Hopper_Crossing_Easement_Exhibits.pdf</u>	Exhibit

BILL NO. 19-91

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING FOUR PERMANENT
UTILITY EASEMENTS FROM SEMO DEVELOPMENT,
LLC, FOR THE HIGHLANDS AT HOPPER CROSSING,
IN THE CITY OF CAPE GIRARDEAU, MISSOURI

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

ARTICLE 1. The City of Cape Girardeau, Missouri, hereby
accepts, and agrees to accept, four Permanent Utility Easements
from Semo Development, LLC, for The Highlands at Hopper
Crossing, in the City of Cape Girardeau, Missouri, described as
follows:

DESCRIPTION - EASEMENT 1

THAT PART OF LOT 3A OF CROSSING AT HOPPER ROAD AS
RECORDED IN DOCUMENT NO. 2018-01459 OF THE COUNTY LAND
RECORDS, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH
PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE
GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

Beginning at the southwest corner of Lot 9 of The
Highlands At Hopper Crossing - Phase 1, in Document
Number 2019-02780 of the Cape Girardeau County Land
Records; thence North 79°42'11" East, 10.00 feet;
thence South 10°17'50" East, 111.96 feet; thence South
79°42'14" West, 10.00 feet; thence North 10°17'46"
West, 111.96 feet to the Point of Beginning and
containing 1,119 square feet, more or less.

DESCRIPTION - EASEMENT 2

THAT PART OF LOT 3A OF CROSSING AT HOPPER ROAD AS
RECORDED IN DOCUMENT NO. 2018-01459 OF THE COUNTY LAND
RECORDS, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH
PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE
GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

Beginning at the southeast corner of Lot 9 of The
Highlands At Hopper Crossing - Phase 1, in Document
Number 2019-02780 of the Cape Girardeau County Land
Records; thence South 10°17'46" East, 14.97 feet;
thence South 79°42'14" West, 10.00 feet; thence North
10°17'46" West, 14.97 feet; thence North 79°42'14"
East, 10.00 feet to the Point of Beginning and
containing 150 square feet, more or less.

DESCRIPTION - EASEMENT 3

THAT PART OF LOT 3A OF CROSSING AT HOPPER ROAD AS RECORDED IN DOCUMENT NO. 2018-01459 OF THE COUNTY LAND RECORDS, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the southeast corner of Lot 10 of The Highlands At Hopper Crossing - Phase 1, in Document Number 2019-02780 of the Cape Girardeau County Land Records; thence South 68°53'55" East, 24.97 feet; thence South 21°06'05" West, 10.00 feet; thence North 68°53'55" West, 21.27 feet; thence South 70°55'11" West, 78.87 feet; thence North 10°17'46" West, 9.66 feet; thence North 70°35'16" East, 81.02 feet to the Point of Beginning and containing 1,013 square feet, more or less.

DESCRIPTION - EASEMENT 4

THAT PART OF LOT 3A OF CROSSING AT HOPPER ROAD AS RECORDED IN DOCUMENT NO. 2018-01459 OF THE COUNTY LAND RECORDS, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the southeast corner of Lot A of The Highlands At Hopper Crossing - Phase 1, in Document Number 2019-02780 of the Cape Girardeau County Land Records; thence South 01°21'14" East, 280.08 feet; thence North 87°09'45" West, 20.05 feet; thence North 01°21'14" West, 295.38 feet; thence South 51°22'21" East, 26.10 feet to the Point of Beginning and containing 5,755 square feet, more or less.

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

ATTEST:

Bruce Taylor, Deputy City Clerk

PERMANENT UTILITY EASEMENTS
Highlands at Hopper Crossing Subdivision

KNOW ALL PERSONS BY THESE PRESENTS: **SEMO DEVELOPMENT, LLC**, a Missouri Limited Liability Company, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter referred to as the "City", the right, privilege, permission and authority to enter on and upon the following described property, located in the City and County of Cape Girardeau, Missouri, to-wit:

DESCRIPTION - EASEMENT 1

THAT PART OF LOT 3A OF CROSSING AT HOPPER ROAD AS RECORDED IN DOCUMENT NO. 2018-01459 OF THE COUNTY LAND RECORDS, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest corner of Lot 9 of The Highlands At Hopper Crossing - Phase 1, in Document Number 2019-02780 of the Cape Girardeau County Land Records; thence North 79°42'11" East, 10.00 feet; thence South 10°17'50" East, 111.96 feet; thence South 79°42'14" West, 10.00 feet; thence North 10°17'46" West, 111.96 feet to the Point of Beginning and containing 1,119 square feet, more or less.

DESCRIPTION - EASEMENT 2

THAT PART OF LOT 3A OF CROSSING AT HOPPER ROAD AS RECORDED IN DOCUMENT NO. 2018-01459 OF THE COUNTY LAND RECORDS, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast corner of Lot 9 of The Highlands At Hopper Crossing - Phase 1, in Document Number 2019-02780 of the Cape Girardeau County Land Records; thence South 10°17'46" East, 14.97 feet; thence South 79°42'14" West, 10.00 feet; thence North 10°17'46" West, 14.97 feet; thence North 79°42'14" East, 10.00 feet to the Point of Beginning and containing 150 square feet, more or less.

DESCRIPTION - EASEMENT 3

THAT PART OF LOT 3A OF CROSSING AT HOPPER ROAD AS RECORDED IN DOCUMENT NO. 2018-01459 OF THE COUNTY LAND RECORDS, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, construct, maintain, and operate certain improvements, in, on, upon, or across said described property, together with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith, as shown on the project plans and specifications on file in the Office of the City Engineer. This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.

The undersigned covenant that they are the owners in fee simple of the above described property and have the legal right to convey the same.

[The remainder of this page is intentionally left blank. Signature page follows.]

IN WITNESS WHEREOF, the undersigned has executed this easement this 23rd day of May, 2019

SEMO Development, LLC


Michael Peters, Member

STATE OF Missouri)
COUNTY OF Cape Girardeau) ss.

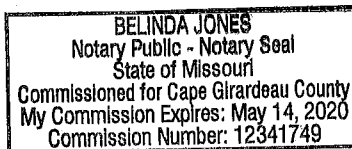
BE IT REMEMBERED, that on this 23rd day of May, 2019 before me, the undersigned notary public, personally appeared Michael Peters, who being by me duly sworn, did state that he is the Member for SEMO Development, LLC, a Missouri Limited Liability Company, and that instrument were executed on behalf of said SEMO Development, LLC, a Missouri Limited Liability Company, and acknowledged that he has executed the same for the purposes therein contained.

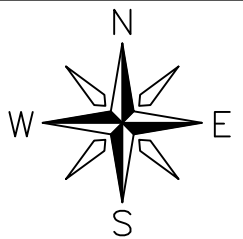
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.


Notary Public

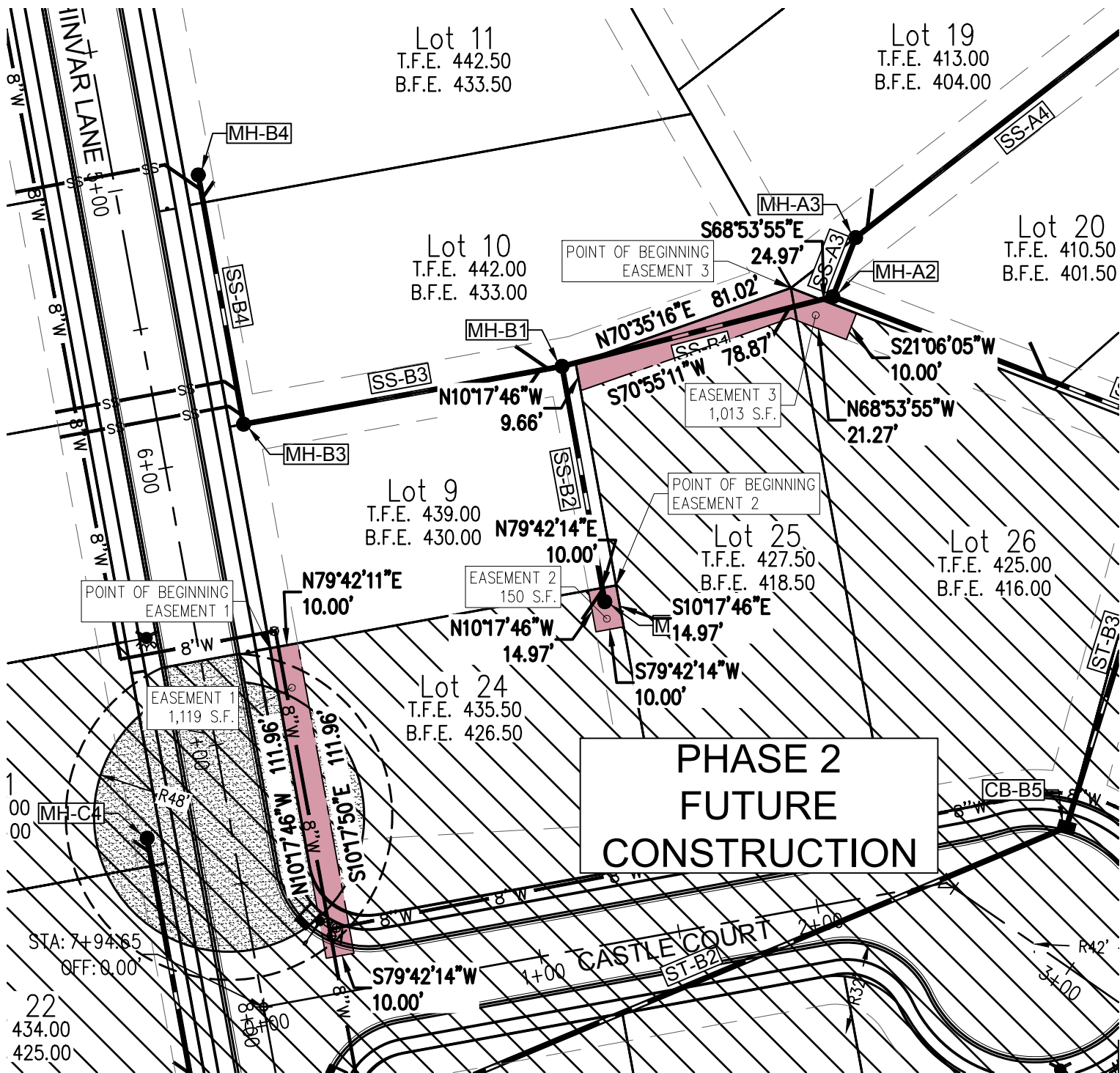
My Commission Expires:

5-14-20





NORTH ORIENTATION IN ACCORDANCE
WITH THE MISSOURI STATE PLANE
COORDINATE SYSTEM EAST ZONE



Description of Easements

DESCRIPTION – EASEMENT 1

THAT PART OF LOT 3A OF CROSSING AT HOPPER ROAD AS RECORDED IN DOCUMENT NO. 2018-01459 OF THE COUNTY LAND RECORDS, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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DESCRIPTION – EASEMENT 2

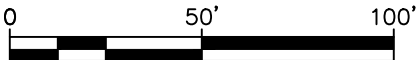
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HORIZONTAL SCALE

DATE: 05-17-2019
REV: 05-21-2019

DRAWING
1 OF 1

EASEMENT
EXHIBIT

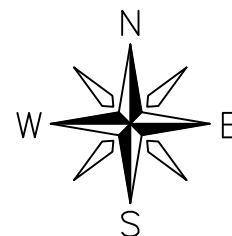
Easement Exhibit
for
Highlands At Hopper Crossing Subdivision
Hopper Road



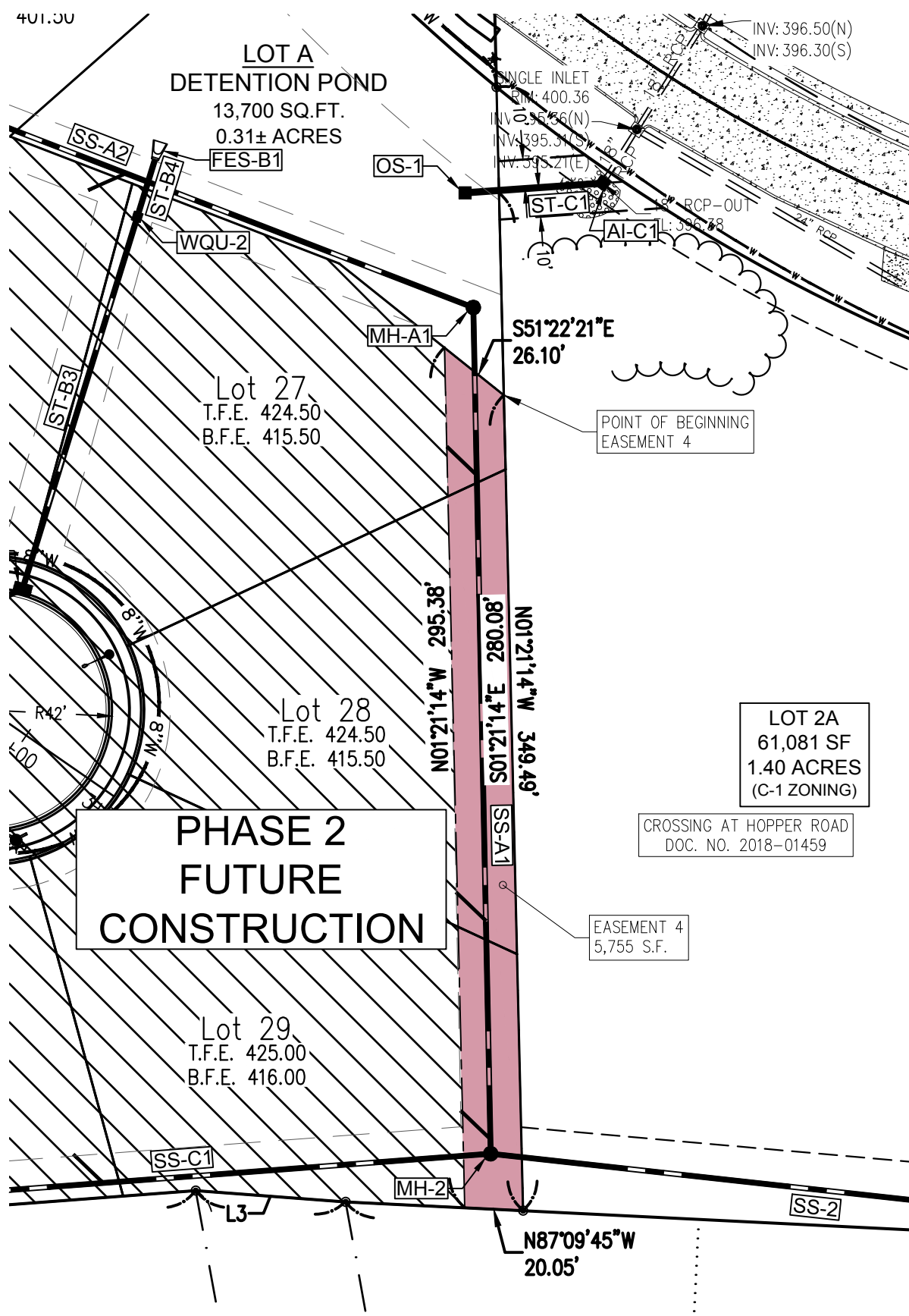
KOEHLER

ENGINEERING AND LAND SURVEYING, INC.

Civil Engineering and Surveying Services
194 Coker Lane - Cape Girardeau, MO 63701
Phone: 573.335.3026 - Fax: 573.335.3049
www.koehlerengineering.com



NORTH ORIENTATION IN ACCORDANCE
WITH THE MISSOURI STATE PLANE
COORDINATE SYSTEM EAST ZONE

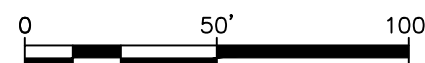


Description of Easement

DESCRIPTION - EASEMENT 4

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HORIZONTAL SCALE

DATE: 05-17-2019
REV: 05-21-2019

DRAWING
1 OF 1

EASEMENT
EXHIBIT

Easement Exhibit
for
Highlands At Hopper Crossing Subdivision
Hopper Road

KE KOEHLER
ENGINEERING AND LAND SURVEYING, INC.
Civil Engineering and Surveying Services
194 Coker Lane - Cape Girardeau, MO 63701
Phone: 573.335.3026 - Fax: 573.335.3049
www.koehlerengineering.com

Staff: Kelly Green, P.E., City Engineer
Agenda: 6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-131

SUBJECT

An Ordinance accepting a Permanent Drainage Easement for 2601 Hopper Road from Terry McDowell and Cynthia McDowell, f/k/a Cynthia Sprigg, husband and wife in the City of Cape Girardeau, Missouri.

BACKGROUND/DISCUSSION

The City will be constructing a box culvert for Hopper Road. A Permanent Drainage Easement is needed to be able access drainage ditch.

FINANCIAL IMPACT

Terry McDowell and Cynthia McDowell, f/k/a Cynthia Sprigg, husband and wife have donated the Permanent Drainage Easement to the City.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

The easement is necessary to grant the City the right to excavate, build, construct, operate, maintain, and repair the drainage systems and its related components in the easement area.

STAFF RECOMMENDATION

Staff recommends Council approve the attached Ordinance accepting a Permanent Drainage Easement for 2601 Hopper Road, from Terry McDowell and Cynthia McDowell, f/k/a Cynthia Sprigg, husband and wife, in the City of Cape Girardeau, Missouri.

ATTACHMENTS:

Name:	Description:
❏ Perm_Drainage_Easement_2601_Hopper_Road.doc	Ordinance
❏ 2601_Hopper_Road_Agreement_Executed.pdf	PDE 2601 Hopper
❏ 2601_Hopper_Road - Esmt Exhibit.pdf	Exhibit

BILL NO. 19-92

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PERMANENT DRAINAGE
EASEMENT FROM TERRY MCDOWELL AND CYNTHIA
MCDOWELL, FOR 2601 HOPPER ROAD, IN THE CITY
OF CAPE GIRARDEAU, MISSOURI

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

ARTICLE 1. The City of Cape Girardeau, Missouri, hereby
accepts, and agrees to accept, a Permanent Drainage Easement
from Terry McDowell and Cynthia McDowell, f/k/a Cynthia Sprigg,
for 2601 Hopper Road, in the City of Cape Girardeau, Missouri,
described as follows:

A PART OF LOT NO. 6, PLEASANT ACRES AS RECORDED IN
PLAT BOOK NO. 5 AT PAGE NO. 11 OF THE LAND RECORDS OF
THE COUNTY RECORDER'S OFFICE; CITY AND COUNTY OF CAPE
GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT NO. 6,
PLEASANT ACRES, SAID CORNER ALSO BEING THE
INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF HOPPER
ROAD WITH THE WEST RIGHT OF WAY LINE OF KINGSHIGHWAY;
THENCE S 36° 20' 14" E, 76.42 FEET ALONG THE WEST
RIGHT OF WAY LINE OF KINGSHIGHWAY; THENCE LEAVING
SAID WEST RIGHT OF WAY LINE, S 53° 39' 46" W, 6.44
FEET; THENCE N 33° 10' 37" W, 78.53 FEET TO THE SOUTH
RIGHT OF WAY LINE OF HOPPER ROAD; THENCE S 83° 02' 24"
E, 2.90 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO THE
POINT OF BEGINNING, CONTAINING 333 SQUARE FEET, MORE
OR LESS.

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

ATTEST:

Bruce Taylor, Deputy City Clerk

**AGREEMENT FOR THE GRANTING OF A
PERMANENT DRAINAGE EASEMENT**

Hopper Road Box Culvert Project
2601 Hopper Road
Cape Girardeau, Missouri

The undersigned, **Terry and Cynthia McDowell, Husband and Wife**, hereinafter referred to as the "Owners", in consideration of the mutual covenants and agreements herein set forth, agree to grant and convey to the **CITY OF CAPE GIRARDEAU**, Missouri, a Municipal Corporation, hereinafter referred to as the "City", and the City agrees to accept, a PERMANENT DRAINAGE EASEMENT, in, upon, over and across a certain tract of land described in Exhibit A, attached hereto and made a part hereof.

The terms and conditions of this agreement are as follows:

1. The City agrees to lower the current curb inlet separating the two driveways for 2601 Hopper Road to a traversable grated inlet. The new grated inlet will be a custom design and field construction. The City doesn't have a standard drawing for grated inlets, but is well-versed in field-fitting inlets to get the best final product for the specific location.
2. It is agreed the City will provide 24 hour notice to the Owners prior to issuing a Notice to Proceed to the contactor.
3. The City encourages the Owners to begin contacting their clients at the time of execution of this agreement to let them know their business will be open during construction and will be accessible.
4. The Owners agree to grant a Permanent Drainage Easement for the 333 square feet of land needed for this project, as described in Exhibit A.
5. It is agreed the City will defray the expenses incident to the preparation and recordation of the easement.
6. The Owner represents no elected City official or City employee shall be admitted to or share any part of this agreement, or to any benefits that may arise therefrom.
7. The terms and conditions aforesaid shall apply to and bind the heirs, executors, administrators, successors and assigns of the Owner.
8. All terms and conditions with respect to this agreement are expressly contained herein and the Owner agrees that no representative or agent of the City has made any representation or promise with respect to this agreement not expressly contained within.

[Remainder of page intentionally left blank. Signature pages to follow.]

May IN WITNESS WHEREOF, the undersigned have executed this 20 day of May, 2019.

Terry McDowell
Terry McDowell

STATE OF Missouri)
) ss.
COUNTY OF Cape Girardeau)

BE IT REMEMBERED, That on this 20 day of May, 2019, before me, personally appeared Terry McDowell, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

KIM L. PICKEL
Notary Public - Notary Seal
STATE OF MISSOURI
Comm. Number 13471159
Cape Girardeau County
My Commission Expires: May 4, 2021

Kim L. Pickel
Notary Public

My Commission Expires:
5-4-2021

Cynthia McDowell
Cynthia McDowell

STATE OF Missouri)
) ss.
COUNTY OF Cape Girardeau)

BE IT REMEMBERED, That on this 20 day of May, 2019, before me, personally appeared Cynthia McDowell, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

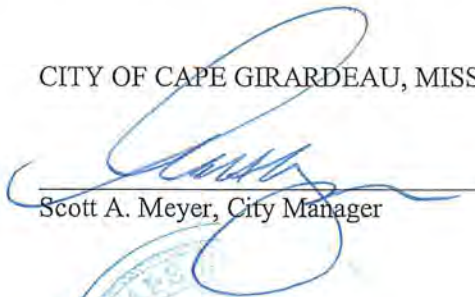
In witness whereof, I have hereunto set my hand and affixed my official seal, the date last above written.

KIM L. PICKEL
Notary Public - Notary Seal
STATE OF MISSOURI
Comm. Number 13471159
Cape Girardeau County
My Commission Expires: May 4, 2021

Kim L. Pickel
NOTARY PUBLIC

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

CITY OF CAPE GIRARDEAU, MISSOURI


Scott A. Meyer, City Manager

ATTEST:


~~Bruce Taylor~~, Deputy City Clerk
Gayle L. Conrad



STATE OF MISSOURI)
) ss.
COUNTY OF CAPE GIRARDEAU)

BE IT REMEMBERED, that on this 22 day of may, 2019, before me, the undersigned notary public, personally appeared Scott A. Meyer, who, being by me duly sworn, did state that he is the City Manager of the City of Cape Girardeau, Missouri, a Municipal Corporation, and that the seal affixed to the within instrument the is the official seal of said City, and that the within instrument was executed on behalf of said City by authority of its City Council, and that said instrument was executed as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.


Notary Public

My Commission Expires:

March 3, 2022



EXHIBIT A

Legal Description
2601 Hopper Road
Permanent Drainage Easement

A PART OF LOT NO. 6, PLEASANT ACRES AS RECORDED IN PLAT BOOK NO. 5 AT PAGE NO. 11 OF THE LAND RECORDS OF THE COUNTY RECORDER'S OFFICE; CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT NO. 6, PLEASANT ACRES, SAID CORNER ALSO BEING THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF HOPPER ROAD WITH THE WEST RIGHT OF WAY LINE OF KINGSHIGHWAY; THENCE S $36^{\circ} 20' 14''$ E, 76.42 FEET ALONG THE WEST RIGHT OF WAY LINE OF KINGSHIGHWAY; THENCE LEAVING SAID WEST RIGHT OF WAY LINE, S $53^{\circ} 39' 46''$ W, 6.44 FEET; THENCE N $33^{\circ} 10' 37''$ W, 78.53 FEET TO THE SOUTH RIGHT OF WAY LINE OF HOPPER ROAD; THENCE S $83^{\circ} 02' 24''$ E, 2.90 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 333 SQUARE FEET, MORE OR LESS.

EASEMENT EXHIBIT

CITY AND COUNTY OF
CAPE GIRARDEAU, MO

KINGSHIGHWAY
(U.S. ROUTE 61)

R/W

R/W

HOPPER ROAD

25'

S 83° 02' 24" E, 2.90'

P.O.B.- DRAINAGE EASEMENT
NE CORNER, LOT NO. 6, PLEASANT
ACRES AS RECORDED IN PLAT BOOK
NO. 5 AT PAGE 11

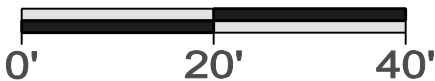
PLEASANT ACRES
PLAT BOOK NO. 5 - PAGE NO. 11

LOT NO. 6

NOW OR FORMERLY
CYNTHIA S. SPRIGG
DOCUMENT NO. 2009-15179



GRID NORTH, NAD83
M.S.P.C. ZONE 2401 EAST



Bowen

ENGINEERING & SURVEYING

Consulting Engineers • Land Surveyors • Testing Laboratories

2121 Megan Drive
Cape Girardeau, MO 63701
Ph 573 339 5900
Fax 573 339 1391
www.bowenengsurv.com

S 53° 39' 46" W, 6.44'

S 36° 20' 14" E 76.42'
N 33° 10' 37" W 78.53'

333 SQ. FT.

Staff: Casey Brunke, P.E., Assistant
Agenda: Public Works Director
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-135

SUBJECT

Resolution authorizing the City Manager to enter into a General Services Agreement for Stormwater Consultant Services with BFA, Inc.

EXECUTIVE SUMMARY

The Agreement will allow City Staff to issue task orders to BFA, Inc. for professional services for Municipal Separate Storm Sewer System (MS4) related items in the City of Cape Girardeau.

BACKGROUND/DISCUSSION

BFA, Inc. has been assisting the City with services for MS4 compliance since 2014. Some of the necessary tasks for the national and state stormwater regulations include site plan review and on-site inspections for erosion control compliance. BFA, Inc. has been providing these needed services for continuing compliance with the MS4 Program at acceptable costs. The attached General Services Agreement would continue this relationship with BFA, Inc. for MS4 compliance.

FINANCIAL IMPACT

The funds for these services will come from the Parks and Recreation and Stormwater Phase 2 (PRS2) tax.

STAFF RECOMMENDATION

Staff recommends the Council approve a Resolution authorizing the City Manager to enter into a General Services Agreement with BFA, Inc. for Stormwater Consultant Services.

ATTACHMENTS:

Name:	Description:
 Agreement_BFA_Stormwater_Consulting.doc	Resolution
 Cape_Girardeau_MS4_Services_Proposal_Signed_6-5-19.pdf	General Services Agreement BFA Engineering

BILL NO. 19-94

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE AN AGREEMENT WITH BFA, INC., FOR
STORMWATER CONSULTANT SERVICES, 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
General Services Agreement with BFA, Inc., for Stormwater
Consultant Services, in the City of Cape Girardeau, Missouri.
The Agreement shall be in accordance with the attached proposal,
which document is hereby approved by the City Council, and
incorporated herein by reference.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

June 5th, 2019
Stan Polivick
Public Works Director
City of Cape Girardeau
2007 Southern Expressway
Cape Girardeau, MO 63037

RE: Proposal for Professional Services and Consulting for MS4 Program Compliance.

Dear Mr. Polivick,

BFA, Inc.'s general scope of work for this proposal is to provide consulting and professional services to assist the City of Cape Girardeau in complying with requirements of its Municipal Separate Storm Sewer System (MS4) Permit, issued by the Missouri Department of Natural Resources. BFA estimates a budget not to exceed \$30,000 to provide the services as described in this proposal. The scope of services and fees may need to be modified based on actual program needs. BFA will not exceed the \$30,000 limit without prior approval from the City of Cape Girardeau. The fees for this proposal shall cover the listed scope of work for the period of July 1st, 2019 through June 30th, 2020.

The sections below provide a more specific description of the anticipated scope of services and deliverables to be provided by BFA for this program. Any additional client desired items not listed below should be requested in writing to prevent conflicts of scope and fees for the program.

CONSTRUCTION SITE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) INSPECTIONS

The anticipated scope for this item is:

- Site visit and inspection at all permitted construction sites within city Jurisdiction. Provide site inspection report and photos.
- Review SWPPP deficiencies with site superintendent and city staff.
- Complete Site Inspection Checklist form and upload it to the City Sharepoint Site.
- Continue to Host and Maintain City Sharepoint web site.

PROPOSED DEVELOPMENT PLAN REVIEW FOR STORMWATER REQUIREMENTS

The anticipated scope for this item is:

- Review provided documents for each project on the City's AVOLVE website. Projects will be reviewed to determine compliance with City and State Stormwater Pollution Prevention Plan and Land Disturbance permit requirements.
- Comments, redlines, and report will be completed on the AVOLVE website.
- When needed BFA will participate in Teleconference with City staff and or Contractors to review projects.

POST CONSTRUCTION BMP INSPECTIONS

(This item can be added at an additional cost. Estimated \$300 per site.)

BFA estimates this scope to consist of working with the City staff to identify and map existing post-construction BMP's within the City's jurisdiction. This would include public and private detention/retention areas, bio-retention facilities, green infrastructure, and proprietary devices. Inspections would consist of reviewing any available plans of the post-construction BMP in question and then conducting a visual inspection of the BMP and provide documentation of the inspection for the City's records. These inspections are generally conducted on an annual or bi-annual cycle.

PUBLIC MEETINGS

(This item can be added at an additional cost. Estimated \$600 per meeting.)

Anticipated scope for this item is to provide an approximate 1-hour general overview presentation, intended to introduce audience to MS4 compliance requirements.

Meetings can also be held for city staff that provide a more informative detailed overview of MS4 compliance and regulations.

GOOD HOUSEKEEPING IN MUNICIPAL OPERATIONS

(This item can be added at an additional cost. Estimated \$500 per inspection)


Anticipated scope for this item is to perform inspections at different city owned and operated facilities and provide written summary and recommendations for improvements.

ILLICIT DISCHARGE

(This item can be added at an additional cost. Cost will be determined by scope of quantity of streams to be inspected.)

BFA's anticipated scope of work is to inspect streams for illicit discharges and provide inspection checklists, reports and photographs for the City's review and records.

We are excited for the opportunity to continue to serve the City of Cape Girardeau with your MS4 program compliance. Please feel free to contact **James Quilacio** at **636-231-4324** or email at **jquilacio@bfaeng.com** with any questions regarding this proposal.


Raymond H. Frankenberg II
President – BFA, Inc.
636-231-4310 / ray@bfaeng.com

6.5.19
Date

Staff: Gayle L. Conrad, CMC/MRCC,
Director of Citizen Services/City
Agenda: Clerk
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-135

SUBJECT

Resolution authorizing the City Manager to enter into an Amendment to an Agreement with Marquette Tech District Foundation, Inc., for installation of fiber optic cable for the mutual benefit of the Marquette Tech District and the City of Cape Girardeau.

EXECUTIVE SUMMARY

The City and the Marquette Tech District Foundation entered into an agreement July 7, 2016, for the use of certain City fibers by the Foundation to provide free public wi-fi internet connectivity within the District. A copy of the agreement is attached. Paragraph 6 of this agreement stated that within two years of the date of the agreement, the Foundation would provide free, public wi-fi internet connectivity within the District. It is our understanding that the free wi-fi was “turned on” July 25, 2017.

In exchange for use of the City fibers, Paragraph 7 of the Agreement stated that the Foundation would purchase and install certain underground fibers between City Hall and Spanish Street, or in lieu of the fiber the Foundation would pay to the City \$25,000 within 24 months from the date of the agreement and the City would install the fiber. The 24 months expired on July 7, 2018, and as of this date we are not aware that either of these have been completed.

BACKGROUND/DISCUSSION

Over the past several months, the City Council has been reviewing and discussing future needs and improvements for the current city hall. The City completed a space needs study and is still in the process of assessing current needs and/or future location of city hall. With that in mind, staff is proposing an amendment to the Agreement, to extend the time frame for completion of the items in paragraph 7 for an additional three years, with a date expiring July 7, 2021. All other terms of the agreement would remain in effect. This would give the City time to complete its study of city hall and determine the future need of this fiber optic cable. The Marquette Tech District Foundation Board has approved this extension.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the Resolution authorizing the Amendment to the Agreement with the Marquette Tech District Foundation.

ATTACHMENTS:

Name:	Description:
Agreement_Marquette_Tech_Dist_Foundation.doc	Resolution
Foundation_Fiber.agreement_amendment.doc	Amendment to Agreement with Marquette Tech District
Tech_District_Agr.signed.pdf	Agreement with Marquette Tech District

BILL NO. 19-98

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE AN AMENDMENT TO AN AGREEMENT WITH
MARQUETTE TECH DISTRICT FOUNDATION, INC.,
FOR INSTALLATION OF FIBER OPTIC CABLE, 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 an
Amendment to an Agreement with Marquette Tech District
Foundation, Inc., for installation of fiber optic cable for the
mutual benefit of the Marquette Tech District and the City, in
the City of Cape Girardeau, Missouri. The Amendment 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:

Bruce Taylor, Deputy City Clerk

AMENDMENT TO AGREEMENT FOR FIBER TO SERVE THE MARQUETTE TECH DISTRICT

This Amendment to Agreement is entered into this _____ day of _____, 2019, between the City of Cape Girardeau, Missouri, a Constitutional Charter City of the State of Missouri (“City”) and Marquette Tech District Foundation, Inc. a Nonprofit Corporation of the State of Missouri (“Foundation”).

RECITALS

1. On July 7, 2016, City and Foundation entered into an Agreement for Fiber to Serve the Marquette District (“Agreement”), granting the Foundation the right to use certain City fibers by the Foundation to provide free public wi-fi internet connectivity within the District.
2. Paragraph 6 of Agreement stated that within two (2) years of the date of the agreement, the Foundation would provide free, public wi-fi internet connectivity within the District, and the parties hereto agree that this wi-fi was “turned on” July 25, 2017.
3. Paragraph 7 of Agreement stipulated that in exchange for use of the City fibers, the Foundation would purchase and install certain underground fibers between City Hall and Spanish Street, or in lieu of the fiber the Foundation would pay to the City \$25,000 within 24 months from the date of the agreement and the City would install the fiber. The parties agree that the 24 months expired on July 7, 2018, and neither of these have been completed by the Foundation.
4. Over the past months, the Cape Girardeau City Council has been discussing future needs and improvements for the current city hall and is still in the process of assessing current needs and/or future location of city hall.
5. The parties desire to extend the time period as stated in Paragraph 7 of the Agreement to allow City the time to complete its study on the future needs of city hall.

NOW THEREFORE, in consideration of the mutual covenants set out herein, the City and Foundation agree as follows:

1. Paragraph 7 of the Agreement for Fiber to Serve the Marquette District is hereby amended to extend the timeframe to July 7, 2021 for the Foundation to comply with the provisions of paragraph 7.
2. All other provisions of the Agreement shall stay in effect as stated in the Agreement.
3. This Amendment to Agreement constitutes the whole agreement between the parties and may be changed or modified only by mutual written agreement of the parties.

By Scott A. Meyer, City Manager

Bruce Taylor
Deputy City Clerk

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 the said instrument was signed and sealed in behalf of the City by authority of its City Council and acknowledged said instrument to be the free act and deed of said City.

Notary Public
My Commission Expires:

AGREEMENT FOR FIBER TO SERVE THE MARQUETTE TECH DISTRICT

This agreement is entered into this 7th day of July, 2016, between the City of Cape Girardeau, Missouri, a Constitutional Charter City of the State of Missouri ("City") and Marquette Tech District Foundation, Inc. a Nonprofit Corporation of the State of Missouri ("Foundation").

RECITALS

1. City has installed an underground conduit, fiber-optic cables and related appurtenances along a route within municipal rights-of-way shown on Exhibit A attached hereto and incorporated herein by reference.
2. City's conduits and fiber-optic cable runs contain different numbers of fiber strands within them, primarily depending on the time frame of the installation.
3. Foundation is in the process of developing the Marquette Tech District ("District"), within the Old Town Cape District, to attract, nurture and promote technology and economic development, which will require a high speed communication link (fiber optic cable). The District is defined generally as properties on Broadway from Pacific Street to Water Street, and on Spanish and Main Streets from Broadway to Independence.
4. Foundation desires to obtain the right to use certain fibers established in Exhibit A attached hereto.
5. The parties desire, as a collaborative effort, and for their mutual benefit, to maintain and use fiber optic cable (hereinafter referred to as "cable," "line," or "facilities") for the purpose of facilitating digital communications within the City's municipal boundary and the Old Town Cape District/Marquette Tech District.

NOW THEREFORE, in consideration of the mutual covenants set out herein, the City and Foundation agree as follows:

1. City hereby grants to Foundation the right of use in two (2) City fiber-optic strands within the City's conduit, as specified in Exhibit A attached hereto, running generally as follows:
 - a. Beginning at a fiber optic panel at Fire Station 1, 40 South Sprigg Street;
 - b. Then easterly along the south side of Independence Street to a fiber vault at the southwest corner of Independence and Spanish Street;
 - c. Then northerly along the west side of Spanish Street to a fiber vault at the southwest corner of Broadway and Spanish Streets.

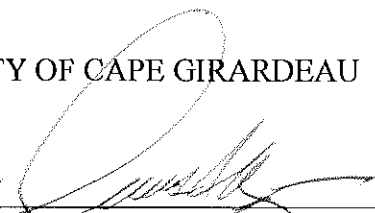
- d. Then westerly along the south side of Broadway to the southwest corner of Broadway and Fountain Street, terminating in a City fiber vault at this corner.
2. City hereby grants to Foundation the right to install and connect to the two City designated fibers at the fiber vaults noted in paragraph 1 above and as shown on Exhibit B attached hereto. Foundation will be responsible for all needed fiber connectivity and/or splice points.
3. City hereby grants to Foundation the right to install and connect to two additional City designated fibers at the fiber vaults noted in paragraph 1 above and as shown on Exhibit B attached hereto, if one or both of the initial fibers fail. Connection to these two additional fibers will not be available until the 24-strand fiber is installed per paragraph 7 below.
4. City hereby grants to Foundation the right to use of a 1.5" empty underground conduit, owned by the City, from a City fiber vault at the southwest corner of Broadway and Fountain Street, to a City fiber vault at the southwest corner of Broadway and Spanish Street. If at any time during the term of this Agreement the City determines this 1.5" conduit is needed for a public purpose, the Foundation shall, at no cost to the City, immediately install a 1.5" empty underground conduit to replace the conduit being used by the Foundation.
5. The right of use of the City fibers and conduit as stated in this Agreement shall be for the sole purpose of providing internet network connectivity for properties and free public, wi-fi internet connectivity within the District. If at any point in time it is found that these two fiber connections are being used for other purposes, this Agreement shall immediately be terminated.
6. Within two (2) years of the date of this agreement, Foundation shall provide free, public wi-fi internet connectivity within the District.
7. As further consideration for execution of this Agreement, the Foundation will purchase and install an underground conduit and 24-strand fiber running from the City's network computer room at City Hall, 401 Independence, running easterly along the south side of Independence, and terminating in the existing City fiber vault at the southwest corner of Independence and Spanish Street, as shown on Exhibit C attached, including 50' slack within the fiber vault.
 - a. Foundation will have 24 months from the date of this agreement to install the above fiber.
 - b. Ownership of the conduit and fiber shall be with the City.
 - c. In lieu of installation of the fiber, the Foundation will pay to the City \$25,000 within 24 months from the date of this agreement, to be applied directly to the City's installation of this fiber.

8. If the Foundation fails to comply with the provisions in paragraphs 6 and 7 above, this Agreement shall automatically terminate 24 months from the date of execution of this Agreement, and all connections to the City fiber network will be terminated by the City.
9. No contract shall be let for installation or connection of the fiber-optic cable and conduit as stated in this Agreement until final plans, specifications and costs are approved by both City and Foundation.
10. Any damage caused to the City's infrastructure caused by work performed by the Foundation and/or for the Foundation via contract shall be repaired and replaced at the expense of the Foundation.
11. The term of this Agreement shall be for a period of ten (10) years from the last signing date of this agreement. Unless notice is provided at least six months prior to the end of any contract term, this Agreement will automatically be extended for another ten (10) year period.
12. This Agreement is for the sole benefit of the City and Foundation. Nothing in this agreement is intended to confer any rights or remedies on any third party. Further, neither party may assign its rights or responsibilities under this Agreement without the prior written consent of the other.
13. This Agreement is a condition of the License and Indemnity Agreement between the City and Foundation. If for any reason the License and Indemnity Agreement is terminated, this Agreement will terminate as well.
14. The parties hereby designate the following persons as the persons authorized to act on behalf of the parties in connection with the administration of this Agreement:

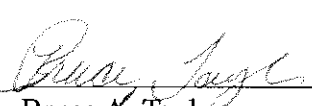
For the Foundation: James Stapleton
Marquette Tech District Foundation, Inc.
P. O. Box 766
Cape Girardeau, MO 63701
573-979-2149

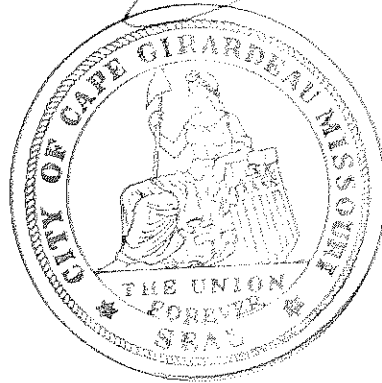
For the City: Gayle Conrad, Director of Citizen Services/City Clerk
Cape Girardeau City Hall
401 Independence Street
Cape Girardeau, Missouri 63703
573-339-6320

CITY OF CAPE GIRARDEAU

By 
Scott Meyer, City Manager

ATTEST:

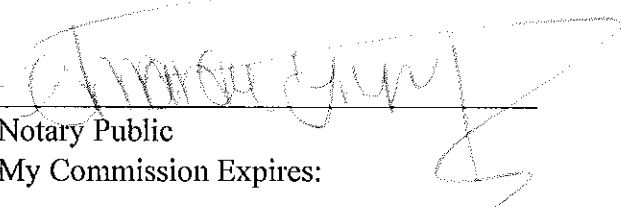

Bruce A. Taylor
Deputy City Clerk



STATE OF MISSOURI)
) SS.
COUNTY OF CAPE GIRARDEAU)

On this 7th day of July, 2016, 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 the said instrument was signed and sealed in behalf of the 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:



AMANDA L. MCKINNEY
My Commission Expires
March 9, 2018
Cape Girardeau County
Commission #14596183

Exhibit A
Marquette Tech District Fiber

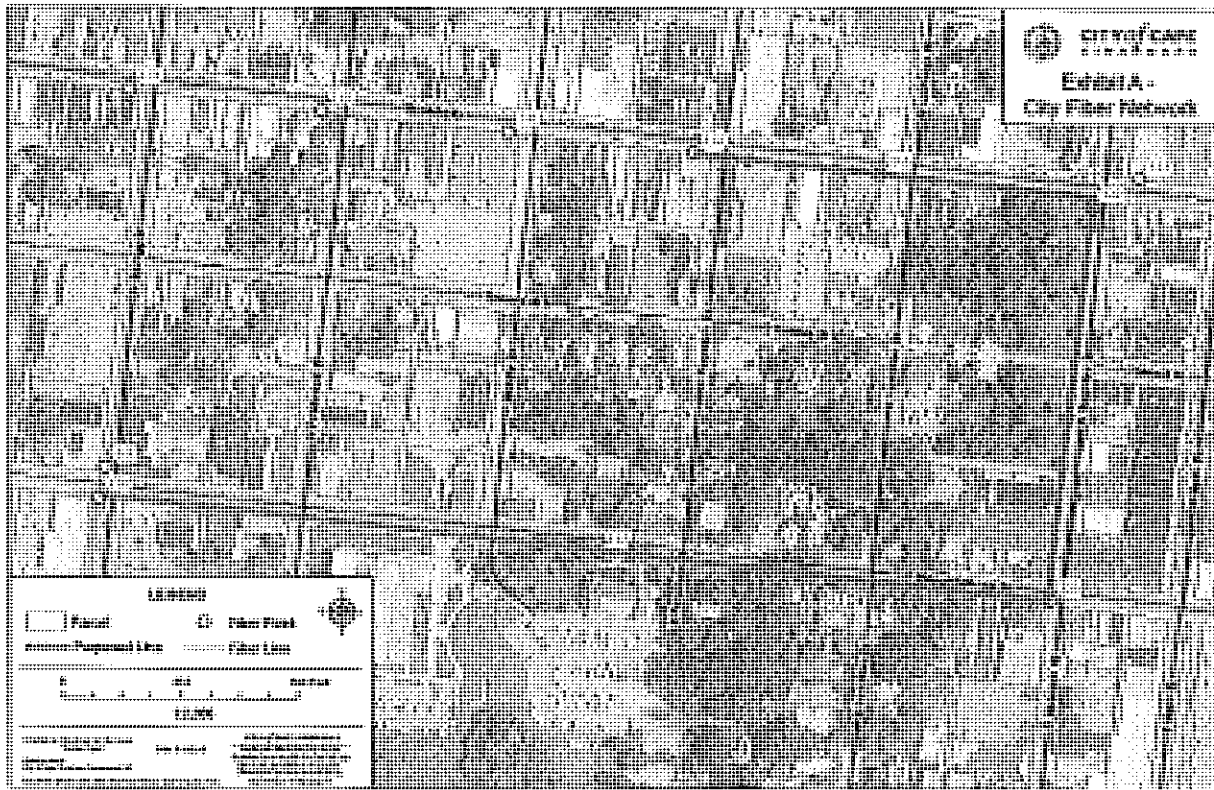


Exhibit B
Marquette Tech District Fiber

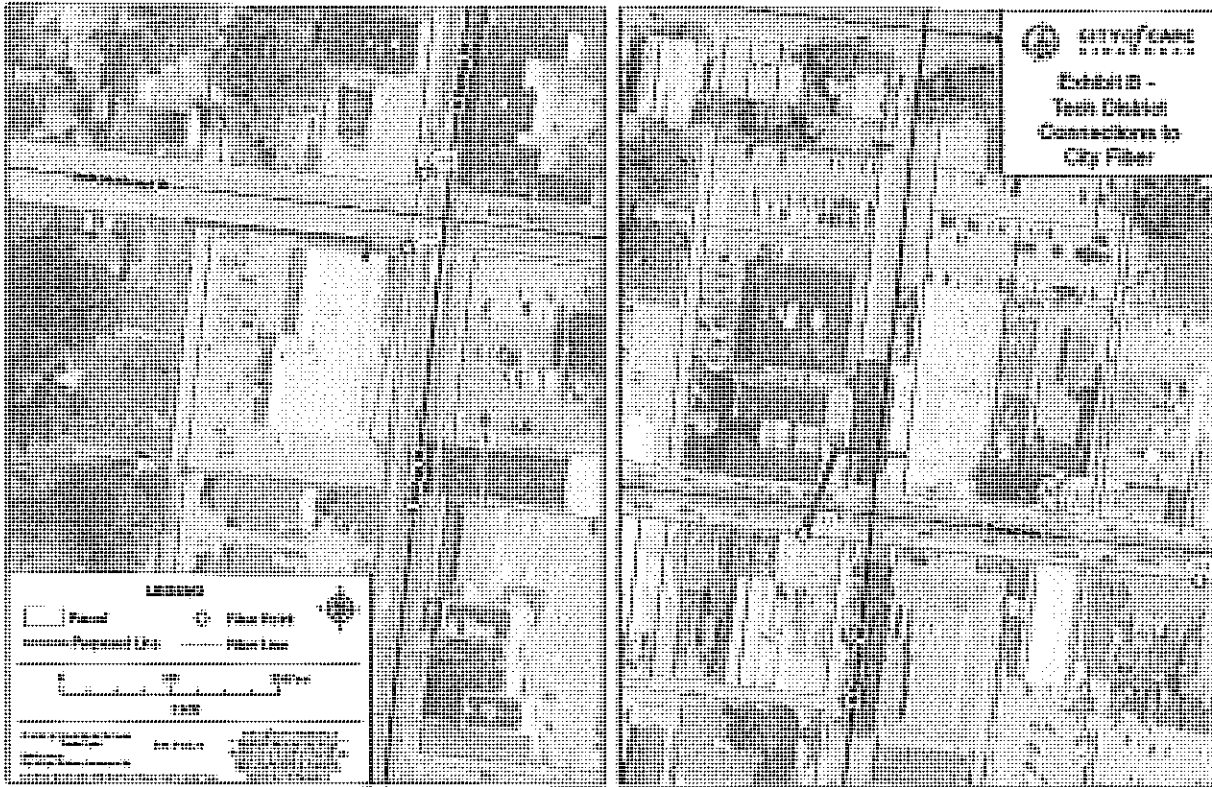
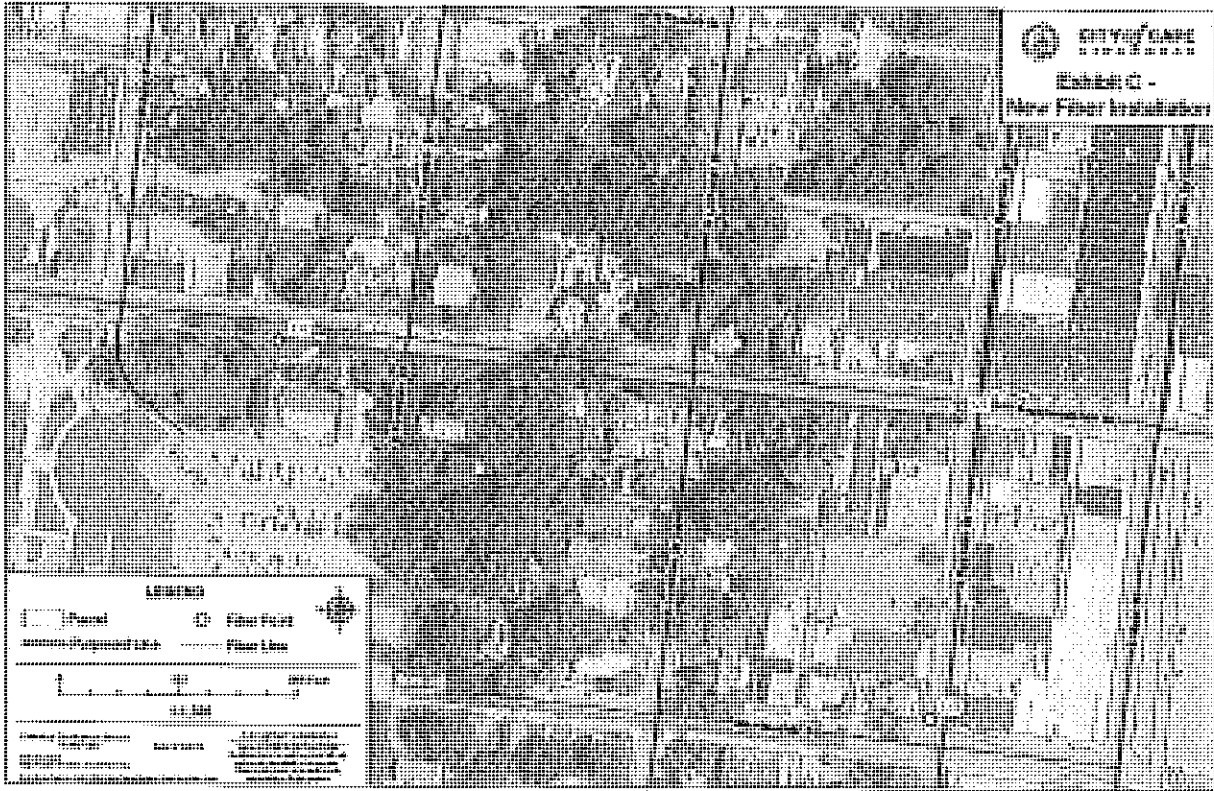


Exhibit C
Marquette Tech District Fiber



Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-136

SUBJECT

A Resolution authorizing the City Manager to execute a First Amendment to Performance Guarantee Agreement with Drury Properties, Inc., for Deerfield Estates Phase 1, in the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

The attached resolution authorizes the City Manager to execute an amendment to an existing performance guarantee agreement for public improvements in Phase 1 of the Deerfield Estates subdivision.

BACKGROUND/DISCUSSION



The City and Drury Properties, Inc. are parties to a Performance Guarantee Agreement for Phase 1 of the Deerfield Estates subdivision. The Agreement was executed on August 7, 2018 and a Partial Release of Performance Guarantee Agreement was executed by the City on May 22, 2019.

Drury Properties, Inc. wishes to replace the Letter of Credit serving as the performance guarantee with an Official Check issued by the same bank that issued the Letter of Credit (BancorpSouth Bank). The attached First Amendment to Performance Guarantee Agreement rescinds the Letter of Credit and replaces it with the Official Check. The Amendment states that all of the terms and conditions of the Performance Guarantee Agreement shall remain in full force and effect but shall apply to the Official Check in lieu of the Letter of Credit.

STAFF RECOMMENDATION

Staff recommends approval of the resolution authorizing the City Manager to execute a First Amendment to Performance Guarantee Agreement with Drury Properties, Inc., for Deerfield Estates Phase 1.

ATTACHMENTS:

Name:	Description:
 Agreement_First_Amendment_Drury_Deerfield.doc	Resolution
 First_Amendment_to_Performance_Guarantee_Agreement_Deerfield_Estates_Phase_1_Partially_Executed.pdf	First Amendment to Performance Guarantee Agreement - Deerfield Estates Phase 1

BILL NO. 19-101

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE THE FIRST AMENDMENT TO PERFORMANCE
GUARANTEE AGREEMENT WITH DRURY PROPERTIES,
INC., FOR DEERFIELD ESTATES PHASE 1, 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 the
First Amendment to Performance Guarantee Agreement with Drury
Properties, Inc., for Deerfield Estates Phase 1 public
improvements, 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, 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:

Bruce Taylor, Deputy City Clerk

FIRST AMENDMENT TO PERFORMANCE GUARANTEE AGREEMENT

This First Amendment to Performance Guarantee Agreement, hereinafter referred to as the "Amendment", is made and entered into this 13th day of June, 2019, by and between DRURY PROPERTIES, INC., a Missouri Corporation, hereinafter referred to as the "Developer", and the CITY OF CAPE GIRARDEAU, MISSOURI, a Missouri Municipal Corporation, hereinafter referred to as the "City", collectively referred to as the "Parties".

RECITALS

WHEREAS, the Developer and the City are parties to that certain Performance Guarantee Agreement dated August 7, 2018 for the Deerfield Estates Phase I subdivision, hereinafter referred to as the "Agreement"; and

WHEREAS, the Developer wishes to amend the Agreement to change the instrument serving as the performance guarantee from a Letter of Credit to an Official Check; and

WHEREAS, BancorpSouth Bank is the issuer of said Letter of Credit and also said Official Check (the latter being attached to this Amendment as "Exhibit A" and incorporated herein by reference).

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises and agreements contained herein, the Parties to this Amendment stipulate and agree as follows:

1. The Letter of Credit serving as the performance guarantee for the Deerfield Estates Phase I subdivision as described in the Agreement is hereby rescinded and replaced with the Official Check in Exhibit A of this Amendment.
2. All of the terms and conditions of the Agreement shall remain in full force and effect but shall apply to the aforesaid Official Check in lieu of the Letter of Credit.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the above date.

(Signatures on the following pages)

DEVELOPER
Drury Properties, Inc.

Mitch Drury
Mitch Drury, ~~Managing Member~~
Vice President *MD*

STATE OF MISSOURI)
) ss.
COUNTY OF ~~GREENE~~ *Polk*)

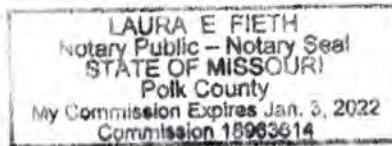
Vice President MD
On this 13th day of June, 2019, before me personally appeared Mitch Drury, ~~Managing Member~~ of Drury Properties, Inc., a Missouri Corporation, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.

Laura E Fieth
Notary Public

Name/My Commission Expires:

Jan 3, 2022



CITY
City of Cape Girardeau, Missouri

Scott A. Meyer, City Manager

ATTEST:

Bruce Taylor, Deputy City Clerk

STATE OF MISSOURI)
) ss.
COUNTY OF CAPE GIRARDEAU)

On this _____ day of _____, 2019, before me personally appeared Scott A. Meyer, City Manager of the City of Cape Girardeau, Missouri, a Missouri Municipal Corporation, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged that he executed the same as the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.

Notary Public

Name/My Commission Expires:

EXHIBIT A
OFFICIAL CHECK
(on following page)

Staff: Kelly Green, P.E., City Engineer
Agenda: 6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-137

SUBJECT

Accept Improvements and Authorize Final Payment to Lappe Cement Finishing Inc., for the Concrete Street Repair 2018 Project.

EXECUTIVE SUMMARY

The locations for the work performed under these Contract Documents were on **Scenic Drive** from Prospect Drive to East View Ridge Drive, **Belleridge Pike** from Lexington Avenue to Lee Drive, **Freemont Drive** from Lake Wood Drive to Bernice Street, **Autumn Drive and Nottingham Lane** intersection, **North Hanover Street** from Themis Street. to Independence Street, **Good Hope Street** from South Minnesota Avenue to South Missouri Avenue, **South Louisiana Avenue** from William Street to Bloomfield Street, **Cousin Street** from South Louisiana Avenue to South West End Boulevard, **South Frederick Street** from Jefferson Avenue to College Street, **South Ellis Street** from Pear Street to Maple Street, **South Pacific Street** from Elm Street to Locust Street, **Hackberry Street** from South Benton Street to South Pacific Street, **Annwood Dr.** from Ashland Hills Dr. to Cul-de-sac.

The improvements consist of removing and replacing concrete streets shown in project plans. removal and replacement of portions of sidewalk, curb, gutter, alleys, and driveways; adjustments to existing manholes, inlets, and utility castings as noted for each location, all as described in the contract documents. The streets are located in various areas within the City of Cape Girardeau, Missouri.

BACKGROUND/DISCUSSION

The Engineer's Final Report for this work is attached and provides further details. Attachment #1 to the Final Report details the cost for each work location. These improvements were inspected by the City's Engineering Division, were satisfactorily completed, and are ready for acceptance into the City's systems.

FINANCIAL IMPACT

The construction work, including the work added in Change Orders Nos. 1 through 3 and Final, was completed for a total of \$1,182,474.88. Funding was provided by Transportation Sales Tax Trust Fund Program Phases 5.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

The City is responsible for the routine maintenance of existing City streets. The TTF programs have provided better street surfaces and paved alleys. This contract continued these upgrades with the monies set aside in the TTF 5 program.




STAFF RECOMMENDATION

Staff recommends the Council, by motion, accept the improvements as indicated and approve final payment to Lappe Cement Finishing, Inc.

PUBLIC OUTREACH

Presentations were made to the public and to civic organizations prior to each election to continue the Transportation Trust Fund Sales Tax.

ATTACHMENTS:

Name:	Description:
 Engineer's Final Report 6214.pdf	Engineer's Final Report 6214
 Attachment #1 - 6214.pdf	Attachment #1 - 6214
 Map for Council 6214.pdf	Map - Concrete Street Repair 2018

June 3, 2019

Engineer's Final Report on the Concrete Street Repair 2018

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

Dear Sir:

I hereby report that the improvements under the Concrete Street Repair 2018, Project #6214, have been completed by Lappe Cement Finishing, Inc. The locations for the work performed under these Contract Documents were on **Scenic Drive** from Prospect Drive to East View Ridge Drive, **Belleridge Pike** from Lexington Avenue to Lee Drive, **Freemont Drive** from Lake Wood Drive to Bernice Street, **Autumn Drive and Nottingham Lane** intersection, **North Hanover Street** from Themis Street to Independence Street, **Good Hope Street** from South Minnesota Avenue to South Missouri Avenue, **South Louisiana Avenue** from William Street to Bloomfield Street, **Cousin Street** from South Louisiana Avenue to South West End Boulevard, **South Frederick Street** from Jefferson Avenue to College Street, **South Ellis Street** from Pear Street to Maple Street, **South Pacific Street** from Elm Street to Locust Street, **Hackberry Street** from South Benton Street to South Pacific Street, **Annwood Dr.** from Ashland Hills Dr. to Cul-de-sac.

The improvements included the removal and replacement of concrete streets shown in the project plans, removal and replacement of portions of sidewalk, curb, gutter, alleys, and driveways; adjustments to existing manholes, inlets, and utility castings as noted for each location. Change Order #1 in the amount of \$108,762.00 allowed for additional repairs to deteriorated roads in the area, this was made possible by an economical bid from Lappe Cement Finishing, Inc., which allowed the City to complete more work than originally planned. Change Order #2 in the amount of \$15,305.39 provided for in-field adjustments and additional rock needed due to poor subgrade. Change Order #3 and Final provided for the update of as-built quantities.

The contractor, Lappe Cement Finishing, Inc., completed the work on January 9, 2019 in accordance with the plans, specifications and agreement documents as modified by three (3) change orders.

The original contract amount for the Concrete Street Repair 2018 Project was \$1,057,857.02. The adjustments in Change Orders 1 through 3 increased the contract by \$124,617.86 for a total construction contract amount of \$1,182,474.88.

The original contract time for the Concrete Street Repair 2018 project was three hundred (300) calendar days for substantial completion and three hundred thirty (330) days for final completion, January 13, 2019 and February 12, 2019 respectively. Change Order #3 added one hundred

twenty six (126) calendar days for final completion, June 14, 2019. The contractor successfully met these deadlines.

I have computed the cost of said improvement as follows:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE		TOTAL
1	Removal and Replacement of Concrete Street	171,361	SF	\$	4.87	\$ 834,528.07
2	Storm Inlet Adjustment	6	Each	\$	514.00	\$ 3,084.00
3	Remove and Replace PCC Sidewalks	23,455	SF	\$	5.22	\$ 122,435.10
4	Remove and Replace Concrete Alleys and Driveways	8,585	SF	\$	5.41	\$ 46,444.85
5	Install Single Curb Ramp with Truncated Domes	23	Each	\$	1,160.00	\$ 26,680.00
6	Tree Removal	23	Each	\$	845.00	\$ 19,435.00
7	Temporary Traffic Control	1	LS	\$	5,250.00	\$ 5,250.00
Change Order #1						
Additional Quantities:						
CO1-1	Removal and Replacement of Concrete Street	21000	SF	\$	4.87	\$ 102,270.00
CO1-4	Remove and Replace Concrete Alleys and Driveways	1200	SF	\$	5.41	\$ 6,492.00
Change Order #2						
Items Quantity Reduced:						
2	Storm Inlet Adjustment	-4	Each	\$	514.00	\$ (2,056.00)
3	Remove and Replace PCC Sidewalks	-2125.32	SF	\$	5.22	\$ (11,094.17)
4	Remove and Replace Concrete Alleys and Driveways	-2040.55	SF	\$	5.41	\$ (11,039.38)
6	Tree Removal	-2	Each	\$	845.00	\$ (1,690.00)
Additional Quantities:						
1	Removal and Replacement of Concrete Street	7769.03	SF	\$	4.87	\$ 37,835.18
Additional Items:						
CO2	6" Minus Rock	104.68	Ton	\$	32.00	\$ 3,349.76
Change Order #3 and Final						
Additional Quantities:						
4	Remove and Replace Concrete Alleys and Driveways	101.75	SF	\$	5.41	\$ 550.47

TOTAL CONTRACT AMOUNT		\$ 1,182,474.88
LESS PREVIOUS PAYMENTS	\$ 1,158,285.92	
AMOUNT DUE CONTRACTOR	\$ 24,188.96	
 CITY ENGINEERING ADMINISTRATION / DESIGN COSTS		 \$ 12,388.88
CONSTRUCTION ENGINEERING / INSPECTION COSTS		\$ 11,846.47
OTHER COSTS		\$ 526.20
 TOTAL CONSTRUCTION CONTRACT COSTS		 \$ 1,207,236.43

For historical records and accounting purposes it is necessary to breakdown the costs into the individual streets. Please see Attachment #1 for a detailed breakdown.

The call for bids was publicly advertised on February 7, 2018, three (3) bids were received for this work ranging from the high of \$1,129,697.70 to the low of \$1,057,857.02. On February 19, 2018 by Resolution No. 3151, the City Manager was authorized to enter into a contract with the low bidder, Lappe Cement Finishing, Inc.

Concrete Street Repair 2018 was funded by the Transportation Trust Fund Phase 5 Program. No easements or right-of-way acquisitions were necessary. City staff prepared the project plans and specifications.

Respectfully submitted,



Kelly Green P.E.
City Engineer

KG/cr

Attachment-1

Concrete Street Repair 2018 Project
Project Reference Code: 1747025-71160-6214
Purchase Order No. 182197/191729
Engineering Division Project Code No. 6214

Attachment #1

[illegible]

\$974,633.25

\$1,028.00

\$111,340.93

\$42,447.94

\$26,680.00

\$17,745.00

\$5,250.00

\$3,349.76

\$1,182,474.88

Concrete Street Repair 2018



Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-099

SUBJECT

An Ordinance approving the Record Plat of Ahrens First Subdivision.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for combining two tracts at 1834 Good Hope Street.

BACKGROUND/DISCUSSION

A record plat has been submitted for Ahrens First Subdivision, located at 1834 Good Hope Street. The subdivision is zoned R-2 (Single-Family Urban Residential). The plat combines two tracts to form one new lot. The plat shows variances for reduced lot area and width. Staff supports the variances due to this being an existing parcel with no additional land available. The plat also shows an exception for the omission of the required 10 foot utility easement along the front and rear lot lines. Staff supports the exception because there are no existing or proposed City utilities in the locations where the easement is required.

STAFF RECOMMENDATION

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

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its May 8, 2019 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 Ahrens First Subdivision.doc	Ordinance
Staf Review-Referral-Action Form.pdf	Ahrens First Subdivision - Staff RRA Form
Map - Ahrens First Subdivision.pdf	Ahrens First Subdivision - Map
Application - Ahrens First Subdivision.pdf	Ahrens First Subdivision - Application
Ahrens First.pdf	Ahrens First Subdivision - Record Plat

BILL NO. 19-95

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
AHRENS FIRST SUBDIVISION

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

ARTICLE 1. The record plat of Ahrens First Subdivision, being a resubdivision of part of Lots 1 and 2 of Block 6 of Vogelsang's Second Subdivision as recorded in Plat Book 3 at Page 44 of the County Land Records, in the City and County of Cape Girardeau, State of Missouri, submitted by Jacqueline R. Ahrens, bearing the certification of Timothy J. Sander, a Registered Land Surveyor, dated the 1st day of March, 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

CITY OF CAPE GIRARDEAU, MISSOURI
City Staff Review, Referral and Action - Subdivision Application

FILE: Ahrens First Subdivision

LOCATION: 1834 Good Hope Street

STAFF REVIEW & COMMENTS:

A record plat has been submitted which combines two (2) lots at 1834 Good Hope Street. SEE STAFF REPORT FOR MORE DETAILS.

By 856.
City Planner

4/25/19
Date

W. ERIC LUNNINGHAM
City Attorney

APRIL 29, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

April 29, 2019
Date

Planning & Zoning Commission

RECOMMENDED ACTION:

	Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Favor	Oppose	Abstain
Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

Kevin Greaser
Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

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

ORDINANCE # _____ Effective Date: _____

Ahrens First Subdivision





CITY of CAPE
GIRARDEAU

Created by: Development Services
Carol Peters
April 16, 2019

0 15 30 60 Feet

Legend

-  Parcels
-  Lot Line



SUBDIVISION PLAT APPLICATION

CITY of CAPE GIRARDEAU

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

Name of Subdivision Ahrens First Subd.		Type of Plat: Preliminary, Record , or Boundary Adjustment	
Applicant Jacqueline R Ahrens		Property Owner of Record (if other than Applicant)	
Mailing Address 1531 Mississippi St	City, State, Zip Cape Gir. MO 63701	Mailing Address	City, State, Zip
Telephone 573-450-0048	Email jrahrens@sbcglobal.net	Telephone	Email
Contact Person (If Applicant is a Business or Organization) Jackie		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant) Tim Sander		Developer (if other than Applicant)	
Mailing Address 20052 US Hwy 61	City, State, Zip Sikeston MO 63801	Mailing Address	City, State, Zip
Telephone 573-450-2000	Email	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

Date

OFFICE USE ONLY

Date Received & By **4-8-19** MUNIS Application No. **8699**

Planning & Zoning Commission Recommendation _____ Date _____

City Council Final Action _____ Date _____

Scale: 1" = 20'

Record Plat: Ahrens First Subdivision

A Resubdivision of Part of Lots 1 and 2 of Block 6
of Vogelsang's Second Subdivision in the City of
Cape Girardeau in Cape Girardeau County, Missouri

TITLE REFERENCES

DOC. NO. 2019-002039 (SUB)
DOC. NO. 2015-11293 (ADJ)
DOC. NO. 2008-07689 (ADJ)
DOC. NO. 2009-06380 (ADJ)

REFERENCES

- NORTH BASIS PER GPS OBSERVATION ALONG THE EAST RIGHT OF WAY LINE OF KOCH STREET (N 06°31'02" E) - MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 1983 - ZONE EAST.
- ABSTRACT OF TITLE.
- P.O.C. = POINT OF COMMENCEMENT.
- P.O.B. = POINT OF BEGINNING.
- (N.T.S.) = NOT TO SCALE.
- N/F = NOW OR FORMERLY.
- LOT 4 = ORIGINAL LOT NUMBERS.
- LOT 1 = NEW LOT NUMBERS.

SUBDIVISION DEDICATION

I, THE UNDERSIGNED, JACQUELINE R. AHRENS, OWNER IN FEE OF PART OF LOTS 1 AND 2 OF BLOCK 6 OF VOGELSSANG'S SECOND SUBDIVISION AS RECORDED IN PLAT BOOK 3 AT PAGE 44 OF THE COUNTY LAND RECORDS, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, CONTAINING 5,000 SQUARE FEET, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at the Southwest Corner of Lot 1, Block 6 of said Vogelsang's Second Subdivision, thence, along the South Line of said Lot 1, S 83°57'53" E, 58.00 feet to the POINT OF BEGINNING; thence N 06°31'02" E, 100.00 feet to the North Line of Lot 2 of Block 6; thence, along the North Line of said Lot 2, S 83°57'53" E, 50.00 feet; thence S 06°31'02" W, 100.00 feet to the South Line of Said Lot 1; thence, along the South Line of said Lot 1, N 83°57'53" W, 50.00 feet to the POINT OF BEGINNING, being subject to any easements of record, do hereby subdivide said tract into one lot as shown hereon and do hereby name said subdivision "AHRENS FIRST SUBDIVISION".

JACQUELINE R. AHRENS

STATE OF MISSOURI
COUNTY OF CAPE GIRARDEAU

On this _____ day of _____, 2019, before me, a Notary Public for said State and County, appeared Jacqueline R. Ahrens, to me known to be the person described herein, who did execute the foregoing instrument, and who acknowledged that she executed the same as her free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this _____ day of _____ A.D., 2019.

My commission expires _____

Notary Public

I, _____, City Clerk of the City of Cape Girardeau, Missouri, hereby certify that this plat was approved by the City of Cape Girardeau, Missouri, by Ordinance

No. _____ passed and approved this _____ day of _____ A.D., 2019.

City Clerk, City of Cape Girardeau, Missouri

STATE OF MISSOURI
COUNTY OF CAPE GIRARDEAU

Filed for record this _____ day of _____ A.D., 2019 in Document Number _____

Andrew David Blattner, Recorder of Deeds
Cape Girardeau County, Missouri

NO PORTION OF THE ABOVE DESCRIBED PARCEL LIES WITHIN THE 100 YEAR FLOOD PLAIN, AS INDICATED ON THE FLOOD INSURANCE RATE MAP NUMBER 29031C0266E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

LOT SIZES

TOTAL NUMBER OF LOTS = 1
SMALLEST LOT = 5,000 Sq Ft ±
LARGEST LOT = 5,000 Sq Ft ±
TOTAL AREA = 5,000 Sq Ft ±
ZONING
CURRENT ZONING = R2
(SINGLE-FAMILY URBAN RESIDENTIAL DISTRICT)

BUILDING SETBACKS (SINGLE-FAMILY)

FRONT YARD = 25'
REAR YARD = 25'
SIDE YARD = 5'

MAXIMUM HEIGHT = 2 1/2 STORIES / 35'
MINIMUM LOT AREA = 8,000 Sq Ft
MINIMUM LOT WIDTH = 60'
MAXIMUM DENSITY = 5 UNITS PER ACRE

VARIANCES SHOWN FOR THE FOLLOWING:

- MINIMUM LOT AREA FOR LOT 1 (8,000 S.F. REQUIRED; 5,000 S.F. PROPOSED)
- MINIMUM LOT WIDTH FOR LOT 1 (60 FEET REQUIRED; 50 FEET PROPOSED)

EXCEPTION SHOWN FOR THE FOLLOWING:

- OMISSION OF THE REQUIRED 10 FOOT UTILITY EASEMENT ALONG THE FRONT AND REAR LOT LINES OF LOT 1.

SURVEYOR CERTIFICATION

THIS IS TO CERTIFY THAT I, TIMOTHY J SANDER, HAVE SURVEYED THE FORGOING DESCRIBED PARCEL OF LAND AT THE REQUEST OF JACQUELINE R. AHRENS AND HAVE PREPARED THE ANNEXED PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, TO THE BEST OF MY ABILITY AND THAT SAID PLAT AND SURVEY WERE DONE IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS IN THE STATE OF MISSOURI AS MADE EFFECTIVE JUNE 30, 2017.

DONE THIS 1 st. DAY OF MARCH, 2019.



TIMOTHY J. SANDER, MO-PLS 2003013179
20052 US HIGHWAY 61
SIKESTON, MISSOURI 63801

RECORD OWNER
JACQUELINE R. AHRENS
DOCUMENT NUMBER 2019-02039

DEVELOPER OF SUBDIVISION
JACQUELINE R. AHRENS
1531 MISSISSIPPI STREET
CAPE GIRARDEAU MO
63701

PLAT PREPARED BY
SANDER LAND SURVEYING
TIMOTHY J SANDER, PLS
20052 US HIGHWAY 61
SIKESTON, MO
63801

SYMBOL LEGEND

- = 1/2" IRON RODS (SET).
- = 1/2" IRON RODS (FND).
- = 1" IRON PIPES (FND).
- ⊙ = 2" IRON PIPES (FND).
- △ = AXLE WITH GEAR (FND).
- ▲ = 3/8" IRON RODS (FND).
- = SUBDIVISION BOUNDARY LINE.
- = STREET CENTERLINE.
- = ADJOINER PROPERTY LINE.
- = BUILDING SETBACK LINE.
- = LOT LINE TO BE ELIMINATED.
- = LOT LINE TO REMAIN.
- = RIGHT OF WAY LINE.

ASSESSOR'S MAP NUMBER 21-105

PROPERTY SURVEY CLASS...."URBAN"

SANDER LAND SURVEYING

Phone Number: (573)450-2000

E-Mail: sandersurvey2003@gmail.com

TIMOTHY J. SANDER, PLS

20052 US HIGHWAY 61
SIKESTON, MISSOURI

63801

0 20 40 60
SCALE IN FEET

DATE: 03/01/2019

DRAWN BY: TJS

REVISED: 05/01/2019

CHECKED BY: TJS

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-138

SUBJECT

An Ordinance approving the Record Plat of Midamerica Crossings Second Subdivision.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for a three-lot subdivision along Interstate 55, North Kingshighway, and Veterans Memorial Drive.

BACKGROUND/DISCUSSION

A record plat has been submitted for Midamerica Crossings Second Subdivision, located along Interstate 55, North Kingshighway, and Veterans Memorial Drive. The subdivision is zoned C-2 (Highway Commercial). The plat subdivides a lot into three lots.

STAFF RECOMMENDATION

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

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its May 8, 2019 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

ATTACHMENTS:

Name:	Description:
Record_Midamerica_Crossing_Second_Subdivision.doc	Ordinance
Staff_Review-Referral-Action_Form.pdf	Midamerica Crossings Second Subdivision - Staff RRA Form
Map - Midamerica Crossings Second Subdivision.pdf	Midamerica Crossings Second Subdivision - Map
Application - Midamerica Crossings Second Subdivision.pdf	Midamerica Crossings Second Subdivision - Application
34470-Resub_6-11-19.pdf	Midamerica Crossings Second Subdivision - Record Plat

BILL NO. 19-96

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
MIDAMERICA CROSSINGS SECOND SUBDIVISION

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

ARTICLE 1. The record plat of Midamerica Crossings Second Subdivision, being a resubdivision of all of Lot Number 4 of Midamerica Crossings as recorded in Document Number 2016-14260 of the County Land Records, in the City and County of Cape Girardeau, State of Missouri, submitted by Midamerica Hotels Corporation, bearing the certification of Christopher L. Koehler, a Registered Land Surveyor, dated the 10th day of June, 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:

Bruce Taylor, Deputy City Clerk

CITY OF CAPE GIRARDEAU, MISSOURI
City Staff Review, Referral and Action - Subdivision Application

FILE: **Midamerica Crossings Second Subdivision**

LOCATION: Veterans Memorial Drive & North
Kingshighway

STAFF REVIEW & COMMENTS:

A record plat has been submitted to split a parcel into three (3) new lots along Veterans Memorial Drive. SEE STAFF REPORT FOR MORE DETAILS.

By sgc.
City Planner

4/25/19
Date

W. Eric Cunningham
City Attorney

APRIL 29, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

April 29, 2019
Date

Planning & Zoning Commission

RECOMMENDED ACTION:

	Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Favor	Oppose	Abstain
Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

Kevin Greaser
Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

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

ORDINANCE # _____

Effective Date: _____



SUBDIVISION PLAT APPLICATION
CITY of CAPE GIRARDEAU

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

Name of Subdivision Midamerica Crossings Second Subdivision		Type of Plat: Preliminary, Record, or Boundary Adjustment Record Plat	
Applicant Midamerica Hotels Corporation		Property Owner of Record (if other than Applicant) Midamerica Hotels Corporation	
Mailing Address 105 South Mount Auburn Rd.	City, State, Zip Cape Girardeau MO 63703	Mailing Address 105 South Mount Auburn Rd.	City, State, Zip Cape Girardeau MO 63703
Telephone 573-334-0546 x206	Email mcantrell@midamcorp.com	Telephone (573) 334-0546	Email
Contact Person (If Applicant is a Business or Organization) Melanie Cantrell, PE		<i>(Attach additional owners information, if necessary)</i>	
Professional Engineer/Surveyor (if other than Applicant) Chris Koehler PE/PLS		Developer (if other than Applicant) Midamerica Hotels Corporation	
Mailing Address 194 Coker Ln	City, State, Zip Cape Girardeau MO 63701	Mailing Address 105 South Mount Auburn Rd.	City, State, Zip Cape Girardeau MO 63703
Telephone 573-335-3026	Email ckoehler@koehlerengineering.com	Telephone (573) 334-0546	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.

Melanie Cantrell Melanie Cantrell
Applicant Signature and Printed Name

4-17-19
Date

OFFICE USE ONLY

Date Received & By 4-17-19 MUNIS Application No. _____

Planning & Zoning Commission Recommendation _____ Date _____

City Council Final Action _____ Date _____

Midamerica Crossings Second Subdivision



Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

SUBJECT

An Ordinance approving the Record Plat of Teresa Connell Subdivision.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for combining two tracts at 222 Good Hope Street.

BACKGROUND/DISCUSSION

A record plat has been submitted for Teresa Connell Subdivision, located at 222 Good Hope Street. The subdivision is zoned R-4 (Medium Density Multifamily Residential). The plat combines two tracts to form one new lot. The plat shows an exception for the omission of the required 10 foot utility easement along the front and rear lot lines. Staff supports the exception because there are no existing or proposed City utilities in the locations where the easement is required. The plat also shows a variance for a reduced rear yard setback along the north lot line (25 feet required; 10 feet proposed). Staff supports the variance because there is an existing building located 10 feet from this lot line.

STAFF RECOMMENDATION

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

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its May 8, 2019 meeting, recommended approval of the record plat with a vote of 7 in favor, 0 in opposition, and 1 abstaining.

ATTACHMENTS:

Name:	Description:
Record Plat Teresa Connell Subdivision.doc	Ordinance
Staff Review-Referral-Action Form.pdf	Teresa Connell Subdivision - Staff RRA Form
Map - Teresa Connell Subdivision.pdf	Teresa Connell Subdivision - Map
Application - Teresa Connell Subdivision.pdf	Teresa Connell Subdivision - Application
Teresa Connell 2018-175-Sub Plat 20190506.pdf	Teresa Connell Subdivision - Record Plat

BILL NO. 19-97

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
TERESA CONNELL SUBDIVISION

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

ARTICLE 1. The record plat of Teresa Connell Subdivision, being that part of Lots 19 and 20, Block 3, Range "G", U.S.P.S. 2199, Township 30 North, Range 14 East of the Fifth Principal Meridian, in the City and County of Cape Girardeau, State of Missouri, submitted by Teresa Connell, bearing the certification of Matthew D. Dejournett, a Registered Land Surveyor, dated the 4th day of April, 2019, including all variances and exceptions, 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



SUBDIVISION PLAT APPLICATION CITY of CAPE GIRARDEAU

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

Name of Subdivision Teresa Connell Subdivision		Type of Plat: Preliminary, Record, or Boundary Adjustment	
Applicant Teresa Connell		Property Owner of Record (if other than Applicant)	
Mailing Address 222 Good Hope St.	City, State, Zip Cape Girardeau, MO 63701	Mailing Address	City, State, Zip
Telephone 382-1105	Email	Telephone	Email
Contact Person (If Applicant is a Business or Organization)		<i>(Attach additional owners information, if necessary)</i>	
Professional Engineer/Surveyor (if other than Applicant) Matt DeJournett		Developer (if other than Applicant)	
Mailing Address 331 S. Highway 61	City, State, Zip Scott City, MO 63780	Mailing Address	City, State, Zip
Telephone 573-579-4524	Email mattdejournett@hotmail.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

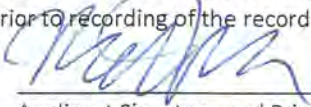
(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)

___ 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

4-11-19
Date

OFFICE USE ONLY	
Date Received & By <u>4-12-19</u>	MUNIS Application No. <u>8720</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

Teresa Connell Subdivision



CITY of CAPE
GIRARDEAU

Created by: Development Services
Carol Peters
April 16, 2019

0 25 50 100 Feet

Legend

- Parcels
- Lot Line

CITY OF CAPE GIRARDEAU, MISSOURI
City Staff Review, Referral and Action - Subdivision Application

FILE: **Teresa Connell Subdivision**

LOCATION: 222 Good Hope Street

STAFF REVIEW & COMMENTS:

A record plat has been submitted which combines two (2) lots at 222 Good Hope Street. SEE STAFF REPORT FOR MORE DETAILS.

By 858-
City Planner

4/25/19
Date

W. ERIC CUNNINGHAM
City Attorney

APRIL 29, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

April 29, 2019
Date

Planning & Zoning Commission

RECOMMENDED ACTION:

	Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Favor	Oppose	Abstain
Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE COUNT: 7 Favor 0 Oppose 1 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

Kevin Greaser
Kevin Greaser
Planning & Zoning Commission Secretary

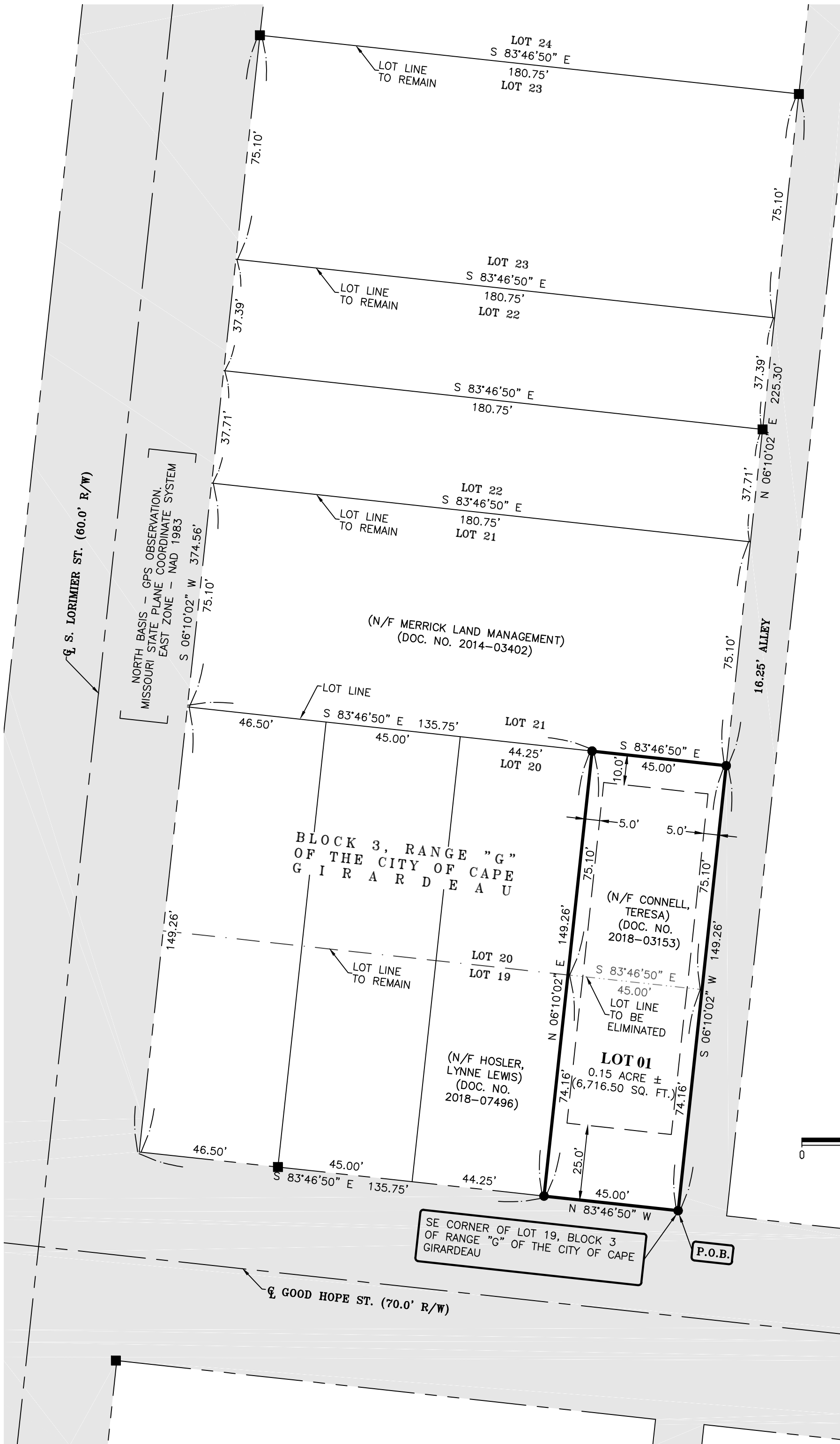
City Council Action

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

ORDINANCE # _____ Effective Date: _____

RECORD PLAT OF: TERESA CONNELL SUBDIVISION

PART OF LOTS 19 AND 20, BLOCK 3, RANGE "G",
U.S.P.S. 2199, TOWNSHIP 30 NORTH,
RANGE 14 EAST OF THE FIFTH PRINCIPAL MERIDIAN,
IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI



SURVEY AND PLAT PREPARED BY:
DOWDY AND DEJOURNETT SURVEYING
331 S. HIGHWAY 61
SCOTT CITY, MISSOURI 63780
(573) 579-4524
mattdejournett@hotmail.com

TITLE REFERENCES

DOC. NO. 2018-03153 (SUB)
DOC. NO. 2018-07496 (ADJ)
DOC. NO. 2014-03402 (ADJ)

EXCEPTION AND VARIANCE NOTES:

AN EXCEPTION IS SHOWN FOR THE
OMISSION OF THE REQUIRED 10 FOOT
UTILITY EASEMENT ALONG THE FRONT
AND REAR LOT LINES OF LOT 01.

A VARIANCE IS SHOWN FOR A
REDUCED REAR YARD SETBACK ALONG
THE NORTH LOT LINE OF LOT 01.

SUBDIVISION DEDICATION

THE UNDERSIGNED, TERESA CONNELL, OWNER IN FEE OF PART OF LOTS 19 AND 20, BLOCK 3, RANGE "G", U.S.P.S. 2199, TOWNSHIP 30 NORTH, RANGE 14 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI CONTAINING 0.15 ACRES (MORE OR LESS), DESCRIBED AS FOLLOWS: BEGINNING at the southeast corner of said Lot 19 (1/2" iron rod); thence N 83°46'50" W along the South Line of said Lot 19, 45.00 feet to the southeast corner of a parcel described in Document Number 2018-07496; thence N 06°10'02" E along the East Line of said parcel, 149.26 feet to the northeast corner of said parcel and a point in the North Line of said Lot 20; thence S 83°46'50" E along said North Line, 45.00 feet to the northeast corner of said Lot 20; thence S 06°10'02" W along the East Line of Lots 20 and 19, 149.26 feet to the POINT OF BEGINNING, hereby declare that I have caused these presents to be subdivided into one (1) lot as numbered and designated on the annexed plat, which is a true and correct representation of said subdivision, and I have named said Subdivision "Teresa Connell Subdivision", subject to all existing easements, rights of way, restrictions and licenses which may exist thereon, either written or implied.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20__.

TERESA CONNELL

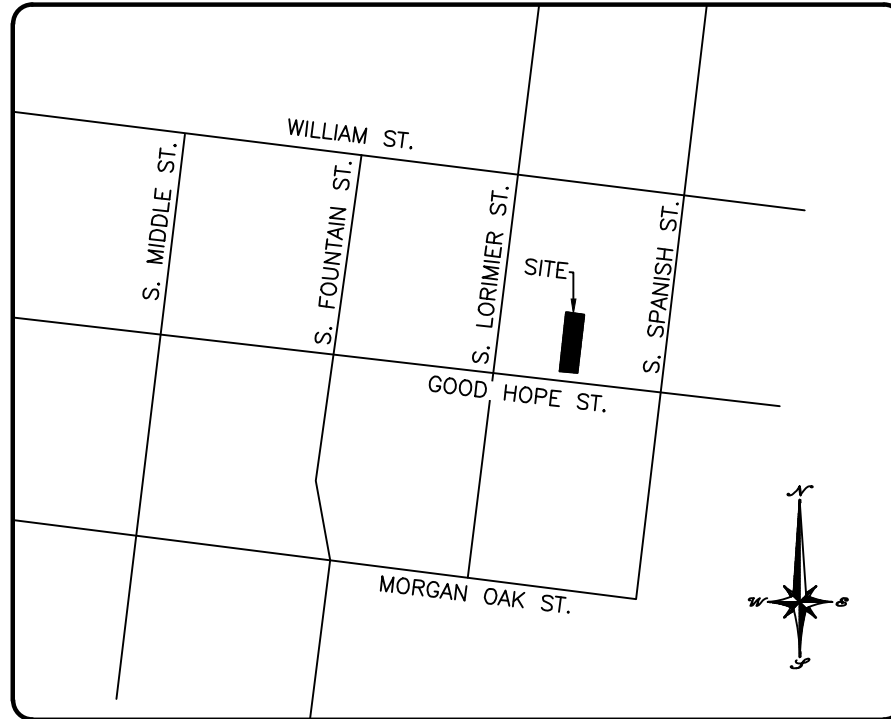
STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU)SS

On this _____ day of _____, 20__, before me, a notary public for the said State and County, appeared Teresa Connell, to me personally known, who did state that she executed the foregoing instrument as her free act and deed.

In witness whereof, I hereby set my hand and affix my official seal in the State and County aforesaid, the date first above written.

NOTARY PUBLIC
My commission expires _____

VICINITY MAP



I, _____, City Clerk of the City of Cape Girardeau, Missouri hereby certify that this plat was approved by the City of Cape Girardeau, Missouri by Ordinance No. _____ passed and approved this _____ day of _____, 20__.

_____, CITY CLERK, CITY OF CAPE GIRARDEAU, MISSOURI

STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU)SS

Filed for record in the office of the county Recorder of Deeds of Cape Girardeau County, Missouri duly recorded under document number _____, at Jackson, Missouri, on this _____ day of _____, 20__ A.D.

ANDREW DAVID BLATTNER, RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MISSOURI

FLOOD PLAIN STATEMENT

THE ENTIRE TRACT OF THE PROPOSED SUBDIVISION IS SHOWN TO BE WITHIN ZONE "X" AS SET FORTH ON COMMUNITY PANEL NO. 29031C0267F WITH AN EFFECTIVE DATE OF 01/20/2016. ZONE "X" IS NOT WITHIN A FLOOD PRONE AREA.

SYMBOLS LEGEND

- = 1/2" IRON RODS (SET).
- = 1/2" IRON RODS (FND).
- RIGHT OF WAY LINE.
- CENTERLINE.
- EXISTING PROPERTY LINE.
- BUILDING SET BACK LINE.
- SUBDIVISION BOUNDARY LINE.
- LOT LINE TO REMAIN.
- LOT LINE TO BE ELIMINATED.

SUBDIVISION NOTES

ZONING
R-4, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL DISTRICT

MAXIMUM HEIGHT: 5 STORIES NOT TO EXCEED 60 FEET
MINIMUM LOT AREA: 3,750 SQ. FEET
MINIMUM LOT WIDTH: NONE
MAXIMUM DENSITY: 18 UNITS PER 1 ACRE

PROPOSED USE = SINGLE-FAMILY RESIDENTIAL

MINIMUM SETBACKS

FRONT = 25 FEET
REAR = 25 FEET
SIDE = 5 FEET

LOT SIZES
TOTAL SUBDIVISION AREA = 6,716.50 SQ. FEET (0.15 ACRE)
TOTAL NUMBER OF LOTS = 1
LARGEST LOT SIZE = 6,716.50 SQ. FEET (0.15 ACRE)
SMALLEST LOT SIZE = 6,716.50 SQ. FEET (0.15 ACRE)

SUBDIVISION PLAT PREPARED FOR:
TERESA CONNELL
222 GOOD HOPE ST.
CAPE GIRARDEAU, MO 63703

REFERENCES

- NORTH BASIS = PER GPS OBSERVATION MISSOURI STATE PLANE COORDINATE SYSTEM - EAST ZONE, NAD 1983 ALONG THE EAST LINE OF LORIMER STREET (S 06°10'02" W)
- RECORD PLAT BOOK 01, PAGE UNLISTED (LAND SURVEY INDEX DOCUMENT NAME = 6514131A)
- P.O.B. = POINT OF BEGINNING.
- P.O.C. = POINT OF COMMENCEMENT.
- N/F = NOW OR FORMERLY.
- (NTS) = NOT TO SCALE.
- (M) = MEASURED QUANTITY.
- (P) = PLATTED QUANTITY.

SURVEY CERTIFICATION

THIS IS TO CERTIFY THAT I HAVE SURVEYED THE FOREGOING DESCRIBED PARCEL OF LAND AND HAVE PREPARED THE ANNEXED PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, TO THE BEST OF MY ABILITY AND THAT SAID PLAT AND SURVEY WERE DONE IN ACCORDANCE WITH THE CURRENT MISSOURI SURVEY STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY LIMITATION: THIS SURVEY IS BASED ON CONVEYANCES SHOWN ON THIS PLAT. (SEE TITLE REFERENCES) THE UNDERSIGNED LICENSED LAND SURVEYOR DOES NOT WARRANT THAT ALL RELEVANT CONVEYANCES HAVE BEEN DISCOVERED OR ARE KNOWN.

THIS LIMITATION MAY BE REMOVED UPON PRESENTATION OF A CERTIFIED RECORD SEARCH OF THE LAND DESCRIBED IN THIS SURVEY PRESENTATION.

DONE THIS 04 th. DAY OF APRIL, 2019.

MATTHEW D. DEJOURNETT
MO-PLS-2015000226
331 S. HIGHWAY 61
SCOTT CITY, MISSOURI 63780

DOWDY AND DEJOURNETT SURVEYING

LARRY D. DOWDY, PLS

MATT DEJOURNETT, PLS

DEJOURNETT SURVEYING, LLC.
(LS-2015007724)
331 S. HIGHWAY 61,
SCOTT CITY, MO 63780
Ph: (573) 579-4524
mattdejournett@hotmail.com

DATE: 04/04/19

COMMENTS

REVISION 1:

REVISION 2:

ASSESSORS MAP No.: 21-111

JOB NUMBER: 2018-175

DRAWN BY: MDD

SURVEY CLASS: URBAN

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-139

SUBJECT

An Ordinance approving the Record Plat of Randolph Subdivision.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for combining two tracts at 2421 Albert Rasche Drive.

BACKGROUND/DISCUSSION

A record plat has been submitted for Randolph Subdivision, located at 2421 Albert Rasche Drive. The property is zoned R-1 (Single-Family Suburban Residential). The plat combines two tracts to form one new lot. The plat shows variances for reduced lot area and width. Staff supports the variances due to this being an existing parcel with no additional land available.

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 12, 2019 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 Randolph Subdivision.doc	Ordinance
Staff Review-Referral-Action Form.pdf	Randolph Subdivision - Staff RRA Form
Map - Randolph Subdivision.pdf	Randolph Subdivision - Map
Application - Randolph Subdivision Record Plat.pdf	Randolph Subdivision - Application
RANDOLPH_SUB_52819.pdf	Randolph Subdivision - Record Plat

BILL NO. 19-99

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
RANDOLPH SUBDIVISION

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

ARTICLE 1. The record plat of Randolph Subdivision, being that part of Lot numbered Ten (10), and part of Lot numbered Eleven (11), in Block numbered Two (2) of Suburban Heights, a subdivision in the City of Cape Girardeau as shown by Plat recorded in Plat Book #6, at page numbered #16, of the land records of Cape Girardeau County, Missouri, submitted by Charles E. Randolph, bearing the certification of Scott A. Richards, a Registered Land Surveyor, dated the 17th day of March, 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.

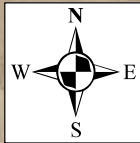
PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

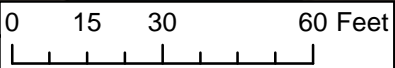
Bruce Taylor, Deputy City Clerk

Randolph Subdivision



CITY of CAPE GIRARDEAU

Created by: Development Services
Carol Peters
May 15, 2019



Legend

- Parcels
- Lot Line



SUBDIVISION PLAT APPLICATION

CITY of CAPE GIRARDEAU

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

Name of Subdivision <u>Randolph Miner Subd.</u>		Type of Plat: Preliminary, Record, or Boundary Adjustment	
Applicant <u>Charles E Randolph</u>		Property Owner of Record (if other than Applicant)	
Mailing Address <u>2421 Albert Rasche</u>	City, State, Zip <u>Cape Girardeau MO 63701</u>	Mailing Address	City, State, Zip
Telephone <u>573-576-7486</u>	Email <u>chaz2457@yahoo.com</u>	Telephone	Email
Contact Person (If Applicant is a Business or Organization)		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant) <u>Richards Land Surveying</u>		Developer (if other than Applicant)	
Mailing Address <u>1813 Greenbrier Dr</u> <u>Cape Girardeau MO</u>	City, State, Zip <u>63701</u>	Mailing Address	City, State, Zip
Telephone <u>573-339-7473</u>	Email <u>rlsurvey@charter.net</u>	Telephone	Email

ADDITIONAL ITEMS
REQUIREDSee 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.

Diane Randolph Diane Randolph 5-15-19
Applicant Signature and Printed Name Date

OFFICE USE ONLY

Date Received & By 5-15-19 CP MUNIS Application No. 8810
Planning & Zoning Commission Recommendation _____ Date _____
City Council Final Action _____ Date _____

CITY OF CAPE GIRARDEAU, MISSOURI
City Staff Review, Referral and Action - Subdivision Application

FILE: **Randolph Subdivision**

LOCATION: 2421 Albert Rasche Drive

STAFF REVIEW & COMMENTS:

A record plat has been submitted which combines two (2) lots at 2421 Albert Rasche Drive. SEE STAFF REPORT FOR MORE DETAILS.

By 836.
City Planner

5/28/19
Date

W. ERIC JENNINGS
City Attorney

MAY 28, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

5-28-19
Date

Planning & Zoning Commission

RECOMMENDED ACTION:

	Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Favor	Oppose	Abstain
Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

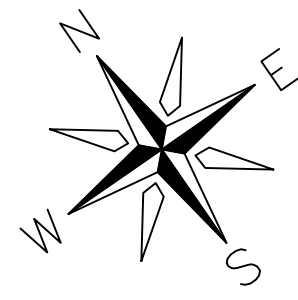
CITIZENS COMMENTING AT MEETING:

[Signature]
Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

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

ORDINANCE # _____ Effective Date: _____



NORTH FROM
MISSOURI STATE PLANE
COORDINATE SYSTEM

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

RECORD PLAT OF MIDAMERICA CROSSINGS SECOND SUBDIVISION

A RESUBDIVISION OF ALL OF LOT NUMBER 4 OF MIDAMERICA CROSSINGS AS RECORDED IN DOCUMENT NUMBER 2016-14260 OF THE
COUNTY LAND RECORDS, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI.

SUBDIVISION DEDICATION

I, Daniel M. Drury, President of Victorian Inns Inc. NKA Midamerica Hotels Corporation, a Missouri Corporation, owner in fee of all of Lot Number 4 of Midamerica Crossings as recorded in Document Number 2016-14260 of the County land records, in the City and County of Cape Girardeau, State of Missouri, do hereby subdivide said tract into lots as shown hereon, and do hereby name said subdivision, "Midamerica Crossings Second Subdivision".

Daniel M. Drury
President of Victorian Inns Inc. NKA Midamerica Hotels Corporation

STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU)

On this ____ day of _____, 20____, before me, a Notary Public for said County and State, appeared Daniel M. Drury, President of Victorian Inns Inc. NKA Midamerica Hotels Corporation, a Missouri Corporation, to me known to be the person described herein, and who executed the foregoing instrument as the free act and deed of said Corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this ____ day of _____, A.D., 20____.

My commission expires _____.

Notary Public

I, _____, City Clerk of the City of Cape Girardeau, Missouri, hereby certify that this plat was approved by the City of Cape Girardeau, Missouri,

by Ordinance No. _____, passed and approved

this ____ day of _____, A.D., 20____.

City Clerk, City of Cape Girardeau, Missouri

STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU)

Filed for record this ____ day of _____, A.D., 20____, in Document Number _____.

Andrew David Blattner, Recorder of Deeds
Cape Girardeau County, Missouri

THIS SURVEY OF A TRACT OF URBAN PROPERTY WAS
PERFORMED IN ACCORDANCE WITH THE CURRENT MINIMUM
STANDARDS FOR PROPERTY BOUNDARY SURVEYS IN THE
STATE OF MISSOURI AS MADE EFFECTIVE JUNE 30, 2017.

SUBDIVISION NOTES

LOT SIZES

TOTAL NUMBER OF LOTS: 3
SMALLEST LOT SIZE: 15,509 SQ. FT. (0.35 ACRES)
LARGEST LOT SIZE: 765,223 SQ. FT. (17.56 ACRES)

ZONING

C-2 (HIGHWAY COMMERCIAL DISTRICT)
BUILDING SETBACKS
FOR C-2 ZONING

FRONT: 25 FEET
REAR & SIDE: NONE, EXCEPT 20 FEET WHEN ADJACENT
TO A RESIDENTIAL USE OR DISTRICT, OR 10 FEET
WHEN ADJACENT TO AN AGRICULTURAL USE OR
DISTRICT

AREA AND BULK FOR C-2 ZONING

MINIMUM LOT AREA: None
MINIMUM LOT WIDTH: None
RECORD OWNER

MIDAMERICA HOTELS CORPORATION
DEED BOOK 464 PAGE 554
DEED BOOK 407 PAGE 271
DOC. #2008-11929

DEVELOPER OF SUBDIVISION
AND PLAT PREPARED FOR:

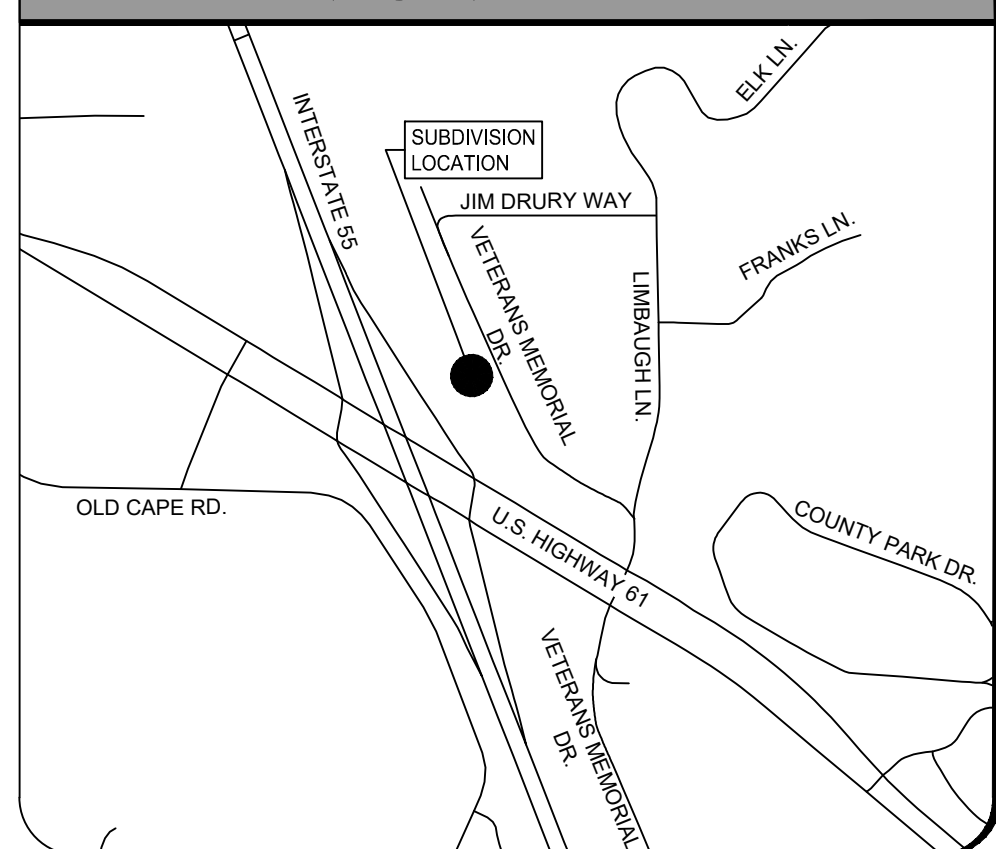
MIDAMERICA HOTELS CORPORATION
105 SOUTH MOUNT AUBURN ROAD
CAPE GIRARDEAU, MO 63703
(573) 334-0546

PLAT PREPARED BY AND LAND
SURVEYING SERVICES PROVIDED BY:
KOEHLER ENGINEERING AND LAND SURVEYING, INC.
194 COKER LANE
CAPE GIRARDEAU, MO 63701
(573) 335-3026

PLAT REFERENCE

Midamerica Crossings
Doc. No. 2016-14260

VICINITY MAP



FLOODPLAIN NOTE

NO PORTION OF THE PROPERTY FALLS WITHIN THE
100 YEAR FLOODPLAIN, AS INDICATED ON THE FLOOD
INSURANCE RATE MAP NUMBER 29031C0251E WITH
AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

LEGEND

- = FOUND 1/2" IRON ROD
- = FOUND 5/8" IRON ROD
- ⦿ = SET 1/2" IRON ROD
- = ROAD RIGHT-OF-WAY LINE
- = ROAD CENTERLINE
- - - = SUBDIVISION BOUNDARY LINE
- · - · - = PROPOSED LOT LINE
- · · · · = BUILDING SETBACK LINE
- · - · - = EXISTING EASEMENT LINE
- · — · — = EXISTING LOT LINE
- = SECTION LINE

NOTE: 1/2" RODS SET AT ALL LOT CORNERS,
UNLESS OTHERWISE INDICATED

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S58° 55' 05"E	75.17'
L2	N80° 43' 57"E	70.55'
L3	N11° 04' 02"E	14.00'
L4	S12° 17' 16"E	56.39'
L5	N05° 18' 47"W	17.62'
L6	N31° 06' 26"E	215.90'

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	96.78'	341.25'	S04° 10' 06"E	96.45'
C2	30.08'	260.00'	N08° 37' 40"W	30.07'
C3	196.60'	260.00'	N33° 36' 17"W	191.95'

LOT #1
Midamerica Crossings

LOT #2
Midamerica Crossings

LOT #3
Midamerica Crossings

LOT #4C
17.56 ACRES

LOT #4B
1.99 ACRES

LOT #4A
0.35 ACRES

RECORD PLAT OF:
MIDAMERICA CROSSINGS SECOND
SUBDIVISION

KOEHLER
ENGINEERING AND LAND SURVEYING, INC.

Civil Engineering and Surveying Services
194 Coker Lane - Cape Girardeau, MO 63701
Phone: 573.335.3026 - Fax: 573.335.3049
www.koehleengineering.com

RECORD PLAT

KELS PUCT NO. 34476
OWNER NO. _____
SURVEYED BY CK
DRAWN BY EB
CHECKED BY CK
DATE 05.14.2019
SHEET NO. _____

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-140

SUBJECT

An Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Bicycle and Motorcycle Parking.

EXECUTIVE SUMMARY

The attached ordinance amends the bicycle and motorcycle parking regulations in the Development Code (Chapter 25 of the Code of Ordinances).

BACKGROUND/DISCUSSION

Attached is an amendment to the Development Code (Chapter 25 of the Code of Ordinances) regarding bicycle and motorcycle parking. Currently, Section 25-210(a) of the Code allows bicycle and motorcycle parking spaces to be substituted for vehicle (car and truck) parking spaces up to ten percent (10%) of the required vehicle parking at a rate of two (2) bicycle or motorcycle spaces for each required vehicle space. Substitution is only allowed for parking lots with at least ten (10) vehicle parking spaces serving any of the following uses: offices, manufacturing, regional shopping centers, colleges and universities, medical centers, and health and fitness centers.

Staff believes this substitution provision provides flexibility in meeting the parking requirements for the uses listed. Staff does not see why it should be restricted to certain uses, however. The provision incentivizes developers to incorporate bicycle and motorcycle parking into their developments, thus accommodating these modes of transportation and potentially reducing impervious surface area. Staff believes these benefits should be made available to all uses. The amendment removes the use restriction and reorganizes/rewords the bicycle and motorcycle parking requirements.

STAFF RECOMMENDATION

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

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its June 12, 2019 meeting, recommended approval of the amendment with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The Director of Development Services holds quarterly roundtable discussions with local developers to discuss challenges experienced in the development process. Developers attending those meetings have expressed support for more flexibility in the City Code for meeting parking requirements.

ATTACHMENTS:

Name:	Description:
Amending Ch 25 Bicycle and motorcycle parking.docx	Ordinance
Chapter 25 Amendment Regarding Bicycle and Motorcycle Parking (Edits Copy).-	Chapter 25 Amendment Regarding Bicycle & Motorcycle

June 12 2019.pdf	Parking (Edits Copy)
Chapter 25 Amendment Regarding Bicycle and Motorcycle Parking (Clean Copy) - June 12 2019.pdf	Chapter 25 Amendment Regarding Bicycle & Motorcycle Parking (Clean Copy)

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE
OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU,
MISSOURI, REGARDING BICYCLE AND MOTORCYCLE
PARKING

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

ARTICLE 1. Section 25-210, entitled "Bicycle and motorcycle
parking", of Article II of Chapter 25 of the City Code, reading
as follows:

Sec. 25-210. - Bicycle and motorcycle parking.

(a) Bicycle and motorcycle parking reduction allowance. Up
to ten (10) percent of required vehicle parking may be
substituted with bicycle or motorcycle parking at a rate of
two (2) bicycle or motorcycle spaces for each required
vehicle space. The reduction allowance is applicable only
to parking lots that contain at least ten (10) or more
vehicle parking spaces and to the following uses: office,
manufacturing, regional shopping centers, colleges and
universities, medical centers, and health and fitness
centers.

(b) Bicycle parking facilities shall be equipped with
either a lockable enclosure (bicycle locker) or a
permanent, secure, and stationary structure (bicycle rack)
that supports the bicycle frame and to which the frame and
both bicycle wheels can be locked (with the removal of the
front wheel) or where the frame and one (1) wheel can be
locked (if both wheels remain on the bicycle). Each bicycle
parking space shall be at least six (6) feet long, two (2)
feet wide and shall have a minimum overhead clearance of
seven (7) feet. If more than one (1) bicycle rack is used,
an access aisle five (5) feet wide at a minimum is required
beside or between each row of bicycle racks.

(c) Each motorcycle parking space shall be at least eight
(8) feet long, five (5) feet wide and shall have a minimum
overhead clearance of seven (7) feet.

(d) Bicycle and motorcycle parking facilities shall be
surfaced with all-weather material and maintained in a safe
and neat condition. Bicycle and motorcycle parking
facilities shall be clearly designated, safely separated
from vehicle maneuvering areas, and located near the main

and employee entrances to the principle use. Bicycle and motorcycle parking facilities in parking structures shall be located on the ground level.

is hereby repealed in its entirety and a new Section 25-210, entitled "Bicycle and motorcycle parking", is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 25-210. - Bicycle and motorcycle parking.

(a) *Bicycle and motorcycle parking standards.* Bicycle and motorcycle parking facilities shall comply with the following standards:

(1) Facilities shall be surfaced with all-weather material.

(2) Facilities shall be maintained in a safe and neat condition.

(3) Facilities shall be located near the main entrance of the building(s) they are intended to serve.

(4) Facilities located in parking structures shall be located on the ground level.

(5) Bicycle parking facilities shall be safely separated from vehicle maneuvering areas.

(6) Bicycle parking facilities shall be equipped with either a lockable enclosure (bicycle locker) or a permanent, secure, and stationary structure (bicycle rack) that supports the bicycle frame and to which the frame and both bicycle wheels can be locked (with the removal of the front wheel) or to which the frame and one (1) wheel can be locked (if both wheels remain on the bicycle).

(7) Each bicycle parking space shall be at least six (6) feet long, two (2) feet wide, and shall have a minimum overhead clearance of seven (7) feet. If more than one (1) bicycle rack is used, an access aisle having a minimum width of five (5) feet shall be provided beside or between each row of bicycle racks.

(8) Motorcycle parking facilities shall be clearly delineated and contain signage designating the parking spaces for motorcycle parking.

(9) Each motorcycle parking space shall be at least eight (8) feet long, five (5) feet wide, and shall have a minimum overhead clearance of seven (7) feet.

(b) *Bicycle and motorcycle parking substitution allowance.* Up to ten (10) percent of required vehicle parking may be substituted with bicycle or motorcycle parking at a rate of two (2) bicycle or motorcycle spaces for each required vehicle space.

ARTICLE 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 3. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

TEXT TO BE DELETED IS SHOWN IN STRIKETHROUGH

TEXT TO BE ADDED IS SHOWN IN RED

ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT: None

Sec. 25-210. - Bicycle and motorcycle parking.

~~(a) Bicycle and motorcycle parking reduction allowance. Up to ten (10) percent of required vehicle parking may be substituted with bicycle or motorcycle parking at a rate of two (2) bicycle or motorcycle spaces for each required vehicle space. The reduction allowance is applicable only to parking lots that contain at least ten (10) or more vehicle parking spaces and to the following uses: office, manufacturing, regional shopping centers, colleges and universities, medical centers, and health and fitness centers.~~

~~(b) Bicycle parking facilities shall be equipped with either a lockable enclosure (bicycle locker) or a permanent, secure, and stationary structure (bicycle rack) that supports the bicycle frame and to which the frame and both bicycle wheels can be locked (with the removal of the front wheel) or where the frame and one (1) wheel can be locked (if both wheels remain on the bicycle). Each bicycle parking space shall be at least six (6) feet long, two (2) feet wide and shall have a minimum overhead clearance of seven (7) feet. If more than one (1) bicycle rack is used, an access aisle five (5) feet wide at a minimum is required beside or between each row of bicycle racks.~~

~~(c) Each motorcycle parking space shall be at least eight (8) feet long, five (5) feet wide and shall have a minimum overhead clearance of seven (7) feet.~~

~~(d) Bicycle and motorcycle parking facilities shall be surfaced with all-weather material and maintained in a safe and neat condition. Bicycle and motorcycle parking facilities shall be clearly designated, safely separated from vehicle maneuvering areas, and located near the main and employee entrances to the principle use. Bicycle and motorcycle parking facilities in parking structures shall be located on the ground level.~~

(a) *Bicycle and motorcycle parking standards.* Bicycle and motorcycle parking facilities shall comply with the following standards:

- (1) Facilities shall be surfaced with all-weather material.
- (2) Facilities shall be maintained in a safe and neat condition.
- (3) Facilities shall be located near the main entrance of the building(s) they are intended to serve.
- (4) Facilities located in parking structures shall be located on the ground level.
- (5) Bicycle parking facilities shall be safely separated from vehicle maneuvering areas.
- (6) Bicycle parking facilities shall be equipped with either a lockable enclosure (bicycle locker) or a permanent, secure, and stationary structure (bicycle rack) that supports the bicycle frame and to which the frame and both bicycle wheels can be locked (with the removal of the front wheel) or to which the frame and one (1) wheel can be locked (if both wheels remain on the bicycle).
- (7) Each bicycle parking space shall be at least six (6) feet long, two (2) feet wide, and shall have a minimum overhead clearance of seven (7) feet. If more than one (1) bicycle rack is used, an access aisle having a minimum width of five (5) feet shall be provided beside or between each row of bicycle racks.
- (8) Motorcycle parking facilities shall be clearly delineated and contain signage designating the parking spaces for motorcycle parking.

- (9) Each motorcycle parking space shall be at least eight (8) feet long, five (5) feet wide, and shall have a minimum overhead clearance of seven (7) feet.
- (b) *Bicycle and motorcycle parking substitution allowance.* Up to ten (10) percent of required vehicle parking may be substituted with bicycle or motorcycle parking at a rate of two (2) bicycle or motorcycle spaces for each required vehicle space.

SUBJECT

This ordinance would appropriate funds for operating expenditures, capital expenditures, debt service expenditures and transfers for the fiscal year ending June 30, 2019.

EXECUTIVE SUMMARY

The attached appropriation ordinance is routinely submitted each year at this time and covers expenditures incurred in the fiscal year ending June 30, 2019 that were not included in that year's original adopted budget. Although Council approved a majority of the expenditures during the current or previous fiscal years, appropriations have not previously been made to the fiscal year ending June 30, 2019 budget. Some of the expenditures included in this ordinance were for expenditures appropriated in previous years' budgets but not encumbered or incurred until this year. Since appropriations expire at the end of each fiscal year, portions encumbered or incurred this year should be re-appropriated.

BACKGROUND/DISCUSSION

Article 1 of the attached ordinance appropriates the following operating expenditures:

General Fund Departments totaling \$793,751.00 - This appropriation covers increased administrative, development services, public safety, public works and parks and recreation expenditures and can be broken down as follows:

- (1) \$36,096.00 for non-personnel expenditures that were covered by grants not assumed in the original budget.
- (2) \$64,700.00 for expenditures related to a City Hall space study and analysis of possible use of the Common Pleas Courthouse that had not been included in the original budget.
- (3) \$40,000.00 for expenditures related to an award paid on a claim against the City that had not been included in the original budget.
- (4) \$19,855.00 for expenditures related to a telecommunication audit that had not been included in the original budget.
- (5) \$55,000.00 for expenditures related to development payments due per the Convention Center development agreement that has not been included in the original budget.
- (6) \$315,000.00 of police and fire personnel expenditures that exceed their budgets as a result of unbudgeted grant covered personnel costs, providing fire coverage at the Airport that had not been assumed in the budget, using additional overtime to provide adequate 911 service, and using additional overtime and part-time hours used as a result of increasing staffing levels for the City's jailing operation. Approximately \$40,000 of these expenditures will be covered by revenues not included in the original budget.
- (7) \$48,000.00 for expenditures related to the purchase of turn out gear and the replacement of a washer extractor that had not been included in the original budget. A portion of the proceeds from the sale of a retired fire vehicle funded the purchase of these items.

(8) \$30,250.00 for expenditures related to I-Cloud storage for the City's new body camera system that had not been included in the original budget.

(9) \$29,000.00 for expenditures related to legal costs for outside counsel relating to items not assumed by the original budget.

(10) \$13,500.00 for expenditures related to insurance coverage of the City's street lights not assumed by the original budget. This was the first year of this coverage.

(11) \$60,000.00 for additional public safety fleet maintenance costs.

(12) \$22,500.00 for additional public safety utility expense.

(13) \$28,350.00 for additional fire operating expenses.

(14) \$22,000.00 for additional park overtime and part-time costs.

(15) \$9,500.00 for additional park operating expense.

The Airport and Parks and Recreation funds totaling \$102,350.00 and \$68,896.00 respectively –The increased costs in these funds that are not covered by revenues or assigned fund balances in their respective funds are covered by additional operating transfers included in Article 4 of this ordinance. Additional operating transfers from the General Fund to these funds are \$73,035 and \$105,000 respectively in Article 4.

The remaining operating expense appropriations included in this Article are either covered by additional current year revenue or unencumbered fund balances in their respective funds.

Article 2 of the attached ordinance appropriates the following capital expenditures:

Public Safety related expenditures totaling \$62,380.00 - \$17,880 of these expenditures were covered by grant revenues. The remaining expenditures were covered by a portion of the proceeds from the sale of a retired fire vehicle.

Parks and Recreation related expenditures totaling \$133,803.00 - All of these expenditures were covered by the operating portion of the parks stormwater sales tax.

Equipment and capital improvements for the Cape Regional Airport expenditures totaling \$127,751.00 - These expenditures were covered by grant revenues, insurance claims and airport fund balance.

Public Safety equipment, plan review software, truck routing software totaling \$88,144 – These costs were funded by Casino Fund revenues.

Various transportation related projects totaling \$825,500.00. These expenditures were funded using various funding sources across various funds.

General Capital Improvement Fund totaling \$91,500.00 – This appropriation covers the completion of the police headquarters and jail and were funded by transfers from the Public Safety Trust Fund II.

Sewer Fund totaling \$600,000.00 – This appropriation covers the cost of completing the Gordonville Booster Pump Station.

Water Fund totaling \$140,435.00 – This appropriation covers the cost of replacing a wrecked solid waste collection vehicle from insurance compensation.

Article 3 of the attached ordinance appropriates the following debt service expenditures:

Convention and Tourism Fund totaling \$300.00 – This appropriation covers the handling costs related to the bonds issued to construct the SportsPlex that had not been included in the original budget.


Article 4 of the attached ordinance authorizes additional transfers between funds. Additional transfers totaling \$423,035.00 are from the general fund to other funds. The general fund transfers covers potential operating deficits in the airport, parks and recreation, and sports complex funds, and transfers to cover internal charges from Parks and Recreation to various capital projects.

The remaining transfers totaling \$299,287 fund other capital projects, equipment purchases, and transfer the public safety equipment sales proceeds to the public safety trust fund.

STAFF RECOMMENDATION

Staff recommends approval of this ordinance.

ATTACHMENTS:

Name:	Description:
 Year End Appropriation 6-30-19.docx	Ordinance

BILL NO. 19-102

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING FUNDS FOR
OPERATING EXPENDITURES, CAPITAL
EXPENDITURES, DEBT SERVICE EXPENDITURES, AND
TRANSFERS FOR THE FISCAL YEAR ENDING JUNE
30, 2019, IN THE CITY OF CAPE GIRARDEAU,
MISSOURI

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

ARTICLE 1. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates from the unappropriated balance of the identified funds for expenditure during the fiscal year ending June 30, 2019, for the operating expenditures of the departments specified, in the following amounts:

Administrative (General Fund) - One Hundred Fifty-three Thousand Five Hundred Fifty-five Dollars (\$153,555.00) for unbudgeted costs related to the City Hall space study, legal fees, a telecommunication audit, and a claim against the City.

Development Services (General Fund) - Fifty-five Thousand Dollars (\$55,000.00) for unbudgeted expenditures related to economic development payments related to the new convention center.

Public Safety (General Fund) - Five Hundred Forty Thousand One Hundred Ninety-six Dollars (\$540,196.00) for costs related to unbudgeted grant funded public safety expenditures, unbudgeted I-cloud storage costs for body cameras, unbudgeted turn out gear costs, unbudgeted costs of a washer extractor, additional police expenditures related to overtime costs, fleet maintenance, and utility costs, and additional fire expenditures related to overtime costs, fleet maintenance, vehicle and building insurance, telephone, utility, and vehicle fuel costs.

Public Works (General Fund) - Thirteen Thousand Five Hundred Dollars (\$13,500.00) for unbudgeted

expenditures related to insurance coverage related to street lighting.

Parks and Recreation Works (General Fund) - Thirty-one Thousand Five Hundred Dollars (\$31,500.00) for additional expenditures related to part-time and over-time salaries, building and contents insurance, and land maintenance supplies.

Development Services (Airport Fund) - One Hundred Two Thousand Three Hundred Fifty Dollars (\$102,350.00) for unbudgeted costs related to bad debts, janitorial services, lease of an additional fuel truck, and additional expenditures related to building repairs and maintenance, utilities, fire training, and the air show.

Parks and Recreation (Parks and Recreation Fund) - Sixty-eight Thousand Eight Hundred Ninety-six Dollars (\$68,896.00) for unbudgeted special event costs, park sales tax funded Cape Splash furniture and fixture purchases, air conditioner repair, and additional expenditures related to small equipment purchases, utility, and special event costs.

Development Services (Capital Improvement Sales Tax - Sewer System Improvement Fund) - Twenty-seven Thousand Five Hundred Dollars (\$27,500.00) for additional payments required by economic development agreements

Public Works (Sewer Fund) - One Hundred Twenty-five Thousand Dollars (\$125,000.00) for additional sludge disposal costs

Public Works (Water Fund) - One Hundred Twenty-five Thousand Dollars (\$125,000.00) to cover additional chemical and water line supply costs.

Public Works (Solid Waste Fund) - Four Hundred Eighteen Thousand One Hundred Dollars (\$418,100.00) for costs related to unbudgeted software maintenance, recycling processing, baler repair expenditures, and additional expenditures to cover additional part-time and over-time salaries, fleet maintenance, disposal and tub grinding costs.

Parks and Recreation (Golf Fund)- Nine Thousand Forty-five Dollars (\$9,045.00) to cover additional fleet maintenance and small equipment costs.

Internal Service (Fleet Maintenance Fund) - Ninety-seven Thousand Five Hundred Dollars (\$97,500.00) to cover additional external repair, lubricant, parts and building repair costs.

Internal Service (Employee Fringe Benefit Fund) - Three Hundred Thousand Dollars (\$300,000.00) to cover additional estimated claims.

Internal Service (Workmen's Compensation Fund) - One Hundred Eight Thousand Dollars (\$108,000.00) to cover additional estimated claims and Second Injury Fund payments.

ARTICLE 2. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates from the unappropriated balance of the identified funds for expenditure during the fiscal year ending June 30, 2019, for additional capital expenditures of the departments specified, in the following amounts:

Public Safety (General Fund) - Sixty-two Thousand Three Hundred Eighty Dollars (\$62,380.00) for costs related to unbudgeted grant funded public safety communication equipment purchases, and fire mechanics truck purchase.

Parks and Recreation (General Fund) - Seventy-six Thousand Dollars (\$76,000.00) for unbudgeted costs related to purchases of two parcels of land at 1237 N. Water for future potential parks funded by the operating portion of the Parks and Stormwater Sales Tax.

Development Services (Airport Fund) - One Hundred Twenty-seven Thousand Seven Hundred Fifty-one Dollars (\$127,751.00) for unbudgeted grant funded equipment and runway improvement expenditures, costs to replace the door on the Cape Aviation building, and upgrades

to the airport access gate, fencing, and security system funded by proceeds from an insurance claim.

Parks and Recreation (Parks and Recreation Fund) - Fifty-seven Thousand Eight Hundred Three Dollars (\$57,803.00) for unbudgeted building improvements and equipment purchases funded by the operating portion of the Parks and Stormwater Sales Tax.

Capital Projects (Casino Revenue Fund) - Eighty-eight Thousand One Hundred Forty-four Dollars (\$88,144.00) for the unbudgeted costs of public safety equipment, plan review software, and truck routing software.

Capital Projects (Motor Fuel Tax Fund) - Three Hundred Thirty-five Thousand Five Hundred Dollars (\$335,500.00) for unbudgeted costs related to the City's contribution to MODOT's Diverging Diamond Project.

Capital Projects (Transportation Trust Fund IV) - Two Hundred Forty Thousand Dollars (\$240,000.00) for the carryover of unused portions of previous years' appropriations for various projects.

Capital Projects (Transportation Trust Fund V) - Two Hundred Fifty Thousand Dollars (\$250,000.00) to cover costs of a sidewalk point repair project.

Capital Projects (General Capital Improvements Fund) - Ninety-one Thousand Five Hundred Dollars (\$91,500.00) to cover costs of completing the police headquarters and jail.

Public Works (Sewer Fund) - Six Hundred Thousand Dollars (\$600,000.00) to cover costs of completing the Gordonville Booster Pump Station.

Public Works (Solid Waste Fund) - One Hundred Forty Thousand Four Hundred Thirty-five Dollars (\$140,435.00) to cover costs of replacing a wrecked solid waste collection vehicle from insurance proceeds.

ARTICLE 3. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates from the

unappropriated balance of the identified funds for expenditure during the fiscal year ending June 30, 2019, for additional debt service expenditures of the departments specified, in the following amounts:

Debt Service (Convention and Tourism Fund) - Three Hundred Dollars (\$300.00) to cover unbudgeted handling costs of bonds issued to construct the SportsPlex.

ARTICLE 4. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates from the unappropriated balance of the identified funds for expenditure during the fiscal year ending June 30, 2019, for additional transfer between funds, in the following amounts:

General Fund to Airport Fund - Seventy-three Thousand Thirty-five Dollars (\$73,035.00) to cover estimated net cost of the air show and potential additional operating subsidy.

General Fund to Parks and Recreation Fund - One Hundred Five Thousand Dollars - (\$105,000.00) to cover potential additional operating subsidy.

General Fund to Sports Complex Fund - Twenty Thousand Dollars (\$20,000.00) to cover potential additional operating subsidy.

Parks and Stormwater Sales Tax - Operating Fund to Golf Fund - Thirty Thousand Dollars (\$30,000.00) to cover potential additional operating subsidy.

Public Safety Trust Fund to Public Safety Trust Fund II - Six Thousand Five Hundred Fifty Dollars (\$6,550.00) to cover the transfer of proceeds of the sale of police vehicles.

Public Safety Trust Fund II to General Capital Improvements Fund - Twenty-three Thousand One Hundred Forty-one Dollars (\$23,141.00) to cover a portion of the cost of new fire facilities.

Public Safety Trust Fund II to General Capital Improvements Fund - Fifty-seven Thousand Twelve Dollars (\$57,012.00) to cover a portion of the cost of the new police headquarters.

Parks and Stormwater Sales Tax - Operating Fund to General Fund - Seventy-seven Thousand Nine Hundred Seventeen Dollars (\$77,917.00) to cover costs related to various unbudgeted one-time expenditures.

Parks and Stormwater Sales Tax - Operating Fund to Parks and Recreation Fund - Ninety-two Thousand Six Hundred Eighty-five Dollars (\$92,685.00) to cover costs related to various unbudgeted one-time expenditures.

Parks and Stormwater Sales Tax - Operating Fund to Sports Complexes Fund - Eleven Thousand Nine Hundred Eighty-two Dollars (\$11,982.00) to cover costs related to various unbudgeted one-time expenditures.

General Fund to Parks Improvement Capital Project Fund - Two Hundred Twenty-five Thousand Dollars (\$225,000.00) to cover additional internal charges to the various park improvement projects to be completed during the year.

ARTICLE 5. 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 Taylor, Deputy City Clerk
Agenda: 6/17/2019

AGENDA REPORT
Cape Girardeau City Council

SUBJECT

Three appointments to the Public Library Board of Directors for terms expiring June 30, 2022.

EXECUTIVE SUMMARY

David Diveley, John Voss, and Fran Austin have terms on the Public Library Board of Trustees expiring June 30, 2019. Fran Austin resigned from the Board April 9, 2019, due to no longer residing in the Library District. David Diveley and John Voss have expressed interest in reappointment. A copy of the board roster and attendance roster is attached for your review.

BACKGROUND/DISCUSSION

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

Applicant	Ward	Citizen Academy Graduate
Cynthia Heischmidt	5	no
David Diveley	5	no
Emily Vines	2	no
James Newman	5	yes
John Voss	1	yes

BOARD OR COMMISSION RECOMMENDATION

The Library Board recommends appointing Emily Vines and reappointing David Diveley and John Voss to the Public Library Board of Directors for terms expiring June 30, 2022.

ATTACHMENTS:

Name:	Description:
Diveley, David.04-19-19.pdf	Diveley, David
Heischmidt, Cynthia_03-26-19.pdf	Heischmidt, Cynthia
Newman, James.4-10-19.pdf	Newman, James
Vines, Emily.4-29-19.pdf	Vines, Emily
Voss, John.04-09-19.pdf	Voss, John

 Library_Roster.pdf	Library Roster
 roster_attendance.library.pdf	Library Attendance Roster

CITY OF CAPE GIRARDEAU, MISSOURI

Roster of Advisory Boards and Committees

May 20, 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.

Public Library Board of Trustees

	<u>Date Appointed</u>	<u>Date Reappointed</u>	<u>Term Expires</u>
David Dively	December 7, 2015	07/05/16;	June 30, 2019
Vacant*		---	June 30, 2019
John Voss	November 7, 2016	---	June 30, 2019
Amy Trueblood	March 3, 2014	6/16/14;6/19/17	June 30, 2020
John McGowan	August 6, 2012	6/16/14; 06/19/17	June 30, 2020
Rehka Patterson	July 24, 2017	----	June 30, 2020
Anthony Robinson	June 18, 2018	----	June 30, 2021
Eric Redinger	June 18, 2018	----	June 30, 2021
Stacy Lance Dohogne	June 15, 2015	6/18/18	June 30, 2021

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

PUBLIC LIBRARY BOARD

Attendance Record

Ordinance effective 4/13/00

P = present, A = absent

2019 1st Thursday	Jan 3	Feb 7	Mar 7	Apr 4	May 2	Jun 6	Jul 4	Aug 1	Sep 5	Oct 3	Nov 7	Dec 5	1st letter	2nd letter	3rd letter	termi- nated
Austin, Fran		P	P	P	Resigned 4/9/19											04/09/19
Dively, David		P	P	P	P											
Lane, Stacey		P	P	P	P											
McGowan, John		P	P	P	P											
Patterson, Rehka		P	P	A	P											
Redinger, Eric		P	P	P	P											
Robinson, Anthony		P	P	P	P	Resigned (end of May)										
Trueblood, Amy		P	A	P	P											
Voss, John		P	P	P	A											

2018 4th Thursday	Jan	Feb	Mar	Apr	May	Jun 7	Jul 5	Aug 23	Sep 6	Oct 4	Nov 1	Dec 6	1st letter	2nd letter	3rd letter	termi- nated
Austin, Fran	P	P	P	P		P			P	P						
Dively, David	P	P	P	P		P			P	P						
Haley, Lucas	P	P	A	04/18/18 resigned												04/18/18
Lane, Stacey	P	P	A	P		P			P	P						
McGowan, John	P	P	P	P		P			A	P						
Patterson, Rehka	P	P	A	P		P			P	P						
Redinger, Eric	Appointed 6/6/18								P	P						
Robinson, Anthony									P	P						
Thompson, Ed	P	A	P	A		P			Term Expired							#####
Trueblood, Amy	P	P	P	P		P			P	P						
Voss, John	P	P	A	P		P			P	P						

Staff: Gayle L. Conrad, Director of
Agenda: Citizen Services/City Clerk
6/17/2019

MEMORANDUM
Cape Girardeau City Council

SUBJECT

Cape Dogwood Community Improvement District Budget Ending June 30, 2020

EXECUTIVE SUMMARY

The Cape Dogwood Community Improvement District submitted its proposed Budget Ending June 30, 2020 for City Council's comment. See attachment.

BACKGROUND/DISCUSSION

GENERAL DIRECTION

If the City Council has any comments on the proposed budget, please submit to the City Clerk's Office.

ATTACHMENTS:

Name:	Description:
 BudgetProposed.2019-2020.CapeDogwood.pdf	Cape Dogwood CID Proposed Budget ending 6/30/20



One Metropolitan Square
211 N. Broadway, Suite 2000
St. Louis, Missouri 63102-2746

(314) 436-1000 / (314) 436-1166 FAX / gilmorebell.com

March 28, 2019

VIA CERTIFIED MAIL

Ms. Gayle Conrad
City Clerk
City of Cape Girardeau
401 Independence
Cape Girardeau, Missouri 63703

Re: Cape Dogwood Community Improvement District

Dear Gayle:

Pursuant to Section 67.1471 of the Revised Statutes of Missouri, as amended, enclosed for the Board of Aldermen's review and comment is the proposed budget for the Cape Dogwood Community Improvement District (the "District") for the fiscal year ending June 30, 2019. Please forward any comments that the Board may have.

Please feel free to call me if you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mark A. Spykerman".

Mark A. Spykerman

MAS:etm

Enclosure

cc: Ms. Mina Patel
Mr. John Schneider

**Cape Dogwood
Community Improvement District**

**AMENDED BUDGET FOR
FISCAL YEAR ENDING
JUNE 30, 2019**

and

**BUDGET FOR
FISCAL YEAR ENDING
JUNE 30, 2020**

CAPE DOGWOOD COMMUNITY IMPROVEMENT DISTRICT

BUDGET MESSAGE

BACKGROUND

On April 2, 2018, the Cape Dogwood Community Improvement District (the "District") was created by the City of Cape Girardeau, Missouri (the "City") as a community improvement district pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the "CID Act").

PROJECT DESCRIPTION

The District was formed to fund or assist in funding the CID services and improvements (collectively, the "CID Project"), as well as the administrative, legal and other costs relating to the ongoing operation of the District. The CID Project includes improvements to a blighted area located in the central part of Cape Girardeau, Missouri. On June 20, 2018, a Development Agreement (the "Agreement") was made and entered by and between the City of Cape Girardeau, Missouri (the "City"), the District, Cape Dogwood Redevelopment Corporation and Cape Dogwood 573, L.L.C. The Agreement is to document the process by which the District will reimburse the Developer for reimbursable CID Project costs, provides for the payment of operating costs of the District and provides assurances to the District and the City regarding the implementation of the CID Project. It is the intent of the District to use funds from sales tax revenues to reimburse the Developer.

REVENUE SOURCES

On June 27, 2018, the Board of Directors of the District authorized the imposition of a one percent (1.0%) sales and use tax on all retail sales made within the District (the "CID Sales Tax"). The election for approval of the CID Sales Tax by the qualified voters was held on September 4, 2018. The CID Sales Tax became effective January 1, 2019 and will remain in place for up to thirty-five (35) years.

BUDGET SUMMARY

For the fiscal year ending June 30, 2020, the District expects \$25,000 in revenues.

BUDGET PERIOD

This budget relates to the periods beginning July 1, 2018 and ending of June 30, 2019 and beginning July 1, 2019 and ending June 30, 2020.

Respectfully Submitted,

Treasurer

Cape Dogwood Community Improvement District
CID Fund Comparison

	2018 (Actual)	2019 Budget (Original)	2019 (Year to Date) ¹	2019 Budget (Amended)	2019 (Year to Date) (Budget vs. Actual)	2020 Budget
Collections						
Sales Tax Revenue	\$ -	\$ 25,000.00	\$ 3.52	\$ 10,000.00	\$ (9,996.48)	\$ 25,000.00
Interest	-	-	-	-	-	-
Total Collections	-	25,000.00	3.52	10,000.00	(9,996.48)	25,000.00
Disbursements						
Legal Fees	-	-	-	-	-	-
Insurance	-	1,000.00	-	781.00	(781.00)	1,000.00
Development Agreement Reimbursement Payments	-	13,000.00	-	9,000.00	(9,000.00)	13,000.00
District Administrative Fees	-	5,000.00	-	-	-	5,000.00
Trustee Fees	-	-	-	-	-	-
Misc. Expenses	-	-	-	-	-	-
Total Disbursements	-	19,000.00	-	9,781.00	(9,781.00)	19,000.00
Fund Transfers						
Transfer In	-	12,000.00	-	12,000.00	(12,000.00)	12,000.00
Transfer Out	-	(12,000.00)	-	(12,000.00)	12,000.00	(12,000.00)
Total Fund Transfers	-	-	-	-	-	-
Increase (decrease) in cash	-	6,000.00	3.52	219.00	(215.48)	6,000.00
Cash balance at beginning of period	-	-	-	-	-	219.00
Cash balance at end of period	\$ -	\$ 6,000.00	\$ 3.52	\$ 219.00	\$ (215.48)	\$ 6,219.00

Notes:

¹ As of 3/20/2019