



CITY OF CAPE GIRARDEAU, MISSOURI

City Council Agenda

Stacy Kinder, Mayor
Dan Presson, Ward 1
Tameka Randle, Ward 2
Nate Thomas, Ward 3
David J. Cantrell, Ward 4
Rhett Pierce, Ward 5
Mark Bliss, Ward 6

City Council Chambers
City Hall
44 N. Lorimier St

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

July 1, 2024
5:00 PM

- **City residents desiring to speak about items NOT on the agenda must register no later than 8:00 am, on Monday, July 1, 2024, by using the form found at cityofcape.org/council, by emailing cityclerk@cityofcape.org, or by calling 573-339-6320.**

Invocation

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

Pledge of Allegiance

Study Session

No action will be taken during the study session

Presentations

- Parks and Recreation Month Proclamation

Communications/Reports

Items for Discussion

- Appearances by Advisory Board Applicants
- Consent Agenda Review

Regular Session

Call to Order/Roll Call

Adoption of the Agenda

Public Hearings

1. A public hearing to consider rezoning the property at 2530 Marsha Kay Drive from R-1 (Single-Family Suburban Residential District) to R-4 (Medium Density Multifamily Residential District). (Item No. 7; BILL NO. 24-69)

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 17, 2024, City Council Regular Session Minutes and the June 14, 2024, City Council Closed Session Minutes.
3. BILL NO. 24-64, an Ordinance annexing land located at 212 Misty Hollow Lane into the city limits of the City of Cape Girardeau, Missouri. Second and Third Readings.
4. BILL NO. 24-65, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning newly annexed property located at 212 Misty Hollow Lane as R-1, Single-Family Suburban Residential District. Second and Third Readings.
5. BILL NO. 24-66, an Ordinance extending the boundaries of Ward 4 to include property newly annexed into the city limits of the City of Cape Girardeau, Missouri. Second and Third Readings.
6. Bill NO. 24-67, a Resolution authorizing the City Manager to execute an Agreement with All Clear Pumping and Sewer LLC, for the Lead Service Line Inventory Project, in the City of Cape Girardeau, Missouri. Reading and Passage.

Items Removed from Consent Agenda

New Ordinances

Mayor will ask for appearances after each Ordinance is read.

Individuals who wish to make comments regarding the item must be recognized by the Mayor/Mayor Pro Tempore. Each speaker is allowed 3 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.

7. BILL NO. 24-69, 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 2530 Marsha Kay Drive, in the City and County of Cape Girardeau, Missouri, from R-1 to R-4. First Reading. DEV - Ryan Shrimplin
8. BILL NO. 24-68, an Ordinance accepting an easement from Catholic Charities of Southern Missouri, Inc., for property located at 475 North Main Street, in the City of Cape Girardeau, Missouri. First Reading. DEV - Trevor Pulley

Appointments

9. Appointments to the Cape Dogwood Community Improvement District Board of Directors.

Other Business

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 Tempore. Each speaker is allowed 3 minutes. Please face and speak directly to the City Council as a whole. The Mayor and Council Members will not engage or answer questions during the speaker's time at the podium. The timer will sound at the end of the speaker's time.

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.

Future Appointments and Memos

- Appointments to the Airport Advisory Board
- Appointment to the Golf Course Advisory Board

City of Cape Girardeau



Proclamation

Whereas, parks and recreation programs are an integral part of communities throughout this country, including the City of Cape Girardeau, Missouri; and

Whereas, our parks and recreation programs are vitally important to establishing and maintaining the quality of life in the City of Cape Girardeau, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

Whereas, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

Whereas, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

Whereas, parks and recreation areas are fundamental to the environmental well-being of our community; and

Whereas, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

Whereas, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

Whereas, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

Whereas, the City of Cape Girardeau recognizes the benefits of parks and recreation derived from our rivers, parks, trails, and recreation resources.

Now, Therefore, Be It Resolved that I, Stacy Kinder, Mayor of the City of Cape Girardeau, Missouri, do hereby proclaim *July 2024*, as

Parks and Recreation Month

In Witness Whereof I have hereunto set my hand and caused to be affixed the Seal of the City of Cape Girardeau, Missouri, this *1st* day of *July*, 2024.

Stacy Kinder, Mayor

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2024

AGENDA REPORT
Cape Girardeau City Council

24-109

SUBJECT

A public hearing to consider rezoning the property at 2530 Marsha Kay Drive from R-1 (Single-Family Suburban Residential District) to R-4 (Medium Density Multifamily Residential District).

EXECUTIVE SUMMARY

A public hearing has been scheduled for July 1, 2024 to consider rezoning the property at 2530 Marsha Kay Drive from R-1 (Single-Family Suburban Residential District) to R-4 (Medium Density Multifamily Residential District). An ordinance rezoning the property to R-4 is on this agenda as a separate item.

BACKGROUND/DISCUSSION

A rezoning application was recently submitted for the property at 2530 Marsha Kay Drive. The applicant requested that the property be rezoned from R-1 (Single-Family Suburban Residential District) to NC (Neighborhood Commercial District) in order to use the property for a church and a commercial day care. The Planning and Zoning Commission held a public hearing on the rezoning request at its June 12, 2024 meeting. At the hearing, some of the neighbors indicated that they were not opposed to a commercial day care per se, but they did not want the property to be rezoned to a commercial district due to the surrounding residential properties. Staff then stated in the meeting that the R-4 (Medium Density Multifamily Residential) district, like the NC district, permits churches and commercial day cares by right but does not permit any other commercial uses. The Planning and Zoning Commission unanimously passed a motion recommending that the property be rezoned to R-4 instead of NC.

The immediately surrounding properties are zoned R-1 (Single-Family Suburban Residential District) on all sides. This area is characterized by single-family residential and commercial uses. The Cape Vision 2040 Comprehensive Plan's Future Land Use Map shows the subject property as Institutional.

A public hearing has been scheduled for July 1, 2024 to consider rezoning the property to R-4. An ordinance rezoning the property to R-4 is on this agenda as a separate item.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the applicant's request to rezone the property to NC.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission held a public hearing at its June 12, 2024 meeting and recommended rezoning the property to R-4 by a vote of 7 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on June 15, 2024. In addition, a

sign containing the date, time, location, and subject of the Planning and Zoning Commission and City Council public hearings was posted on the property. Notices were also mailed to the adjacent property owners.

ATTACHMENTS:

Name:	Description:
☐ Staff_Review-Referral-Action_Form_-_R-4.pdf	2530 Marsha Kay Drive - Staff RRA Form
☐ Map_-_2530_Marsha_Kay_Dr_-_Zoning.pdf	2530 Marsha Kay Drive - Zoning Map
☐ Map_-_2530_Marsha_Kay_Dr_-_FLU.pdf	2530 Marsha Kay Drive - FLU Map
☐ Application_-_2530_Marsha_Kay_Drive_Rezoning.pdf	2530 Marsha Kay Drive - Application
☐ Sec. 30-57. - R-1_Single-Family_Suburban_Residential_District.pdf	R-1 District Regulations
☐ Sec. 30-60. - R-4_Medium_Density_Multifamily_Residential_District.pdf	R-4 District Regulations

CITY OF CAPE GIRARDEAU, MISSOURI

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

FILE NO. 1470

LOCATION: 2530 Marsha Kay Drive

STAFF REVIEW & COMMENTS:

Maurice and Moleen Gross are requesting to rezone the above listed property from R-1 (Single-family Suburban Residential) to NC (Neighborhood Commercial). SEE STAFF REPORT FOR FURTHER INFORMATION

[Signature]
City Planner

5/29/24
Date

[Signature]
City Attorney

5/31/24
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

5/31/24
Date

Planning & Zoning Commission

Public Hearing Sign Posting Date: 6-5-24 Public Hearing Date: 6-12-24

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Blank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chris Martin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nick Martin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robbie Guard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sommer McCauley-Perdue	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 7 Favor 0 Oppose 0 Abstain

COMMENTS: The Planning & Zoning Commission voted unanimously to recommend rezoning to R-4 (Medium Density Multifamily Residential) instead of NC (Neighborhood Commercial) as listed in the staff report.

[Signature]
Scott Blank
Planning & Zoning Commission Chairman

City Council Action

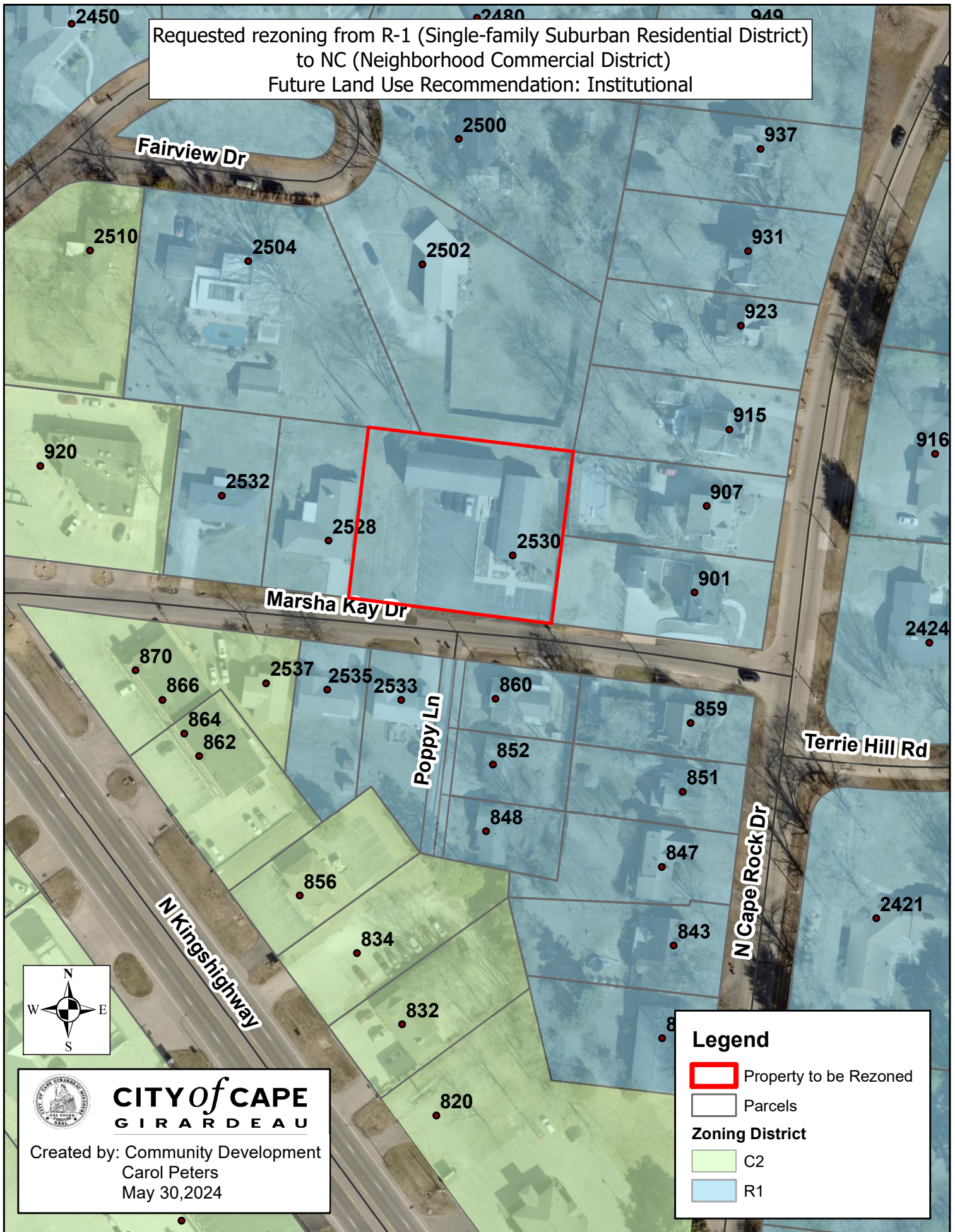
Posting Dates: Sign _____ Newspaper _____ Public Hearing Date: _____
Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ Effective Date: _____

Rezoning Request - 2530 Marsha Kay Drive

Requested rezoning from R-1 (Single-family Suburban Residential District)
to NC (Neighborhood Commercial District)
Future Land Use Recommendation: Institutional



CITY of CAPE GIRARDEAU

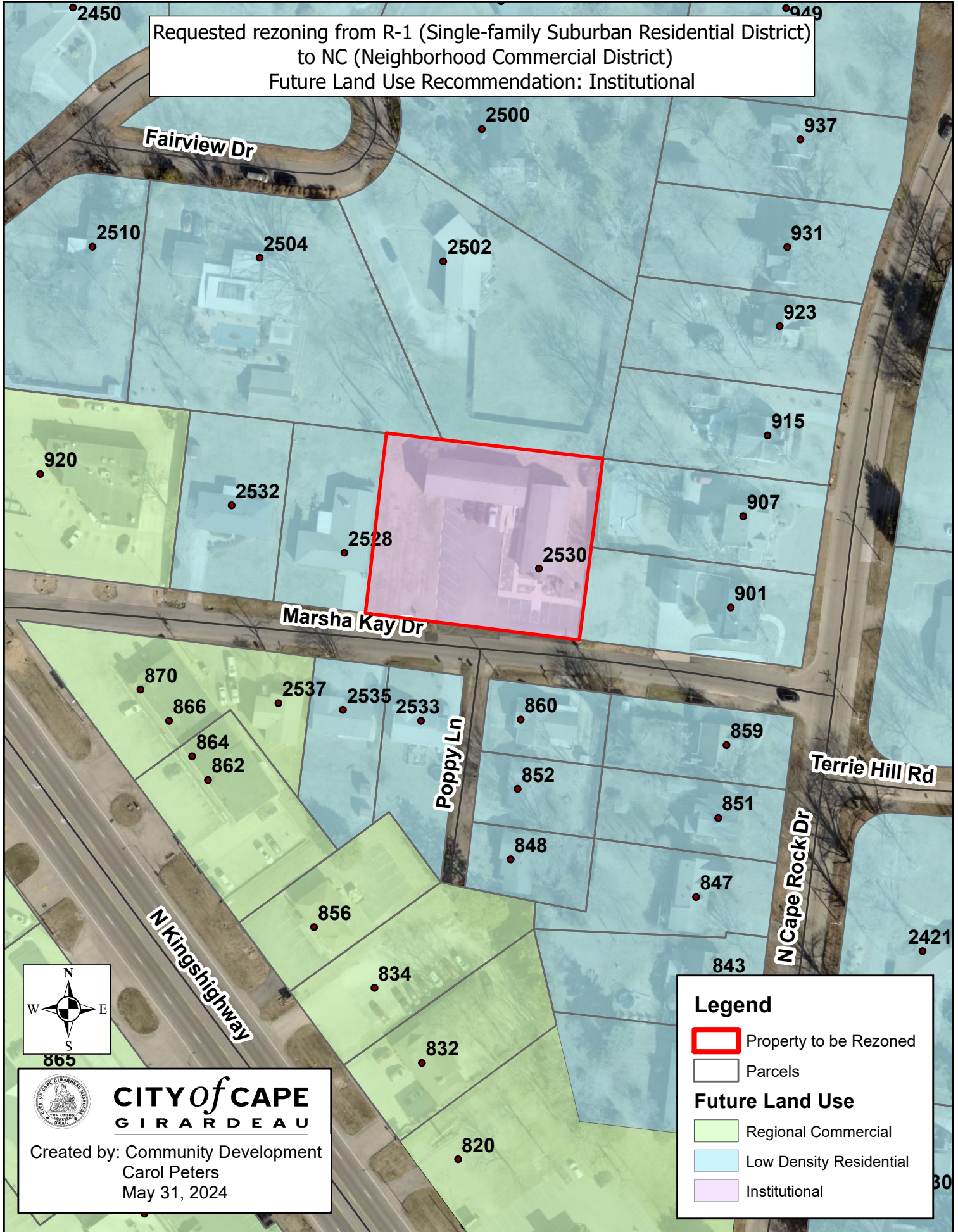
Created by: Community Development
Carol Peters
May 30, 2024

Legend

- Property to be Rezoned
- Parcels
- Zoning District**
- C2
- R1

Rezoning Request - 2530 Marsha Kay Drive

Requested rezoning from R-1 (Single-family Suburban Residential District) to NC (Neighborhood Commercial District)
Future Land Use Recommendation: Institutional



CITY of CAPE
GIRARDEAU

Created by: Community Development
Carol Peters
May 31, 2024

Legend

- Property to be Rezoned
- Parcels
- Future Land Use**
- Regional Commercial
- Low Density Residential
- Institutional



REZONING / SPECIAL USE PERMIT APPLICATION
CITY of CAPE GIRARDEAU

COMMUNITY DEVELOPMENT DEPARTMENT, 44 NORTH LORIMIER STREET, CAPE GIRARDEAU, MO 63701 (573) 339-6327

Property Address/Location

2530 Marsha Kay Drive, Cape Girardeau, Mo. 63701

Applicant Maurice & Moleen Gross **Property Owner of Record** Mi & Mrs Gipson Same as Applicant

Mailing Address 1615 Lexington Avenue **City, State, Zip** Cape Girardeau **Mailing Address** 2530 Marsha Kay Dr **City, State, Zip** Cape Girardeau, MO 63701

Telephone 573-803-1607 **Email** Moleenchakonda@yahoo.com **Telephone** **Email**

Contact Person **(Attach additional owners information, if necessary)**

Type of Request **Rezoning** **Special Use Permit** **Both** **Proposed Special Use (Special Use Permit requests only)**

Existing Zoning District R1 **Proposed Zoning District (Rezoning requests only)** NC
 Choose a Zoning District

Legal description of property to be rezoned and/or upon which the special use is to be conducted
Currently there is a church building and an office building.

Describe the proposed use of the property.
There will be a church and a daycare.

Application continues on next page

OFFICE USE ONLY

Date Received & By 5/15/24 File # 1470 MUNIS Application # 15310 MUNIS Permit # _____

Application Fee Received \$ 141 Check # 1320 Credit Card Cash
Env. - 24.30

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. *Church over the weekend and day care Monday - Friday. Parents drop off and pick up are at different times.*
- 2) The proposed special use will not substantially increase fire hazards. *No fire hazard increase.*
- 3) The proposed special use will not adversely affect the character of the neighborhood. *Majority of activity/activities are done inside. Character of neighborhood is not affected*
- 4) The proposed special use will not adversely affect the general welfare of the community. *This will not affect the general welfare of the community.*
- 5) The proposed special use will not overtax public utilities. *This special use will not overtax public utilities.*

ADDITIONAL ITEMS REQUIRED

See Instructions for more information.

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

- Base Application fee - \$141.00 payable to City of Cape Girardeau
- Planned Development rezoning only - Additional \$84 payable to City of Cape Girardeau
- List of adjacent property owners (see Instructions for requirements)
- One (1) set of mailing envelopes, stamped and addressed to adjacent property owners OR \$2.70 per adjacent property owner, if stamped envelopes are not submitted
- One (1) full size copy of a plat or survey of the property, if available
- One (1) full size set of plans, drawn to an appropriate scale, depicting existing features to be removed, existing features to remain, and all proposed features such as: buildings and structures, paved areas, curbing, driveways, parking stalls, trash enclosures, fences, retaining walls, light poles, detention basins, landscaping areas, freestanding signs, etc. (Planned Development rezonings and Special Use Permits only)
- One (1) set of Planned Development documents (Planned Development rezonings only)

CERTIFICATIONS

The undersigned hereby certifies that:

- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They acknowledge that the special use permit, if approved, will become 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.

Property Owner of Record Signature and Printed Name

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.

[Signature]

Applicant Signature and Printed Name

05/15/24

Date

2530 MARSHA KAY DRIVE
ADJACENT PROPERTY OWNERS

LOCATION	PROPERTY OWNER	MAILING ADDRESS	CITY	ST	ZIP
2528 MARSHA KAY	LESLIE LEE JR & HELEN M LINDY	PO BOX 20	GORDONVILLE	MO	63752
2504 FAIRVIEW PLACE DR	JOHN A & DEBORAH CLIFTON	2504 FAIRVIEW PLACE DR	CAPE GIRARDEAU	MO	63701
2502 FAIRVIEW PLACE DR	DEBORAH KAYE CLIFTON	2504 FAIRVIEW PLACE DR	CAPE GIRARDEAU	MO	63701
915 N CAPE ROCK DR	ALVIN ROCKETT	915 N CAPE ROCK DR	CAPE GIRARDEAU	MO	63701
907 N CAPE ROCK DR	WILLIAM J & MAUREEN M DUFFY	907 N CAPE ROCK DR	CAPE GIRARDEAU	MO	63701
901 N CAPE ROCK DR	FIELD PROPERTY MANAGEMENT LLC	1140 N VAN HOME WAY	ANAHEIM	CA	92806
860 POPPY LN	TABITHA MARTIN & ANTHONY HERNANDEZ	860 POPPY LN	CAPE GIRARDEAU	MO	63701
2533 MARSHA KAY DR	FOX FAMILY PROPERTIES LLC	832 N KINGSHIGHWAY	CAPE GIRARDEAU	MO	63701
2535 MARSHA KAY DR	CROSNOE PROPERTIES LLC	862 N KINGSHIGHWAY	CAPE GIRARDEAU	MO	63701

Sec. 30-57. - R-1, Single-Family Suburban Residential District.

- (a) *Purpose.* The R-1 district is intended primarily for single-family detached dwellings with a maximum density of four units per acre. It is designed to provide for quality single-family residential neighborhoods in a conventional subdivision setting, while encouraging a mix of housing styles, designs and development. Certain other structures and uses necessary to serve the area are allowed as permitted uses or through the approval of a special use permit, subject to restrictions intended to preserve and protect the single-family residential character of the district.
- (b) *Permitted principal uses.*
- (1) Single-family detached dwelling, with only one dwelling per lot.
 - (2) Cluster subdivisions, as permitted in chapter 25.
 - (3) Golf courses; this shall not include separate miniature golf courses, driving ranges and other similar activities operated as a business.
 - (4) Public parks, playgrounds, and recreational facilities.
 - (5) Police and fire stations.
 - (6) Elementary and middle schools, or development centers for elementary and middle school age children with handicaps or development disabilities, on a minimum of five acres of land.
 - (7) Noncommercial, not-for-profit residential neighborhood facilities consisting of indoor and outdoor recreational facilities, offices of property owners' associations, and maintenance facilities operated by a neighborhood or community organization or a property owners' association.
 - (8) Home for eight or fewer unrelated mentally or physically handicapped persons, including no more than two additional persons acting as house parents or guardians who need not be related to each other or to any of the handicapped persons residing in the home, provided that:
 - a. The exterior appearance of the home and property shall reasonably conform to the exterior appearance of other dwellings and property in the neighborhood; and
 - b. Such home shall not be located closer than 370 feet to any other such home.
 - (9) A private residence licensed by the state division of family services or state department of mental health to provide foster care to one or more, but less than seven, children who are unrelated to either foster parent by blood, marriage or adoption, provided that all applicable building and safety codes are met, and an occupancy permit issued therefor.
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory structures, as permitted in section 30-106.
 - (2) In home elderly care, with a maximum of three persons as permitted in section 30-114.

- (3) Home occupations, as permitted in section 30-108.
- (4) Home day cares, with no more than four unrelated children in a 24-hour period as permitted in section 30-111.
- (5) Solar energy systems, as permitted in section 30-113.
- (6) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.

(d) *Special uses.*

- (1) Home day cares, with five or more unrelated children in a 24-hour period, as permitted in section 30-111.
- (2) Libraries, on a minimum of two acres of land.
- (3) Cemeteries, on a minimum of ten acres of land.
- (4) Wind energy conversion systems, as permitted in section 30-113.
- (5) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
- (6) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.

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

- (1) Maximum height: 2½ stories not to exceed 35 feet.
- (2) Minimum lot area: 10,000 square feet.
- (3) Maximum density: Four units per one acre. Higher densities may be approved with a cluster subdivision, as permitted in chapter 25.
- (4) Minimum lot width: 80 feet.
- (5) Minimum yard requirements:
 - a. Front yard: 30 feet.
 - b. Rear yard: 25 feet.
 - c. Side yard: Six feet.

- (f) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-46. No parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of 24,000 pounds, except as provided in sections 26-147 and 26-298.

(Code 1990, § 30-322; Ord. No. 5012, art. 4, 10-2-2017)

Sec. 30-60. - R-4, Medium Density Multifamily Residential District.

(a) *Purpose.* The R-4 district provides for multifamily dwellings and other residential uses with a maximum density of 18 units per one acre. Single-family detached and two-family (duplex) dwellings are permitted in order to accommodate existing R-4 zoned lots that either contain such uses or are not large enough to be developed for multifamily dwellings. It is not intended for new single-family detached or two-family subdivisions, which are prohibited.

(b) *Permitted principal uses.*

(1) Single-family detached dwellings, with only one dwelling per lot, and excluding new single-family detached subdivisions.

(2) Two-family (duplex) dwellings, excluding new two-family subdivisions.

(3) Multifamily dwellings.

(4) Townhouses.

(5) Cluster subdivisions, as permitted elsewhere in the city Code.

(6) Nursing homes, senior citizen housing and retirement homes.

(7) Noncommercial, not-for-profit residential neighborhood facilities consisting of indoor and/or outdoor recreational facilities, offices of property owners' associations, and maintenance facilities operated by a neighborhood or community organization or a property owners' association.

(8) Public parks, playgrounds, and recreational facilities.

(9) Police and fire stations.

(10) Elementary, middle and secondary schools, and development centers for elementary, middle and secondary school age children with physical, mental or developmental disabilities.

(11) Commercial day cares.

(c) *Permitted accessory uses.*

(1) Private garages, carports and accessory structures, as permitted in section 30-106.

(2) Home occupations, as permitted in section 30-108.

(3) Solar energy systems, as permitted in section 30-113.

(4) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.

(d) *Special uses.*

(1) Bed and breakfasts.

(2) Boutique hotels. The term "boutique hotel" shall mean an establishment containing a minimum of five and a maximum of 20 rooming units, which is used or advertised as a place where lodging accommodations are supplied for pay to guests for lodging occupancy with

rooms having access to the outside through an interior hallway connected to the main lobby of the building, and which may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.

- (3) Cemeteries, on a minimum of ten acres of land.
 - (4) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.
 - (5) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (6) Residential treatment facilities.
 - (7) Transitional housing.
 - (8) Wind energy conversion systems, as permitted in section 30-113.
- (e) *Height, area, bulk and setback regulations.*
- (1) Maximum height: Five stories not to exceed 60 feet.
 - (2) Minimum lot area:
 - a. Each townhouse must be on a separate platted lot consisting of at least 1,400 square feet.
 - b. All other uses: 3,750 square feet.
 - (3) Maximum density: 18 units per one acre. Higher densities may be approved with a cluster subdivision, as permitted elsewhere in the city Code.
 - (4) Minimum lot width:
 - a. Each townhouse: 20 feet.
 - b. All other uses: None.
 - (5) Minimum yard requirements:
 - a. Front yard:
 1. Each townhouse: Ten feet.
 2. All other uses: 25 feet.
 - b. Rear yard:
 1. Each townhouse: 20 feet.
 2. All other uses: 25 feet.
 - c. Side yard:
 1. Each townhouse: None.
 2. All other uses: Five feet.
 - (6) Maximum building coverage, including accessory buildings: 50 percent of the lot for all uses except townhouses.
 - (7)

Open space requirements: For any multifamily residential uses or nonresidential uses, a minimum of 20 percent of the total lot area shall be devoted to open space, including required yards and bufferyards.

(f) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-46. There shall be no parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of 24,000 pounds, except as provided in sections 26-147 and 26-298.

(Code 1990, § 30-325; Ord. No. 5012, art. 4, 10-2-2017; Ord. No. 5550, art. 1, 6-20-2022; Ord. No. 5635, art. 1, 4-17-2023)

Staff: Bruce Taylor, Deputy City Clerk
Agenda: 7/1/2024

AGENDA REPORT
Cape Girardeau City Council

SUBJECT

Approval of the June 17, 2024, City Council Regular Session Minutes and the June 14, 2024, City Council Closed Session Minutes.

ATTACHMENTS:	
Name:	Description:
DRAFT_Council.RegularSession_Minutes.06-17-2024.pdf	Regular Session Minutes 06-17-2024

Proceedings of the City Council, City of Cape Girardeau, Mo.
Regular Session June 17, 2024 **MM-59**

STUDY SESSION – June 17, 2024

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 17, 2024, starting at 5:00 p.m. with Mayor Stacy Kinder presiding and Council Members Mark Bliss, David J. Cantrell, Rhett Pierce, Dan Presson, Tameka Randle, and Nate Thomas present.

REGULAR SESSION –June 17, 2024

CALL TO ORDER

The Cape Girardeau City Council convened in regular session at the Cape Girardeau City Hall on Monday, June 17, 2024, starting at 6:34 p.m. with Mayor Stacy Kinder presiding and Council Members Mark Bliss, David J. Cantrell, Rhett Pierce, Dan Presson, Tameka Randle, and Nate Thomas present.

ADOPTION OF THE AGENDA

A Motion was made by Dan Presson, Seconded by Tameka Randle, to approve and adopt the agenda.

Motion passed. 7-0. Ayes: Bliss, Cantrell, Kinder, Pierce, Presson, Randle, Thomas.

CONSENT AGENDA

Approval of the June 3, 2024, City Council Regular Session Minutes.

BILL NO. 24-59, an Ordinance adopting the annual operating budget for the City of Cape Girardeau, Missouri, for the fiscal year beginning July 1, 2024. Second and Third Readings.

BILL NO. 24-60, an Ordinance establishing utility rates for the City of Cape Girardeau, Missouri, by amending Chapter 29 relating to sewer and water rates. Second and Third Readings.

BILL NO. 24-62, an Ordinance amending and adopting new sections of Chapter 2 of the Code of Ordinances of the City of Cape Girardeau, Missouri, relating to the Convention and Visitors Bureau. Second and Third Readings.

BILL NO. 24-61, an Ordinance authorizing the City Manager to execute a Transportation Planning Consolidated Grant Agreement with the Missouri Highways and Transportation Commission, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 24-63, a Resolution authorizing the City Manager to execute a License and Indemnity Agreement to place a fence on property adjacent to 643 Highland Drive, in the City of Cape Girardeau, Missouri. Reading and Passage.

**Proceedings of the City Council, City of Cape Girardeau, Mo.
Regular Session June 17, 2024 MM-60**

Accept Improvements and Authorize Final Payment to Riverside Roofing Company, LLC for the Replacement of the Airport Terminal Roof.

A Motion was made by Dan Presson, Seconded by Rhett Pierce, to approve and adopt. Motion passed. 7-0. Ayes: Bliss, Cantrell, Kinder, Pierce, Presson, Randle, Thomas.

BILL NO. 24-59 will be Ordinance NO. 5759; BILL NO. 24-60 will be Ordinance NO. 5760; BILL NO. 24-62 will be Ordinance NO. 5761; BILL NO. 24-61 will be Ordinance NO. 5762; and BILL NO. 24-63 will be Resolution NO. 3610.

NEW ORDINANCES

BILL NO. 24-64, an Ordinance annexing land located at 212 Misty Hollow Lane into the city limits of the City of Cape Girardeau, Missouri. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

A Motion was made by Mark Bliss, Seconded by Rhett Pierce, to approve. Motion passed. 7-0. Ayes: Bliss, Cantrell, Kinder, Pierce, Presson, Randle, Thomas.

BILL NO. 24-65, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning newly annexed property located at 212 Misty Hollow Lane as R-1, Single-Family Suburban Residential District. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

A Motion was made by Dan Presson, Seconded by Tameka Randle, to approve. Motion passed. 7-0. Ayes: Bliss, Cantrell, Kinder, Pierce, Presson, Randle, Thomas.

BILL NO. 24-66, an Ordinance extending the boundaries of Ward 4 to include property newly annexed into the city limits of the City of Cape Girardeau, Missouri. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

A Motion was made by David J. Cantrell, Seconded by Dan Presson, to approve. Motion passed. 7-0. Ayes: Bliss, Cantrell, Kinder, Pierce, Presson, Randle, Thomas.

APPOINTMENTS

Appointment to the Public Library Board of Directors

A Motion was made by Dan Presson, Seconded by Mark Bliss, to approve Mayor Stacy Kinder's appointment of Jessica Hill, Eric Redinger and Lenna Matukewicz to the Public Library Board of Directors for terms expiring June 30, 2027 and appointment of Alix Gasser to the Public Library Board of Directors for a term expiring June 30, 2026.

Motion passed. 7-0. Ayes: Bliss, Cantrell, Kinder, Pierce, Presson, Randle, Thomas.

Appointment to the Advisory Board of the Convention and Visitors Bureau

A Motion was made by Dan Presson, Seconded by David J. Cantrell, to appoint to the Advisory Board of the Convention and Visitors Bureau: Carl Ritter Jr., Nate Saverino, and Lyle Randolph

**Proceedings of the City Council, City of Cape Girardeau, Mo.
Regular Session June 17, 2024 MM-61**

for terms expiring on June 30, 2025; Randy Kluge, Quantella Noto, and Anissa Patel for terms expiring on June 30, 2026; and Liz Haynes, Rob Gilligan, and John Echimovich for terms expiring on June 30, 2027.

Motion passed. 7-0. Ayes: Bliss, Cantrell, Kinder, Pierce, Presson, Randle, Thomas.

MEETING ADJOURNMENT

A Motion was made to adjourn by Dan Presson, Seconded by Tameka Randle.

Motion passed. 7-0. Ayes: Bliss, Cantrell, Kinder, Pierce, Presson, Randle, Thomas.

The regular session ended at 6:39 pm.

Stacy Kinder, Mayor

Bruce Taylor, Deputy City Clerk



Proceedings of the City Council, City of Cape Girardeau, Mo.
Regular Session June 17, 2024 **MM-62**

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Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2024

AGENDA REPORT
Cape Girardeau City Council

24-104

SUBJECT

An Ordinance annexing land located at 212 Misty Hollow Lane into the city limits of the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

The attached ordinance annexes the property at 212 Misty Hollow Lane into the city limits. A public hearing was held on May 20, 2024 to consider the proposed annexation and zoning of the property as R-1 (Single-Family Suburban Residential District). Ordinances for the zoning and ward boundary extension are on this agenda as separate items.

BACKGROUND/DISCUSSION

On April 15, 2024, the City Council acknowledged receipt of an annexation petition for the property at 212 Misty Hollow Lane. A public hearing was held on May 20, 2024 to consider the proposed annexation and zoning of the property as R-1 (Single-Family Suburban Residential District). Ordinances for the zoning and ward boundary extension are on this agenda as separate items.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

Annexing property is necessary for the orderly growth of the City. By annexing and zoning properties such as this, 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

Staff recommends approval of the ordinance annexing the property at 212 Misty Hollow Lane.

PUBLIC OUTREACH

Notice of the City Council's public hearing was advertised in the Southeast Missourian on May 4, 2024. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the property.

ATTACHMENTS:

Name:	Description:
212_Misty_Hollow_Lane_Annexation_Ordinance.doc	Ordinance
Map - 212 Misty Hollow Lane to be Annexed.pdf	212 Misty Hollow Lane - Annexation Map
Annexation_Petition - 212 Misty Hollow Lane - Recorded.pdf	212 Misty Hollow Lane - Annexation Petition

AN ORDINANCE ANNEXING LAND LOCATED AT 212
MISTY HOLLOW LANE INTO THE CITY LIMITS OF THE
CITY OF CAPE GIRARDEAU, MISSOURI

WHEREAS, Zachary L. Hudson and Jami L. Hudson, Trustees of the Hudson Qualified Spousal Trust Agreement dated January 15, 2021, have presented to the City Council of the City of Cape Girardeau, Missouri, a Verified Petition requesting annexation as the owners of all fee interest of record of a certain tract of land which they propose to be annexed to the City of Cape Girardeau, Missouri; and

WHEREAS, a public hearing was held on May 20, 2024, after due notice was given in accordance with Section 71.012 RSMo.; and

WHEREAS, at said public hearing all interested persons were allowed to present evidence regarding the proposed annexation; and

WHEREAS, the City Council has determined that the annexation is reasonable and necessary to the proper development of the City and, further, that the City has the ability to furnish normal municipal services to the tract to be annexed within a reasonable time; and

WHEREAS, the City Council has determined that the tract proposed to be annexed is contiguous and compact and adjacent to the existing corporate limits of the City of Cape Girardeau, Missouri, and further, the tract proposed to be annexed is in an unincorporated area.

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

ARTICLE 1. The corporate limits of the City of Cape Girardeau, Missouri, shall be extended so as to annex the following-described unincorporated tract of land, which is adjacent to and contiguous and compact with the existing corporate limits of the City, and to extend the limits of the City over said tract as described herein below, to-wit:

212 Misty Hollow Lane

A part of the Northwest Quarter of Section No. 23, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Beginning at a ½ inch iron pin at the Northeast corner of Lot No. 1 of Cape LaCroix Farms Subdivision as filed in the land records of the County Recorder's Office in Plat Book No. 17 at Page No. 12, said point also being in the centerline of County Road No. 620 from which point a 1 inch iron pipe at the Northeast corner of the Northwest Quarter of said Section No. 23 bears North 88°44'23" East, 1396.11 feet; thence along the centerline of County Road No. 620 the following courses and distances: South 17°05'43" East, 160.60 feet; thence South 15°18'23" East, 271.80 feet; thence leaving said centerline, South 76°07'11" West, 427.92 feet; thence North 01°28'51" West, 511.69 feet to a point on the North line of said Section 23; thence North 88°44'23" East, 309.76 feet along said North line to the point of beginning, containing 3.96 acres, more or less.

ALSO a part of the Northwest Quarter of Section No. 23, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Commencing at a ½ inch iron pin at the Northeast corner of Lot No. 1 of Cape LaCroix Farms Subdivision as filed in the land records of the County Recorder's Office in Plat Book No. 17 at Page No. 12, said point also being in the centerline of County Road No. 620 from which point a 1 inch iron pipe at the Northeast corner of the Northwest Quarter of said Section No. 23 bears North 88°44'23" East 1396.11 feet; thence South 88°44'23" West, 309.76 feet along the North line of Section 23 to the true point of beginning; thence leaving said North line, South 01°28'51" East, 486.72 feet; thence South 88°44'23" West, 245.33 feet to the Southeast corner of a tract of land recorded in the land records County Recorder's Office in Book No. 708 at Page No. 868; thence North 10°20'56" West, 492.90 feet along the East line to the Northeast corner of said tract, said point also being on the North line of said Section 23; thence North 88°44'23" East, 321.32 feet along said North line to the point of beginning, containing 3.17 acres, more or less.

Being and intended to be Tracts 2 and 3 in Quit Claim Deed recorded as Document No. 2005-03754 on March 21, 2005 of the Cape Girardeau County, Missouri land records.

ARTICLE 2. The City Council of the City of Cape Girardeau, Missouri, does hereby find and determine that the annexation of the above-described unincorporated tract of land is reasonable and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the tract to be annexed within a reasonable time. Further, the City Council hereby finds and determines that with respect to the tract to be annexed into the City of Cape Girardeau, Missouri, that all of the owners of all fee interest of record have requested such annexation by appropriate Petition.

ARTICLE 3. The City Clerk is authorized and directed to cause three (3) certified copies of this ordinance in its final form to be filed with the Clerk of Cape Girardeau County in accordance with Section 71.012 RSMo.

ARTICLE 4. 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 5. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

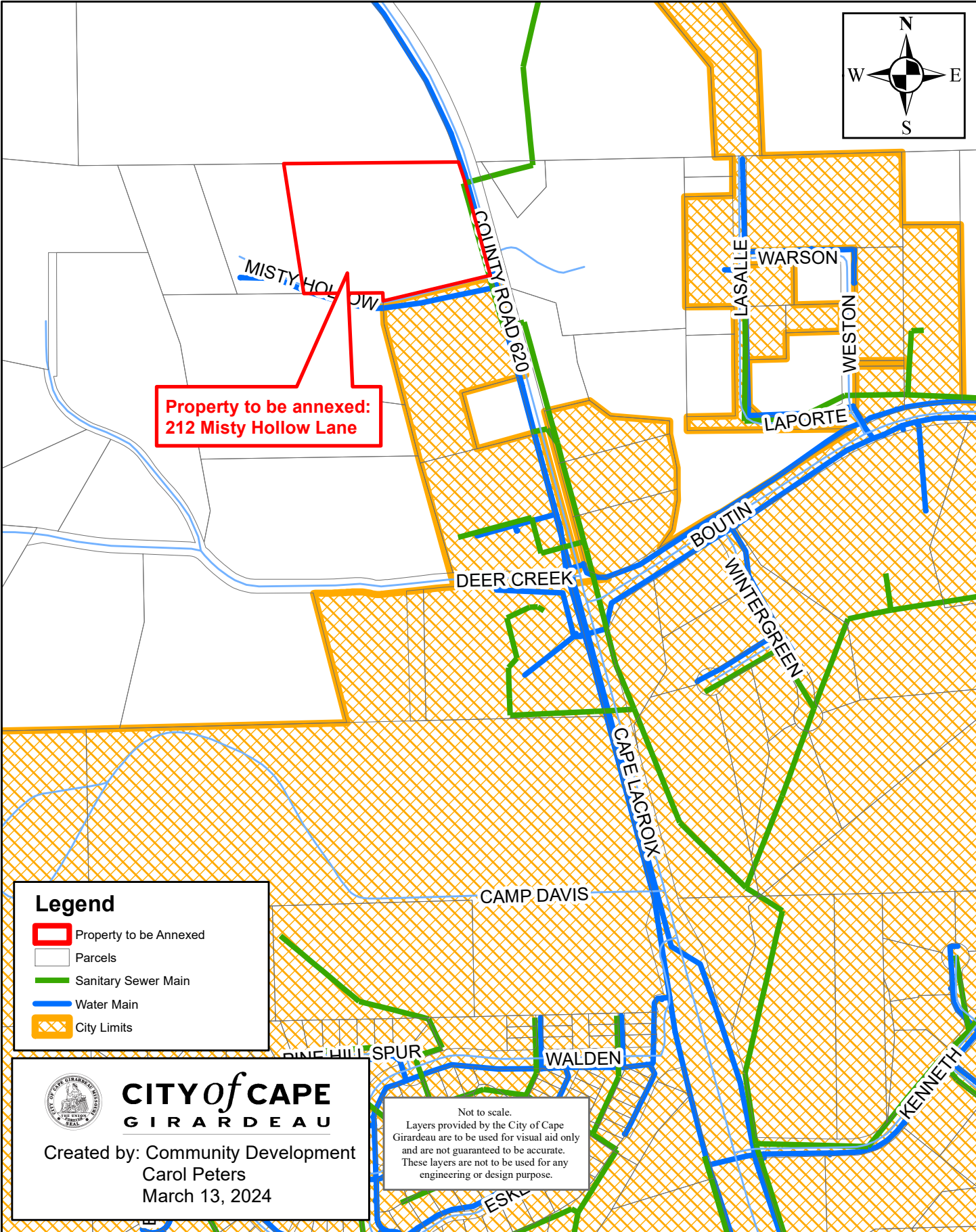
Stacy Kinder, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk



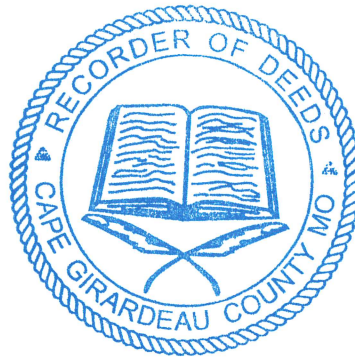
212 Misty Hollow Lane Annexation Request





DocId:8376084

Tx:4223027



DOCUMENT #
2024-02323

ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
RECORDED ON
04/01/2024 12:51:43 PM
REC FEE: 30.00
PAGES: 3

RECORDER OF DEEDS COVER PAGE

Title of Document: Annexation Petition

Date of Document: March 20, 2024

Grantor(s) Name & Address: Zachary L. Hudson and Jami L. Hudson, Trustees
Hudson Qualified Spousal Trust Agreement dated
January 15, 2021
2939 Walden Boulevard
Cape Girardeau, MO 63701

Grantee(s) Name & Address: City of Cape Girardeau
44 North Lorimier Street
Cape Girardeau, MO 63701

Legal Description: See page 1 of Annexation Petition

Reference Book & Page, if Required:

IN RE: ANNEXATION

Zachary L. Hudson and Jami L. Hudson, Trustees of the Hudson Qualified Spousal Trust Agreement dated January 15, 2021, Petitioners

PETITION FOR ANNEXATION

1. Come now Zachary L. Hudson and Jami L. Hudson, Trustees of the Hudson Qualified Spousal Trust Agreement dated January 15, 2021, and state that said Trust is the owner of all fee interest of record of the following-described real property, being in Cape Girardeau County, Missouri:

A part of the Northwest Quarter of Section No. 23, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Beginning at a ½ inch iron pin at the Northeast corner of Lot No. 1 of Cape LaCroix Farms Subdivision as filed in the land records of the County Recorder's Office in Plat Book No. 17 at Page No. 12, said point also being in the centerline of County Road No. 620 from which point a 1 inch iron pipe at the Northeast corner of the Northwest Quarter of said Section No. 23 bears North 88°44'23" East, 1396.11 feet; thence along the centerline of County Road No. 620 the following courses and distances: South 17°05'43" East, 160.60 feet; thence South 15°18'23" East, 271.80 feet; thence leaving said centerline, South 76°07'11" West, 427.92 feet; thence North 01°28'51" West, 511.69 feet to a point on the North line of said Section 23; thence North 88°44'23" East, 309.76 feet along said North line to the point of beginning, containing 3.96 acres, more or less.

ALSO a part of the Northwest Quarter of Section No. 23, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Commencing at a ½ inch iron pin at the Northeast corner of Lot No. 1 of Cape LaCroix Farms Subdivision as filed in the land records of the County Recorder's Office in Plat Book No. 17 at Page No. 12, said point also being in the centerline of County Road No. 620 from which point a 1 inch iron pipe at the Northeast corner of the Northwest Quarter of said Section No. 23 bears North 88°44'23" East 1396.11 feet; thence South 88°44'23" West, 309.76 feet along the North line of Section 23 to the true point of beginning; thence leaving said North line, South 01°28'51" East, 486.72 feet; thence South 88°44'23" West, 245.33 feet to the Southeast corner of a tract of land recorded in the land records County Recorder's Office in Book No. 708 at Page No. 868; thence North 10°20'56" West, 492.90 feet along the East line to the Northeast corner of said tract, said point also being on the North line of said Section 23; thence North 88°44'23" East, 321.32 feet along said North line to the point of beginning, containing 3.17 acres, more or less.

Being and intended to be Tracts 2 and 3 in Quit Claim Deed recorded as Document No. 2005-03754 on March 21, 2005 of the Cape Girardeau County, Missouri land records.

2. Zachary L. Hudson and Jami L. Hudson do hereby petition to have the above-described real property annexed to and included within the city limits of the City of Cape Girardeau, Missouri.
3. This Petition shall be a continuing obligation running with the land, and shall bind the subsequent owners as well as any heirs, executors, administrators, successors, assigns, and legal representatives of the current or subsequent owners. Furthermore, this Petition shall be recorded in the Office of the Recorder of Deeds of Cape Girardeau County, Missouri, and shall be of record.

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2024

AGENDA REPORT
Cape Girardeau City Council

24-105

SUBJECT

An Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning newly annexed property located at 212 Misty Hollow Lane as R-1, Single-Family Suburban Residential District.

EXECUTIVE SUMMARY

The attached ordinance zones the property at 212 Misty Hollow Lane as R-1 (Single-Family Suburban Residential District) upon annexation. A public hearing was held on May 20, 2024 to consider the proposed annexation and zoning of the property as R-1. Ordinances for the annexation and ward boundary extension are on this agenda as separate items.

BACKGROUND/DISCUSSION

On April 15, 2024, the City Council acknowledged receipt of an annexation petition for the property at 212 Misty Hollow Lane. As part of the annexation process, the Planning and Zoning Commission was charged with making a recommendation to the City Council regarding how the property should be zoned.

The adjacent property to the southeast is zoned R-1 (Single-Family Suburban Residential District). The other adjacent properties are outside the city limits and are not zoned. This area is characterized by single-family residential, multifamily residential, commercial, and religious uses. The Cape Vision 2040 Comprehensive Plan's Future Land Use Map shows the subject property as Low Density Residential.

A public hearing was held on May 20, 2024 to consider the proposed annexation and zoning of the property as R-1 (Single-Family Suburban Residential District). The attached ordinance zones the property as R-1 upon annexation. Ordinances for the annexation and ward boundary extension are on this agenda as separate items.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

In considering a zoning district for a property to be annexed, 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 owners of the subject property intend to build a single-family detached dwelling on it. R-1 (Single-Family Suburban Residential District) permits the proposed use by right and is consistent with the Comprehensive Plan's Future Land Use recommendation for the property, making it reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended zoning the property as R-1 (Single-Family Suburban Residential District) upon annexation.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its May 8, 2024 meeting, held a public hearing and recommended zoning the property as R-1 (Single-Family Suburban Residential District) 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 May 4, 2024. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the property.

ATTACHMENTS:	
Name:	Description:
212 Misty Hollow Ln Zoning R-1.doc	Ordinance
Staff Review-Referral-Action Form.pdf	212 Misty Hollow Lane - Staff RRA Form
Map - Zoning - 212 Misty Hollow Lane.pdf	212 Misty Hollow Lane - Zoning Map
Map - FLU - 212 Misty Hollow Lane.pdf	212 Misty Hollow Lane - FLU Map
Sec. 30-57. - R-1 Single-Family Suburban Residential District.pdf	R-1 District Regulations

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ZONING NEWLY ANNEXED PROPERTY LOCATED AT 212 MISTY HOLLOW LANE AS R-1, SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT

WHEREAS, the City Planning and Zoning Commission has recommended zoning all of the newly annexed property described in Article 1 of this ordinance as R-1, Single-Family Suburban Residential 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, May 20, 2024; and

WHEREAS, the City Council of the City of Cape Girardeau, Missouri has elected to zone the property described herein as set out below.

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 zone the following newly annexed property as R-1, Single-Family Suburban Residential District:

212 Misty Hollow Lane

A part of the Northwest Quarter of Section No. 23, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Beginning at a ½ inch iron pin at the Northeast corner of Lot No. 1 of Cape LaCroix Farms Subdivision as filed in the land records of the County Recorder's Office in Plat Book No. 17 at Page No. 12, said point also being in the centerline of County Road No. 620 from which point a 1 inch iron pipe at the Northeast corner of the Northwest Quarter of said Section No. 23 bears North 88°44'23" East, 1396.11 feet; thence along the centerline of County Road No. 620 the following courses and distances: South 17°05'43" East, 160.60 feet; thence South 15°18'23" East, 271.80 feet; thence leaving said centerline, South 76°07'11" West, 427.92 feet; thence North 01°28'51" West, 511.69 feet to a point on the North line of said

Section 23; thence North 88°44'23" East, 309.76 feet along said North line to the point of beginning, containing 3.96 acres, more or less.

ALSO a part of the Northwest Quarter of Section No. 23, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Commencing at a ½ inch iron pin at the Northeast corner of Lot No. 1 of Cape LaCroix Farms Subdivision as filed in the land records of the County Recorder's Office in Plat Book No. 17 at Page No. 12, said point also being in the centerline of County Road No. 620 from which point a 1 inch iron pipe at the Northeast corner of the Northwest Quarter of said Section No. 23 bears North 88°44'23" East 1396.11 feet; thence South 88°44'23" West, 309.76 feet along the North line of Section 23 to the true point of beginning; thence leaving said North line, South 01°28'51" East, 486.72 feet; thence South 88°44'23" West, 245.33 feet to the Southeast corner of a tract of land recorded in the land records County Recorder's Office in Book No. 708 at Page No. 868; thence North 10°20'56" West, 492.90 feet along the East line to the Northeast corner of said tract, said point also being on the North line of said Section 23; thence North 88°44'23" East, 321.32 feet along said North line to the point of beginning, containing 3.17 acres, more or less.

Being and intended to be Tracts 2 and 3 in Quit Claim Deed recorded as Document No. 2005-03754 on March 21, 2005 of the Cape Girardeau County, Missouri land records.

ARTICLE 2. The City Council of the City of Cape Girardeau, Missouri hereby finds that the property described in Article 1 of this ordinance is at the present time particularly suitable for the purposes and uses of the R-1, Single-Family Suburban Residential 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. 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 thereof.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

Stacy Kinder, 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. 1469

LOCATION: 212 Misty Hollow Lane

STAFF REVIEW & COMMENTS:

Contiguous property being annexed at 212 Misty Hollow Lane to be placed into an appropriate zoning district. SEE STAFF REPORT FOR FURTHER INFORMATION.

[Signature]
City Planner

4/25/24
Date

[Signature]
City Attorney

4/25/24
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

4/30/24
Date

Planning & Zoning Commission

Sign Posting Date: _____ Meeting Date: _____

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Blank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chris Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nick Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robbie Guard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sommer McCauley-Perdue	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

[Signature]

Chris Martin
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: Low Density Residential




Legend


- Area to be annexed
- Cape City Limits
- Parcels

Zoning District

- R1
- C2

 **CITY of CAPE GIRARDEAU**

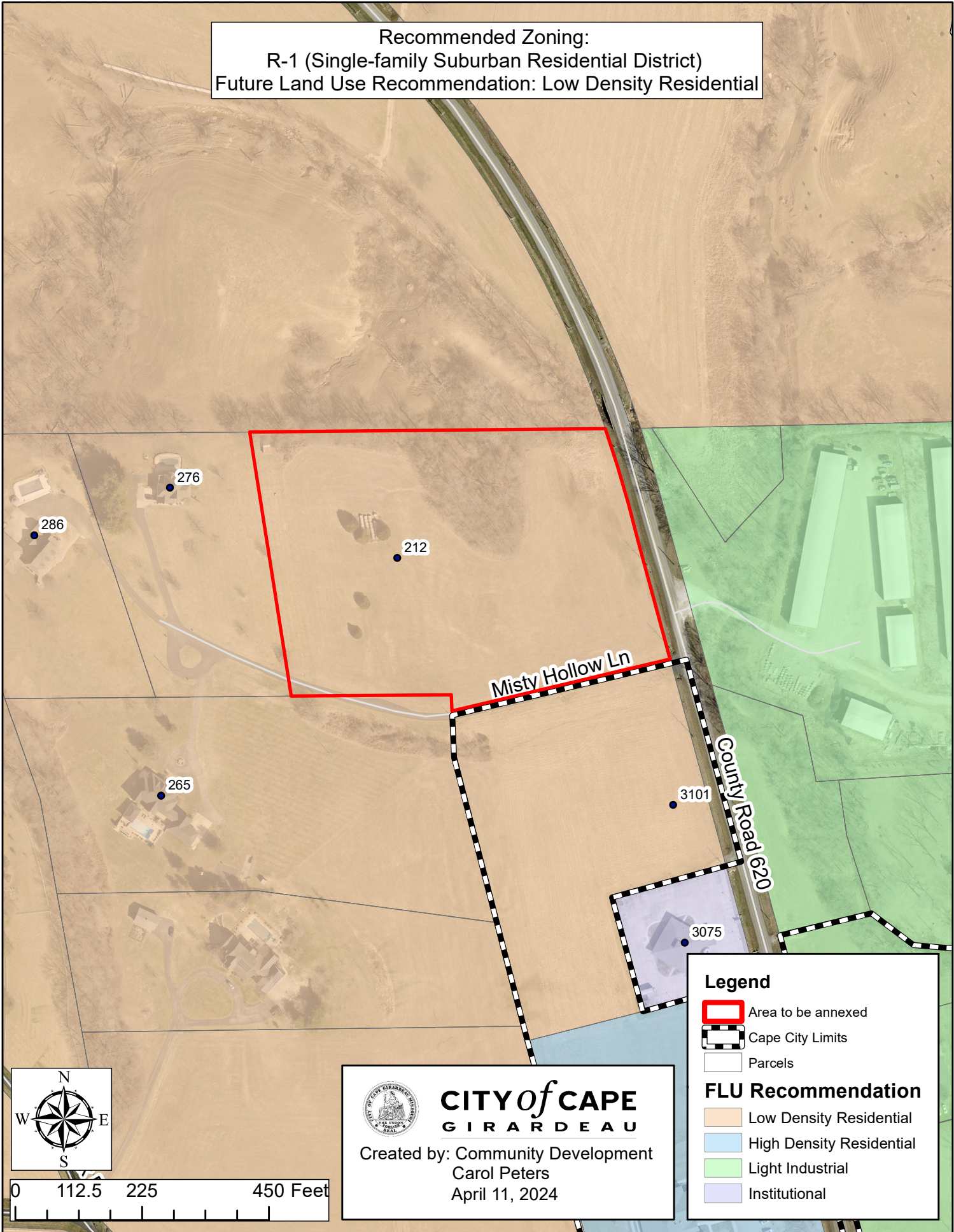
Created by: Community Development
Carol Peters
April 11, 2024



0 112.5 225 450 Feet

Zoning Recommendation for Property to be Annexed

Recommended Zoning:
R-1 (Single-family Suburban Residential District)
Future Land Use Recommendation: Low Density Residential



Sec. 30-57. - R-1, Single-Family Suburban Residential District.

- (a) *Purpose.* The R-1 district is intended primarily for single-family detached dwellings with a maximum density of four units per acre. It is designed to provide for quality single-family residential neighborhoods in a conventional subdivision setting, while encouraging a mix of housing styles, designs and development. Certain other structures and uses necessary to serve the area are allowed as permitted uses or through the approval of a special use permit, subject to restrictions intended to preserve and protect the single-family residential character of the district.
- (b) *Permitted principal uses.*
- (1) Single-family detached dwelling, with only one dwelling per lot.
 - (2) Cluster subdivisions, as permitted in chapter 25.
 - (3) Golf courses; this shall not include separate miniature golf courses, driving ranges and other similar activities operated as a business.
 - (4) Public parks, playgrounds, and recreational facilities.
 - (5) Police and fire stations.
 - (6) Elementary and middle schools, or development centers for elementary and middle school age children with handicaps or development disabilities, on a minimum of five acres of land.
 - (7) Noncommercial, not-for-profit residential neighborhood facilities consisting of indoor and outdoor recreational facilities, offices of property owners' associations, and maintenance facilities operated by a neighborhood or community organization or a property owners' association.
 - (8) Home for eight or fewer unrelated mentally or physically handicapped persons, including no more than two additional persons acting as house parents or guardians who need not be related to each other or to any of the handicapped persons residing in the home, provided that:
 - a. The exterior appearance of the home and property shall reasonably conform to the exterior appearance of other dwellings and property in the neighborhood; and
 - b. Such home shall not be located closer than 370 feet to any other such home.
 - (9) A private residence licensed by the state division of family services or state department of mental health to provide foster care to one or more, but less than seven, children who are unrelated to either foster parent by blood, marriage or adoption, provided that all applicable building and safety codes are met, and an occupancy permit issued therefor.
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory structures, as permitted in section 30-106.
 - (2) In home elderly care, with a maximum of three persons as permitted in section 30-114.

- (3) Home occupations, as permitted in section 30-108.
- (4) Home day cares, with no more than four unrelated children in a 24-hour period as permitted in section 30-111.
- (5) Solar energy systems, as permitted in section 30-113.
- (6) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.

(d) *Special uses.*

- (1) Home day cares, with five or more unrelated children in a 24-hour period, as permitted in section 30-111.
- (2) Libraries, on a minimum of two acres of land.
- (3) Cemeteries, on a minimum of ten acres of land.
- (4) Wind energy conversion systems, as permitted in section 30-113.
- (5) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
- (6) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.

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

- (1) Maximum height: 2½ stories not to exceed 35 feet.
- (2) Minimum lot area: 10,000 square feet.
- (3) Maximum density: Four units per one acre. Higher densities may be approved with a cluster subdivision, as permitted in chapter 25.
- (4) Minimum lot width: 80 feet.
- (5) Minimum yard requirements:
 - a. Front yard: 30 feet.
 - b. Rear yard: 25 feet.
 - c. Side yard: Six feet.

- (f) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-46. No parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of 24,000 pounds, except as provided in sections 26-147 and 26-298.

(Code 1990, § 30-322; Ord. No. 5012, art. 4, 10-2-2017)

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2024

AGENDA REPORT Cape Girardeau City Council	24-106
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SUBJECT

An Ordinance extending the boundaries of Ward 4 to include property newly annexed into the city limits of the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

The attached ordinance extends the boundaries of Ward 4 to include newly annexed property located at 212 Misty Hollow Lane. A public hearing was held on May 20, 2024 to consider the proposed annexation and zoning of the property as R-1 (Single-Family Suburban Residential District). Ordinances for the annexation and zoning are on this agenda as separate items.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance extending the boundaries of Ward 4 to include the newly annexed property at 212 Misty Hollow Lane.

ATTACHMENTS:

Name:	Description:
212_Misty_Hollow_Ln_Ward_4_Boundary_Ext.doc	Ordinance
Map - 212 Misty Hollow Lane - Ward Boundary Extension.pdf	212 Misty Hollow Lane - Ward Map

AN ORDINANCE EXTENDING THE BOUNDARIES OF
WARD 4 TO INCLUDE PROPERTY NEWLY ANNEXED
INTO THE CITY LIMITS OF THE CITY OF CAPE
GIRARDEAU, MISSOURI

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

ARTICLE 1. The boundary of "Ward 4" is hereby amended by
adding the legal description of the following property newly
annexed into the City of Cape Girardeau, Missouri:

212 Misty Hollow Lane

A part of the Northwest Quarter of Section No. 23, Township
31 North, Range 13 East of the Fifth Principal Meridian,
County of Cape Girardeau, State of Missouri, being more
particularly described as follows: Beginning at a ½ inch
iron pin at the Northeast corner of Lot No. 1 of Cape
LaCroix Farms Subdivision as filed in the land records of
the County Recorder's Office in Plat Book No. 17 at Page No.
12, said point also being in the centerline of County Road
No. 620 from which point a 1 inch iron pipe at the Northeast
corner of the Northwest Quarter of said Section No. 23 bears
North 88°44'23" East, 1396.11 feet; thence along the
centerline of County Road No. 620 the following courses and
distances: South 17°05'43" East, 160.60 feet; thence South
15°18'23" East, 271.80 feet; thence leaving said centerline,
South 76°07'11" West, 427.92 feet; thence North 01°28'51"
West, 511.69 feet to a point on the North line of said
Section 23; thence North 88°44'23" East, 309.76 feet along
said North line to the point of beginning, containing 3.96
acres, more or less.

ALSO a part of the Northwest Quarter of Section No. 23,
Township 31 North, Range 13 East of the Fifth Principal
Meridian, County of Cape Girardeau, State of Missouri, being
more particularly described as follows: Commencing at a ½
inch iron pin at the Northeast corner of Lot No. 1 of Cape
LaCroix Farms Subdivision as filed in the land records of
the County Recorder's Office in Plat Book No. 17 at Page No.
12, said point also being in the centerline of County Road
No. 620 from which point a 1 inch iron pipe at the Northeast
corner of the Northwest Quarter of said Section No. 23 bears

North 88°44'23" East 1396.11 feet; thence South 88°44'23" West, 309.76 feet along the North line of Section 23 to the true point of beginning; thence leaving said North line, South 01°28'51" East, 486.72 feet; thence South 88°44'23" West, 245.33 feet to the Southeast corner of a tract of land recorded in the land records County Recorder's Office in Book No. 708 at Page No. 868; thence North 10°20'56" West, 492.90 feet along the East line to the Northeast corner of said tract, said point also being on the North line of said Section 23; thence North 88°44'23" East, 321.32 feet along said North line to the point of beginning, containing 3.17 acres, more or less.

Being and intended to be Tracts 2 and 3 in Quit Claim Deed recorded as Document No. 2005-03754 on March 21, 2005 of the Cape Girardeau County, Missouri land records.

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

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

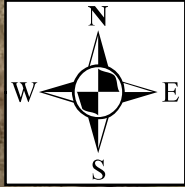
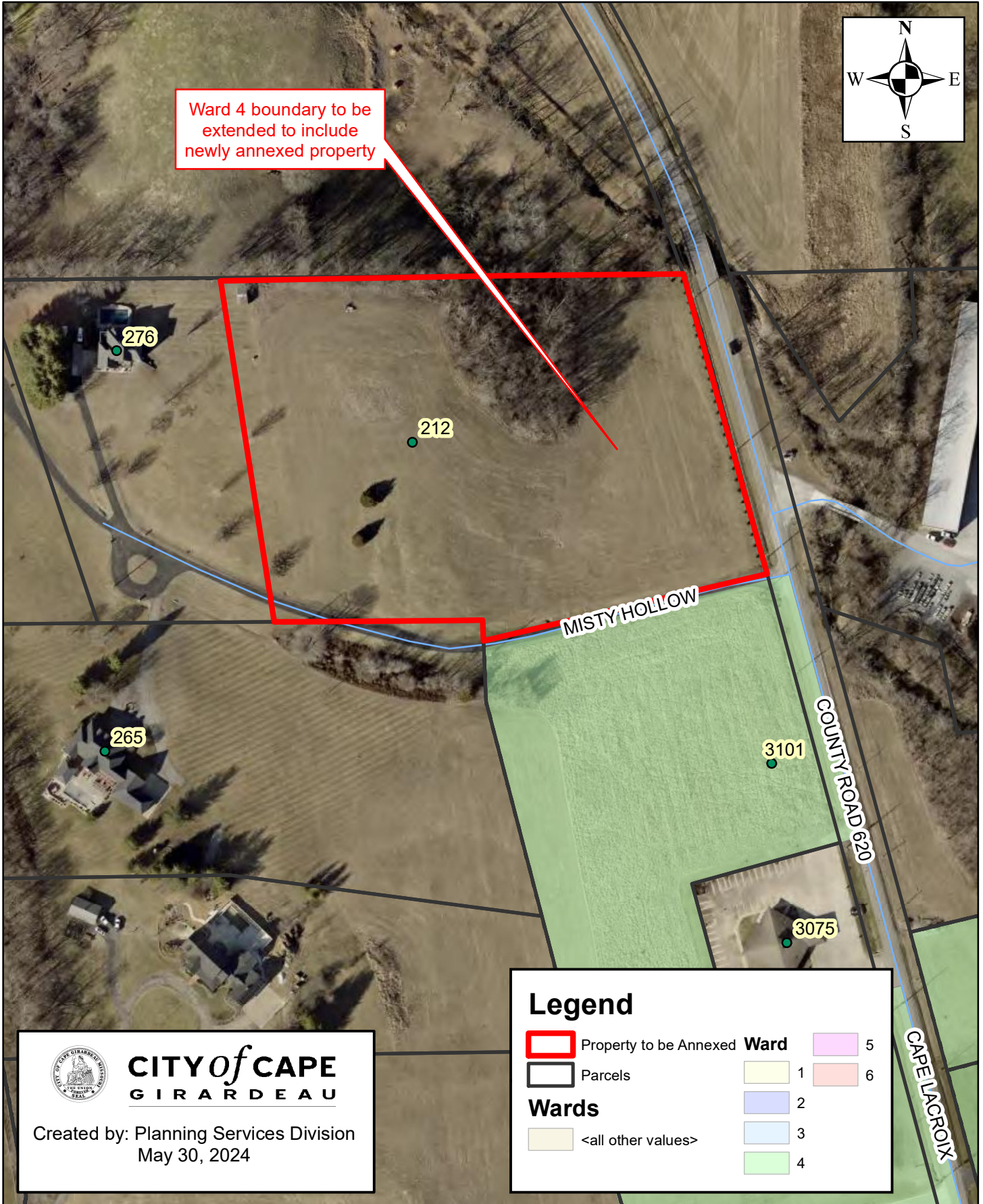
Stacy Kinder, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk



212 Misty Hollow Lane Ward Boundary Extension



**CITY of CAPE
GIRARDEAU**

Created by: Planning Services Division
May 30, 2024

Staff: Casey Brunke, P.E. Public Works
Agenda: Director
7/1/2024

AGENDA REPORT
Cape Girardeau City Council

24-110

SUBJECT

A Resolution authorizing the City Manager to execute an Agreement with All Clear Pumping & Sewer LLC, for the Lead Service Line Inventory project in the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

The City is performing the Lead Service Line Inventory as required by the U.S. Environmental Protection Agency's (EPA) Lead and Copper Rule Revisions.

The work proposed is for the contractor to pothole/excavate (by mechanical means or vacuum) water service lines to determine the pipe material present. This includes excavating both the City and property owner's side of the service line.

The contractor will take photos of the exposed pipe on either side of the service line and make those photos available to the City of Cape Girardeau in digital format.

BACKGROUND/DISCUSSION

Three (3) bids were received on June 13, 2024. One bidder failed to acknowledge the addendum and was thus deemed unresponsive. The two (2) remaining bidders proposed a unit price for each excavation at \$748.00 and \$879.00. The low bid was submitted by All Clear Pumping and Sewer LLC.

It was determined the City would be able to complete approximately 595 excavations for a total price of \$445,060.

FINANCIAL IMPACT

The cost of this project is being funded through American Rescue Plan Act (ARPA) and Capital Improvement Sales Tax (CIST) Water funds.

STAFF RECOMMENDATION

Staff recommends Council pass and approve a Resolution authorizing the City Manager to enter into a contract with All Clear Pumping and Sewer LLC for the Lead Service Line Inventory.

ATTACHMENTS:

Name:	Description:
☐ Agreement All Clear Pumping Sewer Lead Serv Proj.doc	Resolution
☐ Contract with All Clear.pdf	Contract with All Clear
☐ Bid Tabulation 2130.pdf	Bid Tabulation

BILL NO. 24-67

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ALL CLEAR PUMPING AND SEWER LLC, FOR THE LEAD SERVICE LINE INVENTORY PROJECT, 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 Agreement with All Clear Pumping and Sewer LLC, for the Lead Service Line Inventory Project. 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 or amendments as shall be approved by the officers of the City executing the same. The officers, agents, and employees of the City are hereby authorized to execute all documents and take steps as they deem necessary and advisable to carry out and perform the purpose of this Resolution.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2024.

Stacy Kinder, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk



CITY *of* CAPE G I R A R D E A U

AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)

THIS AGREEMENT is by and between The City of Cape Girardeau ("Owner") and
All Clear Pumping and Sewer LLC ("Contractor").

Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

The contractor will pothole/excavate (mechanical or vacuum) service lines to determine the material present. This includes excavating both the utility and homeowner's side of the service line. The contractor will take photos of the exposed pipe on either side of the service line and make those photos available to the City of Cape Girardeau in digital format.

- 1.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: *Lead Service Line Inventory*.

ARTICLE 2 – ENGINEER

- 2.01 The Project has been designed in-house.
- 2.02 The City Engineer or the City Engineer's designee is to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 3 – CONTRACT TIMES

- 3.01 *Time of the Essence*
- A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.
- 3.02 *Contract Times:*
- 3.03 The Work will be substantially completed within 180 days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 210 days after the date when the Contract Times commence to run.
- 3.04 *Liquidated Damages*
- A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed

and Milestones not achieved within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):

1. Substantial Completion: Contractor shall pay Owner \$750 for each day that expires after the time (as duly adjusted pursuant to the Contract) specified in Paragraph 4.02.A above for Substantial Completion until the Work is substantially complete.
2. Completion of Remaining Work: After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Owner \$750 for each day that expires after such time until the Work is completed and ready for final payment.
3. Liquidated damages for failing to timely attain Substantial Completion and final completion are not additive and will not be imposed concurrently.

ARTICLE 4 – CONTRACT PRICE

4.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:

- A. For all Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit.

ARTICLE 5 – PAYMENT PROCEDURES

5.01 Submittal and Processing of Payments

- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

5.02 Progress Payments; Retainage

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 10th day of each month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.
 1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract:
 - a. 95 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as

long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and

- b. ~~95~~ percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to ~~98~~ percent of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions.

5.03 *Final Payment*

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.06.

ARTICLE 6 – INTEREST

- 6.01 All amounts not paid when due shall bear interest at the maximum rate allowed by Missouri's Public Prompt Payment Act.

ARTICLE 7 – CONTRACTOR'S REPRESENTATIONS

- 7.01 In order to induce Owner to enter into this Contract, Contractor makes the following representations:
 - A. Contractor has examined and carefully studied the Contract Documents, and any data and reference items identified in the Contract Documents.
 - B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
 - C. Contractor is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
 - D. If applicable, Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.
 - E. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and if applicable, the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor's safety precautions and programs.
 - F. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies,

or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.

- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
- J. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

ARTICLE 8 – CONTRACT DOCUMENTS

8.01 Contents

- A. The Contract Documents consist of the following:
 - 1. This Agreement (pages 1 to 7, inclusive).
 - 2. Performance bond (pages ___ to ___, inclusive).
 - 3. Payment bond (pages ___ to ___, inclusive).
 - 4. General Conditions and Supplementary Conditions (pages 1 to 66, inclusive).
 - 5. Specifications as listed in the table of contents of the Project Manual.
 - 6. Drawings (not attached but incorporated by reference) consisting of _____ sheets with each sheet bearing the following general title: _____.
 - 7. Addenda (numbers 1 to 1, inclusive).
 - 8. Exhibits to this Agreement (enumerated as follows):
 - a. Contractor's Bid (Labeled Exhibit A).
 - 9. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
 - a. Notice to Proceed.
 - b. Work Change Directives.
 - c. Change Orders.
 - d. Field Orders.
 - e. Contractor's Warranty
 - f. Contractor's Affidavit Regarding Settlement of Claims
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

ARTICLE 9 – MISCELLANEOUS

9.01 *Terms*

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

9.02 *Assignment of Contract*

- A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.03 *Successors and Assigns*

- A. Owner and Contractor each binds itself, its successors, assigns, and legal representatives to the other party hereto, its successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

9.04 *Severability*

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

9.05 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. Bidder must submit a completed Certification Regarding Debarment, Suspension and other Responsibility Matters as attachment to the Bid. For the purposes of this Paragraph 10.05:
 1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process or in the Contract execution;
 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

9.06 *Other Provisions*

- A. Owner stipulates that if the General Conditions that are made a part of this Contract are based on EJCDC® C-700, Standard General Conditions for the Construction Contract, published by the Engineers Joint Contract Documents Committee®, and if Owner is the party that has furnished said General Conditions, then Owner has plainly shown all modifications to the standard wording of such published document to the Contractor, through a process such as highlighting or "track changes" (redline/strikeout), or in the Supplementary Conditions.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on _____ which is the Effective Date of the Contract).

OWNER: City of Cape Girardeau

CONTRACTOR:

All Clear Pumping and Sewer LLC

By: Dr. Kenneth Haskin

By: _____

Title: City Manager

Title: _____

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: _____

Attest: _____

Title: _____

Title: _____

Address for giving notices:

Address for giving notices:

Community Development Department, City Hall

All Clear Pumping and Sewer LLC

44 N. Lorimier Street

502 Shady Acres Road

Cape Girardeau, MO 63703

Centertown, MO 65023

License No.: _____

(where applicable)

CITY *of* CAPE G I R A R D E A U

PROPOSAL FORM

PROJECT IDENTIFICATION:

The contractor will pothole/excavate (mechanical or vacuum) service lines to determine the material present. This includes excavating both the utility and homeowner's side of the service line.

The contractor will take photos of the exposed pipe on either side of the service line and make those photos available to the City of Cape Girardeau in digital format.

CONTRACT IDENTIFICATION:

Project Name: **Lead Service Line Inventory**

City Project Number: **2130**

Issue Date: **May 2024**

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ARTICLE 1 – BID RECIPIENT

- 1.01 This Bid is submitted to: City of Cape Girardeau – City Hall
44 N. Lorimier Street
Cape Girardeau, Missouri 63701
- 1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER’S ACKNOWLEDGEMENTS

- 2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER’S REPRESENTATIONS

- 3.01 In submitting this Bid, Bidder represents that:
 - A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

<u>Addendum No.</u>	<u>Addendum, Date</u>
<u>1</u>	<u>June 12, 2024</u>
_____	_____
_____	_____
_____	_____

- B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all, if any: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.
- E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance

of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.

- F. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Owner written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Owner is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

ARTICLE 4 – BIDDER'S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
 - 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the price(s) indicated below.

In-Field Verification

Excavation

The contractor will pothole/excavate (mechanical or vacuum) service lines to determine the material present. This includes excavating both the utility and homeowner’s side of the service line.

The contractor will take photos of the exposed pipe on either side of the service line and make those photos available to the City of Cape Girardeau in digital format.

For the purposes of this proposal, the contractor should assume 1,100 service lines will need to be excavated and verified in the field. The contractor is required to provide a unit price for excavating each service line (both the customer and the utility’s portions). This price will include full restoration of the excavation site.

Unit price for excavating both sides of the service line: \$ 748⁰⁰

The City of Cape Girardeau reserves the right to request additional service line verifications at the unit price provided in the proposal. The City will not be obligated to pay the contractor for in-field verification work if the number of lines requiring in-field verification is less than the estimate listed above.

1. Total cost for excavation: \$ 822,800⁰⁰ (calculated as the unit cost for excavation \$ 748⁰⁰ x 1,100 number of estimated service lines requiring excavation)

Total cost of Proposal: \$ 822,800⁰⁰

Bidder acknowledges that (1) each Bid Unit Price includes an amount considered by Bidder to be adequate to cover Contractor’s overhead and profit for each separately identified item, and (2) estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

ARTICLE 6 – TIME OF COMPLETION

6.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.

6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:
- A. Required Bid security;
 - B. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such license within the time for acceptance of Bids;
 - C. If applicable, Contractor's License No.: _____ [or] Evidence of Bidder's ability to obtain a State Contractor's License and a covenant by Bidder to obtain said license within the time for acceptance of Bids;
 - D. Required Bidder Qualification Statement with supporting data;
 - E. Certification Regarding Debarment and Suspension;
 - F. Certification of Nonsegregated Facilities;
 - G. Affidavit of Work Authorization
 - H. Domestic Products Procurement Act Certification;
 - I. Certification Regarding Lobbying;
 - J. Affidavit of OSHA Training
 - K. Anti-Discrimination Against Israel Act Certification; and


ARTICLE 8 – DEFINED TERMS

8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 – BID SUBMITTAL

BIDDER: *[Indicate correct name of bidding entity]*

All Clear Pumping & Sewer

By: 
[Signature]

[Printed name] Shawn Clark owner

(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest:
[Signature] _____

[Printed name] _____

Title: _____

Submittal Date: June 13, 2024

Address for giving notices: _____

502 Shady Acres Rd, Centertown MO 65023

Telephone Number: 573-634-0165

Fax Number:

Contact Name and e-mail address: Carrie McMillin
Carriem@allclearmo.com

Bidder's License No.:
(where applicable)



State of Missouri
Robin Carnahan, Secretary of State

Corporations Division
PO Box 778 / 600 W. Main St., Rm. 322
Jefferson City, MO 65102

File Number:
LC0988195
Date Filed: 08/12/2009
Robin Carnahan
Secretary of State

Articles of Organization

(Submit with filing fee of \$105.00)

1. The name of the limited liability company is

All Clear Pumping and Sewer LLC
(Must include "Limited Liability Company," "Limited Company," "LC," "L.C.," "L.L.C.," or "LLC")

2. The purpose(s) for which the limited liability company is organized: To maintain septic tanks, grease traps, sewer lines and minor plumbing repairs.

3. The name and address of the limited liability company's registered agent in Missouri is:

Tracy Millard-Chilton 2700 Cherry Creek #A101
Name Street Address: May not use PO Box unless street address also provided City/State/Zip
Jefferson City, MO 65109

4. The management of the limited liability company is vested in: managers members (check one)

5. The events, if any, on which the limited liability company is to dissolve or the number of years the limited liability company is to continue, which may be any number or perpetual: Perpetual

(The answer to this question could cause possible tax consequences, you may wish to consult with your attorney or accountant)

6. The name(s) and street address(es) of each organizer (PO box may only be used in addition to a physical street address):
(Organizer(s) are not required to be member(s), manager(s) or owner(s))

Shawn M. Chilton 2700 Cherry Creek #A101
Tracy L. Millard Chilton Jefferson City, MO 65109
PO Box 823 Jefferson City, MO 65102

7. The effective date of this document is the date it is filed by the Secretary of State of Missouri unless a future date is otherwise indicated: August 12, 2009
(Date may not be more than 90 days after the filing date in this office)

In Affirmation thereof, the facts stated above are true and correct:

(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

All organizers must sign:

	<u>Shawn M. Chilton</u>	<u>8-12-09</u>
<small>Organizer Signature</small>	<small>Printed Name</small>	<small>Date</small>
	<u>Tracy L. Millard-Chilton</u>	<u>8-12-09</u>
<small>Organizer Signature</small>	<small>Printed Name</small>	<small>Date</small>
<small>Organizer Signature</small>	<small>Printed Name</small>	<small>Date</small>

Name and address to return filed document:
Name: All Clear Pumping & Sewer
Address: PO Box 823
City, State, and Zip Code: Jefferson City, MO 65109

State of Missouri
Creation - LLC/LP 1 Page(s)



T0922418011

State of Missouri



Robin Carnahan
Secretary of State

CERTIFICATE OF ORGANIZATION

WHEREAS,

All Clear Pumping and Sewer LLC
LC0988195

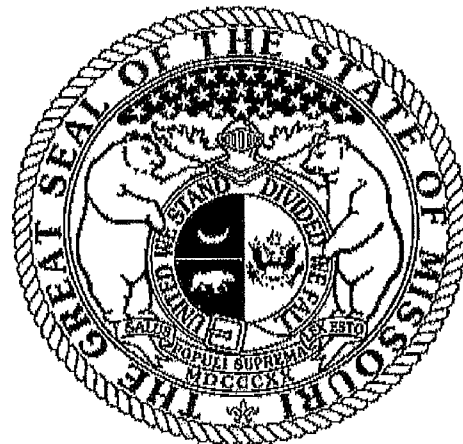
filed its Articles of Organization with this office on the 12th day of August, 2009, and that filing was found to conform to the Missouri Limited Liability Company Act.

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do certify and declare that on the 12th day of August, 2009, the above entity is a Limited Liability Company, organized in this state and entitled to any rights granted to Limited Liability Companies.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 12th day of August, 2009.

Robin Carnahan

Secretary of State



(Complete the following if you DO NOT have the E-Verify documentation and a current Affidavit of Work Authorization already on file with the State of Missouri. If completing Box B, do not complete Box C.)

BOX B – CURRENT BUSINESS ENTITY STATUS

I certify that All Clear Pumping & Sewer (Business Entity Name) **MEETS** the definition of a business entity as defined in section 285.525, RSMo pertaining to section 285.530.

Carrie McMillin
Authorized Business Entity Representative's Name (Please Print)


Authorized Business Entity Representative's Signature

All Clear Pumping & Sewer
Business Entity Name

June 12, 2024
Date

carriemeallclearmo.com
E-Mail Address

As a business entity, the vendor must perform/provide each of the following. The vendor should check each to verify completion/submission of all of the following:

- Enroll and participate in the E-Verify federal work authorization program (Website: <https://www.e-verify.gov/>; Phone: 888-464-4218; Email: e-verify@dhs.gov) with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services required herein;

AND

- Provide documentation affirming said company's/individual's enrollment and participation in the E-Verify federal work authorization program. Documentation shall include EITHER the E-Verify Employment Eligibility Verification page listing the vendor's name and company ID OR a page from the E-Verify Memorandum of Understanding (MOU) listing the vendor's name and the MOU signature page completed and signed, at minimum, by the vendor and the Department of Homeland Security – Verification Division. If the signature page of the MOU lists the vendor's name and company ID, then no additional pages of the MOU must be submitted;

AND

- Submit a completed, notarized Affidavit of Work Authorization provided on the next page of this Exhibit.



502 Shady Acres Rd, Centertown, MO 65023
Tel: 573-634-0165

All Clear Pumping & Sewer
502 Shady Acres Rd
Centertown, MO 65023
573-634-0165

Principal Officers

Shawn & Tracy Chilton
Owners
Office: 573-634-0165
Cell: 573-338-5985

All Clear Pumping & Sewer – Key Project Personnel

John Boessen
Project Manager
Office: 573-634-0165
Cell: 573-298-2092

Carrie McMillin
Director of Operations
Office: 573-634-0165
Cell: 816-872-7202

List of Equipment

- Hydro-vac truck
- Kaufman Hot Jet Sewer Jetter
- Ford E450 CCTV Van
- Kenworth Dump truck
- Bobcat Mini Excavator

All Clear Pumping & Sewer was established in 2008 and employs 12 highly-qualified sewer, septic, and plumbing professionals. Our team includes state-licensed septic installers and inspectors, CDL drivers, CCTV operators, and general laborers. All Clear Pumping & Sewer has a proven track-record of providing quality services to our residential, commercial, and municipal customers.

All Clear Pumping & Sewer is very familiar with the DNR-funded Lead Service Line Inventory projects (LSLI.) Thus far All Clear has completed Russellville and is currently working in Eldon and Linn, with ten other LSLI projects scheduled. All Clear has also completed non-DNR-funded LSLI projects for Stockman Construction in Jefferson City.

All Clear Pumping & Sewer has completed numerous jobs for municipalities including Moberly, Bunceton, Russellville, Union, and Perry to name a few. We work closely with municipal representatives to meet their specific needs in an efficient, cost-effective, and timely manner. We believe clear communication and teamwork are vital to ensuring a successful project.



Company ID Number: 2151895

Approved by:

Employer All Clear Pumping & Sewer	
Name (Please Type or Print) Carrie E McMillin	Title
Signature Electronically Signed	Date 05/17/2023
Department of Homeland Security – Verification Division	
Name (Please Type or Print) USCIS Verification Division	Title
Signature Electronically Signed	Date 05/17/2023



Company ID Number: 2151895

Information Required for the E-Verify Program	
Information relating to your Company:	
Company Name	All Clear Pumping & Sewer
Company Facility Address	502 Shady Acres Rd Centertown, MO 65023
Company Alternate Address	
County or Parish	COLE
Employer Identification Number	270766671
North American Industry Classification Systems Code	562
Parent Company	
Number of Employees	10 to 19
Number of Sites Verified for	1 site(s)



Company ID Number: 2151895



Are you verifying for more than 1 site? If yes, please provide the number of sites verified for in each State:

MO 1



Company ID Number: 2151895

Information relating to the Program Administrator(s) for your Company on policy questions or operational problems:

Name Carrie E McMillin
Phone Number 5736340165
Fax
Email carriem@allclearmo.com

Name Sherrv Hoback
Phone Number 5736340165
Fax
Email contact@allclearmo.com

ANTI-DISCRIMINATION AGAINST ISRAEL ACT CERTIFICATION

Pursuant to RSMo. §34.600, a public entity shall not enter into a contract to acquire or dispose of services, supplies, information technology, or construction valued at \$100,000 or more, or with a contractor having ten or more employees, unless the contract includes a written certification that the person or company is not currently engaged in, and shall not, for the duration of the contract, engage in a boycott of:

Goods or services from the State of Israel;

Companies doing business in, or with, Israel;

Companies authorized by, licensed by, or organized under, the laws of the State of Israel; or

Persons or entities doing business in the State of Israel;

For a definition of the term "boycott", please refer to RSMo. §34.600.3. A copy of the statute is attached.

By signing below, the Contractor agrees and certifies that it does not currently, and will not for the duration of this contract, engage in any of the types of boycotts listed above.

IN AFFIRMATION THEREOF, the undersigned states that the facts stated above are true and correct, and that he/she understands that false statements made in this filing are subject to the penalties provided in Section 575.040, RSMo.

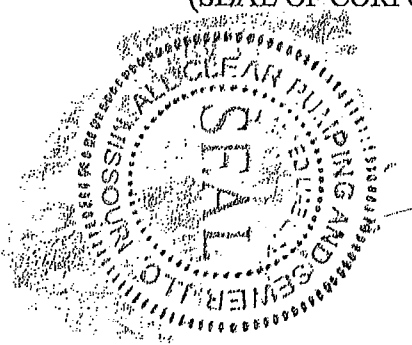
All Clear Pumping & Sewer
(Name of Corporation)

By: Tracy C. Millard-Chilton Secretary
(Name of Officer of Corporation and Title)
Tracy C. Millard-Chilton

ATTEST:

[Signature]
Secretary (or other officer)
John O. Miller owner

(SEAL OF CORPORATION)



STATE OF Missouri)
) ss.
COUNTY OF Cole)

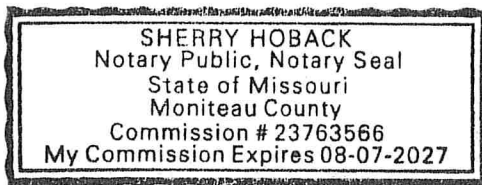
On this 12th day of June, 2024, before me appeared Shawn Chilton to me personally known, who, being by me duly sworn, did say that he/she is the owner of All Clear Pumping & Sewer, a Missouri Corporation, and that the seal affixed to the foregoing instrument is the seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and acknowledged said instrument to be the free act and deed of said Corporation.

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

Sherry Hoback
Notary Public

My Commission Expires:

08-07-2027





Certification Regarding Debarment and Suspension

Applicant Name: All Clear Pumping & Sewer
Project Name: Lead Service Line Inventory Project # 2130
Project No.: DNR-LI-4B171EE30579 SAM.gov UEI No.: _____

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any governmental (federal, state, or local) entity;
- b) Have not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against them for:
 - 1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction;
 - 2) Violation of federal or state antitrust statutes relating to the submission of offers; or
 - 3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c) Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with, commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- d) Have not, within a three-year period preceding this certification, had one or more public transactions (federal, state, or local) terminated for cause or default.

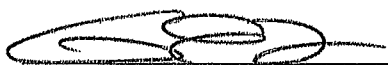
I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award.

I am able to certify to the above statements.

I am unable to certify to the above statements and attached my explanation.

Carrie Mcmillin
Typed Name of Authorized Representative

Director of operations
Title of Authorized Representative


Signature of Authorized Representative

June 12, 2024
Date

AFFIDAVIT OF WORK AUTHORIZATION:

The vendor who meets the section 285.525, RSMo, definition of a business entity must complete and return the following Affidavit of Work Authorization.

Comes now Carrie McMillin (Name of Business Entity Authorized Representative) as Director of Operations (Position/Title) first being duly sworn on my oath, affirm All Clear Pumping & Sewer (Business Entity Name) is enrolled and will continue to participate in the E-Verify federal work authorization program with respect to employees hired after enrollment in the program who are proposed to work in connection with the services related to contract(s) with the State of Missouri for the duration of the contract(s), if awarded in accordance with subsection 2 of section 285.530, RSMo. I also affirm that All Clear Pumping & Sewer (Business Entity Name) does not and will not knowingly employ a person who is an unauthorized alien in connection with the contracted services provided under the contract(s) for the duration of the contract(s), if awarded.

In Affirmation thereof, the facts stated above are true and correct. (The undersigned understands that false statements made in this filing are subject to the penalties provided under section 575.040, RSMo.)

[Signature]
Authorized Representative's Signature

Carrie McMillin
Printed Name

Director of Operations
Title

June 12, 2024
Date

Carriem@allclearmo.com
E-Mail Address

2151895
E-Verify Company ID Number

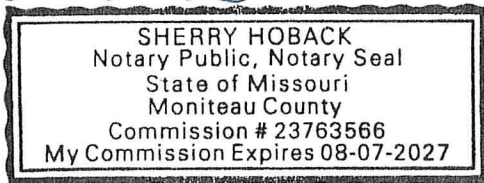
Subscribed and sworn to before me this 12th of June 2024. I am
(DAY) (MONTH, YEAR)

commissioned as a notary public within the County of Moniteau, State of
(NAME OF COUNTY)

Missouri, and my commission expires on 08-07-2027
(NAME OF STATE) (DATE)

Sherry Hoback
Signature of Notary

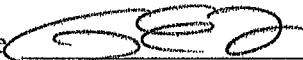
06-12-2024
Date



CERTIFICATION OF NONSEGREGATED FACILITIES

(Applicable to federally assisted construction contracts and related sub-contracts exceeding \$10,000 which are not exempt from the Equal Opportunity clause.)

The federally assisted construction contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. The federally assisted construction contractor agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

Signature  _____

Date June 12, 2024

Name and Title of Signer
(Print or Type)

Carrie M^cMillin, Director of Operations

Firm Name All Clear Pumping & Sewer _____

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

DNR-LI-4B171EE30579

ARPA Project Number

CERTIFICATION REGARDING LOBBYING

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Carrie McMillin, Director of Operations
Typed Name & Title of Authorized Representative

 June 12, 2024
Signature and Date of Authorized Representative

Domestic Products Procurement Act – RSMo 34.350 – 34.359 Certification

Each contract for the purchase or lease of manufactured goods or commodities by any public agency, and each contract made by a public agency for construction, alteration, repair, or maintenance of any public works shall contain a provision that any manufactured goods or commodities used or supplied in the performance of that contract or any subcontract thereto shall be manufactured or produced in the United States. (34.353.1 RSMo)

Project Name: Lead Service Line Inventory Project # 2130

Project Number: DNR-LI-4B171EE30579

Contract Name: _____

Please check one of the following and sign where indicated.

- All of the manufactured goods used in the project are produced in the United States.

- A waiver is being requested from the _____ to the domestic
(owner)
products provision due to the following exception:
 - The specified products are not manufactured or produced in the United States in sufficient quantities or manufactured or produced in the United States within the necessary time frames in sufficient quantities.
 - The cost for the specified products would increase the contract by more than 10 percent*; or
 - Only one line of a product is manufactured or produced in the United States.

Documentation of at least one of the cases above must be provided. List below the materials that cannot comply with the Domestic Product Procurement Act provisions.

Additional sheets (attach if necessary)

All Clear Pumping & Sewer
Name of Contracting Firm

GM June 12, 2024
Signature Date
Carrie McMillin

THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS that we **All Clear Pumping & Sewer, LLC, 502 Shady Acres Road, Centertown, MO 65023**

as Principal, hereinafter called the Principal, and **Granite Re, Inc., 14001 Quailbrook Drive, Oklahoma City, OK 73134**

a corporation duly organized under the laws of the State of **Minnesota**, as Surety,

hereinafter called the Surety, are held and firmly bound unto the **City of Cape Girardeau, Missouri | 44 N Lorimier Street | Cape Girardeau, MO 63701**

as Oblgee, hereinafter called the Oblgee, in the sum of **Five Percent (5%)** of the Amount Bid Dollars (\$-----),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for **Lead Service Line inventory in Cape Girardeau, MO**

NOW, THEREFORE, if the Oblgee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Oblgee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Oblgee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Oblgee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.


Signed and sealed this **13th** day of **June,** **2024**



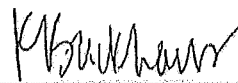
(Witness)

All Clear Pumping & Sewer, LLC

(Principal)

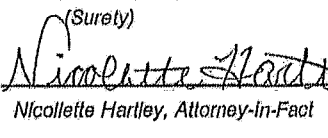


(Title) **Director of Operations**



(Witness)

Granite Re, Inc.

(Surety) (Seal)


Nicolette Hartley, Attorney-In-Fact

GRANITE RE, INC.
GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of MINNESOTA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

TRAVIS BARKER; SHANE DAVOLT; MINDY RIPPY; BRIDGETT MCQUERREY; TREVOR J. BALDWIN; PEGGY MARRS; NICOLLETTE HARTLEY its true and lawful Attorney-In-Fact(s) for the following purposes, to wit:

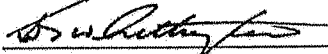
To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

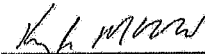
TRAVIS BARKER; SHANE DAVOLT; MINDY RIPPY; BRIDGETT MCQUERREY; TREVOR J. BALDWIN; PEGGY MARRS; NICOLLETTE HARTLEY may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Assistant Secretary, this 31st day of July, 2023.

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)





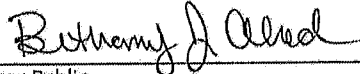
Kenneth D. Whittington, President


Kyle P. McDonald, Assistant Secretary

On this 31st day of July, 2023, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Assistant Secretary of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Assistant Secretary, respectively, of the Company.

My Commission Expires:
April 21, 2027
Commission #: 11003620





Bethany J. Alford
Notary Public

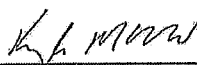
GRANITE RE, INC.
Certificate

THE UNDERSIGNED, being the duly elected and acting Assistant Secretary of Granite Re, Inc., a Minnesota Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Assistant Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this 13th day of June, 2024.





Kyle P. McDonald, Assistant Secretary

BID TABULATION FOR LEAD SERVICE LINE INVENTORY

June 13, 2024

	UNIT PRICE EXCAVATING	ACKNOWLEDGE ADDENDUM	BID BOND SUBMITTED	SURETY COMPANY
ALL CLEAR PUMPING & SEWER LLC	\$ 748.00	YES	YES	GRANITE RE, INC
502 SHADY ACRES ROAD	*Low Bidder*			14001 QUAILBROOK DR
CENTERTOWN MO 65023				OKLAHOMA CITY, OK, 73134

RECONN UTILITY SERVICES	\$ 879.00	YES	YES	RLI INSURANCE COMPANY
1500 OCEAN AVE., SUITE A				9025 N LINDBERGH DRIVE
BOHEMIA NY 11716				PEORIA IL 61615
ENVIRONMENTAL ACTION INC	\$ 220.00	NO	YES	NATIONAL AMERICAN INSURANCE CO
PO BOX 1029		*Bid Unresponsive*		1010 MANUAL AVE
JENKS OK 74037				CHANDLER OK 74834-3654

I hereby certify that the above is a true and correct summary of proposals received

PROJECT MANAGER

Casey Bunker

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2024

AGENDA REPORT
Cape Girardeau City Council

24-111

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 2530 Marsha Kay Drive, in the City and County of Cape Girardeau, Missouri, from R-1 to R-4.

EXECUTIVE SUMMARY

The attached ordinance rezones the property at 2530 Marsha Kay Drive from R-1 (Single-Family Suburban Residential District) to R-4 (Medium Density Multifamily Residential District). The City Council's public hearing on the rezoning was held on July 1, 2024.

BACKGROUND/DISCUSSION

A rezoning application was recently submitted for the property at 2530 Marsha Kay Drive. The applicant requested that the property be rezoned from R-1 (Single-Family Suburban Residential District) to NC (Neighborhood Commercial District) in order to use the property for a church and a commercial day care. The Planning and Zoning Commission held a public hearing on the rezoning request at its June 12, 2024 meeting. At the hearing, some of the neighbors indicated that they were not opposed to a commercial day care per se, but they did not want the property to be rezoned to a commercial district due to the surrounding residential properties. Staff then stated in the meeting that the R-4 (Medium Density Multifamily Residential) district, like the NC district, permits churches and commercial day cares by right but does not permit any other commercial uses. The Planning and Zoning Commission unanimously passed a motion recommending that the property be rezoned to R-4 instead of NC.

The immediately surrounding properties are zoned R-1 (Single-Family Suburban Residential District) on all sides. This area is characterized by single-family residential and commercial uses. The Cape Vision 2040 Comprehensive Plan's Future Land Use Map shows the subject property as Institutional.

The attached ordinance rezones the property to R-4. The City Council's public hearing on the rezoning was held on July 1, 2024.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the applicant's request to rezone the property to NC.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission held a public hearing at its June 12, 2024 meeting and recommended rezoning the property to R-4 by a vote of 7 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on June 15, 2024. 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:
2530_Marsha_Kay_Dr_Rezone.doc	Ordinance
Staff_Review-Referral-Action_Form_-_R-4.pdf	2530 Marsha Kay Drive - Staff RRA Form
Map_-_2530_Marsha_Kay_Dr_-_Zoning.pdf	2530 Marsha Kay Drive - Zoning Map
Map_-_2530_Marsha_Kay_Dr_-_FLU.pdf	2530 Marsha Kay Drive - FLU Map
Application_-_2530_Marsha_Kay_Drive_Rezoning.pdf	2530 Marsha Kay Drive - Application
Sec._30-57._-R-1_Single-Family_Suburban_Residential_District.pdf	R-1 District Regulations
Sec._30-60._-R-4_Medium_Density_Multifamily_Residential_District.pdf	R-4 District Regulations

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF PROPERTY LOCATED AT 2530 MARSHA KAY DRIVE, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-1 TO R-4

WHEREAS, the City Planning and Zoning Commission has recommended rezoning all of the property described in Article 1 of this ordinance from R-1, Single-Family Suburban Residential District, to R-4, Medium Density Multifamily Residential 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, July 1, 2024; and

WHEREAS, the City Council of the City of Cape Girardeau, Missouri, has elected to rezone the property described in Article 1 of this ordinance from R-1, Single-Family Suburban Residential District, to R-4, Medium Density Multifamily Residential 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-1, Single-Family Suburban Residential District, to R-4, Medium Density Multifamily Residential District, for the following described property:

2530 Marsha Kay Drive

All that part of what is known as the Northwest Quarter of Out Lot Eighty (80), U.S.P. Survey 2199, Township 31 North, Range 13 East, in the City of Cape Girardeau, Missouri, described as follows: Start at the Northeast corner of what is known as the Northwest Quarter of Out Lot 80; thence South 8 degrees West with the East line of said Northwest Quarter of Out Lot 80, 429.0 feet; thence North 82 degrees West, 28.8 feet, more or less, to a corner on the West right of way line of Cape Rock Road, said corner being the Southeast corner of Lot 1 of Hillcrest

Subdivision as recorded in Plat Book 4 on Page 21 in the land records of Cape Girardeau County, Missouri; thence North 82 degrees West with the South line of said Lot 1, 180.0 feet to the Southwest corner of said Lot 1 for a beginning corner; thence continue North 82 degrees West with the South line of Fairview Place, as recorded in Plat Book 4 on Page 55 in the land records of Cape Girardeau County, Missouri, 180.7 feet, more or less, to the Northeast corner of a lot conveyed by the Bast Heirs to Kathryn Swan by deed dated August 22, 1950, and recorded in Book 148 at page 279 of the land records of Cape Girardeau County, Missouri; thence South 8 degrees West, 150.0 feet to the North line of a forty foot street; thence South 82 degrees East with said North line, 180.7 feet, more or less, to the Southwest corner of a lot conveyed by the Bast Heirs to David O. Howe and Augusta A. Howe by deed dated April 14, 1941 and recorded in Book 121 at page 262 of the land records of Cape Girardeau county, Missouri; thence North 8 degrees East, 150.0 feet to the beginning corner.

Subject to easements, restrictions, reservations, and covenants of record, if any

ARTICLE 2. The City Council hereby finds and declares that the property described in Article 1 of this ordinance is at the present time particularly suitable for the purposes and uses of the R-4, Medium Density Multifamily Residential 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 _____, 2024.

Stacy Kinder, 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. 1470

LOCATION: 2530 Marsha Kay Drive

STAFF REVIEW & COMMENTS:

Maurice and Moleen Gross are requesting to rezone the above listed property from R-1 (Single-family Suburban Residential) to NC (Neighborhood Commercial). SEE STAFF REPORT FOR FURTHER INFORMATION

[Signature]
City Planner

5/29/24
Date

[Signature]
City Attorney

5/31/24
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

5/31/24
Date

Planning & Zoning Commission

Public Hearing Sign Posting Date: 6-5-24 Public Hearing Date: 6-12-24

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Blank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chris Martin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nick Martin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robbie Guard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sommer McCauley-Perdue	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 7 Favor 0 Oppose 0 Abstain

COMMENTS: The Planning & Zoning Commission voted unanimously to recommend rezoning to R-4 (Medium Density Multifamily Residential) instead of NC (Neighborhood Commercial) as listed in the staff report.

[Signature]
Scott Blank
Planning & Zoning Commission Chairman

City Council Action

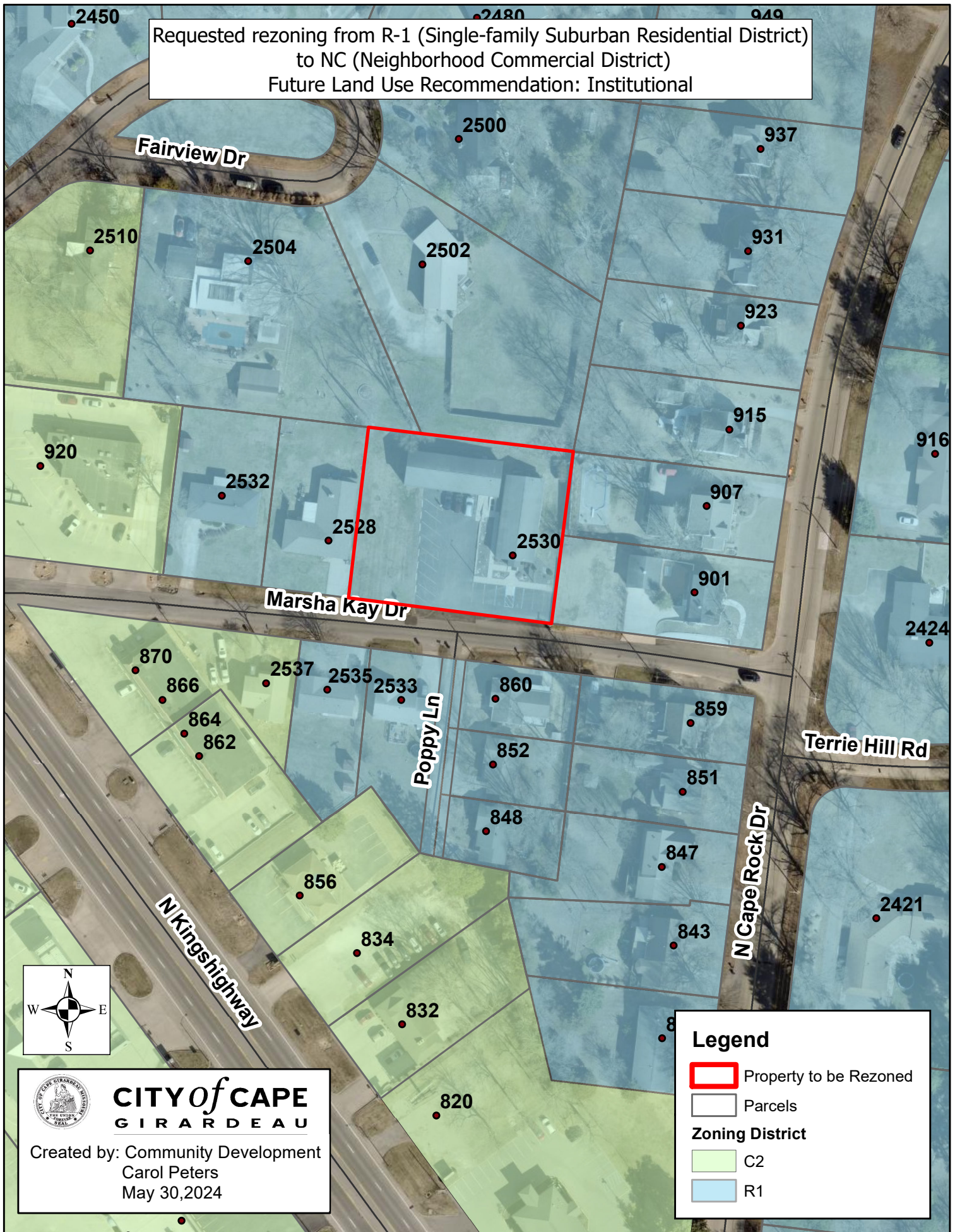
Posting Dates: Sign _____ Newspaper _____ Public Hearing Date: _____
Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ Effective Date: _____

Rezoning Request - 2530 Marsha Kay Drive

Requested rezoning from R-1 (Single-family Suburban Residential District)
to NC (Neighborhood Commercial District)
Future Land Use Recommendation: Institutional



CITY of CAPE GIRARDEAU

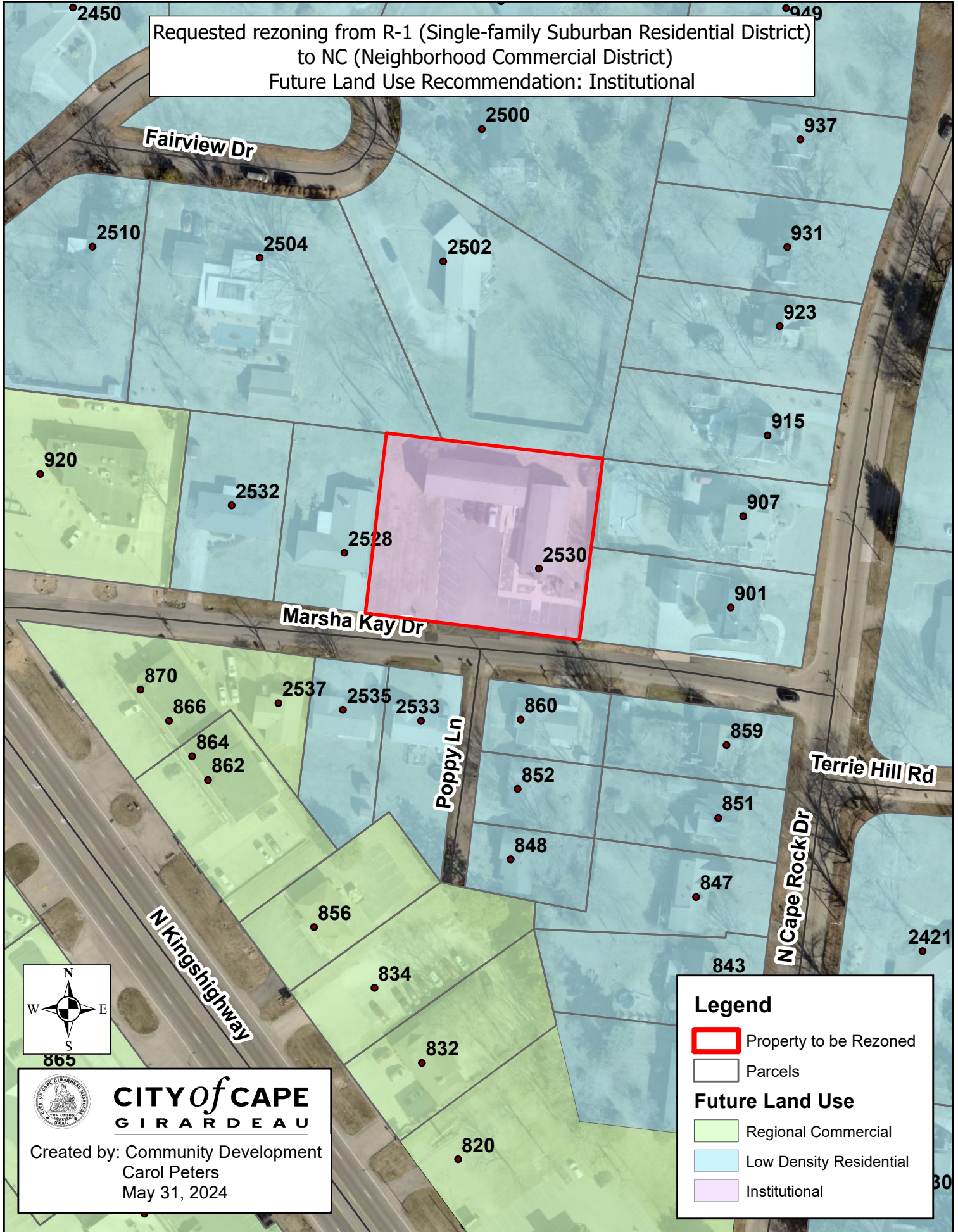
Created by: Community Development
Carol Peters
May 30, 2024

Legend

- Property to be Rezoned
- Parcels
- Zoning District**
- C2
- R1

Rezoning Request - 2530 Marsha Kay Drive

Requested rezoning from R-1 (Single-family Suburban Residential District) to NC (Neighborhood Commercial District)
Future Land Use Recommendation: Institutional



CITY of CAPE
GIRARDEAU

Created by: Community Development
Carol Peters
May 31, 2024



REZONING / SPECIAL USE PERMIT APPLICATION
CITY of CAPE GIRARDEAU

COMMUNITY DEVELOPMENT DEPARTMENT, 44 NORTH LORIMIER STREET, CAPE GIRARDEAU, MO 63701 (573) 339-6327

Property Address/Location

2530 Marsha Kay Drive, Cape Girardeau, Mo. 63701

Applicant Maurice & Moleen Gross **Property Owner of Record** Mi & Mrs Gipson Same as Applicant

Mailing Address 1615 Lexington Avenue **City, State, Zip** Cape Girardeau **Mailing Address** 2530 Marsha Kay Dr **City, State, Zip** Cape Girardeau, MO 63701

Telephone 573-803-1607 **Email** Moleenchakonda@yahoo.com **Telephone** **Email**

Contact Person **(Attach additional owners information, if necessary)**

Type of Request **Rezoning** **Special Use Permit** **Both** **Proposed Special Use (Special Use Permit requests only)**

Existing Zoning District R1 **Proposed Zoning District (Rezoning requests only)** NC
 Choose a Zoning District

Legal description of property to be rezoned and/or upon which the special use is to be conducted
Currently there is a church building and an office building.

Describe the proposed use of the property.
There will be a church and a daycare.

Application continues on next page

OFFICE USE ONLY

Date Received & By 5/15/24 File # 1470 MUNIS Application # 15310 MUNIS Permit # _____

Application Fee Received \$ 141 Check # 1320 Credit Card Cash
Env. - 24.30

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. *Church over the weekend and day care Monday - Friday. Parents drop off and pick up are at different times.*
- 2) The proposed special use will not substantially increase fire hazards. *No fire hazard increase.*
- 3) The proposed special use will not adversely affect the character of the neighborhood. *Majority of activity/activities are done inside. Character of neighborhood is not affected*
- 4) The proposed special use will not adversely affect the general welfare of the community. *This will not affect the general welfare of the community.*
- 5) The proposed special use will not overtax public utilities. *This special use will not overtax public utilities.*

ADDITIONAL ITEMS REQUIRED

See Instructions for more information.

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

- Base Application fee - \$141.00 payable to City of Cape Girardeau
- Planned Development rezoning only - Additional \$84 payable to City of Cape Girardeau
- List of adjacent property owners (see Instructions for requirements)
- One (1) set of mailing envelopes, stamped and addressed to adjacent property owners OR \$2.70 per adjacent property owner, if stamped envelopes are not submitted
- One (1) full size copy of a plat or survey of the property, if available
- One (1) full size set of plans, drawn to an appropriate scale, depicting existing features to be removed, existing features to remain, and all proposed features such as: buildings and structures, paved areas, curbing, driveways, parking stalls, trash enclosures, fences, retaining walls, light poles, detention basins, landscaping areas, freestanding signs, etc. (Planned Development rezonings and Special Use Permits only)
- One (1) set of Planned Development documents (Planned Development rezonings only)

CERTIFICATIONS

The undersigned hereby certifies that:

- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They acknowledge that the special use permit, if approved, will become 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.

Property Owner of Record Signature and Printed Name

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.

[Signature]

Applicant Signature and Printed Name

05/15/24

Date

2530 MARSHA KAY DRIVE
ADJACENT PROPERTY OWNERS

LOCATION	PROPERTY OWNER	MAILING ADDRESS	CITY	ST	ZIP
2528 MARSHA KAY	LESLIE LEE JR & HELEN M LINDY	PO BOX 20	GORDONVILLE	MO	63752
2504 FAIRVIEW PLACE DR	JOHN A & DEBORAH CLIFTON	2504 FAIRVIEW PLACE DR	CAPE GIRARDEAU	MO	63701
2502 FAIRVIEW PLACE DR	DEBORAH KAYE CLIFTON	2504 FAIRVIEW PLACE DR	CAPE GIRARDEAU	MO	63701
915 N CAPE ROCK DR	ALVIN ROCKETT	915 N CAPE ROCK DR	CAPE GIRARDEAU	MO	63701
907 N CAPE ROCK DR	WILLIAM J & MAUREEN M DUFFY	907 N CAPE ROCK DR	CAPE GIRARDEAU	MO	63701
901 N CAPE ROCK DR	FIELD PROPERTY MANAGEMENT LLC	1140 N VAN HOME WAY	ANAHEIM	CA	92806
860 POPPY LN	TABITHA MARTIN & ANTHONY HERNANDEZ	860 POPPY LN	CAPE GIRARDEAU	MO	63701
2533 MARSHA KAY DR	FOX FAMILY PROPERTIES LLC	832 N KINGSHIGHWAY	CAPE GIRARDEAU	MO	63701
2535 MARSHA KAY DR	CROSNOE PROPERTIES LLC	862 N KINGSHIGHWAY	CAPE GIRARDEAU	MO	63701

Sec. 30-57. - R-1, Single-Family Suburban Residential District.

- (a) *Purpose.* The R-1 district is intended primarily for single-family detached dwellings with a maximum density of four units per acre. It is designed to provide for quality single-family residential neighborhoods in a conventional subdivision setting, while encouraging a mix of housing styles, designs and development. Certain other structures and uses necessary to serve the area are allowed as permitted uses or through the approval of a special use permit, subject to restrictions intended to preserve and protect the single-family residential character of the district.
- (b) *Permitted principal uses.*
- (1) Single-family detached dwelling, with only one dwelling per lot.
 - (2) Cluster subdivisions, as permitted in chapter 25.
 - (3) Golf courses; this shall not include separate miniature golf courses, driving ranges and other similar activities operated as a business.
 - (4) Public parks, playgrounds, and recreational facilities.
 - (5) Police and fire stations.
 - (6) Elementary and middle schools, or development centers for elementary and middle school age children with handicaps or development disabilities, on a minimum of five acres of land.
 - (7) Noncommercial, not-for-profit residential neighborhood facilities consisting of indoor and outdoor recreational facilities, offices of property owners' associations, and maintenance facilities operated by a neighborhood or community organization or a property owners' association.
 - (8) Home for eight or fewer unrelated mentally or physically handicapped persons, including no more than two additional persons acting as house parents or guardians who need not be related to each other or to any of the handicapped persons residing in the home, provided that:
 - a. The exterior appearance of the home and property shall reasonably conform to the exterior appearance of other dwellings and property in the neighborhood; and
 - b. Such home shall not be located closer than 370 feet to any other such home.
 - (9) A private residence licensed by the state division of family services or state department of mental health to provide foster care to one or more, but less than seven, children who are unrelated to either foster parent by blood, marriage or adoption, provided that all applicable building and safety codes are met, and an occupancy permit issued therefor.
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory structures, as permitted in section 30-106.
 - (2) In home elderly care, with a maximum of three persons as permitted in section 30-114.

- (3) Home occupations, as permitted in section 30-108.
- (4) Home day cares, with no more than four unrelated children in a 24-hour period as permitted in section 30-111.
- (5) Solar energy systems, as permitted in section 30-113.
- (6) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.

(d) *Special uses.*

- (1) Home day cares, with five or more unrelated children in a 24-hour period, as permitted in section 30-111.
- (2) Libraries, on a minimum of two acres of land.
- (3) Cemeteries, on a minimum of ten acres of land.
- (4) Wind energy conversion systems, as permitted in section 30-113.
- (5) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
- (6) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.

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

- (1) Maximum height: 2½ stories not to exceed 35 feet.
- (2) Minimum lot area: 10,000 square feet.
- (3) Maximum density: Four units per one acre. Higher densities may be approved with a cluster subdivision, as permitted in chapter 25.
- (4) Minimum lot width: 80 feet.
- (5) Minimum yard requirements:
 - a. Front yard: 30 feet.
 - b. Rear yard: 25 feet.
 - c. Side yard: Six feet.

- (f) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-46. No parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of 24,000 pounds, except as provided in sections 26-147 and 26-298.

(Code 1990, § 30-322; Ord. No. 5012, art. 4, 10-2-2017)

Sec. 30-60. - R-4, Medium Density Multifamily Residential District.

(a) *Purpose.* The R-4 district provides for multifamily dwellings and other residential uses with a maximum density of 18 units per one acre. Single-family detached and two-family (duplex) dwellings are permitted in order to accommodate existing R-4 zoned lots that either contain such uses or are not large enough to be developed for multifamily dwellings. It is not intended for new single-family detached or two-family subdivisions, which are prohibited.

(b) *Permitted principal uses.*

(1) Single-family detached dwellings, with only one dwelling per lot, and excluding new single-family detached subdivisions.

(2) Two-family (duplex) dwellings, excluding new two-family subdivisions.

(3) Multifamily dwellings.

(4) Townhouses.

(5) Cluster subdivisions, as permitted elsewhere in the city Code.

(6) Nursing homes, senior citizen housing and retirement homes.

(7) Noncommercial, not-for-profit residential neighborhood facilities consisting of indoor and/or outdoor recreational facilities, offices of property owners' associations, and maintenance facilities operated by a neighborhood or community organization or a property owners' association.

(8) Public parks, playgrounds, and recreational facilities.

(9) Police and fire stations.

(10) Elementary, middle and secondary schools, and development centers for elementary, middle and secondary school age children with physical, mental or developmental disabilities.

(11) Commercial day cares.

(c) *Permitted accessory uses.*

(1) Private garages, carports and accessory structures, as permitted in section 30-106.

(2) Home occupations, as permitted in section 30-108.

(3) Solar energy systems, as permitted in section 30-113.

(4) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.

(d) *Special uses.*

(1) Bed and breakfasts.

(2) Boutique hotels. The term "boutique hotel" shall mean an establishment containing a minimum of five and a maximum of 20 rooming units, which is used or advertised as a place where lodging accommodations are supplied for pay to guests for lodging occupancy with

rooms having access to the outside through an interior hallway connected to the main lobby of the building, and which may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.

- (3) Cemeteries, on a minimum of ten acres of land.
 - (4) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.
 - (5) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (6) Residential treatment facilities.
 - (7) Transitional housing.
 - (8) Wind energy conversion systems, as permitted in section 30-113.
- (e) *Height, area, bulk and setback regulations.*
- (1) Maximum height: Five stories not to exceed 60 feet.
 - (2) Minimum lot area:
 - a. Each townhouse must be on a separate platted lot consisting of at least 1,400 square feet.
 - b. All other uses: 3,750 square feet.
 - (3) Maximum density: 18 units per one acre. Higher densities may be approved with a cluster subdivision, as permitted elsewhere in the city Code.
 - (4) Minimum lot width:
 - a. Each townhouse: 20 feet.
 - b. All other uses: None.
 - (5) Minimum yard requirements:
 - a. Front yard:
 1. Each townhouse: Ten feet.
 2. All other uses: 25 feet.
 - b. Rear yard:
 1. Each townhouse: 20 feet.
 2. All other uses: 25 feet.
 - c. Side yard:
 1. Each townhouse: None.
 2. All other uses: Five feet.
 - (6) Maximum building coverage, including accessory buildings: 50 percent of the lot for all uses except townhouses.
 - (7)

Open space requirements: For any multifamily residential uses or nonresidential uses, a minimum of 20 percent of the total lot area shall be devoted to open space, including required yards and bufferyards.

(f) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-46. There shall be no parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of 24,000 pounds, except as provided in sections 26-147 and 26-298.

(Code 1990, § 30-325; Ord. No. 5012, art. 4, 10-2-2017; Ord. No. 5550, art. 1, 6-20-2022; Ord. No. 5635, art. 1, 4-17-2023)

Staff: Jake Garrard, PE, City Engineer
Agenda: 7/1/2024

AGENDA REPORT
Cape Girardeau City Council

24-112

SUBJECT

An Ordinance accepting a Permanent Public Stormwater Easement and Public Utility and Sewer Easement from Catholic Charities of Southern Missouri at 475 N. Main Street in the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

An Ordinance accepting a Permanent Public Stormwater Easement and Public Utility and Sewer Easement from Catholic Charities of Southern Missouri at 475 N. Main Street in the City of Cape Girardeau, Missouri.

BACKGROUND/DISCUSSION

During the installation of the storm water pipes, it became necessary to relocate them eastward from their originally planned position. As a result, these pipes are now situated just 1 to 1.5 feet from the edge of the existing easement on the subdivision plat. Due to this change, an additional 5 feet of easement is required to ensure adequate coverage. This expanded easement will run in parallel with the current one, remaining within the confines of the parking lot area. The additional space will help accommodate the pipes and any potential future adjustments or maintenance needs.

FINANCIAL IMPACT

The easement was donated. The property owners will pay for the cost of recording the new easement.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

The easement is necessary to enable the City, its agents, servants and assigns, to use said property to excavate, build, maintain, construct, operate, and repair Utility Infrastructure in, on, upon, under or across said property, together with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith.

STAFF RECOMMENDATION

Staff recommends approval of the attached Ordinance accepting a Permanent Public Stormwater Easement and Public Utility and Sewer Easement from Catholic Charities of Southern Missouri for the Lifehouse Subdivision.

ATTACHMENTS:

Name:	Description:
Easements_Catholic_Charities_475_N_Main_St.doc	Ordinance
GOOD_Lifehouse_Easement_Exhibit_05.07.2024.pdf	Exhibit
GOOD_Lifehouse_Legal_Description_05.07.24.docx	Legal Description
EXECUTED_Lifehouse_Permanent_Public_Stormwater_ESMT_and_Public_Utility_Sewer_ESMT.pdf	Easement Agreement

BILL NO. 24-68

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING AN EASEMENT FROM CATHOLIC CHARITIES OF SOUTHERN MISSOURI, INC., FOR PROPERTY LOCATED AT 475 NORTH MAIN STREET, 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 Public Stormwater Easement and a Public Utility and Sewer Easement from Catholic Charities of Southern Missouri, Inc., in the City of Cape Girardeau, Missouri, described as follows:

Permanent Public Stormwater Easement and Public Utility & Sewer Easement

PART OF LOT 1 OF LIFEHOUSE SUBDIVISION AS RECORDED IN DOCUMENT #2021-15248 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 1, ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH SPANISH STREET; THENCE WITH SAID RIGHT OF WAY LINE, NORTH 06°14'09" EAST, 160.00 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH 83°55'21" EAST, 30.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 83°55'21" EAST, 5.00 FEET; THENCE SOUTH 06°14'09" WEST, 40.00 FEET; THENCE NORTH 83°55'21" WEST, 5.00 FEET; THENCE NORTH 06°14'09" EAST, 40.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 200 SQUARE FEET, MORE OR LESS.

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

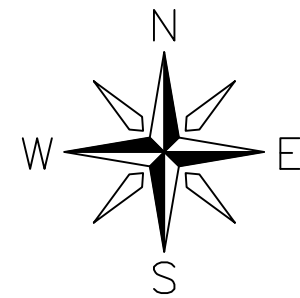
PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

Stacy Kinder, Mayor

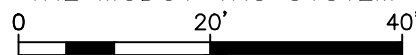
ATTEST:

Bruce Taylor, Deputy City Clerk





NORTH ORIENTATION FROM MISSOURI STATE PLANE COORDINATE SYSTEM EASTERN ZONE, GRID NORTH IN ACCORDANCE WITH THE MODOT VRS SYSTEM



HORIZONTAL SCALE

EASEMENT EXHIBIT FOR LIFEHOUSE SUBDIVISION

PART OF LOT 1 OF LIFEHOUSE SUBDIVISION AS RECORDED IN DOCUMENT #2021-15248 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

DESCRIPTION - EASEMENT -

PART OF LOT 1 OF LIFEHOUSE SUBDIVISION AS RECORDED IN DOCUMENT #2021-15248 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

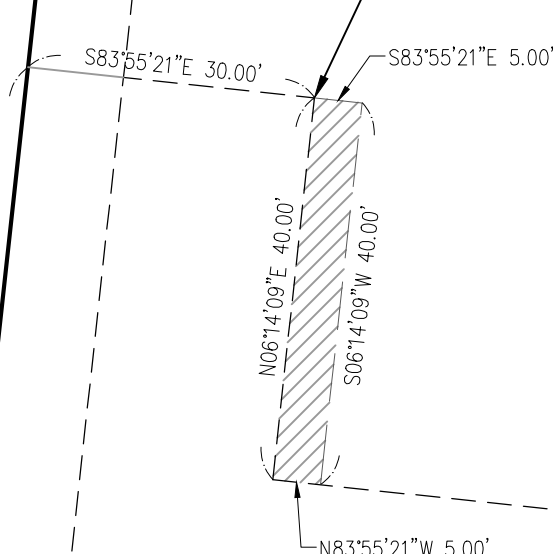
COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 1, ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH SPANISH STREET; THENCE WITH SAID RIGHT OF WAY LINE, NORTH 06°14'09" EAST, 160.00 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH 83°55'21" EAST, 30.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 83°55'21" EAST, 5.00 FEET; THENCE SOUTH 06°14'09" WEST, 40.00 FEET; THENCE NORTH 83°55'21" WEST, 5.00 FEET; THENCE NORTH 06°14'09" EAST, 40.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 200 SQUARE FEET, MORE OR LESS.

N/F CATHOLIC CHARITIES OF SOUTHERN MISSOURI, INC. DOC. NO. 2017-07140

LOT 1
78,310 SQ. FT.
1.80 AC.

POINT OF BEGINNING



PUBLIC STORMWATER EASEMENT AND PUBLIC UTILITY & SEWER EASEMENT (VARIABLE WIDTH) DOCUMENT #2021-15248

10' PRIVATE STORMWATER EASEMENT AND PUBLIC UTILITY & SEWER EASEMENT DOCUMENT #2021-15248

NORTH SPANISH ST (50' R.O.W.)

N06°14'09"E 160.00'

5' SIDE SETBACK

10' ALLEY PLAT BK. 3, PG. 22

N/F CATHOLIC CHARITIES OF SOUTHERN MISSOURI DOC. NO. 2017-07140

25' FRONT SETBACK

N/F CAPE G LLC DOC. NO. 2019-12415

POINT OF COMMENCEMENT SW COR LOT 1 OF LIFEHOUSE SUBDIVISION DOCUMENT #2021-15248

PARK DRIVE

LEGEND

- = FOUND CUT CROSS
- = FOUND IRON PIPE
- = FOUND 1/2" IRON ROD
- = SET 1/2" IRON ROD
- = SUBDIVISION BOUNDARY LINE
- = EXISTING EASEMENT LINE
- = NEW EASEMENT LINE
- = BUILDING SETBACK LINE
- = EXTERNAL PROPERTY LINE
- = RIGHT OF WAY LINE
- = CENTERLINE OF ROAD

KOEHLER

Professional Engineers & Land Surveyors

194 Coker Lane
Cape Girardeau, Missouri 63701
Ph: (573) 335 - 3026
PLS CORPORATE LICENSE NO. 000262

DRAWN BY:	ASHTON GASKILL	REV/DATE	DESCRIPTION	INITIALS
CHECKED BY:	CHRIS KOEHLER			
SURVEY DATE:	N/A			
DRAWING DATE:	MAY 07, 2024			
DRAWING NO:	37953			

Extra Easement at Lifehouse Subdivision

Permanent Public Stormwater Easement and Public Utility & Sewer Easement

PART OF LOT 1 OF LIFEHOUSE SUBDIVISION AS RECORDED IN DOCUMENT #2021-15248 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 1, ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH SPANISH STREET; THENCE WITH SAID RIGHT OF WAY LINE, NORTH 06°14'09" EAST, 160.00 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH 83°55'21" EAST, 30.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 83°55'21" EAST, 5.00 FEET; THENCE SOUTH 06°14'09" WEST, 40.00 FEET; THENCE NORTH 83°55'21" WEST, 5.00 FEET; THENCE NORTH 06°14'09" EAST, 40.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 200 SQUARE FEET, MORE OR LESS.

**PERMANENT PUBLIC STORMWATER EASEMENT AND PUBLIC
UTILITY & SEWER EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS: **Catholic Charities of Southern Missouri, Inc.**, a Missouri Nonprofit corporation, of the County of Cape Girardeau, in the State of Missouri, **GRANTOR**, 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, organized and existing under the laws of the State of Missouri, of the County of Cape Girardeau in the State of Missouri, **GRANTEE** (hereinafter, the "**City**"), the right, privilege, permission and authority to enter on and upon the following described property which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

PART OF LOT 1 OF LIFEHOUSE SUBDIVISION AS RECORDED IN DOCUMENT #2021-15248 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 1, ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH SPANISH STREET; THENCE WITH SAID RIGHT OF WAY LINE, NORTH 06°14'09" EAST, 160.00 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH 83°55'21" EAST, 30.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 83°55'21" EAST, 5.00 FEET; THENCE SOUTH 06°14'09" WEST, 40.00 FEET; THENCE NORTH 83°55'21" WEST, 5.00 FEET; THENCE NORTH 06°14'09" EAST, 40.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 200 SQUARE FEET, MORE OR LESS.

Said right, privilege, permission, and authority to enter on and upon the above described property is granted for the purpose of enabling the City as well as its agents, servants, and assigns to use said property to excavate, build, and construct certain utility improvements in, on, upon, or across said property, together with all of the useful, necessary, and proper adjuncts, appurtenances, and appliances in connection therewith.

This easement and the right, privilege, permission, and authority herein granted are perpetual and shall run with the land.

(Remainder of this page intentionally left blank)

Staff: Gayle L. Conrad, MPCC/CMC,
Director of Citizen Services/City
Agenda: Clerk
7/1/2024

AGENDA REPORT
Cape Girardeau City Council

24-113

SUBJECT

Appointment of three members, to the Cape Dogwood Community Improvement District Board of Directors for terms expiring July 1, 2028.

EXECUTIVE SUMMARY

Three terms will expire July 1, 2024. The following individuals have expressed interest in being reappointed to the board.

Applicant
Anandkumar Patel Jr.
James P. Limbaugh
Mark Chapman Hogan

BACKGROUND/DISCUSSION

On April 2, 2018, the City Council adopted Ordinance No. 5066 establishing the Cape Dogwood Community Improvement District. The *Petition Authorizing the Formation of a Community Improvement District* called for the appointment of five directors appointed by the Mayor with the consent of the City Council. The appointees must each be an owner or legally authorized representative of owner of real property with the district, or a registered voter residing within the proposed district.

BOARD OR COMMISSION RECOMMENDATION

The property owner within the Cape Dogwood Community Improvement District recommends the appointments of Anand kumar Patel Jr, James P. Limbaugh, and Mark Chapman Hogan.

ATTACHMENTS:

Name:	Description:
dogwood_cid_roster.pdf	roster
Dogwood_CID_appointment_letter.pdf	Dogwood CID Recommendation Letter

CITY OF CAPE GIRARDEAU, MISSOURI

Roster of Advisory Boards and Committees

June 3, 2024

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.

Cape Dogwood Community Improvement District

	<u>Date Appointed</u>	<u>Date Reappointed</u>	<u>Term Expires</u>
Anandkumar Patel Jr	June 18, 2018	6/15/20	July 1, 2024
James P. Limbaugh	June 18, 2018	6/15/20	July 1, 2024
Mark Chapman Hogan	June 18, 2018	6/15/20	July 1, 2024
Anissa Fongyee Patel	June 18, 2018	6/20/22	July 1, 2026
Anandkumar Patel	June 18, 2018	6/20/22	July 1, 2026

On April 2, 2018, the City Council adopted Ordinance No. 5066 establishing the Cape Dogwood Community Improvement District. The Petition Authorizing the Formation of a Community Improvement District called for the appointment of five directors appointed by the Mayor with the consent of the City Council. The appointees must each be an owner or legally authorized representative of owner of real property with the district, or a registered voter residing within the proposed district. Two terms will expire July 1, 2022. Three terms will expire July 1, 2020.

May __23__, 2024

City of Cape Girardeau Mayor and Council
44 N. Lorimier
Cape Girardeau, MO 63701

Dear Mayor, Kinder,

Please accept this as an expression of my interest in continuing to recommend James Limbaugh, Mark Chapman Hogan and Anand Kumar Patel Jr as a members on the Cape Dogwood Community Improvement District board. It has been a pleasure to help plan and witness the improvements over the past four years. My current term expires in June, and the board supports my reappointment for a full 4-year term and has encouraged me to send this letter of interest. I will appreciate your favorable consideration for my reappointment.

If you would like any further materials or information from me for your consideration, please do not hesitate to ask. Thank you.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Anand Patel', written in a cursive style.

Anand Patel
561-568-0244

Staff: Gayle L. Conrad, MPCC/CMC,
Director of Citizen Services/City
Agenda: Clerk
7/1/2024

AGENDA REPORT
Cape Girardeau City Council

24-012

SUBJECT

One appointment to the Airport Advisory Board for a term expiring April 30, 2025.

EXECUTIVE SUMMARY

One term on the Airport Advisory Board is set to expire April 30, 2025. This position was previously held by Quantella Noto, who has resigned

A copy of the board roster is attached for your review.

BACKGROUND/DISCUSSION

According to Section 4-2 of the City Code, “two members of the airport board may be residents of Cape Girardeau, Scott, Bollinger or Perry County. The remaining members must be residents of the City of Cape Girardeau.” Board members serve a three-year term. The following individuals have expressed interest in being appointed to the board and their board applications are attached. *applicant is not a city resident.

Applicant	Ward	Citizen Academy Graduate
Krisinda Bowlin*	n/a	No
Mary Flieg*	n/a	No
Brock Freeman	2	No
C. Matthew Gadberry	5	No
Holly Godwin	5	No
Jeff Long*	n/a	Yes

STAFF RECOMMENDATION

It is recommended that one appointment is made to the Airport Advisory Board for a term expiring April 30, 2025, at a future meeting.

ATTACHMENTS:

Name:	Description:
CITY_OF_CAPE_GIRARDEAU.pdf	Airport Board Roster
roster_attendance.airport.pdf	Airport Board Roster Attendance

CITY OF CAPE GIRARDEAU, MISSOURI

Roster of Advisory Boards and Committees

June 17, 2024

All members of Advisory boards must be residents of the City of Cape Girardeau unless otherwise noted.
Members may serve for only two consecutive full terms on the same board or commission.

Airport Board

	<u>Date Appointed</u>	<u>Date Reappointed</u>	<u>Term Expires</u>
Richard Knot	June 18, 2018	04/15/19;5/2/22	April 30, 2025
Justin Davidson	March 4, 2019	04/15/19; 5/2/22	April 30, 2025
vacant		---	April 30, 2025
Council Liaison, Mark Bliss	May 2022		
Shawn Wasson	August 20, 2021	04/17/23	April 30, 2026
Beverly Clear*	June 15, 2020	04/17/23	April 30, 2026
Keith Boeller	April 17, 2023	---	April 30, 2026
Bruce Loy*	April 15, 2024	---	April 30, 2027
Mark Mehner	May 2, 2022	4/15/24	April 30, 2027
Nancy Kopp	April 15, 2024	---	April 30, 2027

Serve three year terms, two full term limit, appointed by Council. *Two members may be residents of Cape Girardeau, Scott, Bollinger or Perry Counties. Meetings held second Tuesday at 5:00 p.m. at the Airport Restaurant at the Cape Girardeau Regional Airport. A council member may serve as liaison. Staff contact –Katrina Amos, Airport Manager, 334-6230.

AIRPORT ADVISORY BOARD Attendance Record

Ordinance effective April 13, 2000
P = present; A = absent

2024 2nd Tuesday	Jan 9	Feb 13	Mar 12	April 9	May 14	Jun 11	Jul 9	Aug 13	Sept 10	Oct 8	Nov 12	Dec 10	1st letter	2nd letter	3rd letter	termi- nated	appointed/ re-appted
Boeller, Keith	P	A	A														04/17/23
Cleair, Beverly	P	P	P														06/15/20
Davidson, Justin	P	P	P										8/19/19				05/02/22
Knote, Richard	A	P	P														05/02/22
Marshall, Mike	P	P	P										4/17/23				04/19/21
Mehner, Mark	P	P	P														05/02/22
Noto, Quantella	P	P	P														05/02/22
Uzoaru, Joseph	P	P	P	Termed out								6/23/23				04/19/21	
Wasson, Shawn	P	P	P														08/20/21

2023 2nd Tuesday	Jan 10	Feb 14	Mar 14	April 11	May 9	Jun 13	Jul 11	Aug 8	Sept 12	Oct	Nov	Dec	1st letter	2nd letter	3rd letter	termi- nated	appointed/ re-appted
Boeller, Keith	Appointed April 17, 2023				P	P	P	P	P	P	P	P					04/17/23
Brune, Jeff	P	P	P	P	Termed Out 4/30/23								5/23/22			4/30/23	06/15/20
Cleair, Beverly	A	P	P	P	P	P	P	P	P	P	P	P					06/15/20
Davidson, Justin	P	P	P	P	P	P	P	P	P	P	P	P	8/19/19				05/02/22
Knote, Richard	P	P	P	P	P	P	P	P	P	P	P	P					05/02/22
Marshall, Mike	A	P	P	A	P	P	P	P	P	P	P	A	4/17/23				04/19/21
Mehner, Mark	P	P	P	P	P	P	P	A	P	P	P	P					05/02/22
Noto, Quantella	P	P	A	P	P	P	P	P	P	A	P	P					05/02/22
Uzoaru, Joseph	A	A	P	P	P	A	P	P	P	P	P	P	6/23/23				04/19/21
Wasson, Shawn	P	P	P	P	P	P	P	P	P	P	P	P					08/20/21

Staff: Gayle L. Conrad, MPCC/CMC,
Director of Citizen Services/City
Agenda: Clerk
7/1/2024

MEMORANDUM
Cape Girardeau City Council

SUBJECT

Appointment of one member to the Golf Course Advisory Board for a term expiring November 12, 2025.

EXECUTIVE SUMMARY

Nate Saverino was serving a term set to expire November 12, 2025. Mr. Saverino resigned from the board on June 10, 2024. A copy of the roster is attached for your review.

BACKGROUND/DISCUSSION

The Municipal Golf Course Advisory Board acts in an advisory capacity to the City Council to review, promote and expedite development and use of the Jaycee Municipal Golf Course facilities. The Board may study any problem or condition relating to the construction, operation, maintenance or improvement of, or addition to the golf course or related facilities and may present its findings and related recommendations to the City Council.

The City Council shall appoint the nine members of the Board by formal motion and vote. Members of the Board serve for terms of three years. One member of the Municipal Golf Course Advisory Board shall be a member of Cape Jaycees and designated by that organization as its representative on the Board.

The following individuals have expressed an interest in serving on the board, and their advisory board applications are attached.

Applicant	Ward	Citizen Academy Graduate
Sam Blackwell	2	No
Philip Cantoni	6	No
Carla fee	4	No
Holly Godwin	5	No
C. Donald Harris	5	No
Timothy Lynn Kelley	4	No
Dan Stitz	5	No

GENERAL DIRECTION

Unless directed otherwise, one appointment to the Golf Course Advisory Board for a term expiring November

12, 2025 will appear on a future agenda for consideration.

ATTACHMENTS:

Name:	Description:
☐ Golf.Att.Roster.pdf	Golf Board Roster
☐ roster_attendance.golf.pdf	Golf Board Attendance Roster
☐ Blackwell_Sam.08-07-2023.pdf	Blackwell, Sam
☐ Cantoni_Philip.08-18-2023.pdf	Cantoni, Phillip
☐ Fee_Carla.08-02-2023.pdf	Fee, Carla
☐ Godwin_Holly.05-13-24.pdf	Godwin, Holly
☐ Harris_C_Donald.02-22-2024.pdf	Harris, C. Donald
☐ Kelley.Timothy.10-27-2023.pdf	Kelley, Timothy Lynn
☐ Stitz.Dan.08-02-2023.pdf	Stitz, Dan

CITY OF CAPE GIRARDEAU, MISSOURI

Roster of Advisory Boards and Committees

June 17, 2024

All members of Advisory boards must be residents of the City of Cape Girardeau unless otherwise noted.
Members may serve for only two consecutive full terms on the same board or commission.

Golf Course Advisory Board

	<u>Date Appointed</u>	<u>Date Reappointed</u>	<u>Term Expires</u>
Josh Parham	March 1, 2021	11/01/21	November 12, 2024
Janet Esicar	March 1, 2021	11/01/21	November 12, 2024
Council member, ex-officio vacant		----	November 12, 2025
Dale Pingel	November 7, 2022	----	November 12, 2025
Cindy Gannon	September 3, 2019	1/21/20; 3/6/23	January 18, 2026
Brad Wittenborn	December 3, 2018 <small>(Council Item term Correction 4/5/21)</small>	4/05/21; 3/6/23	January 18, 2026
Lindsey Pippens	September 5, 2023	----	September 4, 2026
Eric Craiglow (Jaycees)	July 5, 2022	09/05/23	September 4, 2026
Claire Kneer	November 2, 2020	11/20/23	November 12, 2026

Serve three year terms, three full term limit, appointed by City Council. One member shall be a member of Cape Jaycees and designated by that organization is its representative. Regular meetings held fourth Thursday at Noon at the Osage Centre. Parks and Recreation Director and Golf Course Superintendent meet with Board. A City Council Member may serve as liaison. Staff contact –Parks & Recreation Director Doug Gannon, 339-6340.

GOLF COURSE ADVISORY BOARD Attendance Record

Ordinance effective 4/13/00

X = present, A = absent

2024	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	1st	2nd letter	3rd letter	appt'ed	termi- nated
4th Thursday		22		25		27		22		24		26					
Esicar, Janet	M	A	N	P	N		N		N		N					03/01/21	
Craiglow, Eric (Jaycees)	E	P	O	P	O		O		O		O					07/05/22	
Gannon, Cindy	E	P	M	P	M		M		M		M					09/03/19	
Kneer, Claire	E	P	E	P	E		E		E		E					11/02/20	
Parham, Josh	T	A	E	P	E		E		E		E		09/16/21			03/01/21	
Pingel, Dale	I	P	T	P	T		T		T		T					11/07/22	
Pippens, Lindsey	Z	P	I	P	I		I		I		I						
Saverino, Nate	G	P	N	P	N	10-11-24						10/09/18	04/30/19		11/07/22	06/10/24	
Wittenborn, Brad	G	P	G	P	G		G		G		G					12/03/18	

2023	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	1st	2nd letter	3rd letter	appt'ed	termi- nated
4th Thursday		23		27		22		24		26		7					
Esicar, Janet	N	A	N	P	N	A	N	P	N	P	N	S				03/01/21	
Craiglow, Eric (Jaycees)	O	P	O	P	O	P	O	P	O	P	O	P				07/05/22	
Gannon, Cindy	M	P	M	A	M	P	M	P	M	P	M	P				09/03/19	
Kneer, Claire	E	P	E	A	E	P	E	P	E	P	E	e				11/02/20	
Parham, Josh	E	P	E	P	E	P	E	P	E	P	E	e	09/16/21			03/01/21	
Pingel, Dale	T	P	T	P	T	P	T	P	T	A	T	i				11/07/22	
Pippens, Lindsey	Appointed 9/5/2023																
Saverino, Nate	I	P	I	P	I	A	I	P	I	P	I	a	10/09/18	04/30/19		11/07/22	
Wittenborn, Brad	N	P	N	P	N	P	N	P	N	P	N					12/03/18	
Wren, Gary	G	P	G	P	G	A	G	P	G	Termed Out						09/18/17	09/04/23