



# 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  
Ryan Essex, 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](http://www.cityofcape.org/citycouncil)

**November 4, 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, November 4, 2024, by using the form found at [cityofcape.org/council](http://cityofcape.org/council), by emailing [cityclerk@cityofcape.org](mailto:cityclerk@cityofcape.org), or by calling 573-339-6320.**

### **Invocation**

Pastor Zack Strong of Christ Church of the Heartland

### **Pledge of Allegiance**

### **Study Session**

### **Presentations**

### **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 a request for a special use permit for purposes of constructing, maintaining, and operating a billboard at 3849 Business Park Place. (Item No. 15; BILL NO. 24-113)

## 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 October 21, 2024, City Council Regular Session Minutes and October 23, 2024 Closed Session Minutes
3. BILL NO. 24-104, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Improvement of Parking Areas. Second and Third Readings.
4. BILL NO. 24-105, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Access Management. Second and Third Readings.
5. BILL NO. 24-106, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Utilities. Second and Third Readings.
6. BILL NO. 24-107, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Accessory Structures and Uses. Second and Third Readings.
7. BILL NO. 24-108, an Ordinance authorizing the issuance of Special Tax Bills for various properties for the demolition of dangerous buildings, located in the City and County of Cape Girardeau, Missouri. Second and Third Readings.
8. BILL NO. 24-109, an Ordinance accepting Easements from various property owners for Whitener Street Sanitary Sewer relocation, in the City of Cape Girardeau, Missouri. Second and Third Readings.
9. BILL NO. 24-110, a Resolution authorizing the City Manager to execute a License and Indemnity Agreement with Broadway Theater, LLC, to place certain improvements at 805 Broadway, in the City of Cape Girardeau, Missouri. Reading and Passage.
10. BILL NO. 24-111, a Resolution authorizing the City Manager to execute License And Indemnity Agreements with property owners along Minnesota Avenue as part of the Minnesota Avenue and Highway 74 Intersection Improvement Project. Reading and Passage.
11. BILL NO. 24-112, a Resolution authorizing the City Manager to execute an agreement with Nip Kelley Equipment Company, Inc. for the Cape Rock Water Treatment Plant – Hydraulic Bottleneck Improvements. Reading and Passage.
12. Accept the improvements and Authorize Final Payment to Apex Paving Co., Inc. DBA ASA Asphalt for the 2023 Asphalt Overlay Program in the City of Cape Girardeau, Missouri.
13. Acceptance of the Bellevue Street Extension east of North Main Street.

## Items Removed from Consent Agenda

14. BILL NO. 24-101, an Ordinance granting a special use permit to KEENMAC, LLC for the purposes of constructing, maintaining, and operating a restaurant drive-through at 716 and 718 Broadway, in the City of Cape Girardeau, Missouri. Second and Third Readings.

## 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.

15. BILL NO. 24-113, an Ordinance granting a special use permit to Derek and Karla Cornelius for purposes of constructing, maintaining, and operating a billboard at 3849 Business Park Place, in the City and County of Cape Girardeau, Missouri. First Reading. DEV - Ryan Shrimplin
16. BILL NO. 24-114, an Ordinance approving the record plat of Kneezle Shed Subdivision. First Reading. DEV - Ryan Shrimplin
17. BILL NO. 24-115, an Ordinance approving the record plat of Lutheran Home Southwest Subdivision. First Reading. DEV - Ryan Shrimplin
18. BILL NO. 24-116, an Ordinance annexing land located at 3082 County Road 620 into the city limits of the City of Cape Girardeau, Missouri. First Reading. DEV - Ryan Shrimplin
19. BILL NO. 24-117, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning newly annexed property located at 3082 County Road 620 as M-1, Light Manufacturing/Industrial District. First Reading. DEV - Ryan Shrimplin
20. BILL NO. 24-118, 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. DEV - Ryan Shrimplin
21. BILL NO. 24-119, an Ordinance annexing land located at 3268 Perryville Road into the city limits of the City of Cape Girardeau, Missouri. First Reading. DEV - Ryan Shrimplin
22. BILL NO. 24-120, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning newly annexed property located at 3268 Perryville Road as R-1, Single-Family Suburban Residential District. First Reading. DEV - Ryan Shrimplin
23. BILL NO. 24-121, 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. DEV - Ryan Shrimplin

## **Appointments**

24. Appointment to the Golf Course Advisory Board
25. Appointments to the Tree Board

## **Other Business**

26. Appointment of Deputy City Clerk pursuant to Section 2-53 of the City Code.
27. Set Regular City Council Meetings for the 2025 calendar year.

### **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**

- Appointment to the Liquor License Review Board
- Appointments to the Bloomfield Crossing Community Improvement District Board of Directors.
- Appointment to the River Campus Board of Managers
- Appointment to the Show Me Center Board of Managers



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**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-177**

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## **SUBJECT**

A public hearing to consider a request for a special use permit for purposes of constructing, maintaining, and operating a billboard at 3849 Business Park Place.

## **EXECUTIVE SUMMARY**

A public hearing has been scheduled for November 4, 2024 to consider a request for a special use permit for a billboard at 3849 Business Park Place. An ordinance granting the special use permit is on this agenda as a separate item.

## **BACKGROUND/DISCUSSION**

A special use permit application has been submitted for the property at 3849 Business Park Place, zoned M-1 (Light Manufacturing/Industrial). The property contains a manufacturing facility. The application requests approval of a proposed V-shaped LED billboard in the northwest corner of the property near Interstate 55. Section 25-109 of the Development Code (Chapter 25 of the City's Code of Ordinances) contains requirements specific to billboards. Refer to the application for more information about the proposed billboard and the applicant's responses to the requirements.

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

Section 30-68 - M-1, Light Manufacturing/Industrial District

Section 30-104 - Special Use Permits

Section 25-109 - Billboards

A public hearing has been scheduled for November 4, 2024 to consider the special use permit request. An ordinance granting the special use permit is on this agenda as a separate item.

## **SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

See the attached staff report for analysis.

## **STAFF RECOMMENDATION**

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

## **BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission held a public hearing at its October 10, 2024 meeting and recommended

approval of the special use permit request, subject to the staff-recommended conditions, with a vote of 7 in favor, 0 in opposition, and 0 abstaining.

## **PUBLIC OUTREACH**

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The City Council's public hearing was advertised in the Southeast Missourian on October 19, 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:                              |
|--|---|
| <a href="#">☐ <u>Staff_Review-Referral-Action_Form.pdf</u></a>                         | 3849 Business Park Place - Staff RRA Form |
| <a href="#">☐ <u>Agenda_Packet_-_3849_Business_Park_Place_SUP.pdf</u></a>              | 3849 Business Park Place - Agenda Packet  |
| <a href="#">☐ <u>Sec. 30-68. - M-1_Light_Manufacturing_Industrial_District.pdf</u></a> | M-1 District Regulations                  |
| <a href="#">☐ <u>Sec. 30-104. - Special_Use_Permits.pdf</u></a>                        | Special Use Permit Regulations            |
| <a href="#">☐ <u>Sec. 25-109. - Billboards.pdf</u></a>                                 | Billboard Regulations                     |

**CITY OF CAPE GIRARDEAU, MISSOURI**


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

FILE NO. 1475

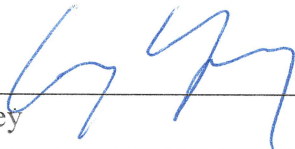
LOCATION: 3849 Business Park Place

**STAFF REVIEW & COMMENTS:**

Derek & Karla Cornelius are requesting a Special Use Permit to place a billboard on property in the M-1 (Light Manufacturing/Industrial) zoning district at 3849 Business Park Place. SEE STAFF REPORT FOR FURTHER INFORMATION.

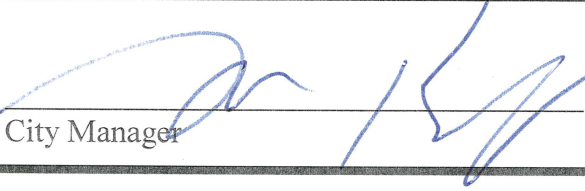
  
\_\_\_\_\_  
City Planner

9/24/24  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Attorney

9/26/24  
\_\_\_\_\_  
Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

  
\_\_\_\_\_  
City Manager

9/27/24  
\_\_\_\_\_  
Date

**Planning & Zoning Commission**

Public Hearing Posting Date: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

**RECOMMENDED ACTION:**

|               | Favor                               | Oppose                   | Abstain                  |
|---------------|-------------------------------------|--------------------------|--------------------------|
| Trae Bertrand | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Blank   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Greaser | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Robbie Guard  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Derek Jackson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

|              | Favor                               | Oppose                   | Abstain                  |
|--------------|-------------------------------------|--------------------------|--------------------------|
| Gerry Jones  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Martin | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Nick Martin  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

VOTE COUNT: 7 Favor 0 Oppose 0 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

  
\_\_\_\_\_  
Chris Martin  
Planning & Zoning Commission Secretary

**City Council Action**

Public Hearing Posting Date: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

VOTE COUNT: \_\_\_\_\_ Favor \_\_\_\_\_ Oppose \_\_\_\_\_ Abstain

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_



## *Planning & Zoning Commission*

**APPLICATION FOR:** Special Use Permit

**ADDRESS OF PROPERTY:** 3849 Business Park Place

**APPLICANT:** Derek & Karla Cornelius

**PROPERTY OWNER:** Derek & Karla Cornelius

**REPRESENTATIVE:** Kevin J. O'Shea

**REQUESTED SPECIAL USE:** Billboard in the M-1 Zoning District

## STAFF REPORT

**TO:** Planning and Zoning Commission

**FROM:** Ryan Shrimplin, City Planner *RS*

**MEETING DATE:** October 10, 2024

**SUBJECT:** Special Use Permit Request for Property at 3849 Business Park Place

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A special use permit application has been submitted for the property at 3849 Business Park Place, zoned M-1 (Light Manufacturing/Industrial). The property contains a manufacturing facility. The application requests approval of a proposed V-shaped LED billboard in the northwest corner of the property near Interstate 55. Section 25-109 of the Development Code (Chapter 25 of the City's Code of Ordinances) contains requirements specific to billboards. Refer to the application for more information about the proposed billboard and the applicant's responses to the requirements.

The Zoning Code (Chapter 30 of the City's Code of Ordinances) authorizes the City Council to grant special use permits in accordance with Section 30-104. In order for a special use permit to be granted, the Planning and Zoning Commission and the City Council must consider and make findings of fact with regard to certain criteria. Staff has reviewed the application according to the criteria and made the following findings:

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

**Finding:** There are numerous billboards and other signs along Interstate 55, which have not been found to create traffic hazards. The requirements in Section 25-109 ensure that new billboards do not contain features that could impair or confuse drivers. The proposed billboard does not contain any such features.

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

**Finding:** The proposed billboard will be constructed in compliance with the City's construction codes; therefore, it will not increase fire hazards.

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



Finding: The subject property is located in a business park and is adjacent to an interstate, making it an appropriate location for a billboard. There are no residential neighborhoods near the site.

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

Finding: The proposed billboard meets the requirements of Section 25-109 and Section 30-104, and staff is not aware of any potential adverse effects on the community.

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

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

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

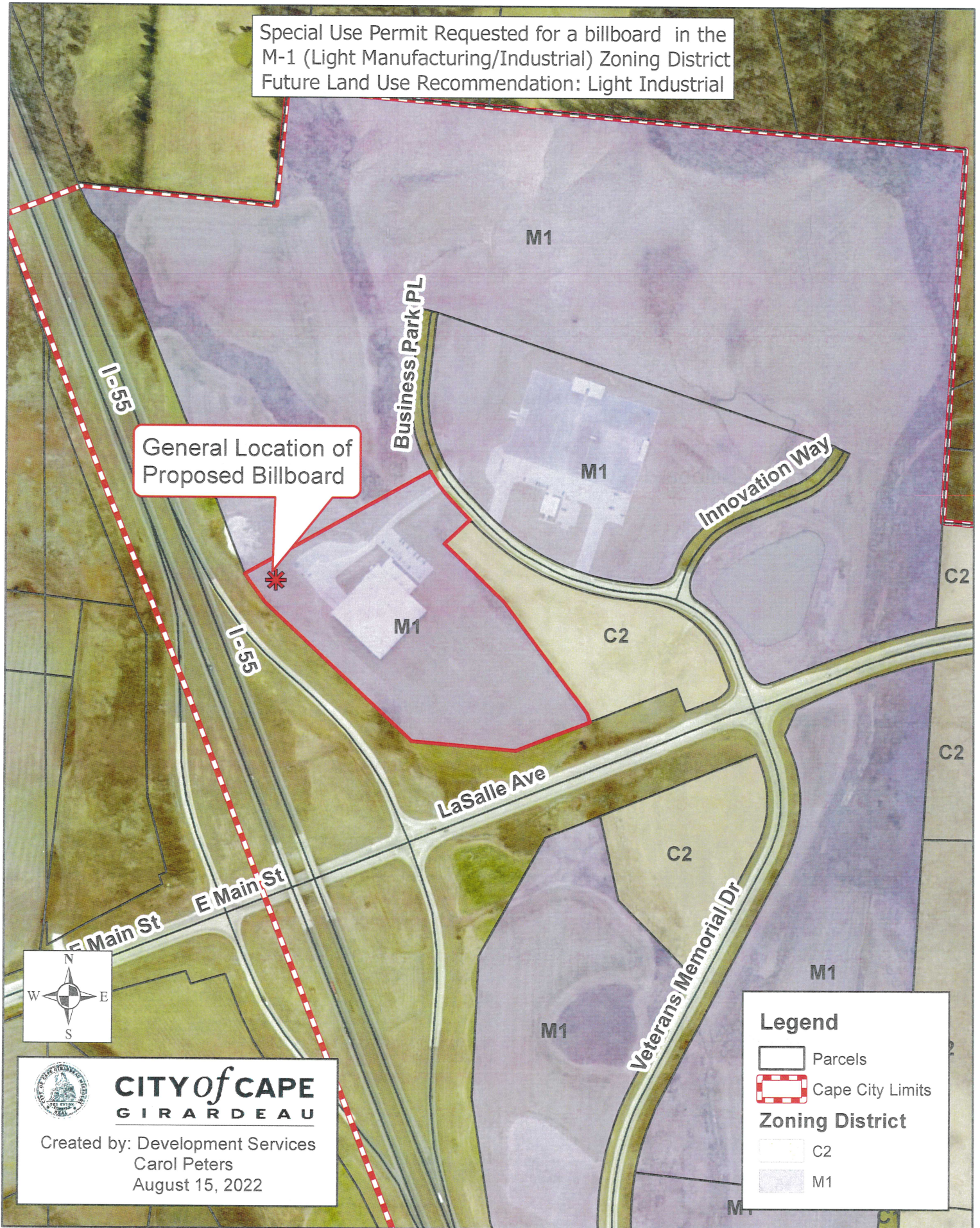
1. The special use authorized by this permit shall comply with all applicable laws and regulations.
2. Major modifications to said special use (including, but not limited to, the site plan) shall require the approval of the City Council.
3. This permit shall automatically expire twelve (12) months from the date of issuance if the building permit for said special use has not been issued. If the building permit is issued within this time frame and later expires due to lack of progress, then this permit shall automatically expire upon the expiration of the building permit.
4. This permit is not transferable without the approval of the City Council.



# 3849 Business Park Place Special Use Permit Request

Special Use Permit Requested for a billboard in the  
M-1 (Light Manufacturing/Industrial) Zoning District  
Future Land Use Recommendation: Light Industrial

General Location of  
Proposed Billboard



**Legend**

- Parcels
- Cape City Limits
- Zoning District**
- C2
- M1

**CITY of CAPE  
GIRARDEAU**

Created by: Development Services  
Carol Peters  
August 15, 2022

# 3849 Business Park Place Special Use Permit Request

Special Use Permit Requested for a billboard in the  
M-1 (Light Manufacturing/Industrial) Zoning District  
Future Land Use Recommendation: Light Industrial

General Location of  
Proposed Billboard



Business Park PL

Innovation Way

LaSalle Ave

E Main St



**CITY of CAPE**  
**GIRARDEAU**

Created by: Development Services  
Carol Peters  
August 15, 2022

## Legend

- Parcels
- Cape City Limits

## Future Land Use

- Light Industrial
- Low Density Residential
- Regional Commercial



**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**

3849 Business Park Place, Cape Girardeau, MO 63701

|  |                              |  |                                     |
|--|------------------------------|--|-------------------------------------|
| <b>Applicant</b><br>Derek Cornelius; Karla Cornelius   |                              | <b>Property Owner of Record</b> <input checked="" type="checkbox"/> Same as Applicant                                |                                     |
| Mailing Address<br>251 Garnett Lane  |                              | City, State, Zip<br>Cape Girardeau, MO 63701   | Mailing Address<br>City, State, Zip |
| Telephone<br>(573) 388-2301  | Email<br>syntrax@syntrax.com | Telephone  | Email                               |
| Contact Person<br>Kevin J. O'Shea; koshea@oshealawllc.com; (573) 388-2296  |                              | <i>(Attach additional owners information, if necessary)</i><br>See attached information re Property Owners of Record |                                     |
| <b>Type of Request</b><br><input type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Special Use Permit <input type="checkbox"/> Both |                              | <b>Proposed Special Use (Special Use Permit requests only)</b><br>Billboard  |                                     |
| <b>Existing Zoning District</b><br>M-1, Light Manufacturing/Industrial District  |                              | <b>Proposed Zoning District (Rezoning requests only)</b><br>Choose a Zoning District                                 |                                     |

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

All of Lot Two (2) of Greater Cape Girardeau Business Park -- Phase II, a subdivision in the City and County of Cape Girardeau, State of Missouri, as shown by plat recorded in document number 2016-01887 in the land records of Cape Girardeau County, Missouri.

**Describe the proposed use of the property.**

We propose to erect a two-faced, v-shaped LED billboard in the northwest corner of the property, bordering Interstate 55. Pursuant to Section 30-335 of the City Ordinances, a billboard is a special use of property zoned M-1, such as the present property, that is allowable subject to the requirements of Section 25-109 of the City Ordinances. The proposed billboard, and its proposed location, meets all of the requirements and limitations set forth in Section 25-109.

We address in the attached supplemental submission the applicability of each provision in Section 25-109 ("Billboards") and Section 30-104(b)(1) ("Special Use Permits").

*Application continues on next page*

|   |   |                                      |                               |
|---|---|--------------------------------------|-------------------------------|
| <b>OFFICE USE ONLY</b>                      |   |                                      |                               |
| Date Received & By                          | File #                                      | MUNIS Application #                  | MUNIS Permit #                |
| <i>RH 9-13-24</i>                           | <i>1475</i>                                 | <i>15733</i>                         |                               |
| Application Fee Received \$                 | <input checked="" type="checkbox"/> Check # | <input type="checkbox"/> Credit Card | <input type="checkbox"/> Cash |
| <i>148.00</i>                               | <i>2104</i>                                 |                                      |                               |
| 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.*  
Please see attached supplemental submission.
- 2) *The proposed special use will not substantially increase fire hazards.*  
Please see attached supplemental submission.
- 3) *The proposed special use will not adversely affect the character of the neighborhood.*  
Please see attached supplemental submission.
- 4) *The proposed special use will not adversely affect the general welfare of the community.*  
Please see attached supplemental submission.
- 5) *The proposed special use will not overtax public utilities.*  
Please see attached supplemental submission.

**ADDITIONAL ITEMS REQUIRED**

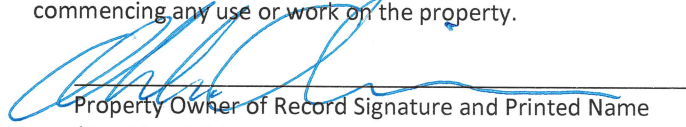
See Instructions for more information.

- In addition to this completed application form, the following items must be submitted:
- Base Application fee - \$148.00 payable to City of Cape Girardeau
  - Planned Development rezoning only - Additional \$88 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 \$2.85 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.

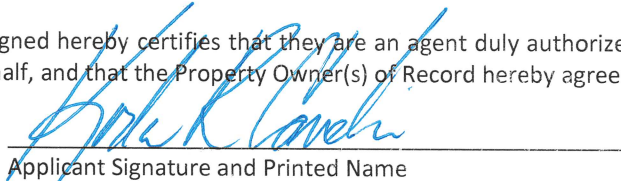
  
 \_\_\_\_\_  
 Property Owner of Record Signature and Printed Name

09/12/2024  
 \_\_\_\_\_  
 Date

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

Derek W. Cornelius

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.

  
 \_\_\_\_\_  
 Applicant Signature and Printed Name

09/12/2024  
 \_\_\_\_\_  
 Date

KARLA R. CORNELIUS

**PROPERTY OWNERS OF RECORD INFORMATION FOR SPECIAL USE PERMIT  
APPLICATION FOR LOT TWO (2) OF GREATER CAPE GIRARDEAU BUSINESS  
PARK – PHASE II**

Property Owners of Record

1. Derek Cornelius  
251 Garnett Lane  
Cape Girardeau, MO 63701

Phone: (573) 388-2301

2. Karla Cornelius  
1971 Williamsburg Drive  
Cape Girardeau, MO 63701

Phone: (573) 382-1196



**SUPPLEMENT TO SPECIAL USE PERMIT APPLICATION**  
**FOR LOT TWO (2) OF GREATER CAPE GIRARDEAU BUSINESS PARK – PHASE II**  
**3849 BUSINESS PARK PLACE, CAPE GIRARDEAU, MO 63701**  
**SUBMITTED BY DEREK CORNELIUS AND KARLA CORNELIUS (OWNERS)**

We address below the applicability of each provision in Section 25-109 (“Billboards”) and Section 30-104(b)(1) (“Special Use Permits”).

**Section 25-109. – Billboards.** Billboards shall be erected only upon approval of a special use permit, as set out in section 30-104. In addition to the requirements of section 30-104, the following regulations apply to the erection of billboards:

- (1) Billboards shall be allowed only in the C-2, PD, M-1 and M-2 zoning districts.

Response: The property is zoned M-1.

- (2) Billboards shall be allowed only on parcels of land bordering the following streets:
  - a. Interstate 55.
  - b. William Street (Route K), west of Kingshighway.
  - c. Missouri Route 74, west of Kingshighway.
  - d. Kingshighway from Boulder Crest Drive to Interstate 55.

Response: The property borders Interstate 55.

- (3) No billboard shall be placed within 1,400 feet of another billboard. This paragraph shall not apply to billboards which are located on opposite sides of the street to which the billboard is oriented.

Response: There are no billboards within 1,400 feet of the proposed location for the billboard.

- (4) No billboard shall be placed within 30 feet of a street right-of-way.

Response: The proposed location for the billboard is significantly more than 30 feet from any street right-of-way.

- (5) No billboard shall be placed within 100 feet of a property line of a property which is used for residential purposes.

Response: The proposed location for the billboard is significantly more than 100 feet from any residential property line.

- (6) For purposes of placing billboards, a V-shaped billboard or a back-to-back type of billboard shall be considered one billboard. Sign faces of less than 150 square feet may be placed between billboard faces at the apex of the "V" or across the rear of the "V," but no such sign shall be oriented toward a street upon which billboards are not allowed. The angle of all sign faces shall be oriented so that they are between 75 degrees and 90 degrees to the street on which the billboard is permitted.

Response: The proposed billboard is V-shaped but it does not include any additional signage at the apex of the "V," across the rear of the "V," or anywhere else. The proposed billboard has only two sign faces, *i.e.*, the two arms of the "V" shape.

The proposed billboard will be located such that the respective angles of the two sign faces are oriented between 75 degrees and 90 degrees to Interstate 55.

- (7) No billboard shall be located in such a manner as to obscure an official traffic sign, signal or device, or obstruct a driver's view of approaching or intersection traffic.

Response: There are no official traffic signs, signals or devices in the area of the proposed location of the billboard, and none shall be obscured by the proposed billboard.

The proposed billboard will not obstruct any driver's view of approaching or intersection traffic. Interstate 55 is a divided highway in the area around the proposed location for the billboard and, therefore, there is no oncoming traffic or intersecting traffic that could be obstructed by the billboard.

- (8) The maximum area of a billboard sign face shall be 300 square feet. The maximum length of a billboard sign face shall be 30 feet. The maximum total sign face area of a billboard shall be 600 square feet.

Response: Each side of the proposed billboard is 30 feet in length and 10 feet in height, for a total sign face area of 300 square feet per side.

- (9) There shall be a minimum clearance of ten feet from grade of the street to which the billboard is oriented to the bottom of a billboard sign face. There shall be a maximum height of 30 feet from grade of the street to which the billboard is oriented to the top of a billboard sign face.

Response: The proposed billboard will be erected such that the bottom of both sign faces is at least 10 feet from the grade of Interstate 55, and the top of both sign faces is no more than 30 feet from the grade of Interstate 55.

- (10) Audio speakers are prohibited in association with any billboard.

Response: The proposed billboard has no audio speakers or any other audio device.

- (11) ~~Electronic, video or digital billboard images or any portion thereof shall have a minimum duration of at least eight seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.~~

Response: The proposed billboard is illuminated by LED elements and the image(s) depicted on the sign faces can change. However, the image(s) on the sign faces will remain static for at least eight seconds, and no portion of such image(s) will flash, scroll, twirl, change color, or otherwise imitate movement in any manner.

- (12) Billboards may be illuminated, subject to the following instructions:

- a. No revolving or rotating beam or beacon of light shall be permitted as part of any billboard. Flashing devices shall not be permitted upon a billboard. However, changeable copy signs, such as those used for time and temperature displays, shall be permitted, but shall not be permitted to operate in a flashing or scrolling manner.

Response: The proposed billboard does not have a revolving or rotating beam or beacon of light, or any flashing device. Further, while the image(s) displayed on the sign faces of the proposed billboard may change, neither the image(s) nor any portion thereof will flash, scroll or otherwise simulate movement.

- b. External lighting, such as flood lights, thin line and gooseneck reflectors, are permitted, provided the light source is directed on the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street.

Response: The proposed billboard's sign faces comprise LED elements and, therefore, the proposed billboard will not have external lighting such as flood lights, thin line or gooseneck reflectors, etc.

- c. The illumination of any billboard within 100 feet of a property line which is used for residential purposes shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.

Response: The location of the proposed billboard is significantly greater than 100 feet of any residential property line and, therefore, this provision is not relevant.

- d. Electronic, video or digital billboard images shall be equipped with automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. The maximum luminance produced by electronic, video or digital billboard images shall not exceed three-tenths 0.3 footcandle greater than the ambient light level.

Response: The proposed billboard has an external light sensor for each sign face. These sensors monitor the ambient light and automatically adjust the brightness of the display on the respective sign face so that the sign face's brightness remains at or less than 0.3 footcandle of the ambient light level.

- (13) The following billboards shall not be permitted to remain or be erected:

- a. Billboards which have been erected without a building permit.

Response: This provision is not relevant.

- b. Billboards that employ any stereopticon or motion picture projection, or any portion of which gives the illumination of motion. This includes any electronic graphics signs or video displays, but does not include signs that contain changeable copy, such as time and temperature.

Response: We understand "stereopticon" to mean a display that combines two images to create a three-dimensional effect, or a display in which one image dissolves into another. The proposed billboard has no such display, and no image displayed on the sign faces, or any portion thereof, will give the impression or illumination of movement.

- c. Billboards which are not clean, not in good repaired, not structurally sound, or obsolete (billboards shall not be considered obsolete solely because they temporarily do not carry an advertised message).

Response: This provision is not relevant.

- d. Billboards which appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.

Response: The proposed billboard will not display any image(s) that attempt to regulate, warn, or direct the movement of traffic. Further, the proposed billboard does not resemble any official traffic sign, signal or device, and its location will not cause the proposed billboard to interfere with any official traffic sign, signal or device.

- e. Billboards which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

Response: The proposed billboard will be erected upon an appropriate pole. Therefore, this provision is not relevant.

- f. Billboards which are nonconforming and damaged or destroyed to an extent of more than sixty percent of the replacement cost.

Response: This provision is not relevant.

- 
- g. Billboards that prevent ingress or egress from any doors, windows, or fire escapes.

Response: The proposed billboard will be erected a significant distance from the existing structure on the property, and also from any anticipated structure that may be built on the property in the future.

- h. Billboards that are attached to a standpipe or fire escape.

Response: The proposed billboard will be erected upon an appropriate pole. Therefore, this provision is not relevant.

**Section 30-104(b)(1). – Special Use Permits.**

(1) In reviewing the application for a special use permit, the city council shall determine whether or not the proposed special use will:

a. Substantially increase traffic hazards or congestion;

Response: The proposed billboard will be light-restricted in accordance with the requirements of Section 25-401(1)4 of the City Ordinances, so that the brightness of the sign faces will not unduly affect drivers on Interstate 55, which is the primary street from which drivers will be able to view the sign faces. Drivers heading east on Main Street (in Jackson) west of Interstate 55 and/or heading east on LaSalle Avenue (in Cape Girardeau) east of Interstate 55 may be able to see the sign faces but the billboard will be located a significant distance from both of those streets. Further, the grade of Interstate 55 in that area is higher than either Main Street (Jackson) or LaSalle Avenue (Cape Girardeau), and the proposed billboard will be erected such that the sign faces will be between ten and thirty feet above the heightened grade of Interstate 55, as required by Section 25-109(9). Therefore, the proposed billboard will not substantially increase traffic hazards or congestion for motorists in the area.

b. Substantially increase fire hazards;

Response: The proposed billboard does not have any flammable components or connections that would be likely to cause, or increase the likelihood of, a fire. For example, there are no components such as incandescent or fluorescent lighting that operate at high temperatures. Further, the proposed billboard will be located sufficiently far from any existing or anticipated structure that there is no likelihood of any component of the proposed billboard increasing a fire hazard in connection with another structure.

c. Adversely affect the character of the neighborhood;

Response: The character of this property's neighborhood, even taking into account areas west of Interstate 55 and east of the property, is light industrial and agricultural in nature, with no residential or retail anywhere in sight of the location of the proposed billboard. Thus, the addition of a brand new billboard will not adversely affect the character of the neighborhood.

d. Adversely affect the general welfare of the community; and

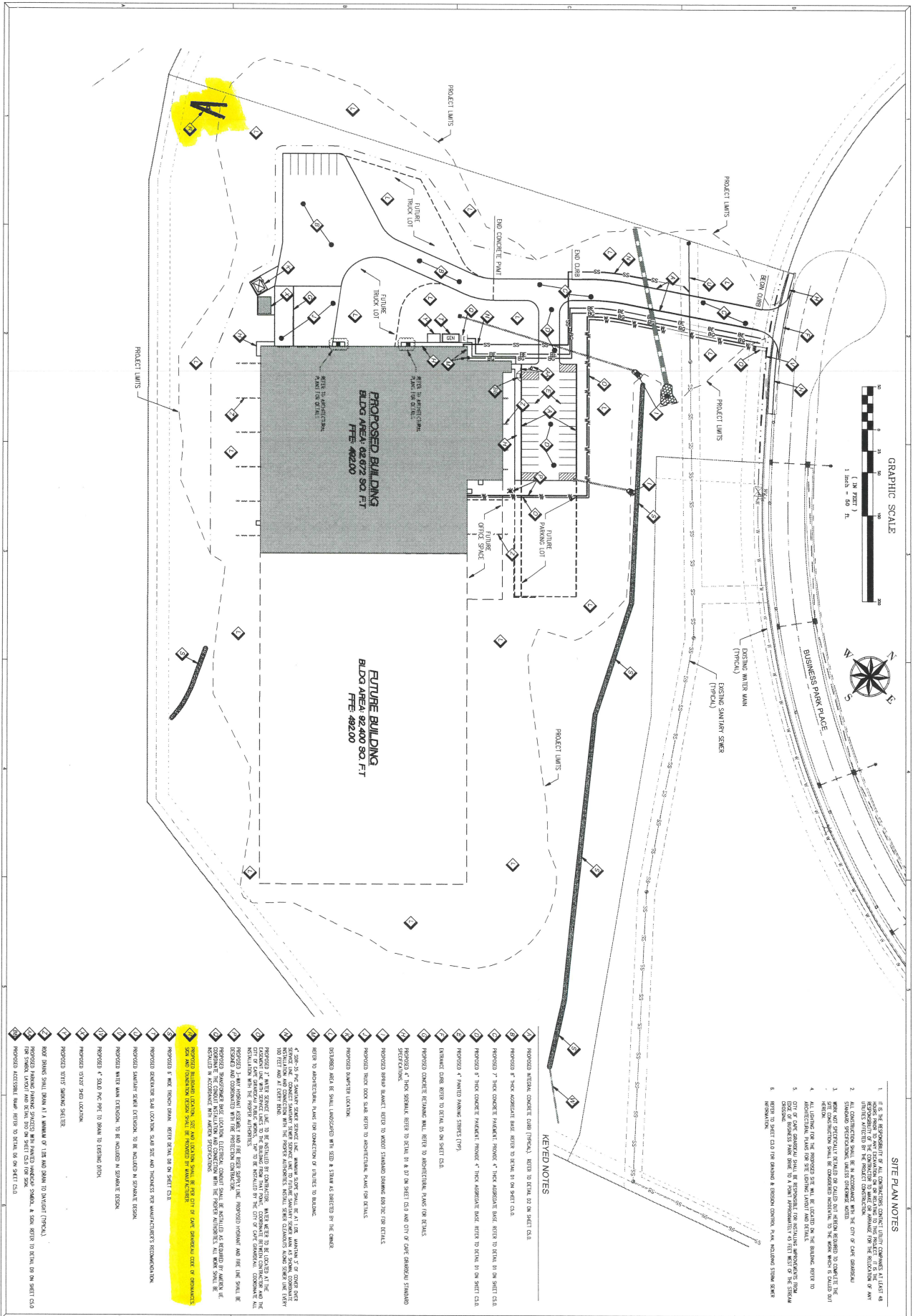
Response: Similarly, the general welfare of the community surrounding the property will not be affected by erection of the proposed billboard. The community has accepted the development of the Greater Cape

Girardeau Business Park, including commercial signage on buildings and the routine movement of commercial trucks. Therefore, the proposed billboard will not adversely affect the general welfare of the community.

e. Overtax public utilities.

Response: The LED lighting in the proposed billboard uses significantly less power than corresponding incandescent or fluorescent lighting, and less power than a mechanically-actuated sign of the same size. Therefore, the proposed billboard will not place any strain upon, much less overtax, the public utilities.

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| NO. | DATE | DESCRIPTION |
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**IMPROVEMENT PLANS FOR**  
**SI03**  
**GREATER CAPE GIRARDEAU BUSINESS PARK**  
**CAPE GIRARDEAU, MISSOURI**

C/O RODNEY BOLLINGER  
110 COURT STREET JACKSON, MISSOURI  
PH 573-243-2300, FX 573-243-3322

**KE KOEHLER**  
ENGINEERING AND LAND SURVEYING, INC.

Civil Engineering and Surveying Services  
194 Coker Lane - Cape Girardeau, MO 63701  
Phone: 573.355.3026 - Fax: 573.355.5049  
www.koeHLERengineering.com

**SITE PLAN**

DATE: 11/11/2011  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN  
SHEET NO.: C2.0



**SPECIAL USE PERMIT APPLICATION**

**FOR LOT TWO (2) OF GREATER CAPE GIRARDEAU BUSINESS PARK – PHASE II**

**3849 BUSINESS PARK PLACE, CAPE GIRARDEAU, MO 63701**

**SUBMITTED BY DEREK CORNELIUS AND KARLA CORNELIUS (OWNERS)**

**AMENDED LIST OF NAMES AND  
MAILING ADDRESSES OF ADJACENT PROPERTY OWNERS**

| <b>Property Owner Name</b>                                    | <b>Property Address</b>                              | <b>Mailing Address</b>           | <b>City</b>    | <b>State</b> | <b>Zip Code</b> |
|---|--|----------------------------------|----------------|--------------|-----------------|
| Drury Development Corporation<br>Attn:<br>Jacqueline Pollvogt | 3783 Business Park Place                             | 13075 Manchester Road, Suite 200 | St. Louis      | MO           | 63131           |
| Drury Development Corporation<br>Attn:<br>Jacqueline Pollvogt | Veterans Memorial Parkway                            | 13075 Manchester Road, Suite 200 | St. Louis      | MO           | 63131           |
| Touchdown Development Group, LLC                              | Lot 3, Greater Cape Girardeau Business Park Phase II | 2007 Independence Street         | Cape Girardeau | MO           | 63703           |
| Touchdown Development Group, LLC                              | Veterans Memorial Drive                              | 2007 Independence Street         | Cape Girardeau | MO           | 63703           |
| Crisp Realty Company  | 3800 Business Park Place                             | 2605 West Main Street            | Marion         | IL           | 62959           |
| City of Cape Girardeau  | 3766 Business Park Place                             | 44 North Lorimier Street         | Cape Girardeau | MO           | 63701           |

Sec. 30-68. - M-1, Light Manufacturing/Industrial District.

- (a) *Purpose.* The M-1 district is intended primarily for uses engaged in light manufacturing, assembly, fabrication, warehousing, wholesaling and retail trade, and service operations which conduct all activities within a building with no external impact or effect. This district is intended to serve as a transition between more intense industrial development and commercial, office, or multifamily residential development.
- (b) *Permitted principal uses.*
- (1) Light manufacturing facilities.
  - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing, electrical, heating, plumbing and binding establishments.
  - (3) Health and fitness centers.
  - (4) Cemeteries.
  - (5) Commercial day cares.
  - (6) Funeral homes and mortuaries.
  - (7) Government buildings and uses, including police and fire stations.
  - (8) Heavy machinery and equipment sales, rental and service.
  - (9) Offices, administrative, business, finance and professional.
  - (10) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
  - (11) Public service and public utility uses as follows:
    - a. Wireless facilities.
    - b. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
  - (12) Industrial schools and business schools.
  - (13) Mini warehouses or self-storage units.
  - (14) Residential treatment facilities.
  - (15) Television and radio studios including any transmitting facilities.
  - (16) Veterinary clinics, animal hospitals, and kennels.
  - (17) Warehouses, storage and distribution centers.
  - (18) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
  - (19) Recycling centers.
  - (20) Marinas or docks.
  - (21) Transitional housing.
  - (22) Restaurants and bars.
  - (23) Retail, including vehicle sales.
  - (24) Comprehensive marijuana cultivation facilities, medical marijuana cultivation facilities, or microbusiness wholesale facilities, as permitted in [section 30-118](#).
  - (25) Comprehensive marijuana dispensary facilities, medical marijuana dispensary facilities, or microbusiness dispensary facilities, as permitted in [section 30-118](#).
  - (26) Comprehensive marijuana-infused products manufacturing facilities or medical marijuana-infused products manufacturing facilities, as permitted in [section 30-118](#).

(27) Marijuana testing facilities, as permitted in section 30-118.

(28) Marijuana transportation facilities, as permitted in section 30-118.

(c) *Permitted accessory uses.*

(1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.

(2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-106.

(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) Emergency shelters, transitional service shelters for 50 or fewer residents.

(2) Manufactured business units, for office use only.

(3) Telecommunication tower, as permitted in section 30-107.

(4) Excursion gambling boat or floating gambling facility, as permitted in section 30-112.

(5) Wind energy conversion systems, as permitted in section 30-113.

(6) Billboards, as permitted in section 25-109.

(7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.

(8) Short-term or long-term use of shipping containers for principal uses, as permitted in section 30-105.

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

(e) *Standards.*

(1) A site plan, meeting the requirements of chapter 25 shall be submitted and approved.

(2) All storage shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible from the street or adjoining property. Any outdoor storage shall be at least 100 feet from any residential zoning district or use.

(3) No building shall be used for residential purposes, except for a night watchman or a caretaker employed on the premises.

(4) Utilitarian areas such as loading docks, mechanical equipment, storage areas, mechanical and electrical equipment, and dumpsters shall be located in the rear or side yard of the building.

(5) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25.

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

(1) Maximum height: 40 feet excluding silos, smokestacks, and dust collection systems.

(2) Minimum lot area: None.

(3) Minimum lot width: None.

(4) Minimum yard requirements:

a. Front yard: 25 feet.

b. Rear yard: 25 feet.

c. Side yard: None, except on a lot abutting a residential district there shall be a side yard of not less than ten feet on the side of the lot abutting the residential district.

(5) Maximum building coverage: None.

(g) *Open space, landscaping and bufferyard requirements.*

(1) A minimum of 15 percent of the total lot area shall be devoted to open space, including required yard and bufferyards.

(2) Landscaping shall be provided as required in chapter 25.

(3) A 20-foot-wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD and RMH zoning districts. This bufferyard shall comply with the requirements of chapter 25.

(h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-46.

(Code 1990, § 30-335; Ord. No. 5211, art. 6, 7-15-2019; Ord. No. art. 5, 2-6-2023)

Sec. 30-104. - Special use permits.

- (a) *Purpose.* Subject to the provisions of this section, the city council may, by ordinance on its own motion or on application, grant a special use permit for any special use specifically identified in the zoning district in which the special use is proposed. The city council may impose appropriate conditions and safeguards for the issuance of the special use permit, such as a limitation of the duration of the special use, a limitation of the parties who may carry out such use, and limitations upon or requirements for the size or design of buildings and other improvements on the property. In cases where a special use permit application is submitted for a property in the H district, the historic preservation commission shall make a recommendation to the city council in lieu of approving or denying a certificate of appropriateness for any work covered by the special use permit.
- (b) *Application for special use permit.* Application for a special use permit shall be submitted to the city manager using a form provided by the city and contain all necessary information as determined by the city manager. The special use permit fee shall be per the city's fee schedule. Such application shall be processed in the same manner as provided in section 30-32 relating to application for a zoning district change.
- (1) In reviewing an application for a special use permit, the city council shall determine whether or not the proposed special use will:
- a. Substantially increase traffic hazards or congestion;
  - b. Substantially increase fire hazards;
  - c. Adversely affect the character of the neighborhood;
  - d. Adversely affect the general welfare of the community; and
  - e. Overtax public utilities.
- (2) If the council's finding is negative as to all of the criteria in subsection (b)(1) of this section, the application may be granted; if affirmative as to any of the aforementioned criteria, then such special use permit shall be denied.
- (3) Any use for which a special use permit is granted shall otherwise comply with all of the regulations set forth in this chapter for the zoning district in which such use is located.

(Code 1990, § 30-401; Ord. No. 5012, art. 7, 10-2-2017)

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Sec. 25-109. - Billboards.

Billboards shall be erected only upon approval of a special use permit, as set out in section 30-104. In addition to the requirements of section 30-104, the following regulations apply to the erection of billboards:

- (1) Billboards shall be allowed only in the C-2, PD, M-1 and M-2 zoning districts.
- (2) Billboards shall be allowed only on parcels of land bordering the following streets:
  - a. Interstate 55.
  - b. William Street (Route K), west of Kingshighway.
  - c. Missouri Route 74, west of Kingshighway.
  - d. Kingshighway from Boulder Crest Drive south to Interstate 55.
- (3) No billboard shall be placed within 1,400 feet of another billboard. This section shall not apply to billboards which are located on opposite sides of the street to which the billboard is oriented.
- (4) No billboard shall be placed within 30 feet of a street right-of-way.
- (5) No billboard shall be placed within 100 feet of a property line of a property which is used for residential purposes.
- (6) For the purposes of placing billboards, a V-shaped billboard or a back-to-back type of billboard shall be considered one billboard. Sign faces of less than 150 square feet may be placed between billboard faces at the apex of the "V" or across the rear of the "V," but no such sign shall be oriented toward a street upon which billboards are not allowed. The angle of all sign faces shall be oriented so that they are between 75 degrees and 90 degrees to the street on which the billboard is permitted.
- (7) No billboard shall be located in such a manner as to obscure an official traffic sign, signal or device, or obstruct a driver's view of approaching or intersection traffic.
- (8) The maximum area of a billboard sign face shall be 300 square feet. The maximum length of a billboard sign face shall be 30 feet. The maximum total sign face area of a billboard shall be 600 square feet.
- (9) There shall be a minimum clearance of ten feet from grade of the street to which the billboard is oriented to the bottom of a billboard sign face. There shall be a maximum height of 30 feet from grade of the street to which the billboard is oriented to the top of a billboard sign face.
- (10) Audio speakers are prohibited in association with any billboard.
- (11) Electronic, video or digital billboard images or any portion thereof shall have a minimum duration of at least eight seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.

(12) Billboards may be illuminated, subject to the following instructions:

- a. No revolving or rotating beam or beacon of light shall be permitted as part of any billboard. Flashing devices shall not be permitted upon a billboard. However, changeable copy signs, such as those used for time and temperature displays, shall be permitted, but shall not be permitted to operate in a flashing or scrolling manner.
- b. External lighting, such as flood lights, thin line and gooseneck reflectors, are permitted, provided the light source is directed on the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street.
- c. The illumination of any billboard within 100 feet of a property line which is used for residential purposes shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.
- d. Electronic, video or digital billboard images shall be equipped with automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. The maximum luminance produced by electronic, video or digital billboard images shall not exceed 0.3 footcandle greater than the ambient light level.

(13) The following billboards shall not be permitted to remain or to be erected:

- a. Billboards which have been erected without a building permit.
- b. Billboards that employ any stereopticon or motion picture projection, or any portion of which gives the illusion of motion. This includes any electronic graphic signs or video displays, but does not include signs that contain changeable copy, such as time and temperature.
- c. Billboards which are not clean, not in good repair, not structurally sound, or obsolete (billboards shall not be considered obsolete solely because they temporarily do not carry an advertising message).
- d. Billboards which appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
- e. Billboards which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- f. Billboards which are nonconforming and damaged or destroyed to an extent of more than 60 percent of the replacement cost.
- g. Billboards that prevent ingress or egress from any doors, windows, or fire escapes.
- h. Billboards that are attached to a standpipe or fire escape.

(Code 1990, § 25-401; Ord. No. 4178, art. 1, 12-6-2010)

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**Staff:** Gayle L. Conrad, CMC/MPCC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

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**SUBJECT**

Approval of the October 21, 2024, City Council Regular Session Minutes and October 23, 2024 Closed Session Minutes

| <b>ATTACHMENTS:</b>   |  |
|---|--|
| Name:   | Description:                               |
| <a href="#">DRAFT_Council.RegularSession_Minutes.10-21-2024.pdf</a> | Council Regular Session Minutes 10-21-2024 |



Proceedings of the City Council, City of Cape Girardeau, Mo.  
Regular Session                      October 21, 2024                      MM-91

**STUDY SESSION – October 21, 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, October 21, 2024, starting at 5:00 p.m. with Mayor Stacy Kinder presiding and Council Members Mark Bliss, David J. Cantrell, Ryan Essex, Dan Presson, Tameka Randle and Nate Thomas present. City Clerk Gayle Conrad administered the Oath of Office to newly elected Ward 5 Council Member Ryan Essex.

**REGULAR SESSION –October 21, 2024**

**CALL TO ORDER**

The Cape Girardeau City Council convened in regular session at the Cape Girardeau City Hall on Monday, October 21, 2024, starting at 5:15 p.m. with Mayor Stacy Kinder presiding and Council Members Mark Bliss, David J. Cantrell, Ryan Essex, Dan Presson, Tameka Randle and Nate Thomas present.

**ADOPTION OF THE AGENDA**

A Motion was made by David J. Cantrell, Seconded by Tameka Randle, to approve and adopt the agenda.  
Motion passed. 7-0. Ayes: Bliss, Cantrell, Essex, Kinder, Randle, Presson. Thomas.

**PUBLIC HEARINGS**

A public hearing to consider a proposed amendment to Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Accessory Structures and Uses. Mayor Stacy Kinder opened the public hearing.

There being no appearances, the public hearing was closed.

**CONSENT AGENDA**

Approval of the October 7, 2024, City Council Regular Session Minutes.

BILL NO. 24-98, an Ordinance annexing land located at 560 Silverado Trail into the city limits of the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 24-99, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning newly annexed property located at 560 Silverado Trail as R-1, Single-Family Suburban Residential District. Second and Third Readings.

Proceedings of the City Council, City of Cape Girardeau, Mo.  
Regular Session                      October 21, 2024                      MM-92

BILL NO. 24-100, 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.

BILL NO. 24-102, an Ordinance approving the record plat of Cape West Crossing East – Third Subdivision. Second and Third Readings.

Accept the Improvements and Authorize Final Payment to Lappe Cement Finishing, Inc., for the Pedestrian Walkway and Kingshighway Intersection Improvements, TAP-1501(020)

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

BILL NO. 24-98 will be Ordinance NO. 5779; BILL NO. 24-99 will be Ordinance NO. 5780; BILL NO. 24-100 will be Ordinance NO. 5781; BILL NO. 24-102 will be Ordinance NO. 5782.

**ITEMS REMOVE FROM CONSENT AGENDA**

BILL NO. 24-101, an Ordinance granting a special use permit to KEENMAC, LLC for the purposes of constructing, maintaining, and operating a restaurant drive-through at 716 and 718 Broadway, in the City of Cape Girardeau, Missouri. Second and Third Readings. Mayor Kinder called for public appearances regarding this Bill.

Ms. Nancy Brown, Attorney for Joe Uzoaru and Athena Properties, spoke in opposition to the special use permit.

Mr. Jay Meystedt, Shilo Properties, 915 Broadway, spoke in opposition to the special use permit.

Mr. Lee Schlitt, 710/714 Broadway spoke in opposition to the special use permit.

Mr. Joe Uzoaru, 612 Deevers Crossing and property owner adjacent to the alley spoke in opposition to the special use permit.

Ms. Liz Haynes, Executive Director of Old Town Cape, spoke in favor of Roni's Mac Bar being located in the downtown area.

Mr. Brandon Beninati of Todt Roofing and general contractor for Roni's Mac Bar appeared in favor of the special use permit.

Ms. Grace Keen, 1112 Meadow Lane and owner of Ronis' Mac Bar, spoke in support of the request and stated this was the only property in the downtown area that could accommodate this restaurant and drive-thru. She stated she is willing to work with the surrounding property owners for a solution.

Dr. Stephen Hoffman of Southeast University Historic Preservation Program spoke regarding challenges of historic downtown buildings and issues with putting them back into service as a new business.

David Atkins, 133 E. Cape Rock Drive spoke in favor of repurposing historic downtown buildings.

Proceedings of the City Council, City of Cape Girardeau, Mo.  
Regular Session                      October 21, 2024                      MM-93

Kelly Downes, Executive Director of the Arts Council, expressed concern with pedestrian safety on Broadway.

A Motion was made by Dan Presson, Seconded by Mark Bliss, to approve and adopt BILL NO. 24-101.

Following discussion by Council and staff, a Motion was made by Nate Thomas, Seconded by David Cantrell, to postpone consideration of the prior motion to the November 4 City Council meeting.

Motion to postpone passed. 4-3. Ayes: Cantrell, Essex, Randle, Thomas. Nays, Bliss, Kinder, Presson.

#### **NEW ORDINANCES**

BILL NO. 24-104, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Improvement of Parking Areas. 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, Essex, Kinder, Randle, Presson. Thomas.

BILL NO. 24-105, an Ordinance Amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Access Management. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

A Motion was made by Mark Bliss, Seconded by Dan Presson, to approve.  
Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas.

BILL NO. 24-106, an Ordinance Amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Utilities. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

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

BILL NO. 24-107, an Ordinance Amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Accessory Structures and Uses. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

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

BILL NO. 24-108, an Ordinance authorizing the issuance of Tax Bills for various properties for the demolition of dangerous buildings, located in the City and County of Cape Girardeau, Missouri. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

Proceedings of the City Council, City of Cape Girardeau, Mo.  
Regular Session                      October 21, 2024                      **MM-94**

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

BILL NO. 24-109, an Ordinance accepting Easements from various property owners for Whitener Street Sanitary Sewer relocation, in 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 Dan Presson, Seconded by Nate Thomas, to approve.  
Motion passed. 7-0. Ayes: Bliss, Cantrell, Essex, Kinder, Randle, Presson. Thomas.

### **APPOINTMENTS**

Appointment to the Planning and Zoning Commission.

A Motion was made by Nate Thomas, Seconded by Dan Presson, to appoint Emily McElreath to the Planning and Zoning Commission for a term expiring November 1, 2026, and to appoint Scott Blank and Robbie Guard for terms expiring November 1, 2028.  
Motion passed. 7-0. Ayes: Bliss, Cantrell, Essex, Kinder, Randle, Presson. Thomas.

### **MEETING ADJOURNMENT**

A Motion was made to adjourn by Tameka Randle, Seconded by Ryan Essex.  
Motion passed. 7-0. Ayes: Bliss, Cantrell, Essex, Kinder, Randle, Presson. Thomas.

The regular session ended at 6:49 pm.

\_\_\_\_\_  
Stacy Kinder, Mayor

\_\_\_\_\_  
Gayle L. Conrad, City Clerk



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

|   |               |
|---|---------------|
| <b>AGENDA REPORT</b><br>Cape Girardeau City Council | <b>24-170</b> |
|---|---------------|

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**SUBJECT**

An Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Improvement of Parking Areas.

**EXECUTIVE SUMMARY**

The attached ordinance amends Section 25-49, Improvement of Parking Areas, of the Development Code (Chapter 25 of the City’s Code of Ordinances).

**BACKGROUND/DISCUSSION**

Attached is a proposed amendment to Section 25-49, Improvement of Parking Areas, of the Development Code (Chapter 25 of the City’s Code of Ordinances). The amendment restructures the existing requirements and changes some of the wording for purposes of clarity and consistency.

The attached ordinance amends Section 25-49 as proposed.

**STAFF RECOMMENDATION**

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

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission reviewed the amendment at its meeting on September 11, 2024 and recommended approval by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

| <b>ATTACHMENTS:</b>  |  |
|--|--|
| Name:  | Description:   |
| <a href="#">24-104 Amending Ch 25 Improvement of Parking Areas.doc</a>   | Ordinance  |
| <a href="#">Chapter 25 Amendment Regarding Improvement of Parking Areas - September 11 2024 (Edits Copy).pdf</a> | Chapter 25 Amendment Regarding Improvement of Parking Areas (Edits Copy) |
| <a href="#">Chapter 25 Amendment Regarding Improvement of Parking Areas - September 11 2024 (Clean Copy).pdf</a> | Chapter 25 Amendment Regarding Improvement of Parking Areas (Clean Copy) |

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING IMPROVEMENT OF PARKING AREAS

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

ARTICLE 1. Section 25-49, entitled "Improvement of parking areas", of Article II of Chapter 25 of the City Code, reading as follows:

Sec. 25-49. Improvement of parking areas.

- (a) Grades and drainage. Parking areas shall be designed to ensure positive drainage, but shall not exceed a slope of ten percent, provided that transitional and approach driveways which do not serve directly abutting parking spaces may be designed to a slope of up to 15 percent, if accompanied by appropriate landing grades and vertical curves at points of transition. Storm drainage control and facilities shall be designed to satisfy the requirements of the storm drainage standards of the city.
- (b) Access. Ingress and egress shall be only by way of paved driveways or openings as specified in standards contained in article IX of chapter 24, streets. Access driveways shall be free of objects which might interfere with the ability of drivers to see pedestrians and other vehicles.
- (c) Paving, curbs and marking.
  - (1) All new and expanded vehicle parking and maneuvering areas in commercial, planned development and multifamily residential zoning districts must be paved with a concrete, asphalt, or permeable/porous pavers or pavement. The use of grass pavers, reinforced gravel, and reinforced turf is allowed and encouraged for use in overflow parking areas, as approved by the city manager. All new and expanded vehicle parking and maneuvering areas in the front yards in manufacturing zoning districts must be paved with a concrete, asphalt or permeable/porous pavers or pavement. New and expanded vehicle parking and maneuvering areas in the rear and side yards in manufacturing zoning districts may be surfaced with a clean aggregate or gravel if dust control measures are in place. The access driveways to all

parking areas must be paved with a concrete surface a minimum of 75 feet from the property line. Pavement cross section shall be determined by the owner based on considerations of durability, subsurface conditions, and the type of vehicles using the parking area.

- (2) Parked vehicles shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheel stops, or other means.
  - (3) Parking spaces shall be delineated, and appropriate traffic flow indications given, by use of reflectorized paint on the parking area pavement.
  - (4) All paving, curbs and markings shall be continuously maintained in good condition, to the above standards, after installation.
- (d) Lighting. Lights shall be required for all parking areas intended for night use. Lights shall be arranged or shielded to direct illumination away from residences and from public streets and other public areas and meet the requirements of article III of this chapter.

is hereby repealed in its entirety and a new Section 25-49, entitled "Improvement of parking areas", of Article II of Chapter 25 of the City Code, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 25-49. Improvement of parking areas.

- (a) Access. Access to parking areas shall be only by way of paved driveways in accordance with the city's standard specifications and drawings. Driveways shall be free of objects that might interfere with the ability of drivers to see pedestrians and other vehicles.
- (b) Slopes and drainage. Parking areas shall be designed to ensure positive drainage, but shall not exceed a slope of ten percent. Transitional and approach driveways that do not serve directly abutting parking spaces may be designed with a slope of up to 15 percent, if accompanied by appropriate landing grades and vertical curves at points of transition. Drainage design for parking areas shall comply with the stormwater management regulations in chapter 23.
- (c) Surfacing. New and expanded vehicle parking and maneuvering areas in commercial, planned development, and multifamily residential zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. Overflow

parking areas may be surfaced with grass pavers, reinforced turf, or clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. New and expanded vehicle parking and maneuvering areas in the front yards in manufacturing zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. New and expanded vehicle parking and maneuvering areas in the rear and side yards in manufacturing zoning districts may be surfaced with clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. Driveways to parking areas shall be paved with a concrete surface for a minimum distance of 75 feet from the property line. Pavement cross section shall be determined by the owner based on considerations of durability, subsurface conditions, and the types of vehicles using the parking area.

- (d) Barriers. Parked vehicles shall be prevented from encroaching on walkways, driveways, travel lanes, and adjacent properties by means of walls, fences, curbs, wheel stops, or other barriers, as approved by the city manager.
- (e) Markings. Parking spaces shall be delineated, and appropriate traffic flow indications given, by use of reflectorized paint on the parking area pavement.
- (f) Lighting. Parking areas intended for night use shall be illuminated in accordance with the exterior lighting regulations in Article III of this chapter.
- (g) Maintenance. Parking areas shall be continuously maintained in good condition. Missing or damaged improvements shall be replaced or repaired in a timely manner as determined by the city manager.

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:

\_\_\_\_\_  
Gayle Conrad, City Clerk



TEXT TO BE DELETED IS SHOWN IN ~~STRIKETHROUGH~~

TEXT TO BE ADDED IS SHOWN IN RED

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

**Sec. 25-49. - Improvement of parking areas.**

- (a) ~~Grades and drainage.~~ Parking areas shall be designed to ensure positive drainage, but shall not exceed a slope of ten percent, provided that transitional and approach driveways which do not serve directly abutting parking spaces may be designed to a slope of up to 15 percent, if accompanied by appropriate landing grades and vertical curves at points of transition. Storm drainage control and facilities shall be designed to satisfy the requirements of the storm drainage standards of the city.
- (b) ~~Access.~~ Ingress and egress shall be only by way of paved driveways or openings as specified in standards contained in article IX of chapter 24, streets. Access driveways shall be free of objects which might interfere with the ability of drivers to see pedestrians and other vehicles.
- (c) ~~Paving, curbs and marking.~~
- (1) ~~All new and expanded vehicle parking and maneuvering areas in commercial, planned development and multifamily residential zoning districts must be paved with a concrete, asphalt, or permeable/porous pavers or pavement. The use of grass pavers, reinforced gravel, and reinforced turf is allowed and encouraged for use in overflow parking areas, as approved by the city manager. All new and expanded vehicle parking and maneuvering areas in the front yards in manufacturing zoning districts must be paved with a concrete, asphalt or permeable/porous pavers or pavement. New and expanded vehicle parking and maneuvering areas in the rear and side yards in manufacturing zoning districts may be surfaced with a clean aggregate or gravel if dust control measures are in place. The access driveways to all parking areas must be paved with a concrete surface a minimum of 75 feet from the property line. Pavement cross section shall be determined by the owner based on considerations of durability, subsurface conditions, and the type of vehicles using the parking area.~~
  - (2) ~~Parked vehicles shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheel stops, or other means.~~
  - (3) ~~Parking spaces shall be delineated, and appropriate traffic flow indications given, by use of reflectorized paint on the parking area pavement.~~
  - (4) ~~All paving, curbs and markings shall be continuously maintained in good condition, to the above standards, after installation.~~
- (d) ~~Lighting.~~ Lights shall be required for all parking areas intended for night use. Lights shall be arranged or shielded to direct illumination away from residences and from public streets and other public areas and meet the requirements of article III of this chapter.
- (a) **Access.** Access to parking areas shall be only by way of paved driveways in accordance with the city's standard specifications and drawings. Driveways shall be free of objects that might interfere with the ability of drivers to see pedestrians and other vehicles.
- (b) **Slopes and drainage.** Parking areas shall be designed to ensure positive drainage, but shall not exceed a slope of ten percent. Transitional and approach driveways that do not serve directly abutting parking spaces may be designed with a slope of up to 15 percent, if accompanied by appropriate landing grades and vertical curves at points of transition. Drainage design for parking areas shall comply with the stormwater management regulations in chapter 23.
- (c) **Surfacing.** New and expanded vehicle parking and maneuvering areas in commercial, planned development, and multifamily residential zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. Overflow parking areas may be surfaced with grass pavers, reinforced turf, or clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. New and expanded vehicle parking and maneuvering areas in the front yards in manufacturing zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. New and expanded vehicle parking and maneuvering areas in the rear and side yards in manufacturing zoning districts may be surfaced with clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. Driveways to parking areas shall be paved with a concrete surface for a minimum distance of 75 feet from

Chapter 25 Amendment Regarding Improvement of Parking Areas  
September 11, 2024

the property line. Pavement cross section shall be determined by the owner based on considerations of durability, subsurface conditions, and the types of vehicles using the parking area.

- (d) *Barriers.* Parked vehicles shall be prevented from encroaching on walkways, driveways, travel lanes, and adjacent properties by means of walls, fences, curbs, wheel stops, or other barriers, as approved by the city manager.
- (e) *Markings.* Parking spaces shall be delineated, and appropriate traffic flow indications given, by use of reflectorized paint on the parking area pavement.
- (f) *Lighting.* Parking areas intended for night use shall be illuminated in accordance with the exterior lighting regulations in article III of this chapter.
- (g) *Maintenance.* Parking areas shall be continuously maintained in good condition. Missing or damaged improvements shall be replaced or repaired in a timely manner as determined by the city manager.

**Sec. 25-49. - Improvement of parking areas.**

- (a) *Access.* Access to parking areas shall be only by way of paved driveways in accordance with the city's standard specifications and drawings. Driveways shall be free of objects that might interfere with the ability of drivers to see pedestrians and other vehicles.
- (b) *Slopes and drainage.* Parking areas shall be designed to ensure positive drainage, but shall not exceed a slope of ten percent. Transitional and approach driveways that do not serve directly abutting parking spaces may be designed with a slope of up to 15 percent, if accompanied by appropriate landing grades and vertical curves at points of transition. Drainage design for parking areas shall comply with the stormwater management regulations in chapter 23.
- (c) *Surfacing.* New and expanded vehicle parking and maneuvering areas in commercial, planned development, and multifamily residential zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. Overflow parking areas may be surfaced with grass pavers, reinforced turf, or clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. New and expanded vehicle parking and maneuvering areas in the front yards in manufacturing zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. New and expanded vehicle parking and maneuvering areas in the rear and side yards in manufacturing zoning districts may be surfaced with clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. Driveways to parking areas shall be paved with a concrete surface for a minimum distance of 75 feet from the property line. Pavement cross section shall be determined by the owner based on considerations of durability, subsurface conditions, and the types of vehicles using the parking area.
- (d) *Barriers.* Parked vehicles shall be prevented from encroaching on walkways, driveways, travel lanes, and adjacent properties by means of walls, fences, curbs, wheel stops, or other barriers, as approved by the city manager.
- (e) *Markings.* Parking spaces shall be delineated, and appropriate traffic flow indications given, by use of reflectorized paint on the parking area pavement.
- (f) *Lighting.* Parking areas intended for night use shall be illuminated in accordance with the exterior lighting regulations in article III of this chapter.
- (g) *Maintenance.* Parking areas shall be continuously maintained in good condition. Missing or damaged improvements shall be replaced or repaired in a timely manner as determined by the city manager.

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**21-171**

**SUBJECT**

An Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Access Management.

**EXECUTIVE SUMMARY**

The attached ordinance amends Article IX, Access Management, of the Development Code (Chapter 25 of the City's Code of Ordinances).

**BACKGROUND/DISCUSSION**

Attached is a proposed amendment to Article IX, Access Management, of the Development Code (Chapter 25 of the City's Code of Ordinances). The City's standard specifications and drawings require a minimum spacing of 10 feet between residential driveways. The amendment adds a separate standard for driveways serving a townhouse or two-family (duplex) dwelling. Such driveways would have to be separated by a landscaping strip having a minimum width of 18 inches. The amendment also restructures the existing requirements and changes some of the wording for purposes of clarity and consistency.

The attached ordinance amends Article IX as proposed.

**STAFF RECOMMENDATION**

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

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission reviewed the amendment at its meeting on September 11, 2024 and recommended approval by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

**ATTACHMENTS:**

| Name:   | Description:  |
|---|---|
| <a href="#">24-105 Amending Ch 25 Access Management.doc</a>   | Ordinance   |
| <a href="#">Chapter 25 Amendment Regarding Access Management - September 11 2024 REVISED (Edits Copy).pdf</a> | Chapter 25 Amendment Regarding Access Management (Edits Copy) |
| <a href="#">Chapter 25 Amendment Regarding Access Management - September 11 2024 REVISED (Clean Copy).pdf</a> | Chapter 25 Amendment Regarding Access Management (Clean Copy) |

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING ACCESS MANAGEMENT

---

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

ARTICLE 1. Section 25-249, entitled "Driveway spacing requirements; multifamily residential and nonresidential uses", of Article IX of Chapter 25 of the City Code, reading as follows:

Sec. 25-249. Driveway spacing requirements; multifamily residential and nonresidential uses.

(a) For multifamily residential and nonresidential uses, one driveway shall be permitted for each full 150-foot section of lot frontage along an arterial street or each full 75-foot section of lot frontage along a collector or local street. A lot frontage less than 150 feet along an arterial street or 75 feet along a collector or local street shall be permitted one driveway. A circular driveway shall count as two driveways. The minimum distance between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:

(1) Seek an exception; or

(2) Establish a common driveway with an adjacent lot in accordance with section 24-345(1).

(b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.

is hereby repealed in its entirety and a new Section 25-249, entitled "Number and spacing of driveways; single-family detached, townhouse, and two-family (duplex) residential uses", of Article IX of Chapter 25 of the City Code, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 25-249. Number and spacing of driveways; single-family detached, townhouse, and two-family (duplex) residential uses.

- (a) For single-family detached, townhouse, and two-family (duplex) residential uses, one driveway per unit shall be permitted for each full 80-foot section of lot frontage along an arterial, collector, or local street. A lot frontage less than 80 feet along an arterial, collector, or local street shall be permitted one driveway per unit. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings, subject to the provisions of subsection (c) of this section. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:
- (1) Apply for an exception; or
  - (2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).
- (b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.
- (c) Driveways serving a townhouse or two-family (duplex) dwelling shall be separated by a landscaping strip having a minimum width of 18 inches and completely covered with at least one of the groundcover types in section 25-225(1). The landscaping strip shall extend from the dwelling or end of the driveways on the property to the right-of-way line or access easement line.

ARTICLE 2. Section 25-250, entitled "Driveway spacing requirements; single-family detached, townhouse, and two-family (duplex) residential uses", of Article IX of Chapter 25 of the City Code, reading as follows:

Sec. 25-250. Driveway spacing requirements; single-family detached, townhouse, and two-family (duplex) residential uses.

- (a) For single-family detached, townhouse, and two-family (duplex) residential uses, one driveway per unit shall be permitted for each full 80-foot section of lot frontage along an arterial, collector, or local street. A lot frontage less than 80 feet along an arterial, collector, or local street shall be permitted one driveway per unit. A circular driveway shall count as two driveways. The minimum distance between



driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:

(1) Seek an exception; or

(2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).

(b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.

is hereby repealed in its entirety and a new Section 25-250, entitled "Number and spacing of driveways; multifamily residential and nonresidential uses", of Article IX of Chapter 25 of the City Code, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 25-250. Number and spacing of driveways; multifamily residential and nonresidential uses.

(a) For multifamily residential and nonresidential uses, one driveway shall be permitted for each full 150-foot section of lot frontage along an arterial street or each full 75-foot section of lot frontage along a collector or local street. A lot frontage less than 150 feet along an arterial street or 75 feet along a collector or local street shall be permitted one driveway. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:

(1) Apply for an exception; or

(2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).

(b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.

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 hereof.

ARTICLE 4. 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 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:

\_\_\_\_\_  
Gayle Conrad, City Clerk



TEXT TO BE DELETED IS SHOWN IN ~~STRIKETHROUGH~~

TEXT TO BE ADDED IS SHOWN IN RED

**ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT:**

ARTICLE IX. - ACCESS MANAGEMENT

Sec. 25-246. - Applicability.

Sec. 25-247. - Standards.

Sec. 25-248. - Driveway standards generally.

~~Sec. 25-249. - Driveway spacing requirements; multifamily residential and nonresidential uses.~~

Sec. 25-249. - Number and spacing of driveways; single-family detached, townhouse, and two-family (duplex) residential uses.

~~Sec. 25-250. - Driveway spacing requirements; single-family detached, townhouse, and two-family (duplex) residential uses.~~

Sec. 25-250. - Number and spacing of driveways; multifamily residential and nonresidential uses.

Secs. 25-251–25-276. - Reserved.

**~~Sec. 25-249. Driveway spacing requirements; multifamily residential and nonresidential uses.~~**

- (a) ~~For multifamily residential and nonresidential uses, one driveway shall be permitted for each full 150-foot section of lot frontage along an arterial street or each full 75-foot section of lot frontage along a collector or local street. A lot frontage less than 150 feet along an arterial street or 75 feet along a collector or local street shall be permitted one driveway. A circular driveway shall count as two driveways. The minimum distance between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:~~
- ~~(1) Seek an exception; or~~
  - ~~(2) Establish a common driveway with an adjacent lot in accordance with section 24-345(1).~~
- (b) ~~The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.~~

**Sec. 25-249. Number and spacing of driveways; single-family detached, townhouse, and two-family (duplex) residential uses.**

- (a) For single-family detached, townhouse, and two-family (duplex) residential uses, one driveway per unit shall be permitted for each full 80-foot section of lot frontage along an arterial, collector, or local street. A lot frontage less than 80 feet along an arterial, collector, or local street shall be permitted one driveway per unit. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings, subject to the provisions of subsection (c) of this section. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:
- (1) Apply for an exception; or
  - (2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).
- (b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.
- (c) Driveways serving a townhouse or two-family (duplex) dwelling shall be separated by a landscaping strip having a minimum width of 18 inches and completely covered with at least one of the groundcover types in section 25-225(1). The landscaping strip shall extend from the dwelling or end of the driveways on the property to the right-of-way line or access easement line.

**~~Sec. 25-250. Driveway spacing requirements; single-family detached, townhouse, and two-family (duplex) residential uses.~~**

- (a) ~~For single-family detached, townhouse, and two-family (duplex) residential uses, one driveway per unit shall be permitted for each full 80-foot section of lot frontage along an arterial, collector, or local street. A lot frontage less than 80 feet along an arterial, collector, or local street shall be permitted one driveway per unit. A circular driveway shall count as two driveways. The minimum distance between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:~~
- ~~(1) Seek an exception; or~~
  - ~~(2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).~~
- (b) ~~The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.~~

**Sec. 25-250. Number and spacing of driveways; multifamily residential and nonresidential uses.**

- (a) For multifamily residential and nonresidential uses, one driveway shall be permitted for each full 150-foot section of lot frontage along an arterial street or each full 75-foot section of lot frontage along a collector or local street. A lot frontage less than 150 feet along an arterial street or 75 feet along a collector or local street shall be permitted one driveway. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:
  - (1) Apply for an exception; or
  - (2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).
- (b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.

**Sec. 25-249. Number and spacing of driveways; single-family detached, townhouse, and two-family (duplex) residential uses.**

- (a) For single-family detached, townhouse, and two-family (duplex) residential uses, one driveway per unit shall be permitted for each full 80-foot section of lot frontage along an arterial, collector, or local street. A lot frontage less than 80 feet along an arterial, collector, or local street shall be permitted one driveway per unit. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings, subject to the provisions of subsection (c) of this section. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:
  - (1) Apply for an exception; or
  - (2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).
- (b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.
- (c) Driveways serving a townhouse or two-family (duplex) dwelling shall be separated by a landscaping strip having a minimum width of 18 inches and completely covered with at least one of the groundcover types in section 25-225(1). The landscaping strip shall extend from the dwelling or end of the driveways on the property to the right-of-way line or access easement line.

**Sec. 25-250. Number and spacing of driveways; multifamily residential and nonresidential uses.**

- (a) For multifamily residential and nonresidential uses, one driveway shall be permitted for each full 150-foot section of lot frontage along an arterial street or each full 75-foot section of lot frontage along a collector or local street. A lot frontage less than 150 feet along an arterial street or 75 feet along a collector or local street shall be permitted one driveway. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:
  - (1) Apply for an exception; or
  - (2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).
- (b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-172**

---

**SUBJECT**

An Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Utilities.

**EXECUTIVE SUMMARY**

The attached ordinance amends Article X, Utilities, of the Development Code (Chapter 25 of the City’s Code of Ordinances).

**BACKGROUND/DISCUSSION**

Attached is a proposed amendment to Article X, Utilities, of the Development Code (Chapter 25 of the City’s Code of Ordinances). The amendment adds a definitions section.

The attached ordinance amends Article X as proposed.

**STAFF RECOMMENDATION**

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

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission reviewed the amendment at its meeting on September 11, 2024 and recommended approval by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

**ATTACHMENTS:**

| Name:   | Description:  |
|---|---|
| <a href="#">24-106 Amending Ch 25 Utilities.doc</a>   | Ordinance   |
| <a href="#">Chapter 25 Amendment Regarding Utilities - September 11 2024 (Edits Copy - Revised).pdf</a> | Chapter 25 Amendment Regarding Utilities (Edits Copy) |
| <a href="#">Chapter 25 Amendment Regarding Utilities - September 11 2024 (Clean Copy - Revised).pdf</a> | Chapter 25 Amendment Regarding Utilities (Clean Copy) |

BILL NO. 24-106

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE  
OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU,  
MISSOURI, REGARDING UTILITIES

---

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

ARTICLE 1. There is hereby enacted a new Section 25-276 of  
Article X of Chapter 25 of the Code of Ordinances of the City of  
Cape Girardeau, Missouri, entitled "Definitions", in words and  
figures, to read as follows:

Sec. 25-276. - Definitions.

The following words, terms and phrases, when used in this  
article, shall have the meanings ascribed to them in this  
section, except where the context clearly indicates a different  
meaning:

*Building service line* means the privately maintained  
portion of a water line or sanitary sewer line that connects a  
building to a water service connection or wye, as illustrated in  
Figures 1 and 2.

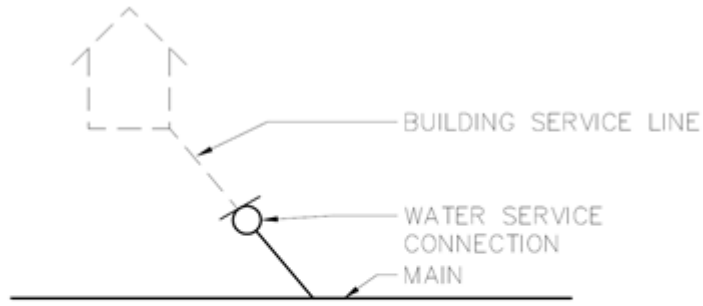
*Main* means a pipe used for conveying water to building  
service lines as part of a water distribution system or  
conveying wastewater from building service lines as part of a  
sanitary sewer system, as illustrated in Figures 1 and 2.

*Water service connection* means the pipe, fittings, valves,  
meter, meter box, and all other fixtures owned by the city and  
used to connect a building service line to a public water main,  
as illustrated in Figure 1.

*Wye* means a "Y"-shaped privately maintained sewer fitting  
that connects a building service line to a public sanitary sewer  
main, as illustrated in Figure 2.

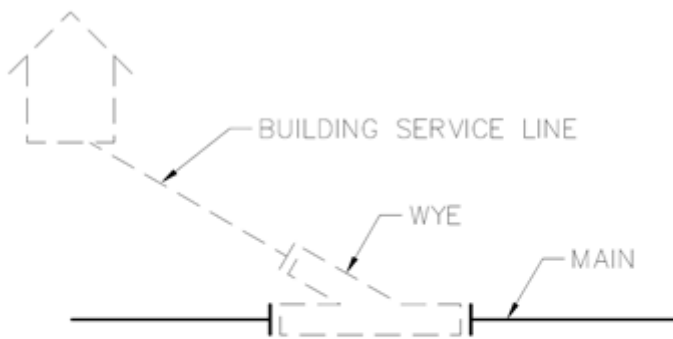


Figure 1. Water service connection



--- (DASHED) - PRIVATELY MAINTAINED  
— (SOLID) - PUBLICLY MAINTAINED

Figure 2. Sanitary sewer connection



--- (DASHED) - PRIVATELY MAINTAINED  
— (SOLID) - PUBLICLY MAINTAINED

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:

\_\_\_\_\_  
Gayle L. Conrad, City Clerk



**TEXT TO BE DELETED IS SHOWN IN ~~STRIKETHROUGH~~**

**TEXT TO BE ADDED IS SHOWN IN RED**

**ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT:**

ARTICLE X. - UTILITIES

**Sec. 25-276. - Definitions.**

Sec. 25-277. - Applicability.

Sec. 25-278. - General utility requirements.

Sec. 25-279. - Water and sanitary sewer mains.

Sec. 25-280. - Water and sanitary sewer connections.

Sec. 25-281. - Sanitary sewer connections.

Sec. 25-282. - Water connections.

Sec. 25-283. - Storm sewers and private stormwater management facilities.

Sec. 25-284. - Private utilities.

Secs. 25-285–25-301. - Reserved.

**Sec. 25-276. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building service line* means the privately maintained portion of a water line or sanitary sewer line that connects a building to a water service connection or wye, as illustrated in Figures 1 and 2.

*Main* means a pipe used for conveying water to building service lines as part of a water distribution system or conveying wastewater from building service lines as part of a sanitary sewer system, as illustrated in Figures 1 and 2.

*Water service connection* means the pipe, fittings, valves, meter, meter box, and all other fixtures owned by the city and used to connect a building service line to a public water main, as illustrated in Figure 1.

*Wye* means a “Y”-shaped privately maintained sewer fitting that connects a building service line to a public sanitary sewer main, as illustrated in Figure 2.

Figure 1. Water service connection

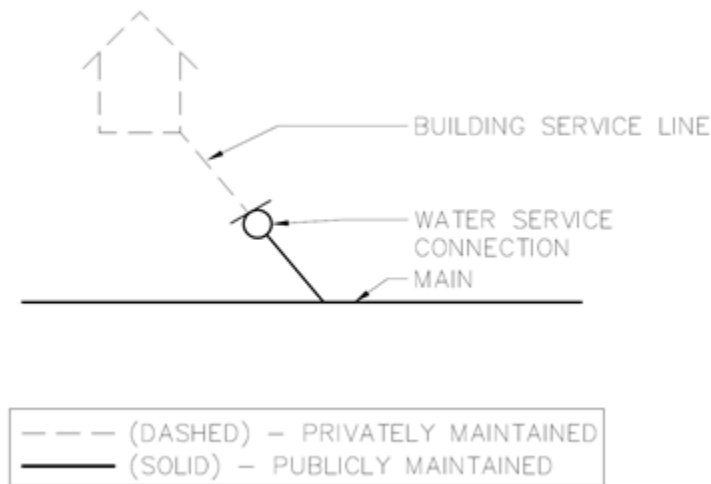
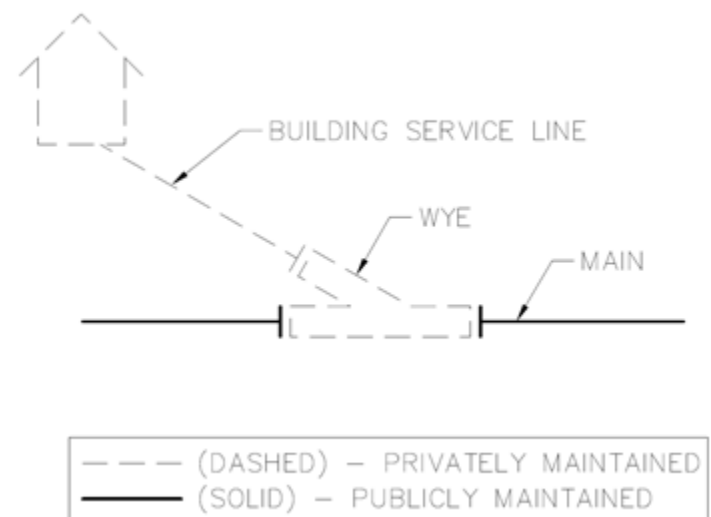


Figure 2. Sanitary sewer connection



**Sec. 25-276. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building service line* means the privately maintained portion of a water line or sanitary sewer line that connects a building to a water service connection or wye, as illustrated in Figures 1 and 2.

*Main* means a pipe used for conveying water to building service lines as part of a water distribution system or conveying wastewater from building service lines as part of a sanitary sewer system, as illustrated in Figures 1 and 2.

*Water service connection* means the pipe, fittings, valves, meter, meter box, and all other fixtures owned by the city and used to connect a building service line to a public water main, as illustrated in Figure 1.

*Wye* means a “Y”-shaped privately maintained sewer fitting that connects a building service line to a public sanitary sewer main, as illustrated in Figure 2.

Figure 1. Water service connection

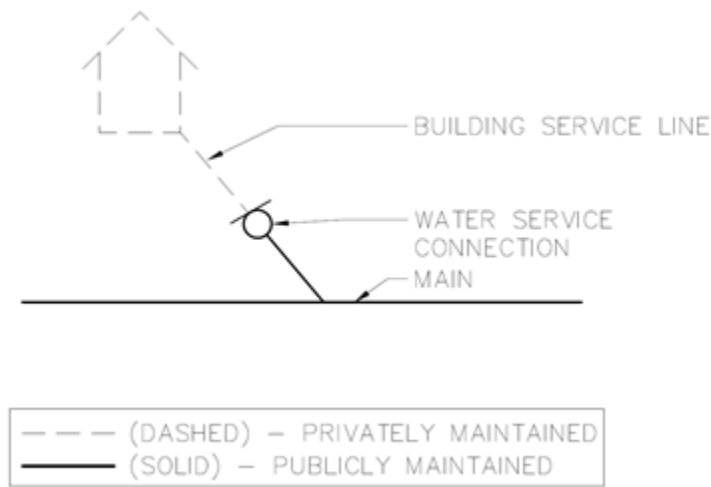
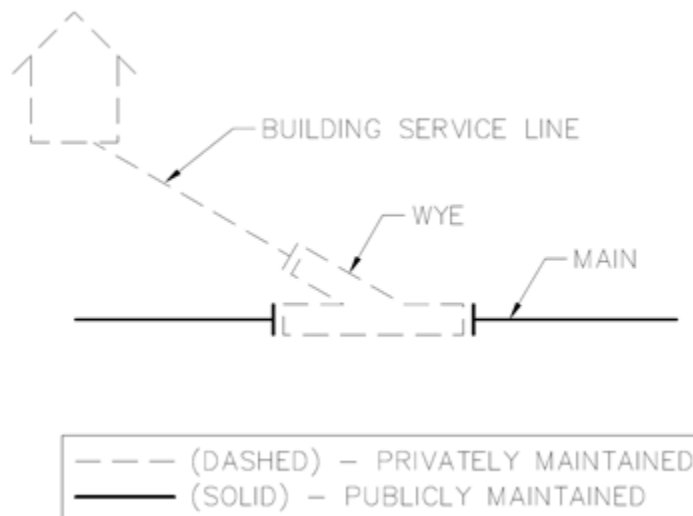


Figure 2. Sanitary sewer connection



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-173**

---

**SUBJECT**

An Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Accessory Structures and Uses.

**EXECUTIVE SUMMARY**

The attached ordinance amends Section 30-106, Accessory Structures and Uses, of the Zoning Code (Chapter 30 of the City’s Code of Ordinances). A public hearing on the amendment was held on October 21, 2024.

**BACKGROUND/DISCUSSION**

Attached is a proposed amendment to Section 30-106, Accessory Structures and Uses, of the Zoning Code (Chapter 30 of the City’s Code of Ordinances). Currently, this section does not allow an accessory structure or use on a lot without a principal structure or use. The amendment adds an exception for off-street parking facilities (i.e., parking lots) located in the AG, C-1, C-2, M-1, M-2, or A-1 district. In these districts, an off-street parking facility would not be required to be located on a lot with a principal use. The amendment also includes some minor changes for purposes of clarity and consistency.

The attached ordinance amends Section 30-106 as proposed. A public hearing on the amendment was held on October 21, 2024.

**STAFF RECOMMENDATION**

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

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission reviewed the amendment at its meeting on September 11, 2024 and recommended approval by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

**PUBLIC OUTREACH**

The City Council's public hearing on the amendment was advertised in the Southeast Missourian on October 5, 2024.

**ATTACHMENTS:**

| Name:   | Description:  |
|---|---|
| <a href="#">24-107 Amending Ch 30 Accessory Structures Uses.doc</a>   | Ordinance   |
| <a href="#">Chapter 30 Amendment Regarding Accessory Structures and Uses - September 11 2024 REVISED (Edits Copy).pdf</a> | Chapter 30 Amendment Regarding Accessory Structures and Uses (Edits Copy) |
| <a href="#">Chapter 30 Amendment Regarding Accessory Structures and Uses - September 11 2024 REVISED (Clean Copy).pdf</a> | Chapter 30 Amendment Regarding Accessory Structures and Uses (Clean Copy) |

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING ACCESSORY STRUCTURES AND USES

---

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

ARTICLE 1. Section 30-106, entitled "Accessory structures and uses", of Article IV of Chapter 30 of the City Code, reading as follows:

Sec. 30-106. Accessory structures and uses.

- (a) *General provisions.* Accessory structures and uses shall be incidental and subordinate to the principal structures or uses they are intended to serve, and each one shall be located on the same lot as the principal structure or use. No accessory structure or use shall be constructed or established unless it complies with the standards of the district in which it is located. Furthermore, no accessory structure or use shall be constructed or established unless the principal structure is being used, or the principal use is active, in accordance with the provisions of this chapter.
- (b) *Standards for accessory structures in residential districts.* Except as set out in subsection (b) (1)c of this section, no more than one accessory structure shall be permitted per lot in residential districts. Furthermore, one additional accessory structure no greater than 150 square feet in area shall be permitted per lot and may be placed anywhere on the lot, subject to the provisions of subsections (a) and (b) (2) of this section.
  - (1) *Maximum footprint.* No accessory structure in a residential district shall exceed the following maximum footprint requirements:
    - a. 1,000 square feet for lots one acre or less;
    - b. 1,500 square feet for lots greater than one acre but less than two acres; and
    - c. Lots having two or more acres shall be permitted up to a total of four accessory structures, provided that the sum of the footprints does not exceed 2,500 square feet.
  - (2) *Maximum height.* No accessory structure in a residential district shall exceed the height of the principal

structure it is intended to serve except as permitted in section 30-116.

(3) Residential swimming pools and landscape features with water greater than two feet in depth shall be permitted in the rear or side yard, subject to the following requirements:

a. The swimming pool or landscape feature shall be located a minimum of five feet from all property lines and a minimum of 20 feet from the nearest principal structure on any adjoining lot; and

b. It shall be enclosed in accordance with chapter 7, article IV.

(c) *Personal cultivation of marijuana.* The personal cultivation of marijuana, as defined in section 30-118, shall comply with all applicable state laws and regulations, including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of marijuana shall comply with all other applicable requirements of the city Code to the extent authorized by the state laws and regulations.

is hereby repealed in its entirety and a new Section 30-106, entitled "Accessory structures and uses", of Article IV of Chapter 30 of the City Code, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-106. Accessory structures and uses.

(a) *General provisions.* Accessory structures and uses shall be incidental and subordinate to the principal structures or uses they are intended to serve, and each one shall be located on the same lot as the principal structure or use, except that an off-street parking facility shall not be required to be located on the same lot as the principal use in the AG, C-1, C-2, M-1, M-2, and A-1 districts. No accessory structure or use shall be constructed or established unless it complies with the standards of the district in which it is located, subject to the provisions of section 30-116. Furthermore, no accessory structure or use shall be constructed or established unless the principal structure is being used, or the principal use is active, in accordance with the provisions of this chapter.

(b) *Standards for accessory structures in residential districts.* Except as set out in subsection (b) (1)c of this section, no more than one accessory structure shall be permitted per lot in residential districts. Furthermore, one additional



accessory structure no greater than 150 square feet in area shall be permitted per lot and may be placed anywhere on the lot, subject to the provisions of subsections (a) and (b) (2) of this section.

(1) *Maximum footprint.* No accessory structure in a residential district shall exceed the following maximum footprint requirements:

- a. 1,000 square feet for lots one acre or less;
- b. 1,500 square feet for lots greater than one acre but less than two acres; and
- c. Lots having two or more acres shall be permitted up to a total of four accessory structures, provided that the sum of the footprints does not exceed 2,500 square feet.

(2) *Maximum height.* No accessory structure in a residential district shall exceed the height of the principal structure it is intended to serve except as permitted in section 30-116.

(3) *Residential swimming pools and landscape features.* Residential swimming pools and landscape features with water greater than two feet in depth shall only be permitted in the rear or side yard, subject to the following requirements:

- a. The swimming pool or landscape feature shall be located a minimum of five feet from all property lines and a minimum of 20 feet from the nearest principal structure on any adjoining lot; and
- b. It shall be enclosed in accordance with chapter 7, article IV.

(c) *Personal cultivation of marijuana.* The personal cultivation of marijuana, as defined in section 30-118, shall comply with all applicable state laws and regulations, including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of marijuana shall comply with all other applicable requirements of the city Code to the extent authorized by the state laws and regulations.

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:

\_\_\_\_\_  
Gayle Conrad, City Clerk



TEXT TO BE DELETED IS SHOWN IN ~~STRIKETHROUGH~~

TEXT TO BE ADDED IS SHOWN IN RED

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

**Sec. 30-106. Accessory structures and uses.**

- (a) *General provisions.* Accessory structures and uses shall be incidental and subordinate to the principal structures or uses they are intended to serve, and each one shall be located on the same lot as the principal structure or use, ~~use, except that an off-street parking facility shall not be required to be located on the same lot as the principal use in the AG, C-1, C-2, M-1, M-2, and A-1 districts.~~ No accessory structure or use shall be constructed or established unless it complies with the standards of the district in which it is ~~located.~~ ~~located, subject to the provisions of section 30-116.~~ Furthermore, no accessory structure or use shall be constructed or established unless the principal structure is being used, or the principal use is active, in accordance with the provisions of this chapter.
- (b) *Standards for accessory structures in residential districts.* Except as set out in subsection (b)(1)c of this section, no more than one accessory structure shall be permitted per lot in residential districts. Furthermore, one additional accessory structure no greater than 150 square feet in area shall be permitted per lot and may be placed anywhere on the lot, subject to the provisions of subsections (a) and (b) (2) of this section.
- (1) *Maximum footprint.* No accessory structure in a residential district shall exceed the following maximum footprint requirements:
- a. 1,000 square feet for lots one acre or less;
  - b. 1,500 square feet for lots greater than one acre but less than two acres; and
  - c. Lots having two or more acres shall be permitted up to a total of four accessory structures, provided that the sum of the footprints does not exceed 2,500 square feet.
- (2) *Maximum height.* No accessory structure in a residential district shall exceed the height of the principal structure it is intended to serve except as permitted in section 30-116.
- (3) *Residential swimming pools and landscape features.* Residential swimming pools and landscape features with water greater than two feet in depth shall **only** be permitted in the rear or side yard, subject to the following requirements:
- a. The swimming pool or landscape feature shall be located a minimum of five feet from all property lines and a minimum of 20 feet from the nearest principal structure on any adjoining lot; and
  - b. It shall be enclosed in accordance with chapter 7, article IV.
- (c) *Personal cultivation of marijuana.* The personal cultivation of marijuana, as defined in section 30-118, shall comply with all applicable state laws and regulations, including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of marijuana shall comply with all other applicable requirements of the city Code to the extent authorized by the state laws and regulations.

**Sec. 30-106. Accessory structures and uses.**

- (a) *General provisions.* Accessory structures and uses shall be incidental and subordinate to the principal structures or uses they are intended to serve, and each one shall be located on the same lot as the principal structure or use, except that an off-street parking facility shall not be required to be located on the same lot as the principal use in the AG, C-1, C-2, M-1, M-2, and A-1 districts. No accessory structure or use shall be constructed or established unless it complies with the standards of the district in which it is located, subject to the provisions of section 30-116. Furthermore, no accessory structure or use shall be constructed or established unless the principal structure is being used, or the principal use is active, in accordance with the provisions of this chapter.
- (b) *Standards for accessory structures in residential districts.* Except as set out in subsection (b)(1)c of this section, no more than one accessory structure shall be permitted per lot in residential districts. Furthermore, one additional accessory structure no greater than 150 square feet in area shall be permitted per lot and may be placed anywhere on the lot, subject to the provisions of subsections (a) and (b) (2) of this section.
  - (1) *Maximum footprint.* No accessory structure in a residential district shall exceed the following maximum footprint requirements:
    - a. 1,000 square feet for lots one acre or less;
    - b. 1,500 square feet for lots greater than one acre but less than two acres; and
    - c. Lots having two or more acres shall be permitted up to a total of four accessory structures, provided that the sum of the footprints does not exceed 2,500 square feet.
  - (2) *Maximum height.* No accessory structure in a residential district shall exceed the height of the principal structure it is intended to serve except as permitted in section 30-116.
  - (3) *Residential swimming pools and landscape features.* Residential swimming pools and landscape features with water greater than two feet in depth shall only be permitted in the rear or side yard, subject to the following requirements:
    - a. The swimming pool or landscape feature shall be located a minimum of five feet from all property lines and a minimum of 20 feet from the nearest principal structure on any adjoining lot; and
    - b. It shall be enclosed in accordance with chapter 7, article IV.
- (c) *Personal cultivation of marijuana.* The personal cultivation of marijuana, as defined in section 30-118, shall comply with all applicable state laws and regulations, including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of marijuana shall comply with all other applicable requirements of the city Code to the extent authorized by the state laws and regulations.

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-174**

**SUBJECT**

An Ordinance authorizing the issuance of Special Tax Bills for various properties for the demolition of dangerous buildings, located in the City and County of Cape Girardeau, Missouri.

**EXECUTIVE SUMMARY**

The attached ordinance authorizes the issuance of special tax bills to recover costs incurred by the City in demolishing condemned buildings at 416 North Frederick Street, 1108 William Street, and 139 South Pacific Street.

**BACKGROUND/DISCUSSION**

Certain buildings at 416 North Frederick Street, 1108 William Street, and 139 South Pacific Street were condemned under Chapter 7 of the City's Code of Ordinances. The City mailed a notice to each owner, ordering them to repair or demolish their respective buildings within 30 days. In addition, a sign was posted on each building giving notice of the condemnation. After the owners of the buildings failed to respond by their respective deadlines, the City held hearings and the Building Supervisor issued orders to repair or demolish each of the buildings by a certain deadline. The owners again failed to respond by their respective deadlines. As provided for in Chapter 7, the City hired a contractor to demolish the buildings. Prior to hiring the contractor, the City procured asbestos survey/testing reports for each of the buildings. Pursuant to orders issued by the Building Supervisor, special tax bills have been prepared to recover these costs. The special tax bills, along with the orders and the invoices, are attached.

**FINANCIAL IMPACT**

The amounts for the special tax bills are as follows:

416 North Frederick Street = \$14,075.00

1108 William Street = \$10,125.00

139 South Pacific Street = \$11,575.00

Each special tax bill will bear an interest rate of eight percent (8%) annually on the outstanding balance until it is paid.

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance authorizing the issuance of the special tax bills.

**ATTACHMENTS:**

| Name:  | Description:                                    |
|--|---|
| <a href="#">24-108_Ord_Special_Tax_Bills_N_Frederick_William_S_Pacific.pdf</a> | Ordinance                                       |
| <a href="#">Order_Causing_Tax_Bills_to_be_Issued_-_416_N_Frederick.pdf</a>     | Order for Tax Bill - 416 North Frederick Street |

|  |   |
|--|---|
| <a href="#">Order_Causing_Tax_Bills_to_be_Issued_-_1108_William.pdf</a>  | Order for Tax Bill - 1108 William Street      |
| <a href="#">Order_Causing_Tax_Bills_to_be_Issued_-_139_S_Pacific.pdf</a> | Order for Tax Bill - 139 South Pacific Street |
| <a href="#">Invoice_for_Demolition.pdf</a>                               | Demolition Contractor's Invoice               |
| <a href="#">Invoice_for_Asbestos_Inspection.pdf</a>                      | Asbestos Inspector's Invoice                  |

BILL NO. 24-108

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL TAX BILLS FOR VARIOUS PROPERTIES FOR THE DEMOLITION OF DANGEROUS BUILDINGS, LOCATED IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

---

WHEREAS, the Building Supervisor of the City of Cape Girardeau, Missouri, issued Orders causing certain dangerous buildings to be demolished; and

WHEREAS, the City of Cape Girardeau did cause said buildings to be demolished in accordance with the Orders, thereby incurring certain expenses; and

WHEREAS, the Building Supervisor authorized the issuance of Special Tax Bills for said expenses; and

WHEREAS, Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri, authorizes the issuance of Special Tax Bills to recover said expenses.

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

ARTICLE 1. There is hereby levied, and the City Clerk is hereby authorized and ordered to place on file, the following Special Tax Bills issued in accordance with the Order of the Building Supervisor which shall be liens against the following described properties in accordance with law, in the following amounts, until paid or collected by the City of Cape Girardeau, Missouri:

416 North Federick Street - \$14,075.00

Lot Three (3) of Normal Avenue Place Addition in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 1 at Page 62, land records of Cape Girardeau County, Missouri.

1108 William Street - \$10,125.00

Lot Three (3) of Ireland Subdivision in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 23 at Page 41.



139 South Pacific Street - \$11,575.00

Lot Sixteen (16) in Block Sixteen (16) of West End Addition, a subdivision in the City and County of Cape Girardeau, Missouri as shown by plat recorded in Plat Book 2 at Page 8.

ARTICLE 2. Said Special Tax Bills shall bear an interest rate of eight per cent (8%) per annum.

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 hereof.

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:

\_\_\_\_\_  
Gayle L. Conrad, City Clerk



No. 319-0001

Amount \$14,075.00

**SPECIAL TAX BILL FOR  
DEMOLITION OF A DANGEROUS BUILDING**

To the City of Cape Girardeau, Missouri:

For work done and costs and expenses incurred in abating a nuisance by demolition of a dangerous building under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and chargeable against:

**FREDDIE M. & NIKITA L. WADDY  
813 PRYORTOWN RD  
VILLA RIDGE, IL 62996-2402**

for the following property:

**416 North Frederick Street, Cape Girardeau, MO**

**Lot Three (3) of Normal Avenue Place Addition in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 1 at Page 62, land records of Cape Girardeau County, Missouri.**

**Parcel No. 167190023026000000**

in the City of Cape Girardeau, Missouri; said building has been demolished in accordance with the Order of the Building Supervisor dated June 7, 2021, and the cost incurred for said demolition was Fourteen Thousand and Seventy-five dollars (\$14,075.00).

I, Gayle L. Conrad, City Clerk of the City of Cape Girardeau, Missouri, do hereby certify that the demolition work was done as reported to the City Building Supervisor under the provisions of Chapter 7-353(6), said report dated September 10, 2024.

I also certify that the costs and expenses incurred by the City for said demolition were Fourteen Thousand and Seventy-five dollars (\$14,075.00), which amount the City Council has ordered assessed as a special tax against the following described property, to-wit:

416 North Frederick Street, Cape Girardeau, MO

Lot Three (3) of Normal Avenue Place Addition in the City and County of Cape Girardeau, Missouri, as shown by plat

recorded in Plat Book 1 at Page 62, land records of Cape Girardeau County, Missouri.

Parcel No. 167190023026000000

the same being the sum fixed as costs by the report of the Building Supervisor.

This Special Tax Bill bears interest at the rate of eight per cent (8%) per annum from sixty (60) days after its date and is a special lien against the land herein described. The lien hereof shall continue ten (10) years after the date of issue, unless sooner paid, and in the event suit is brought to enforce such lien, then until the expiration of such litigation.

Issued by authority of Ordinance No. \_\_\_\_\_ passed and approved November 4, 2024.

IN WITNESS WHEREOF, as City Clerk of the City of Cape Girardeau, Missouri, I have hereunto set my hand under the corporate seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2024.



\_\_\_\_\_  
Gayle L. Conrad, City Clerk

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me appeared Gayle L. Conrad, to me personally known, who, being by me duly sworn, did say that she is the City Clerk of the City of Cape Girardeau, Missouri, and that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

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

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

**SPECIAL TAX BILL FOR  
DEMOLITION OF A DANGEROUS BUILDING**

To the City of Cape Girardeau, Missouri:

For work done and costs and expenses incurred in abating a nuisance by demolition of a dangerous building under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and chargeable against:

**COMPASS HOMES, LLC  
108 CHAD WAYNE DRIVE  
MURRAY, KY 42071**

for the following property:

**1108 William Street, Cape Girardeau, MO**

**Lot Three (3) of Ireland Subdivision in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 23 at Page 41.**

**Parcel No. 211060036014000000**

in the City of Cape Girardeau, Missouri; said building has been demolished in accordance with the Order of the Building Supervisor dated March 15, 2022, and the cost incurred for said demolition was Ten Thousand, One Hundred and Twenty-five dollars (\$10,125.00).

I, Gayle L. Conrad, City Clerk of the City of Cape Girardeau, Missouri, do hereby certify that the demolition work was done as reported to the City Building Supervisor under the provisions of Chapter 7-353(6), said report dated September 10, 2024.

I also certify that the costs and expenses incurred by the City for said demolition were Ten Thousand, One Hundred and Twenty-five dollars (\$10,125.00), which amount the City Council has ordered assessed as a special tax against the following described property, to-wit:

1108 William Street, Cape Girardeau, MO

Lot Three (3) of Ireland Subdivision in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 23 at Page 41.



**SPECIAL TAX BILL FOR  
DEMOLITION OF A DANGEROUS BUILDING**

To the City of Cape Girardeau, Missouri:

For work done and costs and expenses incurred in abating a nuisance by demolition of a dangerous building under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and chargeable against:

**COMPASS HOMES, LLC  
108 CHAD WAYNE DRIVE  
MURRAY, KY 42071**

for the following property:

**139 South Pacific Street, Cape Girardeau, MO**

**Lot Sixteen (16) in Block Sixteen (16) of West End Addition, a subdivision in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 2 at Page 8.**

**Parcel No. 211060030013000000**

in the City of Cape Girardeau, Missouri; said building has been demolished in accordance with the Order of the Building Supervisor dated August 28, 2023, and the cost incurred for said demolition was Eleven Thousand, Five Hundred, and Seventy-five dollars (\$11,575.00).

I, Gayle L. Conrad, City Clerk of the City of Cape Girardeau, Missouri, do hereby certify that the demolition work was done as reported to the City Building Supervisor under the provisions of Chapter 7-353(6), said report dated September 10, 2024.

I also certify that the costs and expenses incurred by the City for said demolition were Eleven Thousand, Five Hundred, and Seventy-five dollars (\$11,575.00), which amount the City Council has ordered assessed as a special tax against the following described property, to-wit:

139 South Pacific Street, Cape Girardeau, MO

Lot Sixteen (16) in Block Sixteen (16) of West End Addition, a subdivision in the City and County of Cape

Girardeau, Missouri, as shown by plat recorded in Plat Book 2 at Page 8.

Parcel No. 211060030013000000

the same being the sum fixed as costs by the report of the Building Supervisor.

This Special Tax Bill bears interest at the rate of eight per cent (8%) per annum from sixty (60) days after its date and is a special lien against the land herein described. The lien hereof shall continue ten (10) years after the date of issue, unless sooner paid, and in the event suit is brought to enforce such lien, then until the expiration of such litigation.

Issued by authority of Ordinance No. \_\_\_\_\_ passed and approved November 4, 2024.

IN WITNESS WHEREOF, as City Clerk of the City of Cape Girardeau, Missouri, I have hereunto set my hand under the corporate seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2024.



\_\_\_\_\_  
Gayle L. Conrad, City Clerk

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me appeared Gayle L. Conrad, to me personally known, who, being by me duly sworn, did say that she is the City Clerk of the City of Cape Girardeau, Missouri, and that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

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

\_\_\_\_\_  
Notary Public

My commission expires:  
  
\_\_\_\_\_

## ORDER OF BUILDING SUPERVISOR

### CAUSING TAX BILLS TO BE ISSUED AGAINST PROPERTY

COMES now the Building Supervisor of the City of Cape Girardeau, Missouri, this 10<sup>th</sup> day of September, 2024, and hereby finds the following:

1. That the building on the property described as follows:

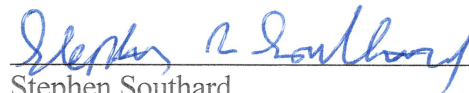
416 North Frederick Street, Cape Girardeau, MO

Lot Three (3) of Normal Avenue Place Addition in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 1 at Page 62, land records of Cape Girardeau County, Missouri.

has been demolished in accordance with the Order of the Building Supervisor dated the 7<sup>th</sup> day of June, 2021.

2. That the cost incurred in the asbestos removal was three hundred seventy five dollars (\$375.00) and the cost of demolition of this building was thirteen thousand seven hundred dollars (\$13,700.00), true and accurate copies of which are attached hereto and marked "Exhibit A".

WHEREFORE, the Building Supervisor enters an order directing the City Clerk of the City of Cape Girardeau, Missouri, to issue tax bills against the heretofore described property in the amount of fourteen thousand and seventy-five dollars (\$14,075.00), for the costs incurred in said asbestos removal and demolition.



Stephen Southard  
Building Supervisor





## ORDER OF BUILDING SUPERVISOR

### CAUSING TAX BILLS TO BE ISSUED AGAINST PROPERTY

COMES now the Building Supervisor of the City of Cape Girardeau, Missouri, this 10<sup>th</sup> day of September, 2024, and hereby finds the following:

1. That the building on the property described as follows:

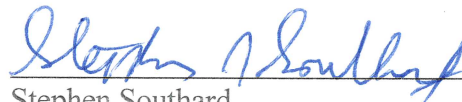
1108 William Street, Cape Girardeau, MO

Lot Three (3) of Ireland Subdivision in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 23 at Page 41.

has been demolished in accordance with the Order of the Building Supervisor dated the 15<sup>th</sup> day of March, 2022.

2. That the cost incurred in the asbestos removal was three hundred twenty-five dollars (\$325.00) and the cost of demolition of this building was nine thousand eight hundred dollars (\$9,800.00), true and accurate copies of which are attached hereto and marked "Exhibit A".

WHEREFORE, the Building Supervisor enters an order directing the City Clerk of the City of Cape Girardeau, Missouri, to issue tax bills against the heretofore described property in the amount of ten thousand one hundred and twenty-five dollars (\$10,125.00), for the costs incurred in said asbestos removal and demolition.



Stephen Southard  
Building Supervisor



**ORDER OF BUILDING SUPERVISOR**

**CAUSING TAX BILLS TO BE ISSUED AGAINST PROPERTY**

COMES now the Building Supervisor of the City of Cape Girardeau, Missouri, this 10<sup>th</sup> day of September, 2024, and hereby finds the following:

That the building on the property described as follows:

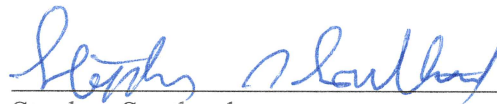
139 South Pacific Street, Cape Girardeau, MO

Lot Sixteen (16) in Block Sixteen (16) of West End Addition, a subdivision in the City and County of Cape Girardeau, Missouri as shown by plat recorded in Plat book 2 at Page 8.

has been demolished in accordance with the Order of the Building Supervisor dated the 28<sup>th</sup> day of August, 2023.

2. That the cost incurred in the asbestos removal was three hundred seventy-five dollars (\$375.00) and the cost of demolition of this building was eleven thousand two hundred dollars (\$11,200.00), true and accurate copies of which are attached hereto and marked "Exhibit A".

WHEREFORE, the Building Supervisor enters an order directing the City Clerk of the City of Cape Girardeau, Missouri, to issue tax bills against the heretofore described property in the amount of eleven thousand five hundred and seventy-five dollars (\$11,575.00), for the costs incurred in said asbestos removal and demolition.



Stephen Southard  
Building Supervisor



# Exhibit A

## INVOICE

JAC3 Contracting, LLC  
18 Carlyle Dr  
Scott City, MO 63780

jac3contracting@gmail.com  
+1 (573) 579-1731



### City of Cape Girardeau\*

#### Bill to

City of Cape Girardeau  
44 North Lorimier Street  
Cape Girardeau, MO 63702

#### Ship to

City of Cape Girardeau  
44 North Lorimier Street  
Cape Girardeau, MO 63702

#### Invoice details

Invoice no.: 6220  
Terms: Due on receipt  
Invoice date: 09/05/2024  
Due date: 10/01/2024

| #  | Date | Product or service | Description   | Qty | Rate        | Amount      |
|----|------|--------------------|---|-----|-------------|-------------|
| 1. |      | <b>02.10 Demo</b>  | Demolition, removal, disposal and applying seed/straw to:<br>416 N Frederick St<br>139 S Pacific<br>1108 William St | 1   | \$34,700.00 | \$34,700.00 |

**Total** **\$34,700.00**

### Ways to pay



Contact JAC3 Contracting, LLC to pay.

[View and pay](#)

# Exhibit A

## Midwest Environmental Studies

P.O.Box 737

Cape Girardeau, MO 63702

Phone 5732704029

# Invoice

| Date      | Invoice # |
|-----------|-----------|
| 5/10/2024 | 5226      |

|  |
|--|
| Bill To  |
| City of Cape Girardeau 1<br>44 N. Lorimier<br>Cape Girardeau, MO 63701 |

|               |
|---------------|
| P.O. No.      |
| <b>242190</b> |

| Item       | Description                               | Qty | Rate               | Amount     |
|------------|---|-----|--------------------|------------|
| inspection | Asbestos inspection at 416 N. Frederick   |     | 375.00             | 375.00     |
| inspection | Asbestos inspection at 1108 William       |     | 325.00             | 325.00     |
| inspection | Asbestos inspection at 36/38 N. Henderson |     | 400.00             | 400.00     |
| inspection | Asbestos inspection at 1024 Jefferson     |     | 300.00             | 300.00     |
| inspection | Asbestos inspection at 139 S. Pacific     |     | 375.00             | 375.00     |
|            |   |     | <b>Total</b>       | \$1,775.00 |
|            |   |     | <b>Balance Due</b> | \$1,775.00 |

**Staff:** Casey Brunke, P.E., Public Works  
**Agenda:** Director  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-175**

---

## **SUBJECT**

An Ordinance accepting three (3) permanent sewer easements for the Whitener Street Sanitary Sewer Relocation, for property located at 1619 Whitener Street, 1625 Whitener Street, and 1632 Independence Street, in the City of Cape Girardeau, Missouri.

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## **BACKGROUND/DISCUSSION**

It was brought to City Staff's attention that a sanitary sewer was blocked at 1619 Whitener Street. Upon further inspection, the sanitary sewer was broken under the residential structure at 1619 Whitener Street. The sanitary sewer was relocated from under the structure at 1619 Whitener Street. New easements are needed over the relocated sanitary sewer from 1619 Whitener Street. City Staff also obtained sewer easements from 1625 Whitener Street and 1632 Independence Street because an easement was not obtained when the Longview Drive right-of-way was vacated many years ago.

A separate item on a future Council agenda will vacate part of the existing sewer easement for 1619 Whitener Street.

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## **FINANCIAL IMPACT**

The easements were donated.

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## **SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

The easements are necessary to enable the City, its agents, servants and assigns, to use said property to excavate, build, maintain, construct, operate, and repair utilities in, on, upon, under or across said property, together with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith, said property located in the City and County of Cape Girardeau, Missouri.

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## **STAFF RECOMMENDATION**

Staff recommends Council approve the attached Ordinance accepting three (3) sewer easements for the Whitener Street Sanitary Sewer Relocation, for property located at 1619 Whitener Street, 1625 Whitener Street, and 1632 Independence Street, in the City of Cape Girardeau, Missouri.

---

### **ATTACHMENTS:**

| Name:   | Description:                       |
|---|------------------------------------|
| <a href="#">24-109_PSE_Whitener_St_Sanitary_Sewer_Relocation.doc</a>  | Ordinance                          |
| <a href="#">Exhibit_for_Sewer_Relocation_at_1619_Whitener_.pdf</a>    | Exhibit - 1619 Whitener            |
| <a href="#">Exhibit_for_Sewer_Relocation_Overall_Esmt_changes.pdf</a> | Exhibit - Overall Easement Changes |
| <a href="#">1625_Whitener_Esmt_Madelyn_Rasche_Trust_EXECUTED.pdf</a>  | Easement - 1625 Whitener           |

|  |                              |
|--|------------------------------|
| <a href="#">1619_Whitener_Esmt_Jill_Holzum_EXECUTED.pdf</a>                        | Easement - 1619 Whitener     |
| <a href="#">1632_Independence_Esmt_EXECUTED_James_Mark_Amy_Darlene_Ketcher.pdf</a> | Easement - 1632 Independence |
| <a href="#">Legal_Descriptions.docx</a>  | Legal Description            |

BILL NO. 23-109

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ACCEPTING EASEMENTS FROM  
VARIOUS PROPERTY OWNERS FOR WHITENER STREET  
SANITARY SEWER RELOCATION, 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, three Permanent Sewer Easements  
from various property owners, in the City of Cape Girardeau,  
Missouri, described as follows:

Tract 1 - 1625 Whitener Street - The Madelyn C. Rasche  
Trust, dated May 23, 1983

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE  
NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT  
BOOK NO.4 AT PAGE NO. 24, CITY AND COUNTY OF CAPE  
GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 3 OF  
SAID LONGVIEW PLACE SUBDIVISION; THENCE S 83° 02' 35" E,  
1.79 FEET ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE  
OF SAID LOT 5, BLOCK 3 TO THE POINT OF BEGINNING; THENCE N  
07° 09' 20" E, 30.76 FEET; THENCE S 81° 16' 02" E, 18.12  
FEET TO THE CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE  
ALONG THE CENTERLINE OF VACATED LONGVIEW DRIVE, S 06° 57'  
34" W, 15.01 FEET; THENCE LEAVING SAID CENTERLINE, N 81°  
16' 01" W, 3.16 FEET; THENCE S 07° 09' 20" W, 15.29 FEET TO  
THE EASTERLY PROLONGATION OF THE SOUTH LINE OF LOT 5, BLOCK  
3; THENCE N 83° 02' 35" W, 15.00 FEET ALONG SAID EASTERLY  
PROLONGATION TO THE POINT OF BEGINNING, CONTAINING  
505 SQUARE FEET.

Tract 2 - 1619 Whitener Street - Timber Creek Real Estate,  
LLC

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

A PART OF LOT 4, BLOCK 2, AND A PART OF VACATED LONGVIEW DRIVE AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4, BEING COMMON WITH THE SOUTHWEST CORNER OF LOT 3 BLOCK 2 OF SAID SUBDIVISION; THENCE ALONG THE EAST LINE OF SAID LOT 4, S 06° 57' 25" W, 17.17 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE LEAVING SAID EAST LINE, N 77° 09' 28" W, 137.60 FEET; THENCE N 81° 16' 02" W, 8.12 FEET TO CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE ALONG SAID CENTERLINE, N 6° 57' 34" E 15.01 FEET; THENCE LEAVING SAID CENTERLINE OF LONGVIEW DRIVE, S 81° 16' 02" E, 9.12 FEET; THENCE S 77° 09' 28" E, 113.09 FEET; THENCE N 57° 50' 32" E, 16.62 FEET TO THE EAST LINE OF SAID LOT 4; THENCE ALONG SAID EAST LINE, S 37° 10' 20" E, 15.06 FEET TO THE POINT OF BEGINNING, CONTAINING 2,335 SQUARE FEET.

Tract 3 - 1632 Independence Street - James Mark Ketcher and Amy Darlene Ketcher

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 3 OF SAID LONGVIEW PLACE SUBDIVISION; THENCE S 83° 02' 35" E, 1.79 FEET ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 5, BLOCK 3 TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EASTERLY PROLONGATION S 83° 02' 35" E, 18.22 FEET TO THE CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE S 06° 57' 34" W, 119.54 FEET TO THE NORTH RIGHT OF WAY LINE OF INDEPENDENCE STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, N 82° 39' 14" W, 18.62 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, N 07° 09' 20" E, 119.41 FEET TO THE POINT OF BEGINNING, CONTAINING 2,201 SQUARE FEET.



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

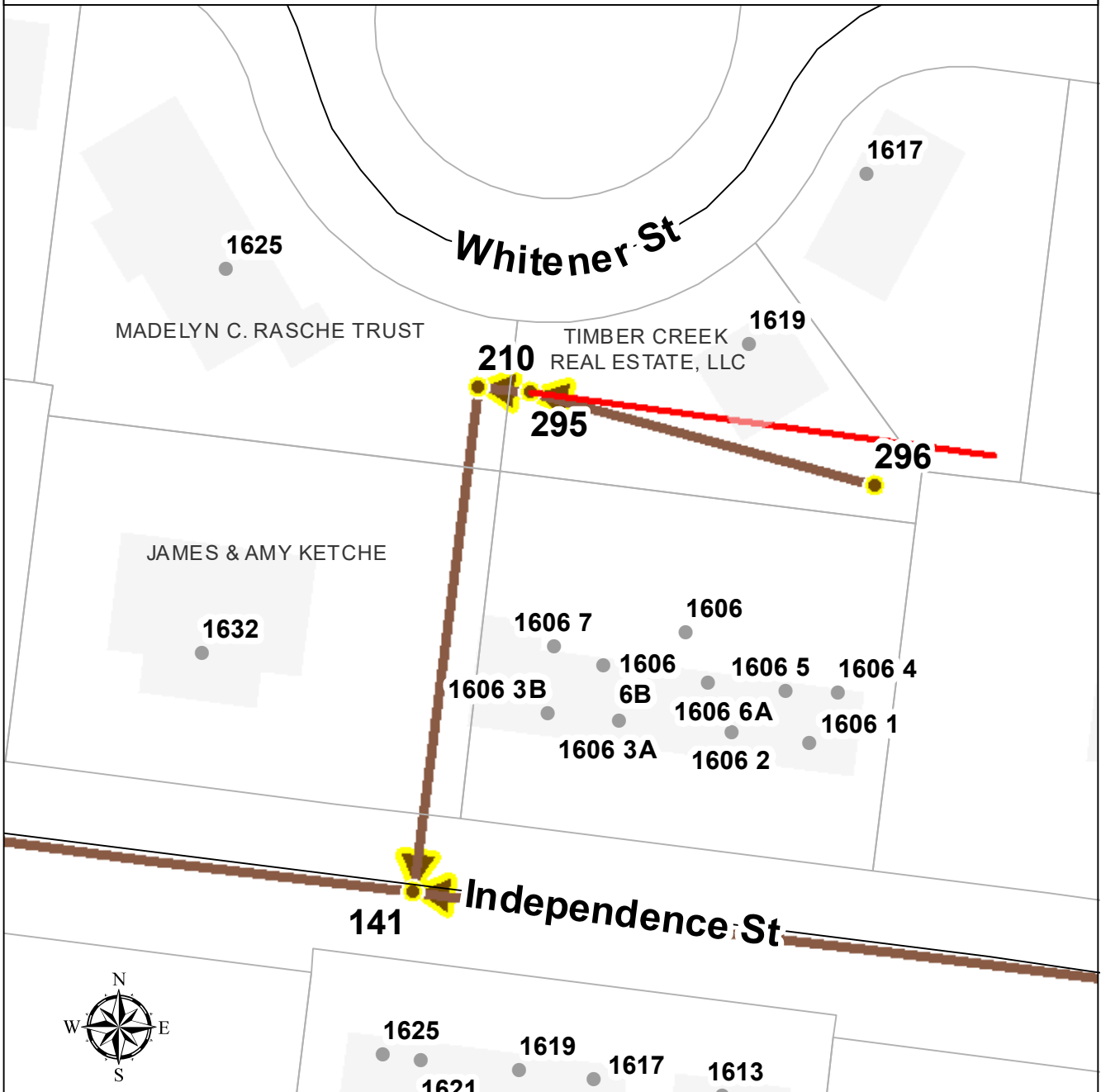
ATTEST:

\_\_\_\_\_  
Gayle L. Conrad, City Clerk





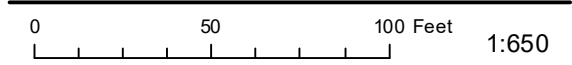
# Relocated Sewer Line at 1619 Whitener St



- Cape City Addresses
- Parcel
- Current Structures

- Abandoned Sewer
- Sanitary Structures
- Sanitary Sewer Lines

### LEGEND

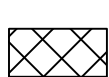
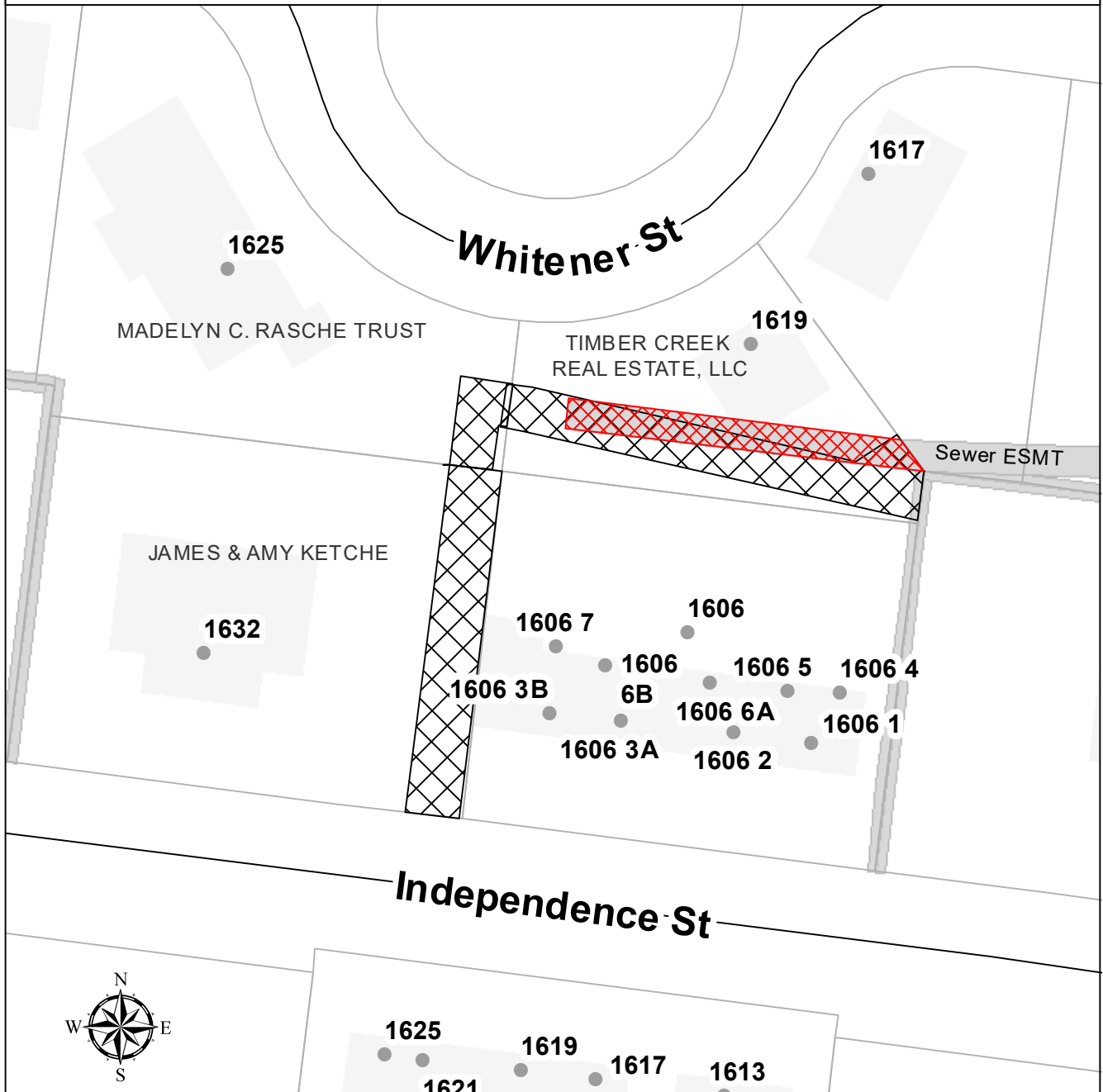


Date: 10/4/2024  
 Created by: Development Services  
 Teresa Heffner, Alliance Water Resources  
 Data Source(s):  
 City of Cape Girardeau Government, MO

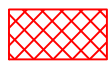
**CITY of CAPE GIRARDEAU**  
 Layers provided by the City of Cape Girardeau are to be used for visual aid only and are not guaranteed to be accurate. These layers are not to be used for any engineering or design purpose.



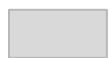
# Whitener St Relocated Sewer Line Easements to be Vacated & Acquired



New Easements to Acquire



Easement to be Vacated



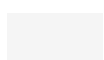
Existing Easements



Cape City Addresses



Parcel



Current Structures

**LEGEND**



Date: 10/4/2024

Created by: Development Services  
Teresa Heffner, Alliance Water Resources

Data Source(s):  
City of Cape Girardeau Government, MO

**CITY of CAPE GIRARDEAU**

Layers provided by the City of Cape Girardeau are to be used for visual aid only and are not guaranteed to be accurate. These layers are not to be used for any engineering or design purpose.

**PERMANENT SEWER EASEMENT**  
**1625 Whitener St**

KNOW ALL MEN BY THESE PRESENTS: **THE MADELYN C. RASCHE TRUST**, dated **May 23, 1983**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called 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:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO. 24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 3 OF SAID LONGVIEW PLACE SUBDIVISION; THENCE S 83° 02' 35" E, 1.79 FEET ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 5, BLOCK 3 TO THE POINT OF BEGINNING; THENCE N 07° 09' 20" E, 30.76 FEET; THENCE S 81° 16' 02" E, 18.12 FEET TO THE CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE ALONG THE CENTERLINE OF VACATED LONGVIEW DRIVE, S 06° 57' 34" W, 15.01 FEET; THENCE LEAVING SAID CENTERLINE, N 81° 16' 01" W, 3.16 FEET; THENCE S 07° 09' 20" W, 15.29 FEET TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF LOT 5, BLOCK 3; THENCE N 83° 02' 35" W, 15.00 FEET ALONG SAID EASTERLY PROLONGATION TO THE POINT OF BEGINNING, CONTAINING 505 SQUARE FEET.

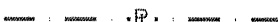
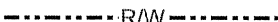
Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair sanitary sewer infrastructure and its related components from time to time, in, on, upon, or across said described property, together with all the useful, necessary and proper adjuncts, appurtenances, manholes and appliances in connection therewith.

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

*[Signature page to follow]*



### SURVEY LEGEND

PROPERTY LINE  ·P·  
 RIGHT OF WAY LINE  -R/W-



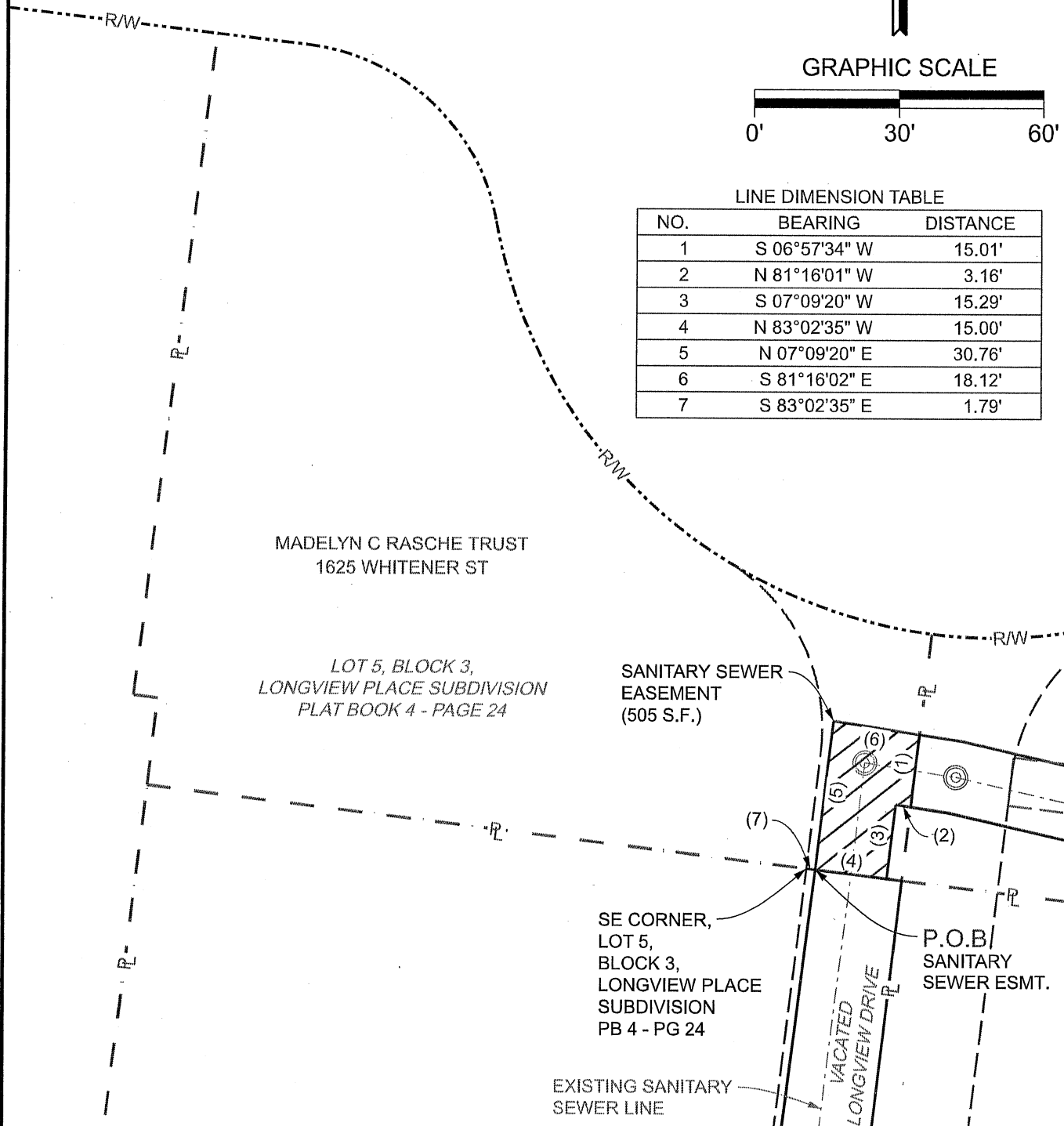
### GRAPHIC SCALE



### LINE DIMENSION TABLE

| NO. | BEARING       | DISTANCE |
|-----|---------------|----------|
| 1   | S 06°57'34" W | 15.01'   |
| 2   | N 81°16'01" W | 3.16'    |
| 3   | S 07°09'20" W | 15.29'   |
| 4   | N 83°02'35" W | 15.00'   |
| 5   | N 07°09'20" E | 30.76'   |
| 6   | S 81°16'02" E | 18.12'   |
| 7   | S 83°02'35" E | 1.79'    |

WHITENER ST.



MADELYN C RASCHE TRUST  
1625 WHITENER ST

LOT 5, BLOCK 3,  
LONGVIEW PLACE SUBDIVISION  
PLAT BOOK 4 - PAGE 24

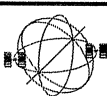
SANITARY SEWER  
EASEMENT  
(505 S.F.)

SE CORNER,  
LOT 5,  
BLOCK 3,  
LONGVIEW PLACE  
SUBDIVISION  
PB 4 - PG 24

P.O.B/  
SANITARY  
SEWER ESMT.

EXISTING SANITARY  
SEWER LINE

VACATED  
LONGVIEW DRIVE



# Bowen

## ENGINEERING & SURVEYING, P.C.

Engineering Corporation      Land Surveying Corporation  
 MO State Cert. of Authority #000383      MO State Cert. of Authority #000166

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

### EASEMENT SKETCH TRACT 1

WHITENER STREET  
 SANITARY SEWER RE-ROUTE  
 CITY OF CAPE GIRARDEAU

November 7, 2023

Ms. Jill Holzum  
Timber Creek Real Estate  
230 Cedar Creek Lane  
Jackson, Missouri 63755

**RE: 1619 Whitener Street  
Permanent Sewer Easement  
Sewer Relocation and Repair Project**

Dear Jill,

Enclosed please find the Permanent Sewer Easement documents we spoke about on the phone. The enclosed documents will need to be signed, notarized, and mailed back to the City of Cape Girardeau Public Works Department at the address below. Please call with any questions at 573-339-6351. We would be happy to meet on-site to discuss the project further if needed or pick up the signed documents in Cape or Jackson.

Sincerely,

Brock Davis  
Assistant Public Works Director

**PERMANENT SEWER EASEMENT**  
**1619 Whitener St**

KNOW ALL MEN BY THESE PRESENTS: **TIMBER CREEK REAL ESTATE, LLC**, a Missouri limited liability company, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called 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:

A PART OF LOT 4, BLOCK 2, AND A PART OF VACATED LONGVIEW DRIVE AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4, BEING COMMON WITH THE SOUTHWEST CORNER OF LOT 3 BLOCK 2 OF SAID SUBDIVISION; THENCE ALONG THE EAST LINE OF SAID LOT 4, S 06° 57' 25" W, 17.17 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE LEAVING SAID EAST LINE, N 77° 09' 28" W, 137.60 FEET; THENCE N 81° 16' 02" W, 8.12 FEET TO CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE ALONG SAID CENTERLINE, N 6° 57' 34" E 15.01 FEET; THENCE LEAVING SAID CENTERLINE OF LONGVIEW DRIVE, S 81° 16' 02" E, 9.12 FEET; THENCE S 77° 09' 28" E, 113.09 FEET; THENCE N 57° 50' 32" E, 16.62 FEET TO THE EAST LINE OF SAID LOT 4; THENCE ALONG SAID EAST LINE, S 37° 10' 20" E, 15.06 FEET TO THE POINT OF BEGINNING, CONTAINING 2,335 SQUARE FEET.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair sanitary sewer infrastructure and the related components from time to time, in, on, upon, or across said described property, together with all the useful, necessary and proper adjuncts, appurtenances, manholes and appliances in connection therewith.

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

*[Signature page to follow]*







**PERMANENT SEWER EASEMENT**  
**1632 Independence St**

KNOW ALL MEN BY THESE PRESENTS: **JAMES MARK KETCHER AND AMY DARLENE KETCHER, husband and wife**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called 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:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 3 OF SAID LONGVIEW PLACE SUBDIVISION; THENCE S 83° 02' 35" E, 1.79 FEET ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 5, BLOCK 3 TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EASTERLY PROLONGATION S 83° 02' 35" E, 18.22 FEET TO THE CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE S 06° 57' 34" W, 119.54 FEET TO THE NORTH RIGHT OF WAY LINE OF INDEPENDENCE STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, N 82° 39' 14" W, 18.62 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, N 07° 09' 20" E, 119.41 FEET TO THE POINT OF BEGINNING, CONTAINING 2,201 SQUARE FEET.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair sanitary sewer infrastructure and the related components from time to time, in, on, upon, or across said described property, together with all the useful, necessary and proper adjuncts, appurtenances, manholes and appliances in connection therewith.

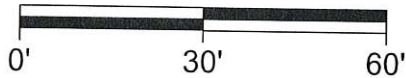
This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.

*[Signature page to follow]*





GRAPHIC SCALE



LOT 5, BLOCK 3,  
LONGVIEW PLACE SUBDIVISION  
PLAT BOOK 4 - PAGE 24

WHITENER ST.

P.O.B.  
SANITARY  
SEWER ESMT.

SE CORNER,  
LOT 5,  
BLOCK 3,  
LONGVIEW PLACE  
SUBDIVISION  
PB 4 - PG 24

STEPHEN TRICKEY  
1632 INDEPENDENCE ST

LINE DIMENSION TABLE

| NO. | BEARING       | DISTANCE |
|-----|---------------|----------|
| 1   | N 82°39'14" W | 18.62'   |
| 2   | S 83°02'35" E | 18.22'   |
| 3   | S 83°02'35" E | 1.79'    |

SANITARY SEWER  
EASEMENT  
(2,201 S.F.)

VACATED  
LONGVIEW DRIVE

INDEPENDENCE ST.

SURVEY LEGEND

PROPERTY LINE      - - - - - R.L. - - - - -

RIGHT OF WAY LINE      - - - - - R/W - - - - -

EXISTING SANITARY  
SEWER LINE



**Bowen**

ENGINEERING & SURVEYING, P.C.

Engineering Corporation      Land Surveying Corporation  
MO State Cert. of Authority #000383      MO State Cert. of Authority #000166

2121 Megan Drive  
Cape Girardeau, MO 63701  
Ph 573 339 5900  
Fax 573 339 1391  
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EASEMENT SKETCH TRACT 3

WHITENER STREET  
SANITARY SEWER RE-ROUTE  
CITY OF CAPE GIRARDEAU

JOB NO: S23-068

DATE: 10/13/2023

SHEET: 1 OF 1

**LEGAL DESCRIPTIONS  
WHITENER STREET SANITARY SEWER RELOCATION**

**DESCRIPTION – SANITARY SEWER EASEMENT  
1625 WHITENER STREET**

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO. 24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 3 OF SAID LONGVIEW PLACE SUBDIVISION; THENCE S 83° 02' 35" E, 1.79 FEET ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 5, BLOCK 3 TO THE POINT OF BEGINNING; THENCE N 07° 09' 20" E, 30.76 FEET; THENCE S 81° 16' 02" E, 18.12 FEET TO THE CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE ALONG THE CENTERLINE OF VACATED LONGVIEW DRIVE, S 06° 57' 34" W, 15.01 FEET; THENCE LEAVING SAID CENTERLINE, N 81° 16' 01" W, 3.16 FEET; THENCE S 07° 09' 20" W, 15.29 FEET TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF LOT 5, BLOCK 3; THENCE N 83° 02' 35" W, 15.00 FEET ALONG SAID EASTERLY PROLONGATION TO THE POINT OF BEGINNING, CONTAINING 505 SQUARE FEET.

**DESCRIPTION – SANITARY SEWER EASEMENT  
1619 WHITENER STREET**

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

A PART OF LOT 4, BLOCK 2, AND A PART OF VACATED LONGVIEW DRIVE AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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S 77° 09' 28" E, 113.09 FEET; THENCE N 57° 50' 32" E, 16.62 FEET TO THE EAST LINE OF SAID LOT 4; THENCE ALONG SAID EAST LINE, S 37° 10' 20" E, 15.06 FEET TO THE POINT OF BEGINNING, CONTAINING 2,335 SQUARE FEET.

**DESCRIPTION – SANITARY SEWER EASEMENT  
1632 INDEPENDENCE STREET**

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**Staff:** Jake Garrard, PE, City Engineer  
**Agenda:** 11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-178**

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## SUBJECT

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A Resolution authorizing the City Manager to execute a License and Indemnity Agreement with Broadway Theater, LLC for installation of a marquee style sign, canopies, and lights at 805 Broadway, in the City of Cape Girardeau, Missouri.

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## EXECUTIVE SUMMARY

---

The attached License and Indemnity Agreement sets out the responsibilities, conditions, and liabilities assumed by Broadway Theater, LLC, owner of the property addressed as 805 Broadway, being the Broadway Theater Building, for a marquee style sign, chain bound canopies and wall mounted accent lights that project over the Broadway public right of way.

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## BACKGROUND/DISCUSSION

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The property owners at 805 Broadway, Broadway Theater, LLC, have presented plans to the City of Cape for a marquee style sign, chain bound canopies, and wall mounted accent lights that hang off the face of the Broadway Theater Building into the Broadway public right of way. The marquee sign is 14 ½ feet tall and projects 32 inches over the right of way, is 18 inches thick in width, and sits 13 feet above the sidewalk. Three metal canopies will hang above the storefront windows. The two outer awnings, each measuring 6 feet in width are 12 feet 5 ¾ inches in length. The middle awning, also 6 feet wide, measures 24 feet 5 inches in length. The accent lights will sit on the walls between the windows.

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## STAFF RECOMMENDATION

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Staff recommends approval of the attached Resolution authorizing the City Manager to execute a License and Indemnity Agreement to place certain improvements in the Broadway public right of way for the Broadway Theater building at 805 Broadway in the City of Cape Girardeau, Missouri.

---

### ATTACHMENTS:

| Name:  | Description:                    |
|--|---------------------------------|
| <a href="#">24-110 License and Indemnity Broadway Theater 805 Broadway.doc</a>                               | Resolution                      |
| <a href="#">EXECUTED_L I ReWrite Broadway Theater LLC - Projecting Improvements over Public Sidewalk.pdf</a> | License and Indemnity Agreement |
| <a href="#">EXHIBIT A_L I 805 Broadway specs.pdf</a>   | Exhibit A - specs               |
| <a href="#">EXHIBIT B_L I 805 Broadway w Aerial.pdf</a>  | Exhibit B - Location            |





BILL NO. 24-110

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH BROADWAY THEATER, LLC, TO PLACE CERTAIN IMPROVEMENTS AT 805 BROADWAY, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

---

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

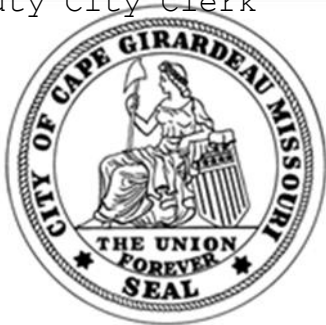
ARTICLE 1. The City Manager, for and on behalf of the City of Cape Girardeau, Missouri, is hereby authorized to execute a License and Indemnity Agreement with Broadway Theater, LLC, for installation of a marquee style sign, canopies, and lights overhanging the public sidewalk adjacent to 805 Broadway, in the City of Cape Girardeau, Missouri. The Agreement shall be in substantially the form attached hereto, which document is hereby approved by the City Council, with such changes 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:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



## LICENSE AND INDEMNITY AGREEMENT

This License and Indemnity Agreement, hereinafter referred to as this “Agreement”, is entered into by and between BROADWAY THEATER LLC, a Missouri Limited Liability Company, hereinafter referred to as the “Licensee”, and the CITY OF CAPE GIRARDEAU, a Municipal Corporation organized and existing under the laws of the State of Missouri, hereinafter referred to as the “City”. The Licensee and the City collectively are hereinafter referred to as the “Parties”.

WHEREAS, the Licensee desires to place certain improvements and/or conduct certain activities in or on the public right-of-way or other property owned or controlled by the City, hereinafter referred to as the “City Property”; and

WHEREAS, the City has prepared this Agreement for the purposes of granting permission to the Licensee to place said improvements and/or conduct said activities in or on the City Property, subject to certain conditions contained herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the Parties do hereby state, acknowledge, and agree as follows:

1. The City hereby grants the Licensee permission for the following improvements and/or activities: to install, operate, and to maintain a projecting marquee-style sign, standing 14 ½ feet tall, with the bottom edge positioned 13 feet above the graded sidewalk. Below the sign, three metal canopies will hang above the storefront windows. The two outer awnings, each measuring 6 feet in width and extending into the public right-of-way, are 12 feet 5 ¾ inches in length. The middle awning, also 6 feet wide and extending over the public right-of-way, measures 24 feet 5 inches in length. Additionally, four wall-mounted accent lights will be installed. These frontage improvements extend into the public right-of-way adjacent to the Licensee’s property located at 805 Broadway., further described as Part of Lots 28 and 29 in Range “D” in the City and County of Cape Girardeau, Missouri, said improvements and/or activities being more particularly described and/or depicted in the attached Exhibits, which are made a part hereof as though fully set out herein.
2. The Licensee hereby assumes all risk of personal injury or death and property damage or loss from whatever causes arising while any person approaches, enters, uses, or leaves the City Property, which may occur directly or indirectly as a result of the placement of said improvements and/or the conduct of such activities in or on the City Property.
3. The Licensee hereby releases the City, its officers, employees, agents, servants, and assigns from any liability resulting from the placement of said improvements and/or the conduct of such activities in or on the City Property.
4. The Licensee hereby indemnifies and holds harmless the City, its officers, employees, agents, servants, and assigns from all suits and actions of every name and description brought against the same, for or on account of any injuries or damages received or sustained by any party or parties or alleged to be received or sustained by any party or parties that may result directly or indirectly from the placement of said improvements and/or the conduct of such activities in or on the City Property.

5. The Licensee hereby agrees to keep said improvements in a state of good repair and to cooperate with the City by making necessary repairs as requested by the City so as to protect and preserve the public health and safety.
6. The Licensee hereby agrees that it will not maintain in or on the City Property any hazardous or toxic waste or substances, as defined under all applicable federal, state, and local environmental laws, including, but not limited to: hazardous waste as defined in the Resource Conservation and Recovery Act of 1976, as amended (hereinafter referred to as "RCRA"), hazardous substances as defined in the Comprehensive Environmental Response Compensation and Liability Act, as amended (hereinafter referred to as "CERCLA"), and toxic substances as defined in the Toxic Substances Control Act, as amended (hereinafter referred to as "TSCA"). Any operations in or on the City Property shall not be in violation of any laws, regulations, ordinances, statutes, orders, or decrees of any governmental body, arbitration tribunal, or court, including, without limitation, RCRA, CERCLA, TSCA, and all regulations thereunder. There shall be no conduct of business in or on the City Property that constitutes a violation of environmental laws or any other laws, regulations, ordinances, statutes, order or decrees of any governmental body.
7. Neither this Agreement, nor any portion thereof, nor any actions of the City in granting permission to place said improvements and/or conduct said activities in or on the City Property, shall be construed to give the Licensee any irrevocable rights with respect thereto. The City reserves the right to terminate this Agreement and to order the removal of said improvements and/or the cessation of said activities, at the Licensee's cost, for any reason. In such event, the Licensee agrees to remove said improvements and/or cease said activities within a reasonable period of time as determined by the City. Should the Licensee fail to remove said improvements and/or cease said activities within said period of time, the City shall have the right to cause said improvements to be removed and/or said activities to be stopped, and any costs incurred by the City in doing so shall be paid by the Licensee. Should the Licensee fail to pay the City for said costs, the City shall have the right to issue a special tax bill, which shall be a lien against the Licensee's property referenced herein.
8. This Agreement shall be a continuing obligation running with the land, and shall bind the Licensee and any heirs, executors, administrators, successors, assigns, and legal representatives of the Licensee. This Agreement shall be recorded in the Office of the Recorder of Deeds of Cape Girardeau County, Missouri, and shall be of record.

*(Remainder of this page intentionally left blank)*

IN WITNESS WHEREOF, the Parties have executed this Agreement on this 24<sup>TH</sup> day of SEPTEMBER, 2024.

BROADWAY THEATER LLC

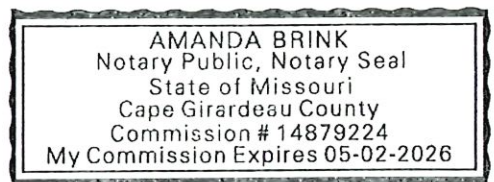
Brennan Toot  
Signature

BRENNON TOOT OWNER  
Printed Name and Title

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

On this 24<sup>TH</sup> day of SEPTEMBER, 2024, before me personally appeared BRENNON TOOT, who did state that they are the OWNER of Broadway Theater LLC, a Missouri Limited Liability Company, and that they executed the foregoing instrument as the free act and deed of said Limited Liability Company for the purposes therein stated.

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



My Commission Expires: May 2, 2026

Amanda Brink  
Notary Public Signature  
Amanda Brink  
Notary Public Printed Name

IN WITNESS WHEREOF, the Parties have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF CAPE GIRARDEAU

\_\_\_\_\_  
Dr. Kenneth Haskin, City Manager

ATTEST:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Dr. Kenneth Haskin, City Manager of the City of Cape Girardeau, a Municipal Corporation organized and existing under the laws of the State of Missouri, known by me to be the person described in and who executed the foregoing instrument, and acknowledged that the foregoing instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged that he executed the same as the free act and deed of said City.

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

My Commission Expires:

\_\_\_\_\_  
Notary Public Signature

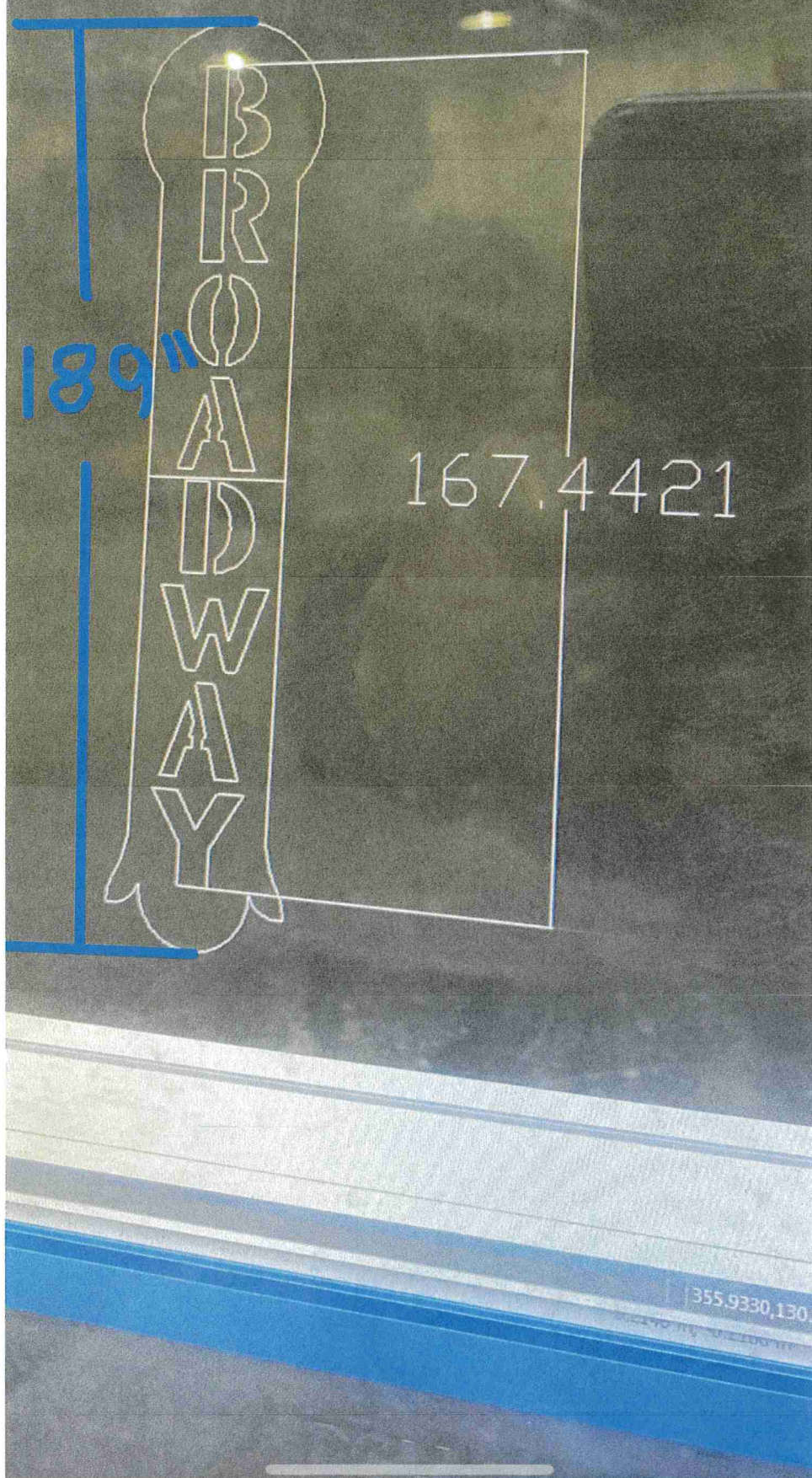
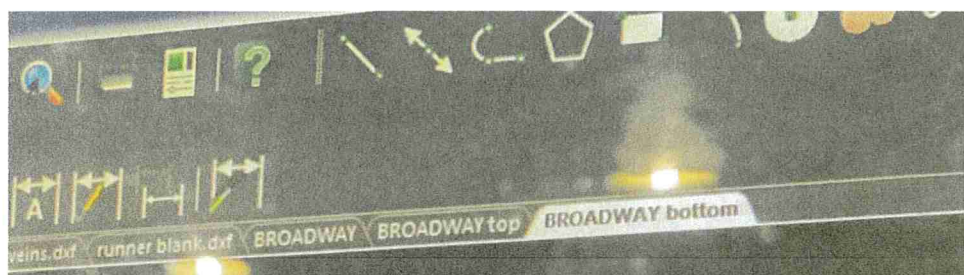
\_\_\_\_\_  
Notary Public Printed Name

EXHIBIT A  
AUTHORIZED IMPROVEMENTS AND/OR ACTIVITIES  
*(on following page(s))*



Shows  
Marquee-  
Style sign





355.9330,130



shows  
Exterior  
Lights  
on  
building.

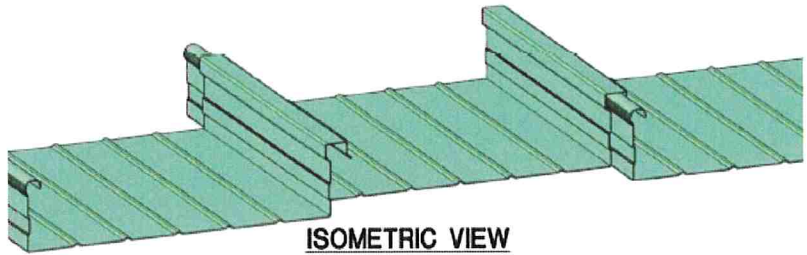


COMPONENT MATERIAL:

ROOF PANEL  
12" x 3" x .032 ROLL-FORMED  
ALUMINUM FLAT-PAN  
BLACK



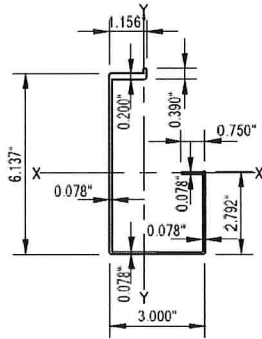
SECTION VIEW



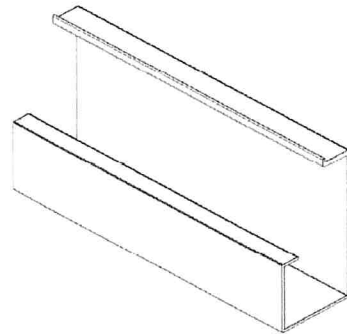
ISOMETRIC VIEW

FASCIA/GUTTER  
6" x 3" x .080 EXTRUDED  
ALUMINUM  
BLACK

We will be installing a fascia piece  
over this when as show on the  
separate awning fascia drawing

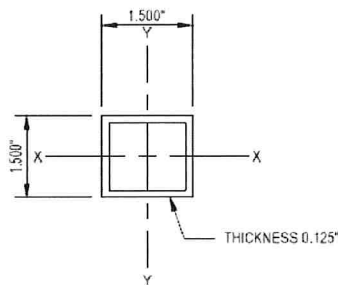


SECTION VIEW

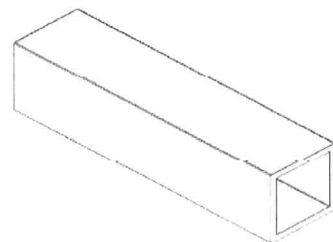


ISOMETRIC VIEW

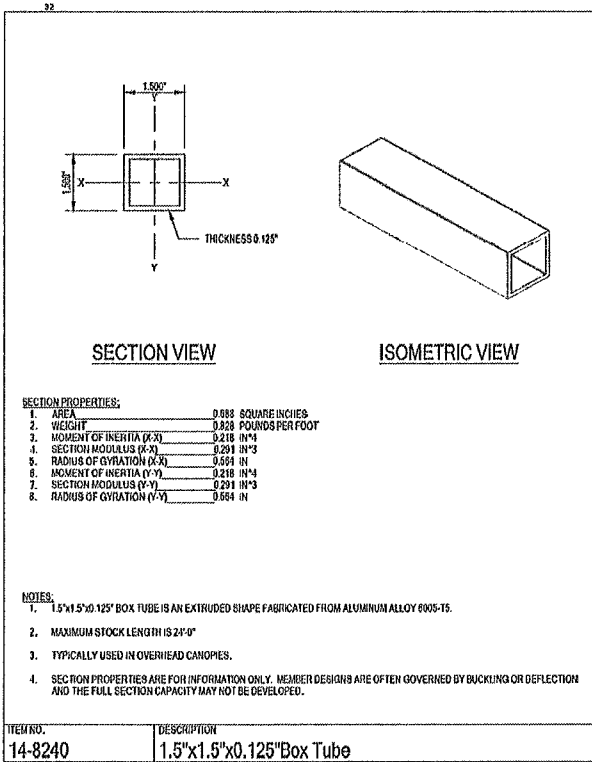
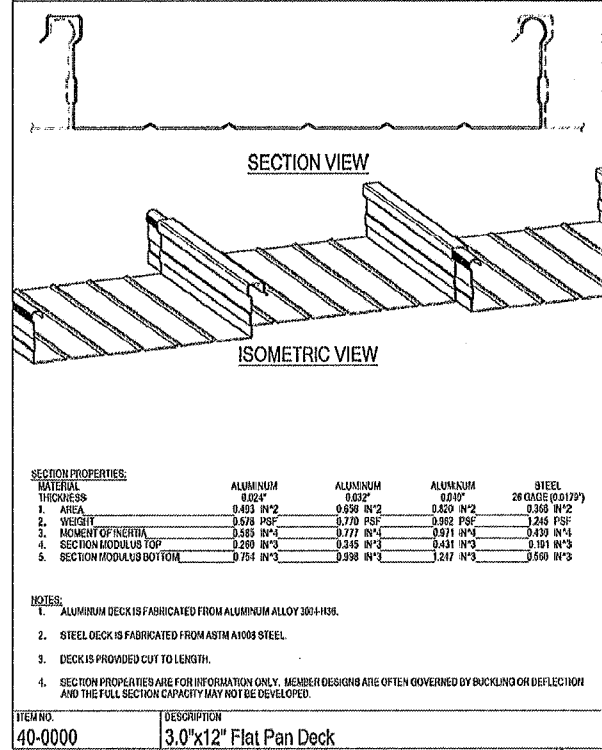
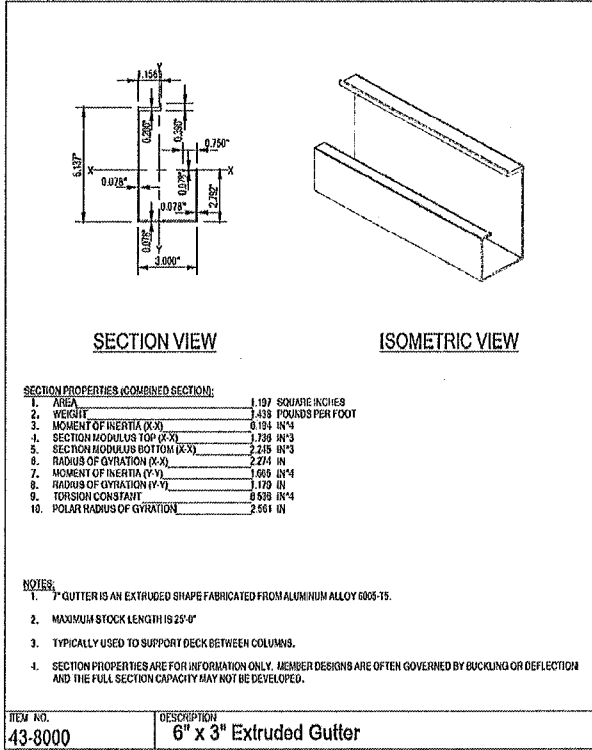
OVERHEAD HANGERS  
1 1/2" x 1 1/2" x .125 EXTRUDED  
ALUMINUM TUBING  
BLACK

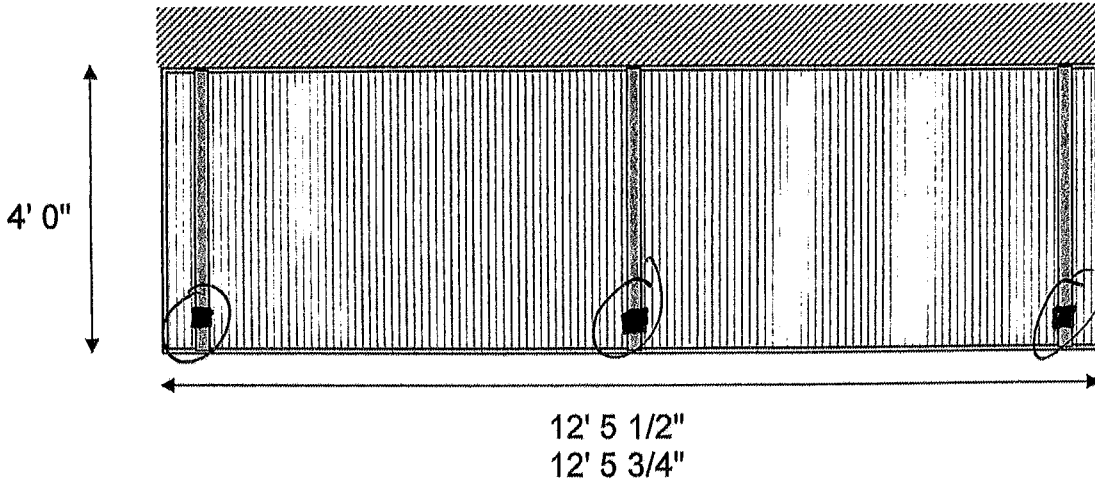


SECTION VIEW



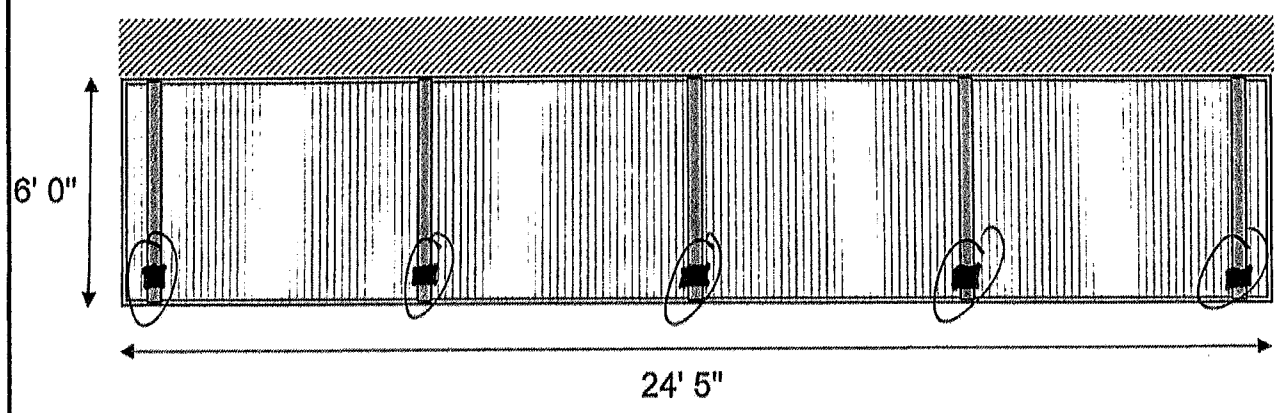
ISOMETRIC VIEW



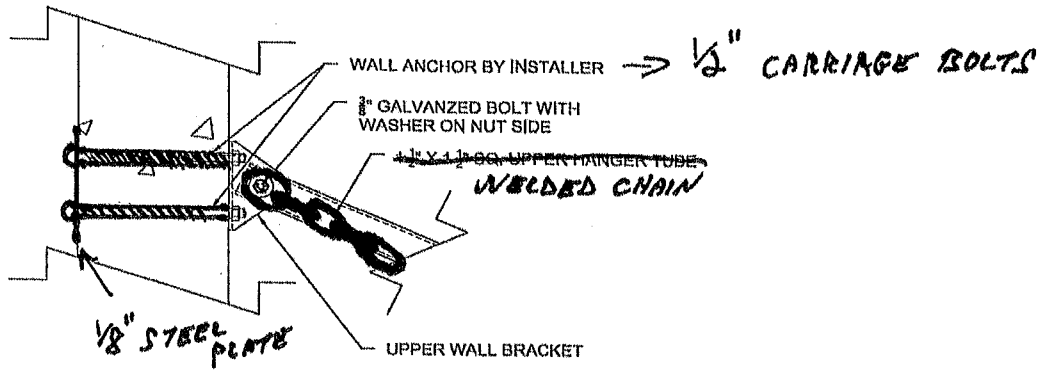


QUANTITY OF 1 CANOPY  
 4' 0" x 12' 5 1/2" WITH 2 OVERHEAD HANGERS

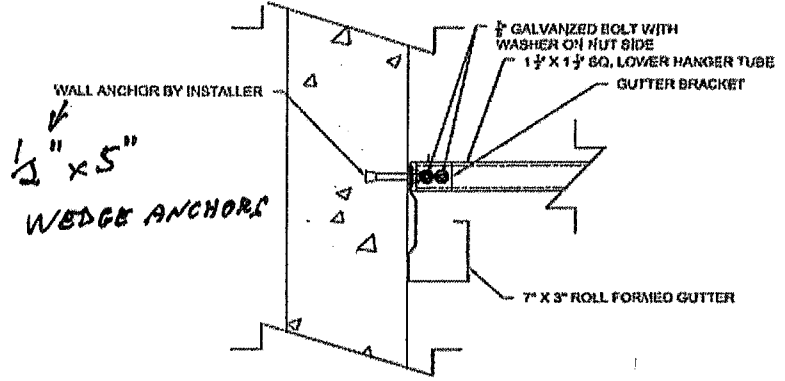
QUANTITY OF 1 CANOPY  
 4' 0" x 12' 5 3/4" WITH 2 OVERHEAD HANGERS



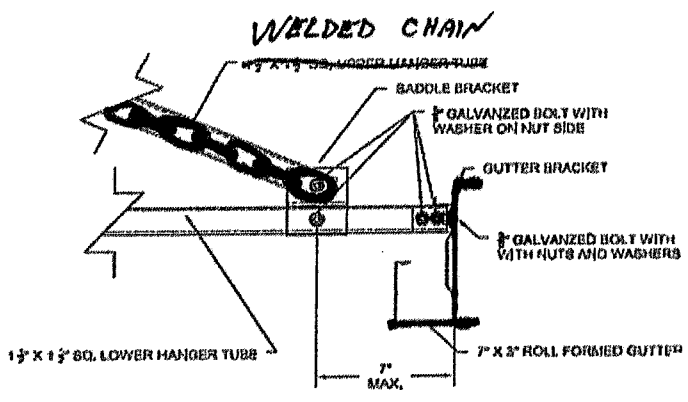
QUANTITY OF 1 CANOPY  
 6' 0" x 24' 5" WITH 5 OVERHEAD HANGERS



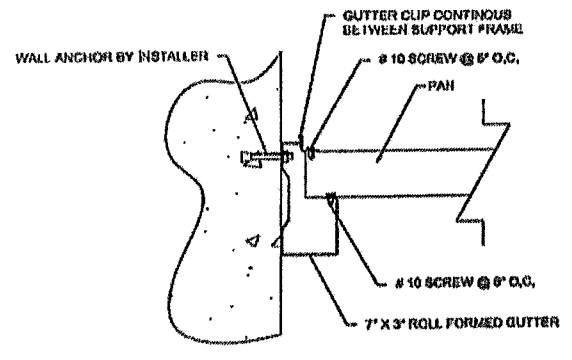
DETAIL 1  
UPPER WALL BRACKET CONNECTION DETAIL



DETAIL 2  
LOWER WALL BRACKET CONNECTION DETAIL



DETAIL 3  
FRONT BRACKET CONNECTION DETAIL



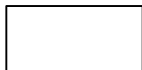
DETAIL 4  
FALICA / GUTTER CONNECTION DETAIL



**LEGEND**



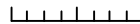
Cape City Addresses



Parcel



0 10 20 Feet



1:350

Date: 9/20/2024

Created by: Development Services  
Teresa Heffner, Alliance Water Resources

Data Source(s):  
City of Cape Girardeau Government, MO

**CITY of CAPE GIRARDEAU**

Layers provided by the City of Cape Girardeau are to be used for visual aid only and are not guaranteed to be accurate. These layers are not to be used for any engineering or design purpose.



**Staff:** Jake Garrard, PE, City Engineer  
**Agenda:** 11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-179**

---

## SUBJECT

---

A Resolution authorizing the City Manager to execute two (2) License and Indemnity Agreements with homeowners at 807 & 813 Minnesota Avenue as part of the Minnesota Ave & Highway 74 Intersection Improvement Project in the City of Cape Girardeau, Missouri.

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## EXECUTIVE SUMMARY

---

The attached License and Indemnity Agreements set out the responsibilities, conditions, and liabilities for hammerhead turnaround driveways that lie within the newly reconfigured Minnesota Avenue public right of way assumed by Christopher L. McKee, a single person, owner of 807 Minnesota Avenue and Marc R. & Patricia M. Wicks, a married couple, owners of 813 Minnesota Avenue.

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## BACKGROUND/DISCUSSION

---

The City of Cape Girardeau project manager was approached by these homeowners during the planning phase of the Minnesota Ave & Highway 74 Intersection Improvement Project to discuss the potential difficulties that may arise with the influx of new traffic in front of their homes. They expressed concerns of the safety of exiting their driveways onto Minnesota Avenue prompting City Staff to recommend the installation of hammerhead turnaround driveways for each property to enable the homeowners a safer exit onto Minnesota Avenue upon the project's completion.

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## STAFF RECOMMENDATION

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Staff recommends approval of the attached Resolution authorizing the City Manager to execute two (2) License and Indemnity Agreements to install hammerhead turnaround driveways in the Minnesota Avenue public right of way at 807 & 813 Minnesota Avenue, in the City of Cape Girardeau, Missouri.

---

### ATTACHMENTS:

| Name:   | Description:                          |
|---|---------------------------------------|
| <a href="#">24-111_License_and_Indemnity_807_and_813_Minn.doc</a> | Resolution                            |
| <a href="#">807_S_Minnesota_EXECUTED_L_I_Agreement.pdf</a>        | License and Indemnity Agreement - 807 |
| <a href="#">807_S_Minnesota_Hammerhead_Exhibit_w_Aerial.pdf</a>   | Exhibit - 807                         |
| <a href="#">813_S_Minnesota_EXECUTED_L_I_Agreement.pdf</a>        | License and Indemnity Agreement - 813 |
| <a href="#">813_S_Minnesota_Hammerhead_Exhibit_w_Aerial.pdf</a>   | Exhibit - 813                         |



BILL NO. 24-111

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE LICENSE AND INDEMNITY AGREEMENTS WITH PROPERTY OWNERS ALONG MINNESOTA AVENUE AS PART OF THE MINNESOTA AVENUE AND HIGHWAY 74 INTERSECTION IMPROVEMENT PROJECT

---

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

ARTICLE 1. The City Manager, for and on behalf of the City of Cape Girardeau, Missouri, is hereby authorized to execute a License and Indemnity Agreement with Christopher L. McKee to operate and maintain a hammerhead turnaround driveway adjacent to 807 Minnesota Avenue, in the City of Cape Girardeau, Missouri.

ARTICLE 2. The City Manager, for and on behalf of the City of Cape Girardeau, Missouri, is hereby authorized to execute a License and Indemnity Agreement with Marc R. and Patricia M. Wicks to operate and maintain a hammerhead turnaround driveway adjacent to 813 Minnesota Avenue, in the City of Cape Girardeau, Missouri.

ARTICLE 3. The Agreements shall be in substantially the form attached hereto, which documents are hereby approved by the City Council, 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:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



## **LICENSE AND INDEMNITY AGREEMENT**

807 Minnesota Ave

This License and Indemnity Agreement, hereinafter referred to as the “Agreement”, is entered into by and between Christopher L. McKee, a Single Person, hereinafter referred to as the “Licensee”, and the CITY OF CAPE GIRARDEAU, a Municipal Corporation organized and existing under the laws of the State of Missouri, hereinafter referred to as the “City”. The Licensee and the City collectively are hereinafter referred to as the “Parties”.

WHEREAS, the Licensee desires to place certain improvements and/or conduct certain activities in or on the public right-of-way or other property owned or controlled by the City, hereinafter referred to as the “City Property”; and

WHEREAS, the City has prepared this Agreement for the purposes of granting permission to the Licensee to place said improvements and/or conduct said activities in or on the City Property, subject to certain conditions contained herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the Parties do hereby state, acknowledge, and agree as follows:

1. The City hereby grants the Licensee permission for the following improvements and/or activities: To operate and maintain a hammerhead turnaround driveway within the original City Right of Way of Minnesota Ave and the City Owned property adjacent to said Right of Way as shown on the attached Exhibit
2. The Licensee hereby assumes all risk of personal injury or death and property damage or loss from whatever causes arising while any person approaches, enters, uses, or leaves the City Property, which may occur directly or indirectly as a result of the placement of said improvements and/or the conduct of such activities in or on the City Property.
3. The Licensee hereby releases the City, its officers, employees, agents, servants, and assigns from any liability resulting from the placement of said improvements and/or the conduct of such activities in or on the City Property.
4. The Licensee hereby indemnifies and holds harmless the City, its officers, employees, agents, servants, and assigns from all suits and actions of every name and description brought against the same, for or on account of any injuries or damages received or sustained by any party or parties or alleged to be received or sustained by any party or parties that may result directly or indirectly from the placement of said improvements and/or the conduct of such activities in or on the City Property.
5. The Licensee hereby agrees to keep said improvements in a state of good repair and to cooperate with the City by making necessary repairs as requested by the City so as to protect and preserve the public health and safety.

6. The Licensee hereby agrees that it will not maintain in or on the City Property any hazardous or toxic waste or substances, as defined under all applicable federal, state, and local environmental laws, including, but not limited to: hazardous waste as defined in the Resource Conservation and Recovery Act of 1976, as amended (hereinafter referred to as “RCRA”), hazardous substances as defined in the Comprehensive Environmental Response Compensation and Liability Act, as amended (hereinafter referred to as “CERCLA”), and toxic substances as defined in the Toxic Substances Control Act, as amended (hereinafter referred to as “TSCA”). Any operations in or on the City Property shall not be in violation of any laws, regulations, ordinances, statutes, orders, or decrees of any governmental body, arbitration tribunal, or court, including, without limitation, RCRA, CERCLA, TSCA, and all regulations thereunder. There shall be no conduct of business in or on the City Property that constitutes a violation of environmental laws or any other laws, regulations, ordinances, statutes, order or decrees of any governmental body.
7. Neither this Agreement, nor any portion thereof, nor any actions of the City in granting permission to place said improvements and/or conduct said activities in or on the City Property, shall be construed to give the Licensee any irrevocable rights with respect thereto. The City reserves the right to terminate this Agreement and to order the removal of said improvements and/or the cessation of said activities, at the Licensee’s cost, for any reason. In such event, the Licensee agrees to remove said improvements and/or cease said activities within a reasonable period of time as determined by the City. Should the Licensee fail to remove said improvements and/or cease said activities within said period of time, the City shall have the right to cause said improvements to be removed and/or said activities to be stopped, and any costs incurred by the City in doing so shall be paid by the Licensee. Should the Licensee fail to pay the City for said costs, the City shall have the right to issue a special tax bill, which shall be a lien against the Licensee’s property referenced herein.
8. This Agreement shall be a continuing obligation running with the land, and shall bind the Licensee and any heirs, executors, administrators, successors, assigns, and legal representatives of the Licensee. This Agreement shall be recorded in the Office of the Recorder of Deeds of Cape Girardeau County, Missouri, and shall be of record.

*(Remainder of this page intentionally left blank)*

IN WITNESS WHEREOF, the Parties have executed this Agreement on this 17<sup>th</sup> day of August, 2021.

Christopher L. McKee  
Christopher L. McKee

STATE OF Missouri )  
COUNTY OF CAPE GIRARDEAU ) SS.

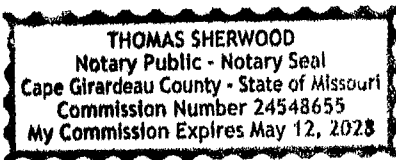
On this 17<sup>th</sup> day of August, 2021, before me personally appeared Christopher L. McKee, a Single Person, who did state that they are the owner in fee simple of 807 Minnesota Avenue, and that they executed the foregoing instrument as the free act and deed of said property for the purposes therein stated.

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

[Signature]  
Notary Public Signature

THOMAS SHERWOOD  
Notary Public Printed Name

My Commission Expires:



IN WITNESS WHEREOF, the Parties have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF CAPE GIRARDEAU

\_\_\_\_\_  
Dr. Kenneth Haskin, City Manager

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Dr. Kenneth Haskin, City Manager of the City of Cape Girardeau, a Municipal Corporation organized and existing under the laws of the State of Missouri, known by me to be the person described in and who executed the foregoing instrument, and acknowledged that the foregoing instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged that he executed the same as the free act and deed of said City.

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

My Commission Expires:

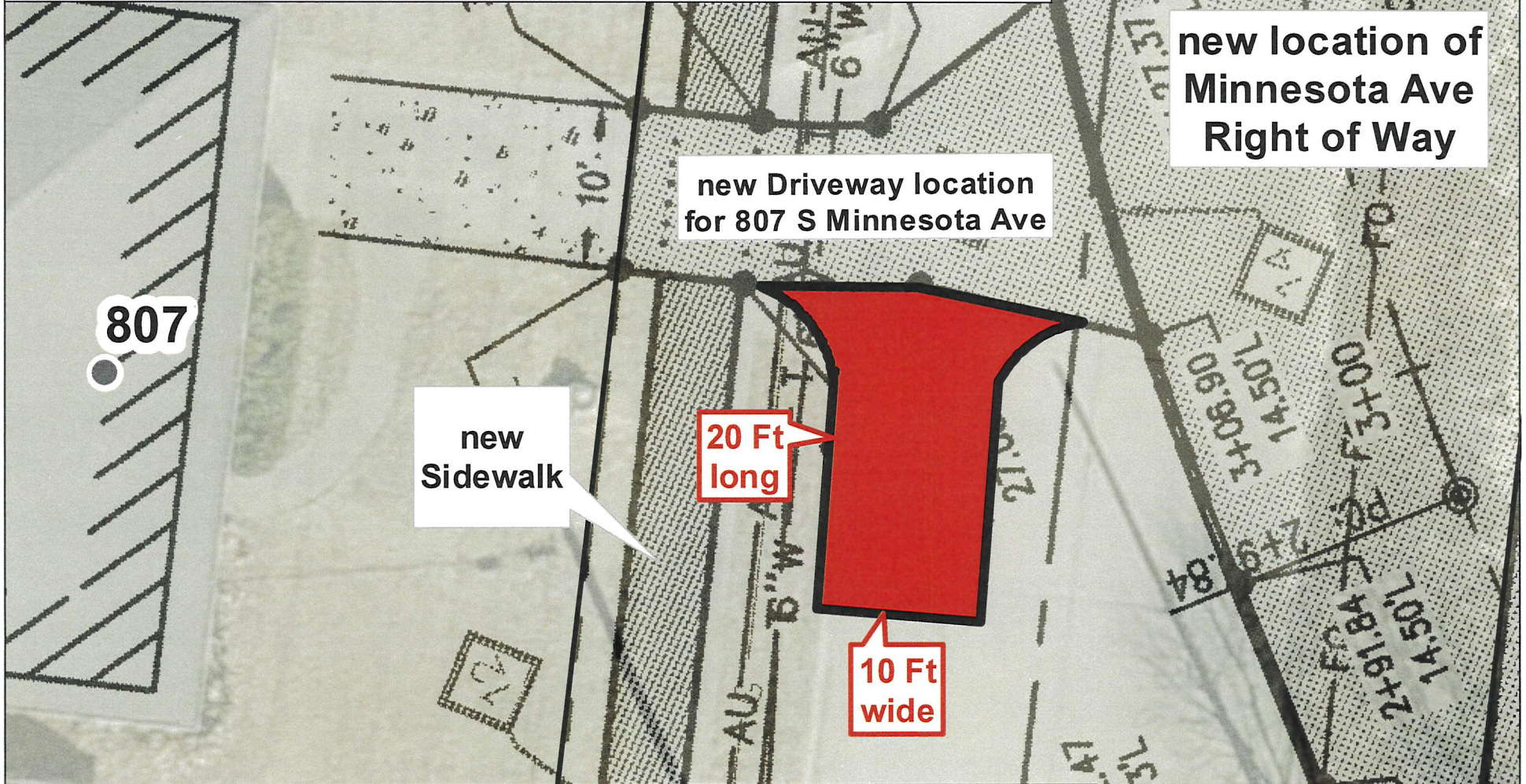
\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public Printed Name



**CITY of CAPE GIRARDEAU**

# L & I for Hammerhead Driveway at 807 S Minnesota Ave



**new location of Minnesota Ave Right of Way**


**new Driveway location for 807 S Minnesota Ave**

**807**

**new Sidewalk**

**20 Ft long**

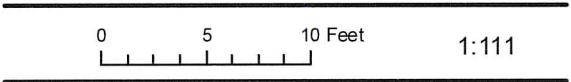
**10 Ft wide**

 Approx. Location of new (10 Ft wide x 20 Ft long) Hammerhead Driveway

 Cape City



### LEGEND



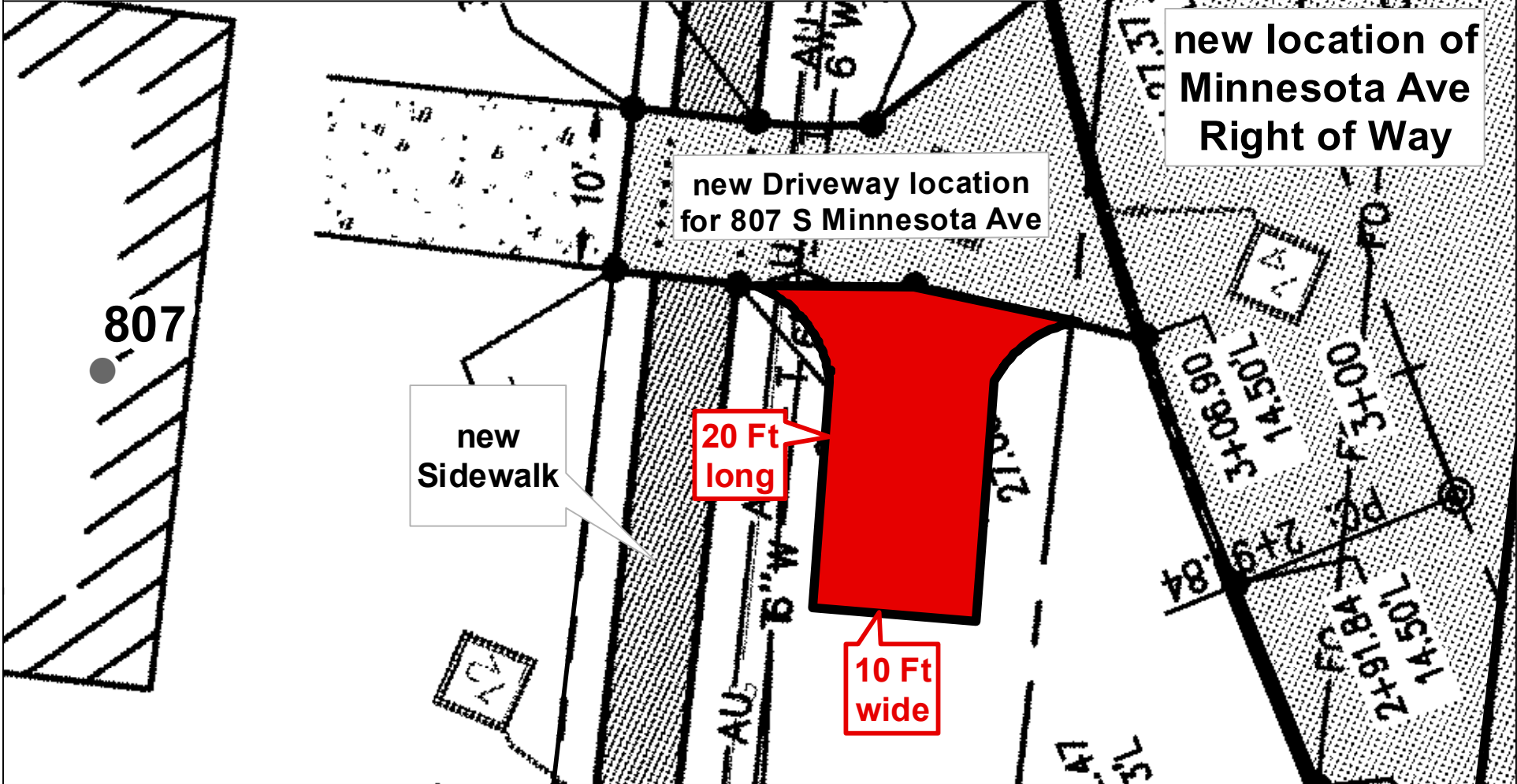
Date: 8/6/2024  
 Created by: Development Services  
 Teresa Heifner, Alliance Water Resources  
 Data Source(s):  
 City of Cape Girardeau Government, MO  
 Coordinate System: NAD 1983 StatePlane Missouri East RPS 2401 Feet


**CITY of CAPE GIRARDEAU**  
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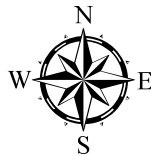


# L & I for Hammerhead Driveway at 807 S Minnesota Ave

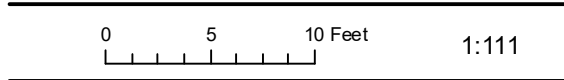


 Approx. Location of new (10 Ft wide x 20 Ft long) Hammerhead Driveway

 Cape City



### LEGEND



Date: 8/6/2024

Created by: Development Services  
Teresa Heifner, Alliance Water Resources

Data Source(s):  
City of Cape Girardeau Government, MO

Coordinate System: NAD 1983 StatePlane Missouri East FIPS 2401 Feet

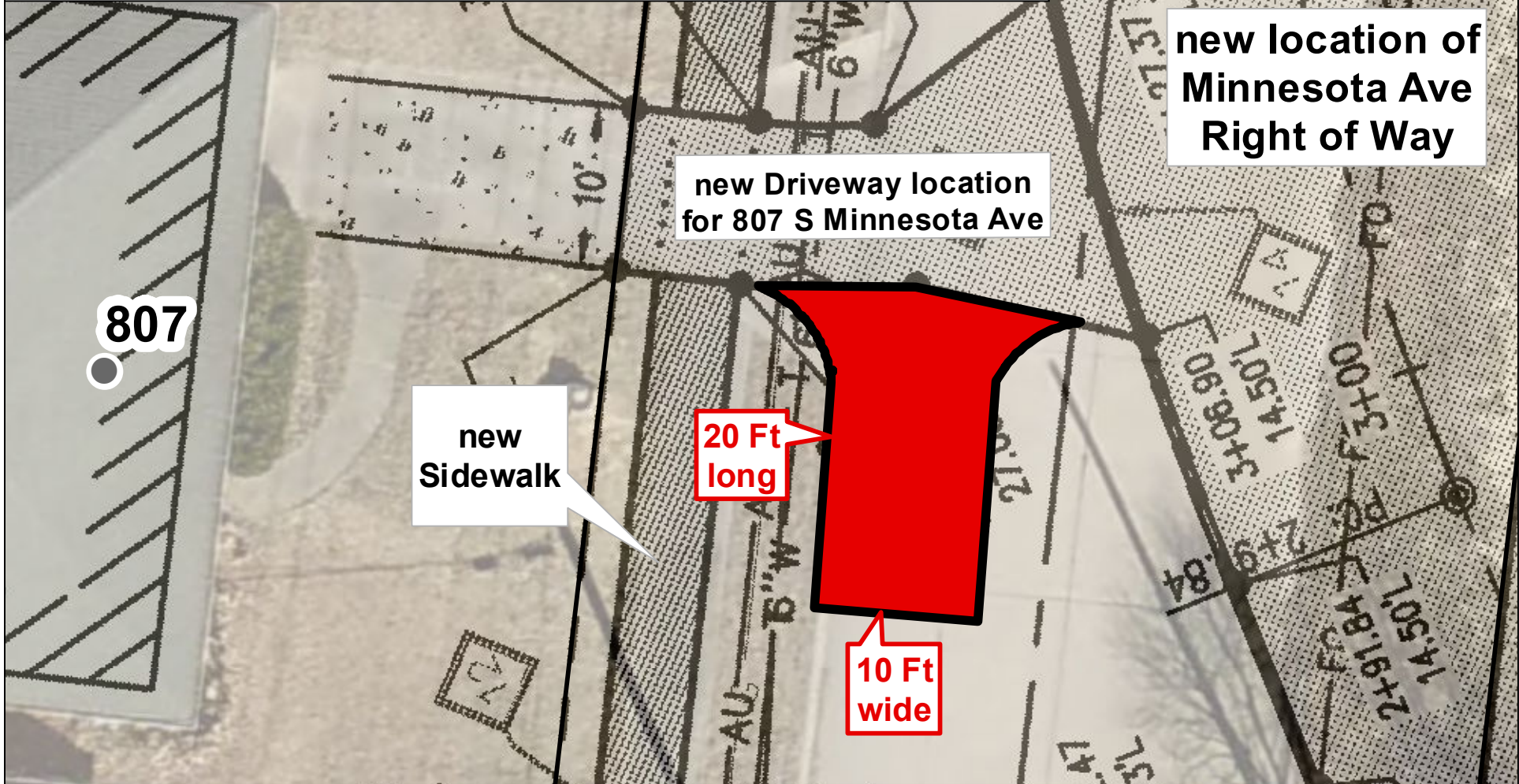
CITY of CAPE GIRARDEAU

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**CITY of CAPE GIRARDEAU**

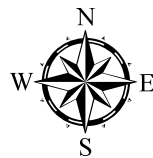
# L & I for Hammerhead Driveway at 807 S Minnesota Ave



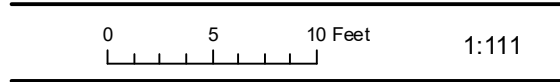
Approx. Location of new (10 Ft wide x 20 Ft long) Hammerhead Driveway



Cape City



### LEGEND



Date: 8/6/2024

Created by: Development Services  
Teresa Heifner, Alliance Water Resources

Data Source(s):  
City of Cape Girardeau Government, MO

Coordinate System: NAD 1983 StatePlane Missouri East FIPS 2401 Feet

**CITY of CAPE GIRARDEAU**

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## LICENSE AND INDEMNITY AGREEMENT

813 Minnesota Ave

This License and Indemnity Agreement, hereinafter referred to as the “Agreement”, is entered into by and between MARC R. and PATRICIA M. WICKS, Husband and Wife, hereinafter referred to as the “Licensee”, and the CITY OF CAPE GIRARDEAU, a Municipal Corporation organized and existing under the laws of the State of Missouri, hereinafter referred to as the “City”. The Licensee and the City collectively are hereinafter referred to as the “Parties”.

WHEREAS, the Licensee desires to place certain improvements and/or conduct certain activities in or on the public right-of-way or other property owned or controlled by the City, hereinafter referred to as the “City Property”; and

WHEREAS, the City has prepared this Agreement for the purposes of granting permission to the Licensee to place said improvements and/or conduct said activities in or on the City Property, subject to certain conditions contained herein.

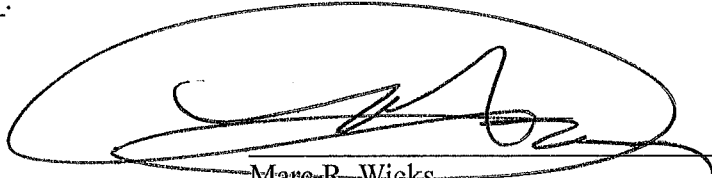
NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the Parties do hereby state, acknowledge, and agree as follows:

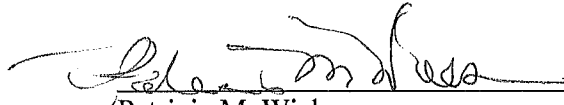
1. The City hereby grants the Licensee permission for the following improvements and/or activities: To operate and maintain a hammerhead turnaround driveway within the original City Right of Way of Minnesota Ave and the City Owned property adjacent to said Right of Way as shown on the attached Exhibit
2. The Licensee hereby assumes all risk of personal injury or death and property damage or loss from whatever causes arising while any person approaches, enters, uses, or leaves the City Property, which may occur directly or indirectly as a result of the placement of said improvements and/or the conduct of such activities in or on the City Property.
3. The Licensee hereby releases the City, its officers, employees, agents, servants, and assigns from any liability resulting from the placement of said improvements and/or the conduct of such activities in or on the City Property.
4. The Licensee hereby indemnifies and holds harmless the City, its officers, employees, agents, servants, and assigns from all suits and actions of every name and description brought against the same, for or on account of any injuries or damages received or sustained by any party or parties or alleged to be received or sustained by any party or parties that may result directly or indirectly from the placement of said improvements and/or the conduct of such activities in or on the City Property.
5. The Licensee hereby agrees to keep said improvements in a state of good repair and to cooperate with the City by making necessary repairs as requested by the City so as to protect and preserve the public health and safety.

6. The Licensee hereby agrees that it will not maintain in or on the City Property any hazardous or toxic waste or substances, as defined under all applicable federal, state, and local environmental laws, including, but not limited to: hazardous waste as defined in the Resource Conservation and Recovery Act of 1976, as amended (hereinafter referred to as “RCRA”), hazardous substances as defined in the Comprehensive Environmental Response Compensation and Liability Act, as amended (hereinafter referred to as “CERCLA”), and toxic substances as defined in the Toxic Substances Control Act, as amended (hereinafter referred to as “TSCA”). Any operations in or on the City Property shall not be in violation of any laws, regulations, ordinances, statutes, orders, or decrees of any governmental body, arbitration tribunal, or court, including, without limitation, RCRA, CERCLA, TSCA, and all regulations thereunder. There shall be no conduct of business in or on the City Property that constitutes a violation of environmental laws or any other laws, regulations, ordinances, statutes, order or decrees of any governmental body.
7. Neither this Agreement, nor any portion thereof, nor any actions of the City in granting permission to place said improvements and/or conduct said activities in or on the City Property, shall be construed to give the Licensee any irrevocable rights with respect thereto. The City reserves the right to terminate this Agreement and to order the removal of said improvements and/or the cessation of said activities, at the Licensee’s cost, for any reason. In such event, the Licensee agrees to remove said improvements and/or cease said activities within a reasonable period of time as determined by the City. Should the Licensee fail to remove said improvements and/or cease said activities within said period of time, the City shall have the right to cause said improvements to be removed and/or said activities to be stopped, and any costs incurred by the City in doing so shall be paid by the Licensee. Should the Licensee fail to pay the City for said costs, the City shall have the right to issue a special tax bill, which shall be a lien against the Licensee’s property referenced herein.
8. This Agreement shall be a continuing obligation running with the land, and shall bind the Licensee and any heirs, executors, administrators, successors, assigns, and legal representatives of the Licensee. This Agreement shall be recorded in the Office of the Recorder of Deeds of Cape Girardeau County, Missouri, and shall be of record.

*(Remainder of this page intentionally left blank)*

IN WITNESS WHEREOF, the Parties have executed this Agreement on this 7<sup>th</sup> day of August, 2024.

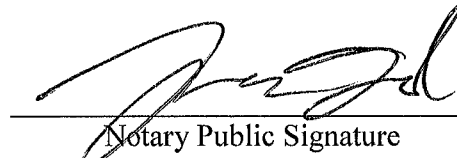
  
\_\_\_\_\_  
Marc R. Wicks

  
\_\_\_\_\_  
Patricia M. Wicks

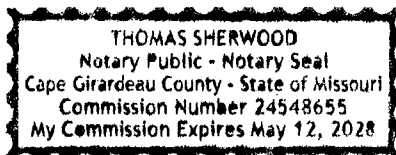
STATE OF Missouri )  
COUNTY OF Cape Girardeau ) SS.

On this 7<sup>th</sup> day of August, 2024, before me personally appeared MARC R. and PATRICIA M. WICKS, Husband and Wife, who did state that they are the owners in fee simple of 813 Minnesota Avenue, and that they executed the foregoing instrument as the free act and deed of said property for the purposes therein stated.

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

  
\_\_\_\_\_  
Notary Public Signature

My Commission Expires:



THOMAS SHERWOOD  
\_\_\_\_\_  
Notary Public Printed Name

IN WITNESS WHEREOF, the Parties have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF CAPE GIRARDEAU

\_\_\_\_\_  
Dr. Kenneth Haskin, City Manager

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Dr. Kenneth Haskin, City Manager of the City of Cape Girardeau, a Municipal Corporation organized and existing under the laws of the State of Missouri, known by me to be the person described in and who executed the foregoing instrument, and acknowledged that the foregoing instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged that he executed the same as the free act and deed of said City.

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

My Commission Expires:

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public Printed Name



**CITY of CAPE**  
GIRARDEAU

# L & I for Hammerhead Driveway at 813 S Minnesota Ave

new  
location  
of  
Minnesota  
Ave  
Right  
of Way

new Driveway location  
for 813 S Minnesota Ave

813

20 Ft  
long

new  
Sidewalk

10 Ft  
wide



Approx. Location of new  
(10 Ft wide x 20 Ft long)  
Hammerhead Driveway



Cape City Addresses



### LEGEND



Date: 8/6/2024

Created by: Development Services  
Teresa Heifner, Alliance Water Resources

Data Source(s):  
City of Cape Girardeau Government, MO

Coordinate System: NAD 1983 StatePlane Missouri East FIPS 2401 Feet

**CITY of CAPE GIRARDEAU**

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Girardeau are to be used for visual aid only  
and are not guaranteed to be accurate.  
These layers are not to be used for any  
engineering or design purpose.



**CITY of CAPE GIRARDEAU**

# L & I for Hammerhead Driveway at 813 S Minnesota Ave

new location of Minnesota Ave Right of Way

new Driveway location for 813 S Minnesota Ave

20 Ft long

10 Ft wide

new Sidewalk

813



Approx. Location of new (10 Ft wide x 20 Ft long) Hammerhead Driveway



Cape City Addresses



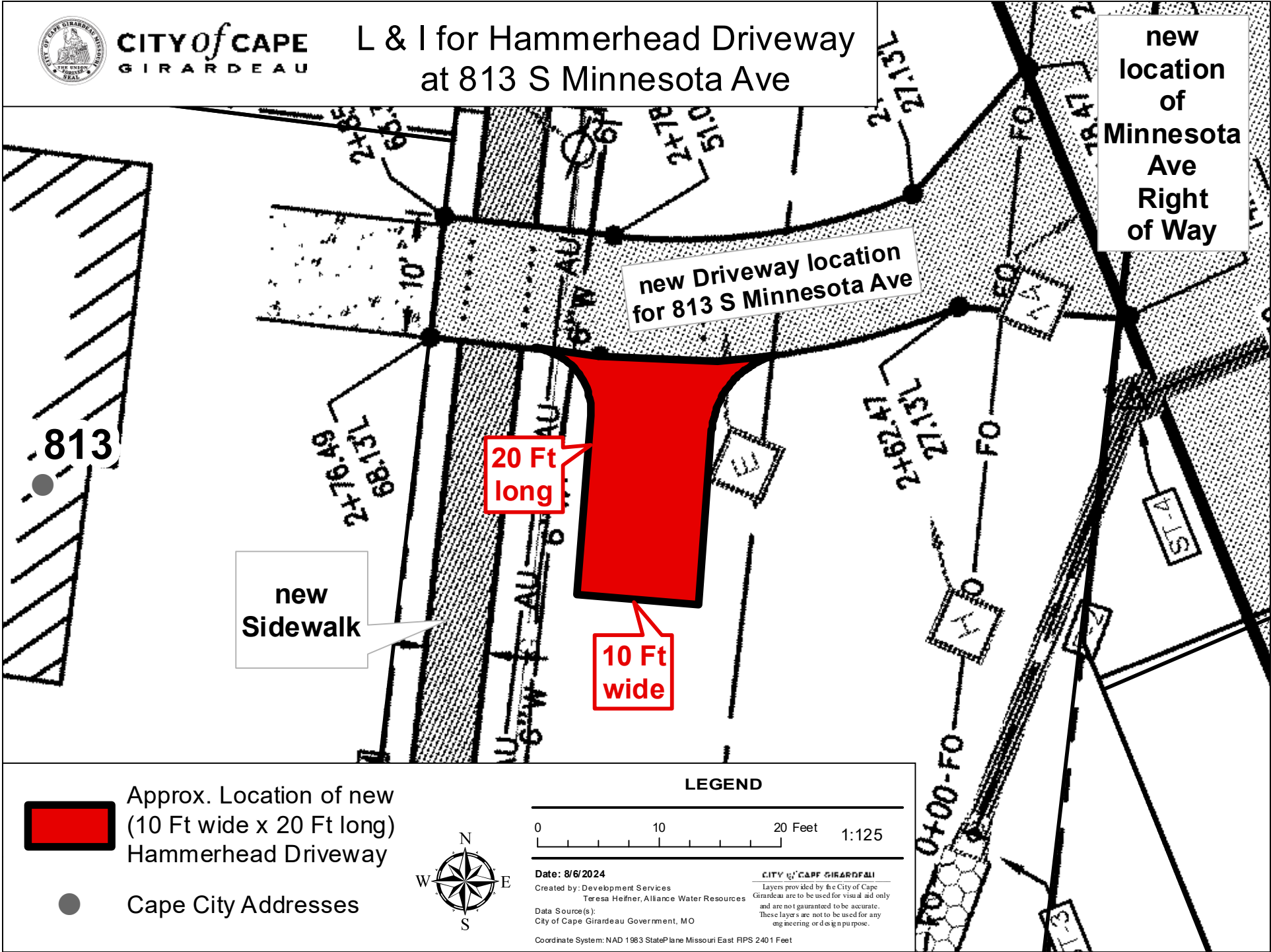
### LEGEND



Date: 8/6/2024  
Created by: Development Services  
Teresa Heifner, Alliance Water Resources  
Data Source(s):  
City of Cape Girardeau Government, MO

**CITY of CAPE GIRARDEAU**  
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Coordinate System: NAD 1983 StatePlane Missouri East FIPS 2401 Feet







**CITY of CAPE GIRARDEAU**

# L & I for Hammerhead Driveway at 813 S Minnesota Ave

new location of Minnesota Ave Right of Way

new Driveway location for 813 S Minnesota Ave

813

20 Ft long

10 Ft wide

new Sidewalk



Approx. Location of new (10 Ft wide x 20 Ft long) Hammerhead Driveway



Cape City Addresses



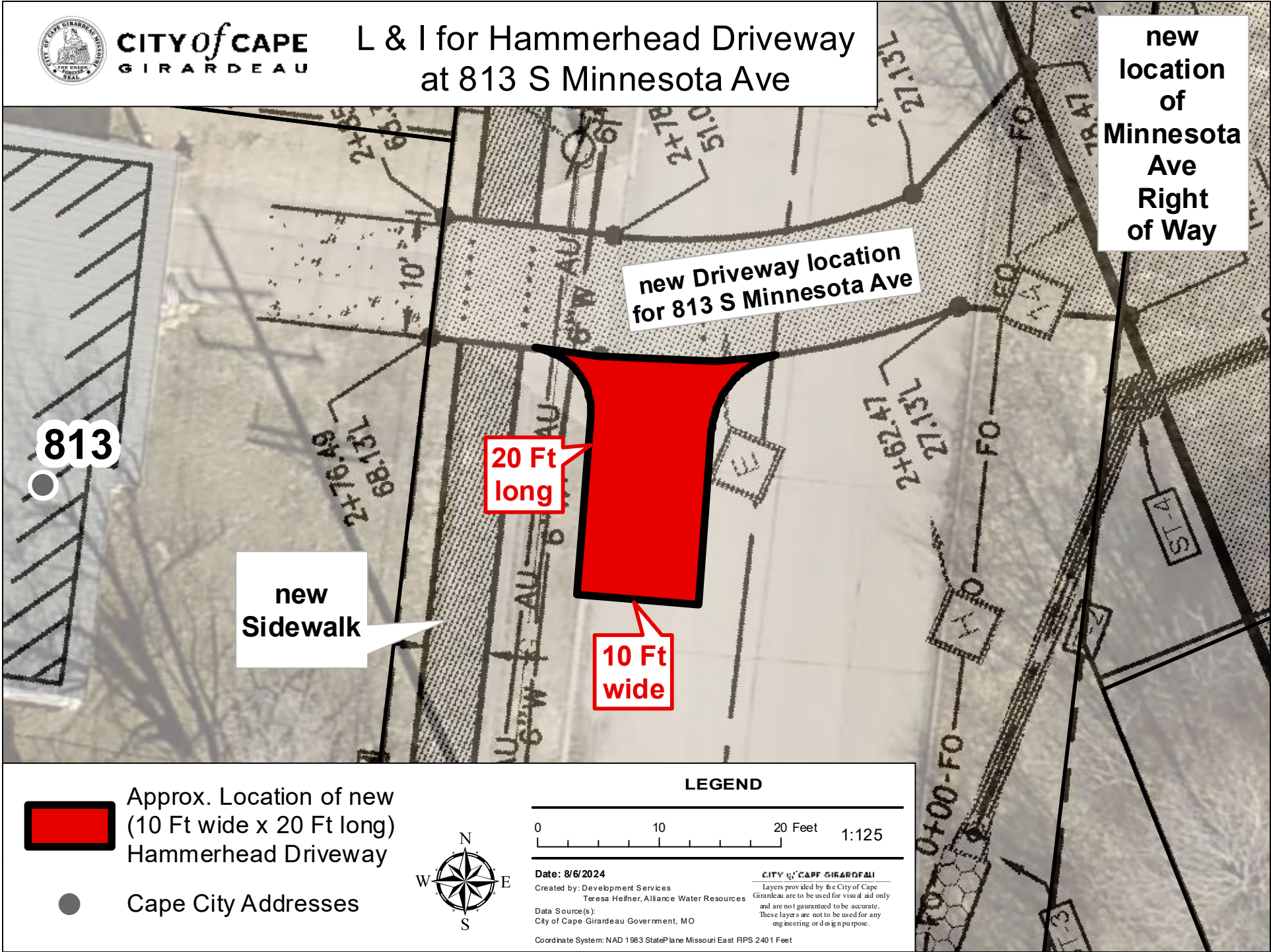
### LEGEND



Date: 8/6/2024  
Created by: Development Services  
Teresa Helfner, Alliance Water Resources  
Data Source(s):  
City of Cape Girardeau Government, MO

**CITY of CAPE GIRARDEAU**  
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Coordinate System: NAD 1983 StatePlane Missouri East FIPS 2401 Feet



---

**Staff:** Jake Garrard, P.E., City Engineer  
**Agenda:** 11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-180**

---

## **SUBJECT**

---

A Resolution authorizing the City Manager to execute an agreement with Nip Kelley Equipment Company, Inc. for for the Cape Rock Water Treatment Plant – Hydraulic Bottleneck Improvements, also known as the Filter Gallery Piping Project.

## **EXECUTIVE SUMMARY**

---

The project consists of: Addition of new piping, valves, supports and other appurtenances within the filter building piping gallery (lower level). Tie-in to existing filter influent line in the filter piping gallery (lower level). Addition of new piping, valves and other appurtenances for connection to the secondary sedimentation basins, Addition of four new dehumidification units and three new circulation fans within the filter building piping gallery (lower level).

Alternative #1: Addition of 14 new flow meters, new butterfly valve and associated piping on the filter effluent piping to filters #7 to #20;

Alternative #2: Addition of 14 new backwash valves and associated piping on the filter effluent piping to filters #7 to #20, obtaining all permits for construction of Work not obtained by Engineer or Owner; Removing all debris and excess materials from Project Site generated by construction Work; restoring areas disturbed by construction to original condition or as specified by Contract Documents.

## **BACKGROUND/DISCUSSION**

---

The project was publicly advertised, and bids were received on October 22, 2024. one (1) bid was received. The bid, submitted by Nip Kelley Equipment Company, Inc. was \$688,025.00 for the cost of the base bid, \$252,336.00 for Alternate #1, and \$123,965.00 for a total cost of \$1,064,326.00. The Engineer's Estimate of Cost, provided by Donohue & Associates, Inc. was \$698,000 for the base bid amount, \$162,000.00 for Alternate #1, and \$182,000.00 for Alternate #2, for a total cost of \$972,000.00.

## **FINANCIAL IMPACT**

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This project will be funded by Water System Improvements fund.

## **STAFF RECOMMENDATION**

---

Staff recommends Council pass and approve a Resolution authorizing the City Manager to enter into a contract with Nip Kelley Equipment Co., Inc.. for the Hydraulic Bottleneck Improvements at the Cape Rock Water Treatment Plant.

**ATTACHMENTS:**

| Name:   | Description:                       |
|---|------------------------------------|
| ☐ <a href="#">24-112 Agreement Nip Kelley Hydraulic Bottleneck Improvements.doc</a> | Resolution                         |
| ☐ <a href="#">AGR_for_Council.pdf</a>   | Contract with Nip Kelley Equipment |
| ☐ <a href="#">Bid_Tab_signed_Hydraulic_Bottleneck.pdf</a>                           | Breakdown of Cost                  |

BILL NO. 24-112

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH NIP KELLEY EQUIPMENT COMPANY, INC. FOR THE CAPE ROCK WATER TREATMENT PLANT - HYDRAULIC BOTTLENECK IMPROVEMENTS

---

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 Nip Kelley Equipment Company, Inc. for Cape Rock Water Treatment Plant - Hydraulic Bottleneck Improvements, in the City of Cape Girardeau, Missouri. The Agreement shall be in substantially the form attached hereto, which document is hereby approved by the City Council, and incorporated herein by reference, with such changes 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:

---

Traci Weissmueller, 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  
Nip Kelley Equipment Company, Inc. ("Contractor").

Owner and Contractor hereby agree as follows:

### ARTICLE 1 – WORK

- 1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:
- A. Addition of new piping, valves, supports and other appurtenances within the filter building piping gallery (lower level). Tie-in to existing filter influent line in the filter piping gallery (lower level).
  - B. Addition of new piping, valves and other appurtenances for connection to the secondary sedimentation basins.
  - C. Addition of four new dehumidification units and three new circulation fans within the filter building piping gallery (lower level).
  - D. Alternative #1: Addition of 14 new flow meters, new butterfly valve and associated piping on the filter effluent piping to filters #7 to #20.
  - E. Alternative #2: Addition of 14 new backwash valves and associated piping on the filter effluent piping to filters #7 to #20.
  - F. Obtaining all permits for construction of Work not obtained by Engineer or Owner.
  - G. Removing all debris and excess materials from Project Site generated by construction Work.
  - H. Restoring areas disturbed by construction to original condition or as specified by Contract Documents.

### ARTICLE 2 – THE PROJECT

- 2.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: Cape Rock Water Treatment Plant – Hydraulic Bottleneck Improvements

### ARTICLE 3 – ENGINEER

- 3.01 The Project has been designed by Donohue & Associates, Inc. who shall be known as the Owner's Consultant, but will serve no role as the Owner's representative for this Project unless otherwise specified herein.

- 3.02 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 4 – CONTRACT TIMES

4.01 *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.

4.02 *Contract Times: Days*

- A. 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.

4.03 *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 \$1,000 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 \$1,000 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 5 – CONTRACT PRICE

- 5.01 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.

Lump Sum Item #1 – Influent Filter Piping, Valves, and Support Modifications

Two Hundred Eighty-Five Thousand, Three Hundred-One and Zero Cents Dollars

(words)

\$ 285,301.00

(figures)

Lump Sum Item #2 – New Dehumidification and Circulation Fans modifications

Forty-Seven Thousand, Four Hundred Seventy-Two and Zero Cents Dollars

(words)

\$ 47,472.00

(figures)

Lump Sum Item #3 – Electrical, Controls and Start-up Services

Three Hundred Thirteen Thousand Five Hundred Fifty-Nine and Zero Cents Dollars

(words)

\$ 313,559.00

(figures)

Lump Sum Item #4 – All other work not included in Lump Sum Items #1 to #3

Forty-One Thousand, Six Hundred Ninety Three and Zero Cents Dollars

(words)

\$ 41,693.00

(figures)

TOTAL LUMP SUM PRICE (Sum of Lump Sum Items #1 to #4) 688,025.00

Six Hundred Eighty-Eight Thousand Twenty-Five and Zero Cents (\$ 688,025.00)

(words)

(figures)

ALTERNATES: Include the following alternates as described in Section 0123 00:

Alternate 1: Addition of 14 new flow meters, butterfly valve and associated piping on the filter effluent piping to filters #7 to #20.

Two Hundred Fifty-Two Thousand Three Hundred Thirty-Six Dollars and Zero Cents  
(words)

\$ 252,336.00  
(figures)

Alternate 2: Addition of 14 new backwash valves and associated piping on the filter effluent piping to filters #7 to #20.

One Hundred Twenty-Three Thousand, Nine Hundred Sixty-Five Dollars and Zero Cents  
(words)

\$ 123,965.00  
(figures)

## TOTAL BID INCLUDING ALT #1 AND ALT #2:

One Million Sixty-Four Thousand Three Hundred Twenty-Six Dollars and Zero Cents  
(words)

\$ 1,064,326.00  
(figures)



- 5.02 Owner accepts/rejects the following alternates as described in Section 01 23 00 and indicated on the Bid Form:
- A. Accept Alternate 1: Addition of 14 new flow meters, butterfly valve and associated piping on the filter effluent piping to filters #7 to #20.
  - B. Accept Alternate 2: Addition of 14 new backwash valves and associated piping on the filter effluent piping to filters #7 to #20.

## ARTICLE 6 – PAYMENT PROCEDURES

### 6.01 *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.

### 6.02 *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.

### 6.03 *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 7 – INTEREST

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

## ARTICLE 8 – CONTRACTOR’S REPRESENTATIONS

- 8.01 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 9 – CONTRACT DOCUMENTS

### 9.01 *Contents*

- A. The Contract Documents consist of the following:

1. This Agreement (pages 1 to 8, Inclusive).
2. Performance bond.
3. Payment bond.
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 33 sheets with each sheet bearing the following general title: Cape Rock Water Treatment Plant – Hydraulic Bottleneck Improvements.
7. Addenda (numbers 1 to 1, Inclusive).
8. Exhibits to this Agreement (enumerated as follows):
  - a. Contractor's Bid (pages \_\_\_ to \_\_\_, Inclusive).
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. Affidavit of Compliance with Prevailing Wage
  - f. Contractor's Warranty
  - g. 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 10 – MISCELLANEOUS**

### **10.01 Terms**

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

### **10.02 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.

10.03 *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.

10.04 *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.

10.05 *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.

10.06 *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: Nip Kelley Equipment Co., Inc..

By: 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:

Development Services Department, City Hall

Nip Kelley Equipment Company, Inc.

44 N. Lorimier Street

41 N. Sprigg Street

Cape Girardeau, MO 63701

Cape Girardeau, MO 63701

License No.: \_\_\_\_\_  
*(where applicable)*

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

## BID FORM

### PROJECT IDENTIFICATION:

The project consists of the following Improvements at the Cape Rock Water Treatment Plant:

1. Addition of new piping, valves, supports and other appurtenances within the filter building piping gallery (lower level). Tie-in to existing filter influent line in the filter piping gallery (lower level).
2. Addition of new piping, valves and other appurtenances for connection to the secondary sedimentation basins.
3. Addition of four new dehumidification units and three new circulation fans within the filter building piping gallery (lower level).
4. Alternative #1: Addition of 14 new flow meters, new butterfly valve and associated piping on the filter effluent piping to filters #7 to #20.
5. Alternative #2: Addition of 14 new backwash valves and associated piping on the filter effluent piping to filters #7 to #20.
6. Obtaining all permits for construction of Work not obtained by Engineer or Owner.
7. Removing all debris and excess materials from Project Site generated by construction Work.
8. Restoring areas disturbed by construction to original condition or as specified by Contract Documents.

### CONTRACT IDENTIFICATION:

Project Name: Cape Rock Water Treatment Plant – Hydraulic Bottleneck Improvements

City Project Number: 6265

Issue Date: September 24, 2024

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**ARTICLE 1 – BID RECIPIENT**

1.01 This Bid is submitted to:

*City Engineer's Office, 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> |
|---------------------|-----------------------|
| No. 1               | October 15, 2024      |
| _____               | _____                 |
| _____               | _____                 |
| _____               | _____                 |

- 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.

- C. If applicable, Contractor's License No.: 231 [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. Affidavit of Work Authorization;
- F. Affidavit of OSHA Training;
- G. Anti-Discrimination Against Israel Act Certification; and
- H. Certification Regarding Debarment, Suspension and Other Responsibility Matters.

**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.

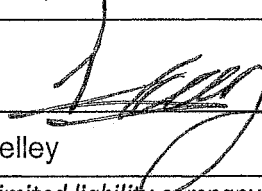
**ARTICLE 9 – BID SUBMITTAL**

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

Nip Kelley Equipment Co., Inc.

By:

*[Signature]*

  
Vince Kelley

*[Printed name]*

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

Attest:

*[Signature]*

  
Jan Kelley

*[Printed name]*

Title:

Secretary

Submittal Date: October 22, 2024

Address for giving notices:

41 N. Sprigg Street

Cape Girardeau, Missouri 63701

Telephone Number: 573-334-0553

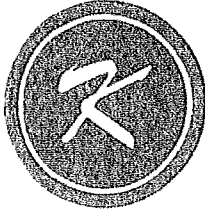
Fax Number: \_\_\_\_\_

Contact Name and e-mail address: Vince Kelley

vkelly@nipkelleyco.com

Bidder's License No.: 18800

*(where applicable)*



*Nip Kelley Equipment Company, Inc.*

P. O. Box 33  
41 N. Sprigg Street  
CAPE GIRARDEAU, MO

PHONES

OFFICE 573-334-0553

FAX 573-334-2025

October 22, 2024

Cape Rock Treatment Plant Hydraulic Bottleneck Improvements

Subcontractors List

KT Power Systems

Langford Mechanical

Midwest Mechanical Insulation

John R. Ashcroft Secretary of State  
 2022-2023 BIENNIAL REGISTRATION REPORT  
 BUSINESS

**00166568**  
**Date Filed: 1/19/2023**  
**John R. Ashcroft**  
**Missouri Secretary of State**

I ELECT TO FILE A BIENNIAL REGISTRATION REPORT

\* SECTION 1, 3 & 4 ARE REQUIRED

REPORT DUE BY: 1/31/2023

**00166568**  
 NIP KELLEY EQUIPMENT COMPANY, INC.  
 VINCE KELEY  
 41 NORTH SPRIGG STREET  
 CAPE GIRARDEAU MO 63701

|   |   |
|---|---|
|   | RENEWAL MONTH:<br>OCTOBER   |
|   | <input type="checkbox"/> I OPT TO CHANGE THE CORPORATION'S RENEWAL MONTH TO FOR A \$25.00 FEE |
| 1 | PRINCIPAL PLACE OF BUSINESS OR CORPORATE HEADQUARTERS: *<br><br>41 N Sprigg St (Required)     |
|   | STREET<br>Cape Girardeau MO 63701-5525<br>CITY / STATE ZIP                                    |

2 If changing the registered agent and/or registered office address, please check the appropriate box(es) and fill in the necessary information.

The new registered agent \_\_\_\_\_

IF CHANGING THE REGISTERED AGENT, AN ORIGINAL WRITTEN CONSENT FROM THE NEW REGISTERED AGENT MUST BE ATTACHED AND FILED WITH THIS REGISTRATION REPORT.

The new registered office address 41 N Sprigg St Cape Girardeau MO 63701-5525

Must be a Missouri address, PO Box alone is not acceptable. This section is not applicable for Banks, Trusts and Foreign Insurance.

| OFFICERS<br>NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE).<br><u>MUST LIST PRESIDENT AND SECRETARY BELOW</u> | A | BOARD OF DIRECTORS<br>NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE).<br><u>MUST LIST AT LEAST ONE DIRECTOR BELOW</u> | B |
|--|---|--|---|
| <u>PRESIDENT</u> Kelley, Vince L.<br>STREET 41 N Sprigg St<br>CITY/STATE/ZIP Cape Girardeau MO 63701-5525                |   | <u>NAME</u> Kelley, Vince L.<br>STREET 41 N. Sprigg St.<br>CITY/STATE/ZIP Cape Girardeau MO 63701                                |   |
| <u>SECRETARY</u> Kelley, Jan C.<br>STREET 41 N. Sprigg St.<br>CITY/STATE/ZIP Cape Girardeau MO 63701                     |   | <u>NAME</u> _____<br>STREET _____<br>CITY/STATE/ZIP _____  |   |
| STREET _____<br>CITY/STATE/ZIP _____   |   | <u>NAME</u> _____<br>STREET _____<br>CITY/STATE/ZIP _____  |   |
| STREET _____<br>CITY/STATE/ZIP _____   |   | <u>NAME</u> _____<br>STREET _____<br>CITY/STATE/ZIP _____  |   |

NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS ARE ATTACHED

4 The undersigned understands that false statements made in this report are punishable for the crime of making a false declaration under Section 575.060 RSMo. Photocopy or stamped signature not acceptable. \*

Authorized party or officer sign here Jan Kelley (Required)

Please print name and title of signer: Jan Kelley / Secretary  
 NAME TITLE

REGISTRATION REPORT FEE IS:  
 \_\_\_\$40.00 if filed on or before 1/31/2023  
 \_\_\_\$55.00 if filed on or before 2/28/2023  
 \_\_\_\$70.00 if filed on or before 3/31/2023  
 \_\_\_\$85.00 if filed on or before 4/30/2023  
 ADD AN ADDITIONAL \$25.00 FEE IF CHANGING THE RENEWAL MONTH.

WHEN THIS FORM IS ACCEPTED BY THE SECRETARY OF STATE, BY LAW IT WILL BECOME A PUBLIC DOCUMENT AND ALL INFORMATION PROVIDED IS SUBJECT TO PUBLIC DISCLOSURE

E-MAIL ADDRESS (OPTIONAL): \_\_\_\_\_

CONTRACTOR'S QUALIFICATIONS

Nip Kelley Equipment Co., Inc.  
Name of firm and address with zip code

41 N. Sprigg St., Cape Girardeau, MO 63701

10-22-2024                      573-334-0553                       Corporation  Partnership  Individual  
Date                      Area Code & Telephone

CONSTRUCTION CAPABILITIES:                       General  Electrical  Plumbing  
 Heating, Air Conditioning, and Ventilation  Other \_\_\_\_\_

**FOR CORPORATION ONLY**                      Federal I.D. Number 43-1086200

January 1974                      Missouri  
Date of Incorporation                      Name of State(s) in which incorporated

If not incorporated in Missouri give Certificate of Authority to do business in Missouri.  
Certificate No. \_\_\_\_\_ Date \_\_\_\_\_

Vince Kelley                      \_\_\_\_\_  
President's Name                      Vice President's Name

Jan Kelley                      \_\_\_\_\_  
Secretary's Name                      Treasurer's Name

**FOR PARTNERSHIP ONLY**

Is the partnership: General Limited Association

Date of Organization:

1. \_\_\_\_\_  
Names and addresses with zip codes of all partners

2. \_\_\_\_\_

3. \_\_\_\_\_  
Use additional sheet if necessary

Federal I.D. Number \_\_\_\_\_  
Or Social Security Number \_\_\_\_\_

**GENERAL INFORMATION**

70%  
Percent (%) of work done by own self

25  
No. of Permanent employees

Southeast Missouri

---

Geographical limits of operation

---

If you have done business under different name, please give name and location

Has firm ever failed to complete project or defaulted on a contract? If so, why? NO

---

Has firm ever been engaged in litigation over any contract? If so, explain. NO

---

LIST OF COMPLETED PROJECTS WITHIN PAST FOUR YEARS, INCLUDING COST OF EACH, AND NAME AND ADDRESS OF OWNER CONTACT:

|                                       |                |                              |
|---------------------------------------|----------------|------------------------------|
| Concrete Street Repair 2019           | \$1,779,373.00 | -City of Cape Girardeau, MO  |
| Cyber Range Renovations               | \$371,391.00   | - Southeast MO State Univ.   |
| General Construction 2019-2020        | \$300,000.00   | - Southeast MO State Univ.   |
| Concrete Street Repair 2019           | \$868,785.10   | - City of Cape Girardeau, MO |
| Gordonville Booster Pump              | \$523,610.00   | - City of Cape Girardeau, MO |
| Water System Facility Plan            | \$1,043,927.40 | - City of Jackson, MO        |
| Concrete Street Repair 2020           | \$942,138.25   | - Cape Girardeau, MO         |
| Abe Stuber Track Drainage Mitigation  | \$168,215.00   | -Southeast MO State Univ.    |
| Good Hope St. Stormwater Improvements | \$1,438,652.   | - City of Cape Girardeau, MO |
| CIST-Concrete Street Repairs 20-21    | \$1,037,921.   | - City of Cape Girardeau, MO |
| Road Improvements & Utility Install   | \$ 409,983     | - SEMO Port Authority        |
| College Street Improvements           | \$ 607,847     | - City of Cape Girardeau, MO |
| Houck Field House Court Floor         | \$ 407,652.-   | - Southeast MO State Univ.   |
| GS4 Haz Mat Shed Installation         | \$ 203,610.-   | - Southeast MO State Univ.   |
| Penny Ave./Capaha Park Drainage       | \$ 774,136.-   | - City of Cape Girardeau, MO |
| CIST Street Repair 22-23              | \$1,075,343.-  | -City of Cape Girardeau, MO  |
| Restroom Replacement                  | \$ 332.477     | - City of Jackso, MO         |

LIST OF PROJECTS CURRENTLY UNDER CONSTRUCTION, INCLUDING COST OF EACH AND NAME AND ADDRESS OF OWNER

|                            |              |   |
|----------------------------|--------------|---|
| Lexington Avenue           | \$3,569,400. | City of Cape Girardeau, MO                              |
| Gibson Business Center     | \$ 698,400.  | Gibson Center for Behavior Change<br>Cape Girardeau, MO |
| 2024-25-CIST Street Repair | \$ 841,610   | City of Cape Girardeau, MO                              |

Date: 10-22-2024

**EXHIBIT**  
**AFFIDAVIT OF WORK AUTHORIZATION**

COMES NOW (Name) Vince Kelley as (Office Held) President  
of (Company Name/Contractor) Nip Kelley Equipment Co., Inc. and first being duly sworn, on  
my oath, affirm as follows:

1. (Company Name/Contractor) Nip Kelley Equipment Co., Inc.  
is enrolled and will continue to participate in a federal work authorization program in respect to  
employees that will work in connection with the contracted services related to (Project Name) Cape Rock  
WTP Hydraulic Bottleneck Improvements for the duration of the contract in accordance with RSMo  
Chapter 285.530(2).

2. I also affirm that (Company Name/Contractor) Nip Kelley Equipment Co., Inc. does  
not and will not knowingly employ a person who is an unauthorized alien in connection with the  
contract services related to (Project Name) Cape Rock WTP Hydraulic Bottleneck Improvements for  
the duration of the contract.

3. Attached hereto is documentation affirming Contractor's enrollment and  
participation in a federal work authorization program with respect to the employees working in  
connection with the contracted services.


FURTHER AFFIANT SAITH NOT.

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 in Section 575.040, RSMo.)

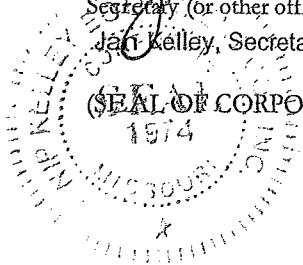
Nip Kelley Equipment Co., Inc.  
(Name of Corporation)

By: , President  
(Name of Officer of Corporation and Title)

ATTEST:

  
Secretary (or other officer)  
Jan Kelley, Secretary

(SEAL OF CORPORATION)





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

On this 22nd day of October, 2024, before me appeared Vince Kelley, to me personally known, who, being by me duly sworn, did say that he/she is the President of Nip Kelley Equipment Co., Inc., 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 in Cape Girardeau, Missouri, the day and year first above written.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
January 10, 2025

LARRY J. HALE  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cape Girardeau County  
My Commission Expires: January 10, 2025  
Commission #21838654

**EXHIBIT**  
**AFFIDAVIT OF OSHA TRAINING**

COMES NOW (Name) Vince Kelley as (Office Held) President  
of (Company Name/Contractor) Nip Kelley Equipment Co., Inc. and first being duly sworn, on  
my oath, affirm in connection with the contracted services related to Cape Rock WTP Hydraulic Bottleneck  
Improvements (Project Name) for the duration of the contract, as follows:

1. Contractor shall provide a ten (10) hour Occupational Safety and Health Administration (OSHA) construction safety program for all employees who will be on-site at the Project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675, RSMo.

2. Contractor shall require its on-site employees to complete a construction safety program within sixty (60) days after the date work on the Project commences, as required by Section 292.675, RSMo.

3. Contractor acknowledges and agrees that any of Contractor's employees found on the Project site without documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the Project.

4. Contractor shall require all of its Subcontractors to comply with the requirements of Section 292.675, RSMo.

5. Contractor acknowledges that pursuant to Section 292.675, RSMo., Contractor shall forfeit to City as a penalty two thousand five hundred dollars (\$2,500.00), plus one hundred dollars (\$100.00) for each employee employed by Contractor or its Subcontractor, for each calendar day, or portion thereof, such employee is employed without the training required in Section 292.675, RSMo.

6. Contractor acknowledges that violations of Section 292.675, RSMo, and imposition of the penalties described therein shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.

7. Contractor acknowledges that in the event that the Missouri Department of Labor and Industrial Relations has determined that a violation of Section 292.675, RSMo., has occurred and that a penalty shall be assessed, the City shall withhold and retain all sums and amounts due and owing when making payments to Contractor under this Contract.

FURTHER AFFIANT SAITH NOT.

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 in Section 575.040, RSMo.)

Nip Kelley Equipment Co., Inc.

(name of corporation)

By:

[Signature], President

(name of officer of corporation and title)

ATTEST:

[Signature]

Secretary (or other officer)

Jan Kelley, Secretary

(SEAL OF CORPORATION)

1914

STATE OF MISSOURI )

) ss.

COUNTY OF CAPE GIRARDEAU )

On this 22nd day of October, 2024 before me appeared Vince Kelley, to me personally known, who, being by me duly sworn, did say that he/she is the President of Nip Kelley Equipment Co., Inc., 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 in Cape Girardeau, Missouri, the day and year first above written.

[Signature]

Notary Public

My Commission Expires:

January 10, 2025

LARRY J. HALE  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cape Girardeau County  
My Commission Expires: January 10, 2025  
Commission #21838654

**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.

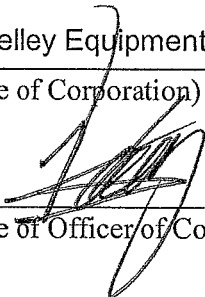
By signing below, the Contractor agrees and certifies that it does not currently, and will not for the duration of this contract, engage in any of the types of boycotts listed above.

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.

Nip Kelley Equipment Co., Inc.

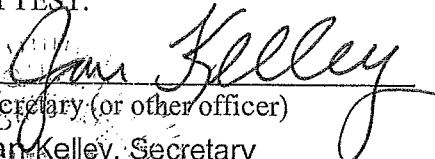
\_\_\_\_\_  
(Name of Corporation)

By:

 , President

\_\_\_\_\_  
(Name of Officer of Corporation and Title)

ATTEST:

  
\_\_\_\_\_  
Secretary (or other officer)

Jan Kelley, Secretary

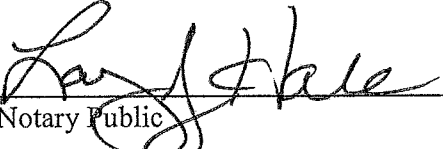
(SEAL OF CORPORATION)



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

On this 22nd day of October, 2024, before me appeared Vince Kelley,  
to me personally known, who, being by me duly sworn, did say that he/she is the President  
of Nip Kelley Equipment Co., Inc., 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.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
January 10, 2025

LARRY J. HALE  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cape Girardeau County  
My Commission Expires: January 10, 2025  
Commission #21838654

# CITY of CAPE GIRARDEAU

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## Certification Regarding Debarment, Suspension and Other Responsibility Matters

The contractor hereby certifies to the best of its knowledge and belief and that it and its principals and its subcontractors and their principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal or State department or agency;
- (b) Have not within a three (3) year period preceding this proposal been convicted of or had a civil judgment rendered against them for 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; violation of Federal or State antitrust statutes or 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 government 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 subcontract 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 contractor or termination of the contract. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$ 10,000 or imprisonment for up to five (5) years or both.**

Vince Kelley, President

\_\_\_\_\_  
Typed Name & Title of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

October 22, 2024

\_\_\_\_\_  
Date

---

I am unable to certify to the above statement. My explanation is attached.

BID BOND

BIDDER (Name and Address):

Nip Kelley Equipment Company, Inc.  
41 North Sprigg Street  
Cape Girardeau, MO 63703

SURETY (Name and Address of Principal Place of Business):

Merchants Bonding Company (Mutual)  
P.O. Box 14498  
Des Moines, IA 50306 Tel: 515-243-8171

OWNER (Name and Address):

City of Cape Girardeau  
City Hall, 401 Independence Street  
Cape Girardeau, MO 63701

BID

BID DUE DATE: October 22, 2024

PROJECT (Brief Description including Location):

Cape Rock Water Treatment Plant Hydraulic Bottleneck  
Improvements, Project #6265

BOND

BOND NUMBER: N/A

DATE (Not later than Bid Due Date): October 22, 2024

PENAL SUM: Five Percent of the Amount Bid (5% of Amt. Bid)

IN WITNESS WHEREOF, Surety and Bidder, intending to be legally bound hereby, subject to the terms printed on the reverse side hereof, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent, or representative.

BIDDER

NIP KELLEY EQUIPMENT COMPANY, INC (Seal)

Bidder's Name and Corporate Seal

By: *[Signature]*  
Signature and Title

Attest: *[Signature]*  
Signature and Title

SURETY

MERCHANTS BONDING COMPANY (MUTUAL) (Seal)

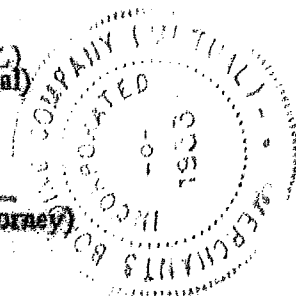
Surety's Name and Corporate Seal

By: *[Signature]*

Signature and Title (Attach Power of Attorney)

Donald L. Wasoba, Attorney-in-Fact

Witness: *[Signature]*  
Signature and Title



NOTE: (1) Above addresses are to be used for giving required notice.  
(2) Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators successors and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond.

2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents and Contract Documents.

3. This obligation shall be null and void if:  
3.1 Owner accepts Bidder's bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents and Contract Documents, or

3.2 All bids are rejected by Owner, or

3.3 Owner fails to issue a notice of award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by paragraph 5 hereof).

4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.

5. Surety waives notice of and any and all defenses based on or arising out of any time extension to issue notice of award agreed to in writing by Owner and Bidder, provided that the time for issuing notice of award including extensions shall not in the aggregate exceed 120 days from Bid Due Date without Surety's written consent.

6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in paragraph 4 above is received by Bidder and Surety, and in no case later than one year after Bid Due Date.

7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.

8. Notice required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.

9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent or representative who executed this Bond on behalf of Surety to execute, seal and deliver such Bond and bind the Surety thereby.

10. This Bond is intended to conform to all applicable statutory requirements. Any Applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of the

Bond conflicts with any applicable provision of any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.

11. The term "bid" as used herein includes a bid, offer or proposal as applicable.



# MERCHANTS BONDING COMPANY™ POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa, d/b/a Merchants National Indemnity Company (in California only) (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

Donald L Wasoba

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and April 27, 2024 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015 and amended on April 27, 2024.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 29th day of July, 2024.



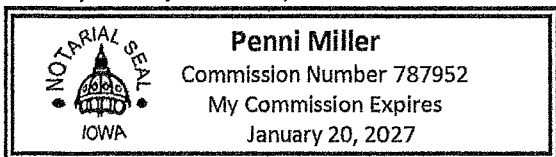
MERCHANTS BONDING COMPANY (MUTUAL)  
MERCHANTS NATIONAL BONDING, INC.  
d/b/a MERCHANTS NATIONAL INDEMNITY COMPANY

By

President

STATE OF IOWA  
COUNTY OF DALLAS ss.

On this 29th day of July, 2024, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.



Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, Elisabeth Sandersfeld, Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 22nd day of October, 2024.



Secretary

# BID OPENING

# SUMMARY OF PROPOSALS RECEIVED FOR:


DATE: OCTOBER 22, 2024

TIME: 10:00 AM

PLACE: ONLINE VIA MERCELL

# HYDRAULIC BOTTLENECK IMPROVEMENTS

COMPUTED BY: KJ

| ITEM NO.  | DESCRIPTION  | ENGINEER'S ESTIMATE   | NIP KELLEY EQUIPMENT CO. INC.<br>41 N. SPRIGG STREET<br>CAPE GIRARDEAU MO 63701 |
|---|--|---|---|
|   |  | LUMP SUM PRICE  | LUMP SUM PRICE  |
| #1  | INFLUENT FILTER PIPING, VALVES, AND SUPPORT MODIFICATIONS  |   | \$285,301.00  |
| #2  | NEW DEHUMIDIFICATION AND CIRCULATION FANS MODIFICATIONS  |   | \$47,472.00   |
| #3  | ELECTRICAL CONTROLS AND START-UP SERVICES  |   | \$313,559.00  |
| #4  | ALL OTHER WORK NOT INCLUDED IN LUMP SUM ITEMS #1 - #3  |   | \$41,693.00   |
|   | <b>TOTAL LUMP SUM PRICE</b>  | <b>\$698,000.00</b>   | <b>\$688,025.00</b>   |
|   | <b>ALTERNATE #1</b>  |   |   |
|   | ADDITION OF 14 NEW FLOW METERS, BUTTERFLY VALVE AND ASSOCIATED PIPING ON THE FILTER EFFLUENT PIPING TO FILTERS #7 TO #20 | <b>\$182,000.00</b>   | <b>\$252,336.00</b>   |
|   | <b>ALTERNATE #2</b>  |   |   |
|   | ADDITION OF 14 NEW BACKWASH VALVES AND ASSOCIATED PIPING ON THE FILTER EFFLUENT PIPING TO FILTERS #7 TO #20              | <b>\$92,000.00</b>  | <b>\$123,965.00</b>   |
|   | <b>TOTAL OF BID INCLUDING ALT #1 &amp; ALT#2</b>   |   | <b>\$1,064,326.00</b>   |
|   |  | AMOUNT OF PROPOSAL GUARANTEE  | 5% OF BID   |
|   |  | SURETY  | MERCHANTS BONDING CO (MUTUAL)   |
| I hereby certify that the above is a true and correct summary of proposals received |  |   |   |
| PROJECT MANAGER   |  |  |   |

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**Staff:** Jake Garrard, PE, City Engineer  
**Agenda:** 11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-181**

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## **SUBJECT**

A Motion to Accept the improvements and Authorize Final Payment to Apex Paving Co., Inc. DBA ASA Asphalt for the 2023 Asphalt Overlay Program in the City of Cape Girardeau, Missouri.

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## **EXECUTIVE SUMMARY**

This project consisted of milling and asphalt overlaying streets including sidewalk reconstruction, curb reconstruction and tree removal where necessary on various streets within the City of Cape Girardeau.

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## **BACKGROUND/DISCUSSION**

The 2023 Asphalt Overlay Program was funded through the Transportation Trust Fund Phase 6 (TTF6).

The Notice to Bid was advertised publicly, and one (1) bid was accepted on August 29, 2023. The sole bid, submitted by Apex Paving Co., Inc., DBA ASA Asphalt, was in the amount of \$459,074.15. The Engineer's Estimate of Cost was \$480,970.50.

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## **FINANCIAL IMPACT**

The cost of this project was funded through TTF6.

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## **SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

The City is responsible for the routine maintenance of existing City streets and public alleys. This requires funding to be allotted for the cost of this maintenance work in the City's annual budget. The five previous TTF programs have provided better street surfaces and paved alleys. This contract will continue to use monies set aside in the TTF6 Program for these upgrades.

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## **STAFF RECOMMENDATION**

Staff recommends Council approve a Resolution authorizing the City Manager to enter into a contract with Apex Paving Co. Inc., DBA ASA Asphalt, for the 2023 Asphalt Overlay.

---

## **ATTACHMENTS:**

| Name:  | Description:            |
|--|-------------------------|
| 📄 <a href="#">Engineer's Final Report_xpdf</a> | Engineer's Final Report |

October 15, 2024

## Engineer's Final Report on the 2023 Asphalt Overlay Program

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

Dear Sir:

I hereby report that the improvements made under the 2023 ASPHALT OVERLAY PROGRAM have been completed. The project consisted of work on the following streets and areas:

The locations of the improvements included the following streets:

- Bessie Street** from West End Blvd to Dead End;
- E. Lake Drive** from N. Lake Dr. to Cul-de-sac;
- Elfrink Street** from Butler Street to the Cul-De-Sac;
- Elm Street** from Ranney Avenue to Sprigg Street;
- Kingsway Drive** from Peach Tree Street to Kingshighway;
- Luce Street** from Sunset Blvd. to Caruthers Avenue;
- Pebble Lane** from S. Lake Drive to Dead End.

The improvements consisted of milling and asphalt overlaying streets including sidewalk reconstruction, curb reconstruction, and tree removal where necessary on various streets within the City of Cape Girardeau. The contractor, APEX Paving Company DBA ASA Asphalt completed the work in accordance with the plans, specifications, contract and ordinances adopted by the City Council as modified by one (1) Change Order. Change Order #1 brought all quantities to "as-constructed" quantities and provided two new items to the contract: Crack reduction fabric needed for basketball court and the addition of two (2) alleys to the project. Change Order added \$153,074.75 to the contract making the total construction cost \$612,148.90

The original contract time stated that all work was to be completed and ready for final payment on or before June 15, 2024. Change order #1 and Final increased the Substantial Completion date by fifteen (15) calendar days and increased the Final Completion date by an additional eighty-three (83) days for a Final Completion date of September 6, 2024. The contractor successfully met this adjusted deadline.

I have computed the cost of these improvements as follows:

| ITEM NO. | DESCRIPTION                        | UNIT | QTY    | CHANGE ORDER +/- | UPDATED QTY | UNIT PRICE | UPDATED CONTRACT PRICE |
|----------|------------------------------------|------|--------|------------------|-------------|------------|------------------------|
| 1        | Butt Joint and Spot Milling        | SY   | 554    | 633.70           | 1,187.70    | \$ 30.49   | \$ 36,212.97           |
| 2        | Street Milling                     | SY   | 6,051  | 1,225.80         | 7,276.80    | \$ 7.02    | \$ 51,083.14           |
| 3        | Type 5 Aggregate                   | TON  | 60     | (32.46)          | 27.54       | \$ 15.29   | \$ 421.09              |
| 4        | Liquid Asphalt (Tack Coat)         | GAL  | 1,160  | (74.00)          | 1,086.00    | \$ 5.38    | \$ 5,842.68            |
| 5        | Asphaltic Concrete (2" or 4" BP-2) | TON  | 1,566  | 647.03           | 2,213.03    | \$ 111.18  | \$ 246,044.68          |
| 6        | Full Depth Repair                  | SY   | 156.50 | 442.54           | 599.04      | \$ 38.20   | \$ 22,883.33           |
| 7        | R&R Concrete Curb and Gutter       | LF   | 1,345  | 343.00           | 1,688.00    | \$ 48.84   | \$ 82,441.92           |
| 8        | R&R Concrete Sidewalk              | SY   | 8,663  | 24.60            | 8,687.60    | \$ 9.62    | \$ 83,574.71           |

|    |                           |      |       |          |          |             |              |
|----|---------------------------|------|-------|----------|----------|-------------|--------------|
| 9  | R&R Concrete Driveway     | SY   | 3,015 | 550.00   | 3,565.00 | \$ 10.16    | \$ 36,220.40 |
| 10 | Adjust Manhole            | EACH | 4     | 3.00     | 7.00     | \$ 1,770.00 | \$ 12,390.00 |
| 11 | Adjust Valve              | EACH | 2     | 4.00     | 6.00     | \$ 295.00   | \$ 1,770.00  |
| 12 | Temporary Traffic Control | LS   | 1     | 0.00     | 1.00     | \$ 9,816.03 | \$ 9,816.03  |
| 13 | Temporary Erosion Control | LS   | 1     | 0.00     | 1.00     | \$ 726.74   | \$ 726.74    |
| 14 | Tree Removal              | EACH | 10    | 1,348.84 | 10.00    | \$ 1,348.84 | \$ 13,488.40 |
| 15 | Pop Up Drain              | EACH | 7     | 2.00     | 9.00     | \$ 156.98   | \$ 1,412.82  |
| 16 | Crack Reduction Fabric    | LF   | 0     | 200.00   | 200.00   | \$ 5.90     | \$ 1,180.00  |
| 17 | Alley Prep                | EACH | 0     | 2.00     | 2.00     | \$ 3,320.00 | \$ 6,640.00  |

**TOTAL CONTRACT AMOUNT** **\$ 612,148.91**

LESS PREVIOUS PAYMENTS \$ 581,561.45

AMOUNT DUE THE CONTRACTOR \$ 30,587.45

CITY ENGINEERING / ADMINISTRATION COSTS \$ 5,025.48

CONSTRUCTION ENGINEERING / INSPECTION COSTS \$ 28,716.19


OTHER COSTS \$ 131.25

**TOTAL CONSTRUCTION CONTRACT COSTS** **\$ 644,021.70**

Resolution No. 3576, passed September 5, 2023 authorized the City Manager to enter into a contract with Apex Paving Company DBA ASA Asphalt for the improvements included in the 2023 Asphalt Overlay Program.

This construction contract consolidated all items for ease in making progress payments to the contractor. However, for the historical records and accounting purposes, it is also necessary to breakdown the costs into the individual streets and parking lots. Please see Attachment # 1 for this breakdown.

Respectfully submitted,



Jake Garrard, P. E.  
 City Engineer

JG/kj

2023 Asphalt Overlay Program  
 Project Reference Code: 1757025-71160-6274 (Existing Streets Paving, TTF 6)  
 Purchase Order No. 240754  
 Engineering Project # 6274

# Attachment #1

|   |                |
|---|----------------|
| <b>Bessie Street</b> from West End Blvd to Dead End             | - \$124,120.40 |
| <b>E. Lake Drive</b> from N. Lake Dr. to Cul-de-sac             | - \$80,226.51  |
| <b>Elfrink Street</b> from Butler Street to the Cul-De-Sac      | - \$21,281.02  |
| <b>Elm Street</b> from Ranney Avenue to Sprigg Street           | - \$14,636.14  |
| <b>Kingsway Drive</b> from Peach Tree Street to Kingshighway    | - \$49,320.39  |
| <b>Luce Street</b> from Sunset Blvd. to Caruthers Avenue        | - \$168,245.48 |
| <b>Pebble Lane</b> from S. Lake Drive to Dead End               | - \$36,046.64  |
| <b>Basketball Court</b> at Capaha Park                          | - \$7,160.97   |
| <b>Rose Garden</b> at Capaha Park                               | - \$6,771.65   |
| <b>Cherry Hill</b> at Capaha Park                               | - \$56,787.25  |
| <b>Alley</b> between Luce and Themis from Sunset to Caruthers   | - \$13,315.68  |
| <b>Alley</b> between Luce and Themis from West End to Louisiana | - \$20,904.11  |
| <b>Bellevue Street &amp; Pacific Street</b> Intersection        | - \$1,972.65   |
| <b>Timon Way</b> manhole adjustments                            | - \$3,540.00   |

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**Staff:** Jake Garrard, PE, City Engineer  
**Agenda:** 11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-182**

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**SUBJECT**

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Motion to accept the Bellevue Street Extension.

**BACKGROUND/DISCUSSION**

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Public improvements constructed for the Bellevue Street extension are as follows:

**STREET**

- Concrete Pavement - 9620 SY
- Stop Signs with Street Signs - 1 EA

These improvements were inspected by City Staff and were completed generally in accordance with the approved plans.

**FINANCIAL IMPACT**

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The street pavement was installed by private contract. Once accepted into the City system, the City will pay for routine maintenance and, if necessary, any repairs.

**STAFF RECOMMENDATION**

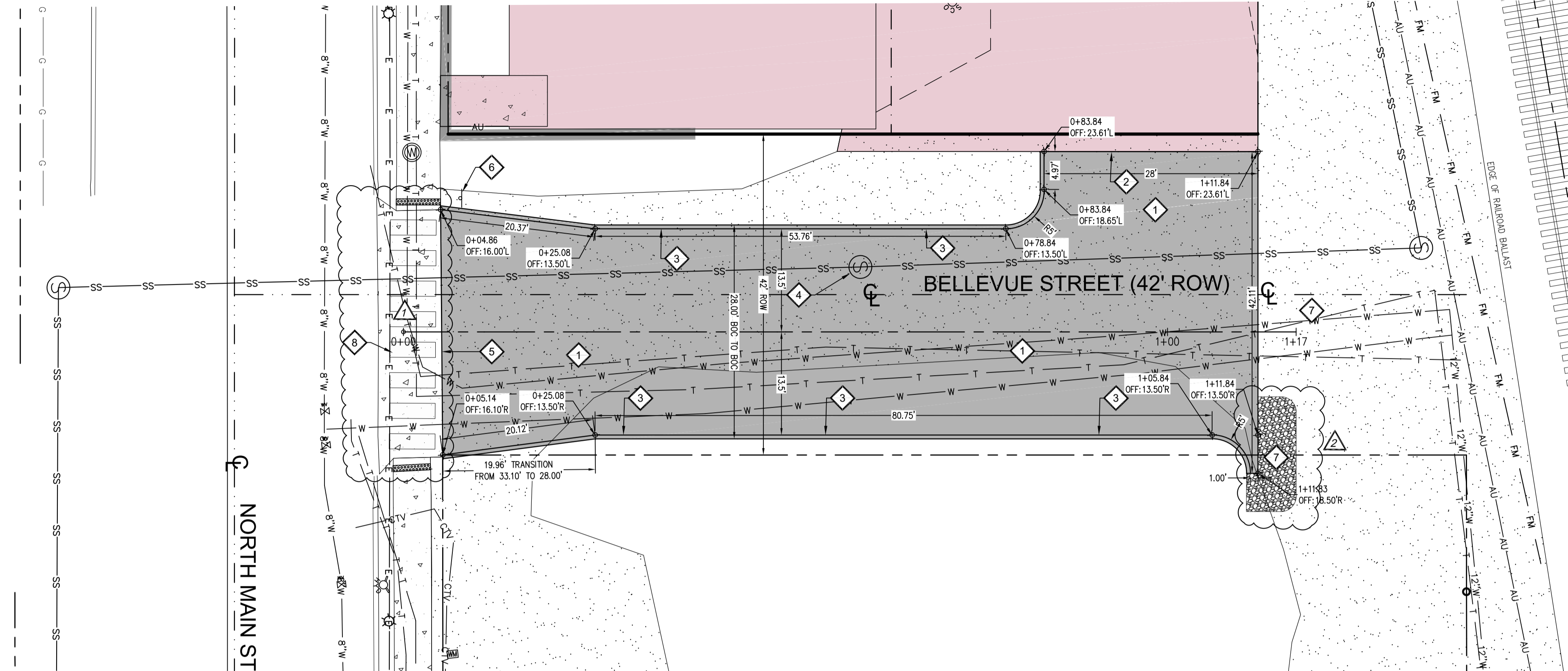
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Staff recommends the Council accept, by motion, the Bellevue Street extension into the City System.

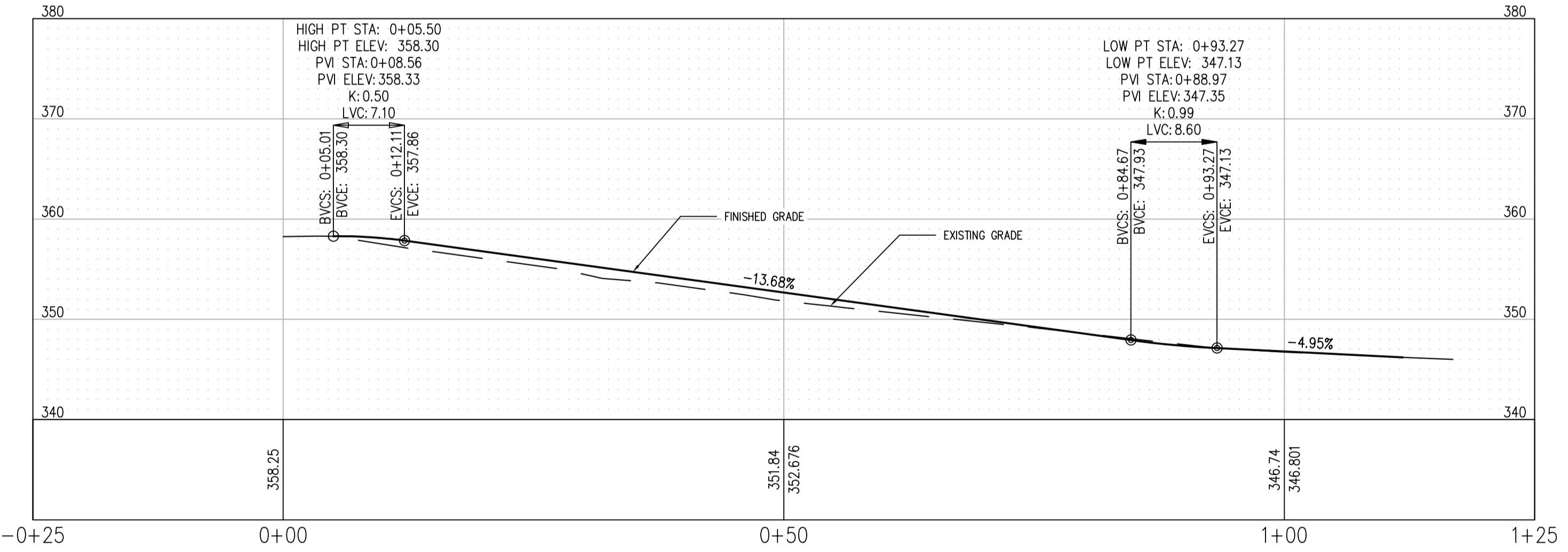
**ATTACHMENTS:**

| Name:                           | Description:  |
|---------------------------------|---------------|
| <a href="#">C2.1.pdf_V4.pdf</a> | As-Built Plan |

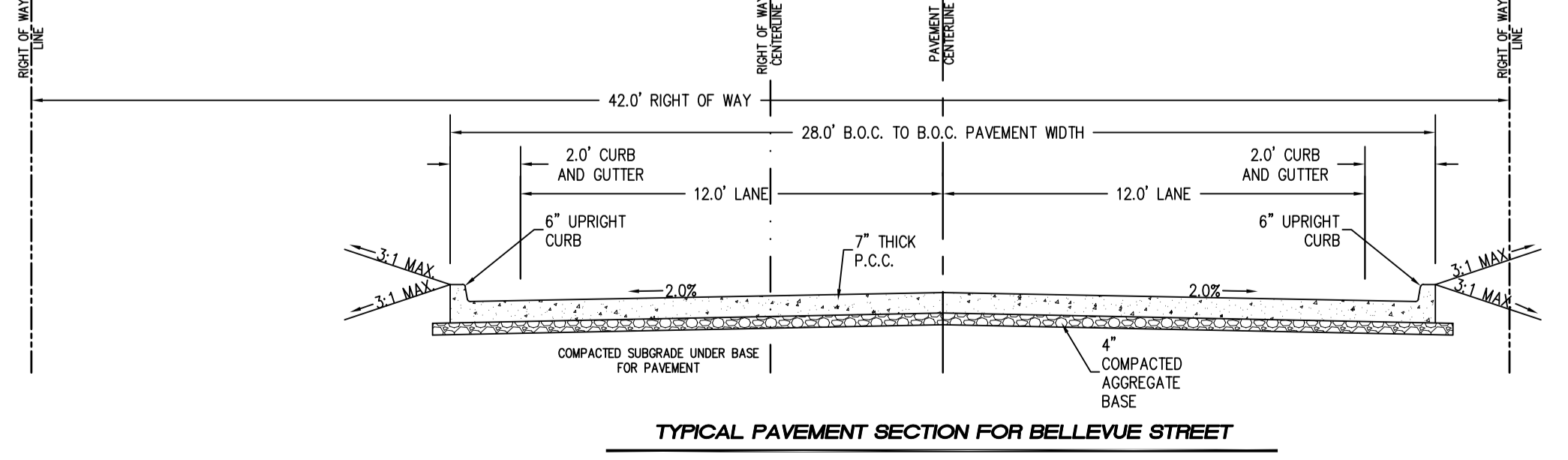




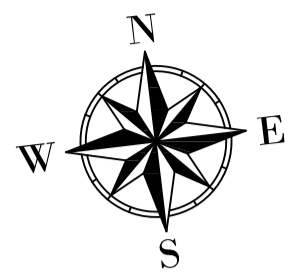
BELLEVUE STREET PLAN VIEW



BELLEVUE STREET CENTERLINE PROFILE VIEW

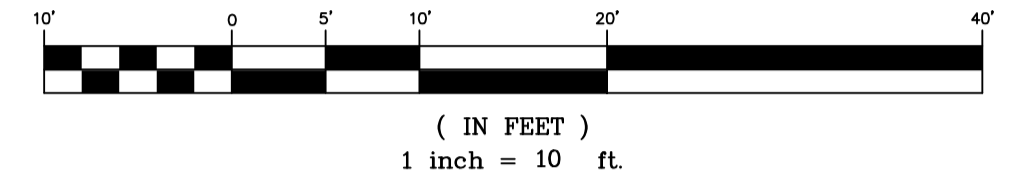


TYPICAL PAVEMENT SECTION FOR BELLEVUE STREET



NORTH ORIENTATION IN ACCORDANCE WITH THE MISSOURI STATE PLANE COORDINATE SYSTEM EASTERN ZONE, GRID NORTH, DERIVED FROM THE MODOT VIRTUAL REFERENCE SYSTEM (VRS)

GRAPHIC SCALE



KEYED NOTES

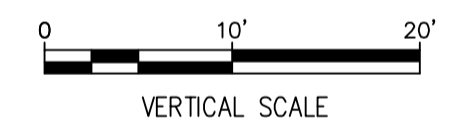
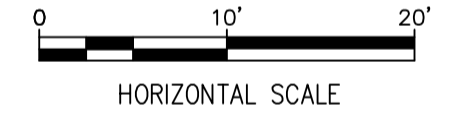
- 1 7" CONCRETE PAVEMENT. REFER TO SHEET C3.1 FOR STANDARD SECTION AND CITY OF CAPE GIRARDEAU DETAILS.
- 2 CONNECT INTO RIVER'S EDGE PAVEMENT ONCE COMPLETED. REFER TO SHEET C4.1 FOR STANDARD CITY OF CAPE GIRARDEAU DETAILS.
- 3 INTEGRAL CURB. REFER TO SHEET C4.1 FOR STANDARD CITY OF CAPE GIRARDEAU DETAILS.
- 4 ADJUST MANHOLE RIM TO PROPOSED GRADE. 351.16 FT.
- 5 TIE TO EXISTING CONCRETE PAVEMENT. INSTALL EXPANSION JOINT WHERE NEW CONCRETE MEETS EXISTING PAVEMENT.
- 6 PROPOSED STOP AND STREET SIGN.
- 7 PROPOSED GRAVEL MAT. GRAVEL SHOULD HAVE A SIZE OF 3.0". GRAVEL MAT SHALL BE CONSTRUCTED TO ALLOW THROUGH TRAFFIC.
- 8 PROPOSED CROSSWALK.

GENERAL NOTES

1. ALL MATERIALS SHALL COMPLY WITH CITY OF CAPE GIRARDEAU STANDARD SPECIFICATIONS AND STANDARD DRAWINGS.
2. ALL DIMENSIONS INDICATED HEREON ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
3. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO CITY FOR REVIEW AND APPROVAL OF JOINTING LAYOUT PRIOR TO CONSTRUCTION.
4. IN THE EVENT OF A CONFLICT DURING INSTALLATION OF STREET SIGNS, CONTRACTOR SHALL COORDINATE NEW LOCATION FOR SIGN WITH THE CITY AND ENGINEER.
5. ALL STREET SIGNS SHALL BE A HIGH INTENSITY PRISMATIC REFLECTIVE MATERIAL.
6. ALL STREET NAME SIGNS SHALL BE 9" TALL IN HEIGHT TO MATCH THE EXISTING SIGNAGE PLAN WITHIN THE CITY.
7. FIELD VERIFY DEPTH OF EXISTING UTILITIES UNDER PROPOSED PAVEMENT. NOTIFY ENGINEER IF PROPOSED PAVEMENT WILL INTERFERE WITH EXISTING UTILITIES.
8. DURING CONSTRUCTION, ADJACENT PROPERTIES SHALL BE ABLE TO STILL BE ACCESSED.
9. THE CITY OF CAPE GIRARDEAU HAS WAIVED THE NEED FOR SIDEWALK ADJACENT TO THE PROPOSED STREET EXTENSION.

SUMMARY OF QUANTITIES

| ITEM # | DESCRIPTION                         | UNIT | QUANTITY |
|--------|-------------------------------------|------|----------|
| 1      | MOBILIZATION AND GENERAL CONDITIONS | LS   | 1        |
| 2      | 7" PCC PAVEMENT WITH INTEGRAL CURB  | SY   | 369      |
| 3      | 4" TYPE 5 AGGREGATE BASE            | SY   | 380      |
| 4      | SURFACE RESTORATION AND SEEDING     | AC   | 0.03     |

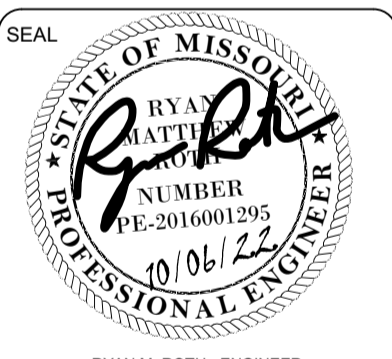


**KOEHLER**  
ENGINEERING AND  
LAND SURVEYING, INC.

MO, LS COA, LS 000262, MO ENGINEERING COA, 2003019834  
Civil Engineering and Surveying Services  
194 Coker Lane - Cape Girardeau, Missouri 63701  
Phone: 573.335.3026 - www.koehlerengineering.com

BELLEVUE STREET IMPROVEMENTS  
NEW STREET PAVEMENT FOR BELLEVUE STREET EAST OF  
NORTH MAIN STREET

C/O: AMY FERRIS, P.E. - CITY ENGINEER  
CITY OF CAPE GIRARDEAU, MISSOURI 573-339-6327  
44 N. LORIMIER STREET, CAPE GIRARDEAU, MO 63701



RYAN M. ROTH - ENGINEER  
PE-2016001295  
THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT THE PERMISSION OF KOEHLER ENGINEERING. NOT VALID FOR PROFESSIONAL PURPOSES UNLESS SIGNED AND SEALED.

| REV | DATE     | DESCRIPTION             |
|-----|----------|-------------------------|
| 1   | 11-01-22 | ADDRESSED CITY COMMENTS |
| 2   | 11-22-22 | ADDRESSED CITY COMMENTS |

|  |               |
|--|---------------|
| BELLEVUE STREET PLAN AND PROFILE VIEW AND TYPICAL PAVING SECTION |               |
| KELS PJCT NO. 38152  | OWNR PJCT NO. |
| DESIGNED BY AR   | SHEET NO.     |
| DRAWN BY AR  |               |
| CHECKED BY RR  | <b>C2.1</b>   |
| DATE 10/06/2022  |               |

CoGg DIGITAL STAMP

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**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-164**

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## **SUBJECT**

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An Ordinance granting a special use permit to KEENMAC, LLC for the purposes of constructing, maintaining, and operating a restaurant drive-through at 716 and 718 Broadway, in the City of Cape Girardeau, Missouri.

## **EXECUTIVE SUMMARY**

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The attached ordinance grants a special use permit for a restaurant drive-through at 716 and 718 Broadway. A public hearing on the special use permit request was held on October 7, 2024.

A map is attached which denotes signage, private drives into each property, public parking, and one-way and two-way areas. The legend is as follows:

1. Do not enter signs – red circle with yellow trim
2. Do not block the drive – white squares with orange trim
3. On-street parking – blue lines along street
4. One-way and two-way – Yellow arrows in the alley – one way to the end of the parking lot and two-way from the parking lot to Bellevue
5. Car stacking for 9 cars and 15 more cars – Yellow line on Sprigg Street
6. Private entrance and exit into the alley and residence from the streets - blue lines.
7. Parcels and owners – red lines

### **Property acquisition for widening alley.**

1. Joe Uzoaru advised, he and Lee were willing to donate the land to widen the alley
2. Mr. Finch was not willing to sell or donate his land to widen the alley

### **Dollar General**

1. Owner advised Mr. Todt he was unwilling to provide a permanent public access easement to the city.

## **BACKGROUND/DISCUSSION**

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A special use permit application has been submitted for the property at 716 and 718 Broadway, zoned CBD (Central Business District) and DCC (Downtown Commercial Corridor Overlay District). The property contains a two-story building with commercial space on the ground floor and residential space on the upper floor. It abuts a public alley to the west. The applicant is requesting a special use permit for the purposes of constructing, maintaining, and operating a restaurant drive-through on the alley side of the building. The CBD regulations require all permitted uses to be conducted entirely indoors, with some exceptions. A special use permit is required for any use that is not conducted entirely indoors and does not fall under one of the exceptions but would otherwise be a permitted use in the CBD.

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

Section 30-65 - CBD, Central Business District

Section 30-104 - Special Use Permits

The attached ordinance grants a special use permit for the restaurant drive-through. A public hearing on the special use permit request was held on October 7, 2024.

## **SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

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See the attached staff report for analysis.

## **STAFF RECOMMENDATION**

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Per the staff report, if the request is approved, the City will install “Do Not Enter” signs on both sides of the alley, facing Broadway. A License and Indemnity Agreement is required for any items placed within or extending into the alley, such as awnings, canopies, signs, menu boards, etc.

## **BOARD OR COMMISSION RECOMMENDATION**

---

The Planning and Zoning Commission held a public hearing at its September 11, 2024 meeting and recommended approval of the special use permit request with 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 September 21, 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:

|  |                                     |
|--|-------------------------------------|
| <a href="#">24-101_SUP_KEENMAC-Ronis_Mac_Bar_Drive_Through_716_718_Broadway.docx</a> | Ordinance                           |
| <a href="#">Alleyway.pdf</a>   | Map of area                         |
| <a href="#">Staff_Review-Referral-Action_Form_-_716_718_Broadway.pdf</a>             | 716 & 718 Broadway - Staff RRA Form |
| <a href="#">Staff_Report_P_Z_SUP_716_718_Broadway_(Restaurant_Drive-Through).pdf</a> | 716 & 718 Broadway - Staff Report   |
| <a href="#">Map_-_716_718_Broadway_SUP_-_Zoning.pdf</a>                              | 716 & 718 Broadway - Zoning Map     |
| <a href="#">Map_-_716_718_Broadway_SUP_-_FLU.pdf</a>                                 | 716 & 718 Broadway - FLU Map        |
| <a href="#">Application_-_716_718_Broadway_SUP.pdf</a>                               | 716 & 718 Broadway - Application    |
| <a href="#">Sec. 30-65. - CBD_Central_Business_District.pdf</a>                      | CBD District Regulations            |
| <a href="#">Sec. 30-104. - Special_Use_Permits.pdf</a>                               | Special Use Permit Regulations      |

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO KEENMAC, LLC FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, AND OPERATING A RESTAURANT DRIVE-THROUGH AT 716 AND 718 BROADWAY, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

---

WHEREAS, Semo Cardinal Group LLC is the owner of certain property on which KEENMAC, LLC desires to construct, maintain, and operate a restaurant drive-through for an indefinite period of time, said property being located at 716 and 718 Broadway, in the City of Cape Girardeau, Missouri; and

WHEREAS, said property is presently zoned CBD, Central Business District and DCC, Downtown Commercial Corridor District; and

WHEREAS, a Special Use Permit is required for a restaurant drive-through in the CBD, Central Business District.

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

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

ARTICLE 2. A Special Use Permit for the purposes of constructing, maintaining, and operating a restaurant drive-through in the City of Cape Girardeau, Missouri, located on the following-described property:

716 and 718 Broadway

All of Lot Numbered Two (2) of Thompson Subdivision as recorded in Plat Book 24 at Page 71 in the land records of the County Recorder's Office, in the City and County of Cape Girardeau, State of Missouri.

is hereby granted to KEENMAC, LLC, to be effective ten (10) days after the date of passage and approval of this ordinance. The special use shall comply with all regulations set forth in the

Zoning Code for the district in which the use is located except those which have been specifically excepted under this permit, and all other applicable ordinances of the City of Cape Girardeau, Missouri, and any special conditions contained in the Special Use Permit, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. The City Manager is hereby authorized to execute the Special Use Permit for and on behalf of the City of Cape Girardeau, Missouri.

ARTICLE 3. Attached hereto as Exhibit B is the formal Findings and Conclusions of the City Council.

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

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk



## **SPECIAL USE PERMIT**

KEENMAC, LLC is hereby granted a Special Use Permit for the purposes of constructing, maintaining, and operating a restaurant drive-through at 716 and 718 Broadway, in the City of Cape Girardeau, Missouri, on the following-described property for an indefinite period of time:

All of Lot Numbered Two (2) of Thompson Subdivision as recorded in Plat Book 24 at Page 71 in the land records of the County Recorder's Office, in the City and County of Cape Girardeau, State of Missouri.

This Special Use Permit is granted upon the condition that the grantee be bound by all City ordinances pertaining to the Special Use Permit and that the grantee be bound by the following special conditions that are imposed as a condition of issuance of this Special Use Permit. Upon the failure of the grantee to comply with these special conditions, the Special Use Permit shall automatically terminate and the City shall have the right to enter upon the land to abate such special use.

### **SPECIAL CONDITIONS:**

1. The special use authorized by this permit shall comply with all applicable laws and regulations.
2. Major modifications to said special use (including, but not limited to, the site plan) shall require the approval of the City Council.
3. This permit shall automatically expire twelve (12) months from the date of issuance if the building permit for said special use has not been issued. If the building permit is issued within this time frame and later expires due to lack of progress, then this permit shall automatically expire upon the expiration of the building permit.
4. This permit is not transferable without the approval of the City Council.

NOW, THEREFORE, the City Manager of the City of Cape Girardeau, Missouri, affixes his signature this \_\_\_\_\_ day of \_\_\_\_\_, 2024.





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

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the Cape Girardeau City Council considered the application for a Special Use Permit dated August 22, 2024 filed by Todt Roofing & Construction for the property located at 716 and 718 Broadway, Cape Girardeau, Missouri, for the purposes of constructing, maintaining, and operating a restaurant drive-through for an indefinite period of time.

In examining said application, the following factors were considered and findings were made, as follows:

City Council Findings:

The proposed Special Use, with the stated conditions, would:

|  | Yes   | No           | N/A   |
|--|-------|--------------|-------|
| 1. Substantially increase traffic hazards or congestion  | _____ | <u>  X  </u> | _____ |
| 2. Substantially increase fire hazards   | _____ | <u>  X  </u> | _____ |
| 3. Adversely affect the character of the neighborhood or, in respect to special use permits for dwelling purposes where required, be adversely affected by the character of the neighborhood | _____ | <u>  X  </u> | _____ |
| 4. Adversely affect the general welfare of the community   | _____ | <u>  X  </u> | _____ |
| 5. Overtax public utilities  | _____ | <u>  X  </u> | _____ |

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

Following consideration of the application, the requirements of Section 30-104 and other relevant provisions of the City Code, and the testimony, exhibits and file contents, the City Council duly deliberated the facts pertaining to the proposed Special Use and issued the following conclusion:

THE APPLICATION IS:

- \_\_\_\_\_ Approved
- \_\_\_\_\_ Denied
- X   Approved subject to the conditions stated in the attached Special Use Permit

CITY OF CAPE GIRARDEAU, MISSOURI

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk



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

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the Cape Girardeau City Council considered the application for a Special Use Permit dated August 22, 2024 filed by Todt Roofing & Construction for the property located at 716 and 718 Broadway, Cape Girardeau, Missouri, for the purposes of constructing, maintaining, and operating a restaurant drive-through for an indefinite period of time.

In examining said application, the following factors were considered and findings were made, as follows:

**City Council Findings:**

The proposed Special Use, with the stated conditions, would:

|   | Yes   | No    | N/A   |
|---|-------|-------|-------|
| 1. Substantially increase traffic hazards or congestion   | _____ | _____ | _____ |
| 2. Substantially increase fire hazards  | _____ | _____ | _____ |
| 3. Adversely affect the character of the neighborhood<br>or, in respect to special use permits for dwelling<br>purposes where required, be adversely affected by<br>the character of the neighborhood | _____ | _____ | _____ |
| 4. Adversely affect the general welfare of the community  | _____ | _____ | _____ |
| 5. Overtax public utilities   | _____ | _____ | _____ |

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

Following consideration of the application, the requirements of Section 30-104 and other relevant provisions of the City Code, and the testimony, exhibits and file contents, the City Council duly deliberated the facts pertaining to the proposed Special Use and issued the following conclusion:

**THE APPLICATION IS:**

- \_\_\_\_\_ Approved
- X   Denied
- \_\_\_\_\_ Approved subject to the conditions stated in the attached Special Use Permit

CITY OF CAPE GIRARDEAU, MISSOURI

\_\_\_\_\_  
 Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
 Gayle Conrad, City Clerk



Alleyway

On Street Parking - Both sides

BELLEVUE

Do Not Block Driveway

Athena Properties  
Joe Uzoaru

Daniel & Sally Finch

Do Not Block Driveway

300 Feet  
15 more cars

Shiloh LLC

Two Way

Daniel & Sally Finch

Shiloh LLC

Athena Properties  
Joe Uzoaru

475 Feet

Remedy Capital LLC

Dollar General

Jana & Randy  
Thompson

SPRIGG

One Way

Macaroni  
Grill

Jana & Randy  
Thompson

180 Feet  
9 cars

Remedy  
Capital LLC

Do Not Enter

BROADWAY

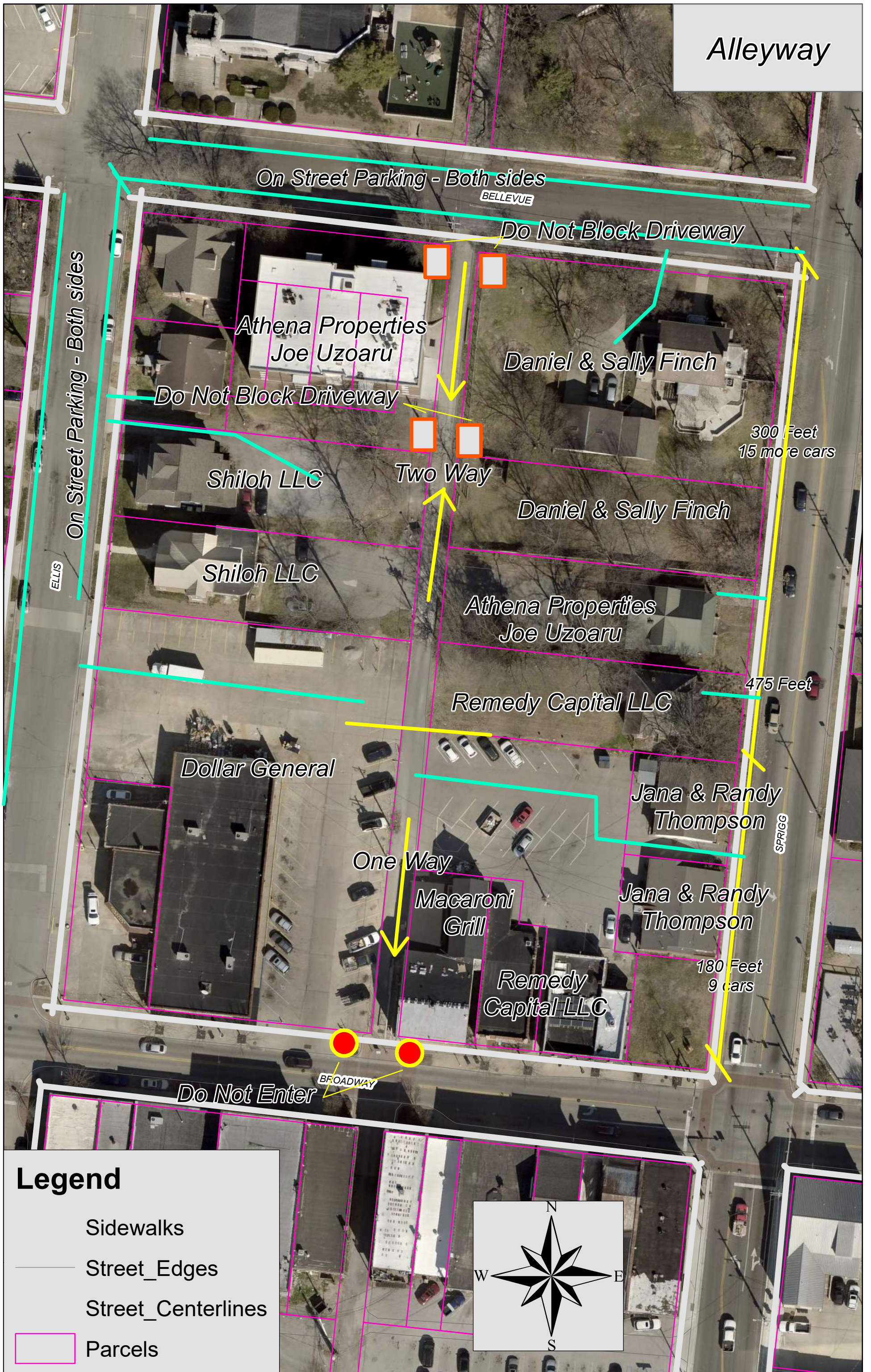
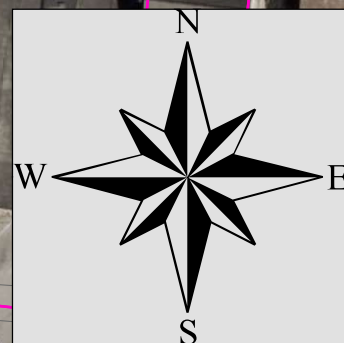
### Legend

Sidewalks

Street\_Edges

Street\_Centerlines

Parcels



**CITY OF CAPE GIRARDEAU, MISSOURI**  
 City Staff Review, Referral and Action on Special Use Permit Application

FILE NO. 1474

LOCATION: 716 & 718 Broadway

**STAFF REVIEW & COMMENTS:**

Todt Roofing & Construction is requesting a SUP to construct, maintain, and operate a restaurant drive-through on the alley side of the building in the CBD (Central Business District) zoning district at 716 & 718 Broadway. SEE STAFF REPORT FOR FURTHER INFORMATION.

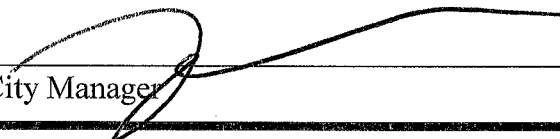
  
 \_\_\_\_\_  
 City Planner

8/29/24  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 City Attorney

8/29/24  
 \_\_\_\_\_  
 Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

  
 \_\_\_\_\_  
 City Manager

9/3/24  
 \_\_\_\_\_  
 Date

**Planning & Zoning Commission**

Public Hearing Posting Date: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

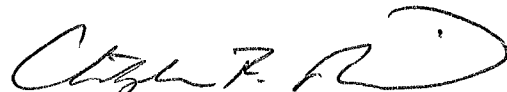
**RECOMMENDED ACTION:**

|               | 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 type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Nick Martin            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Robbie Guard  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sommer McCauley-Perdue | <input 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:**

**CITIZENS COMMENTING AT MEETING:**

  
 \_\_\_\_\_  
 Chris Martin  
 Planning & Zoning Commission Secretary

**City Council Action**

Public Hearing Posting Date: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

VOTE COUNT: \_\_\_\_\_ Favor \_\_\_\_\_ Oppose \_\_\_\_\_ Abstain

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

## STAFF REPORT

**TO:** Planning and Zoning Commission

**FROM:** Ryan Shrimplin, City Planner

**MEETING DATE:** September 11, 2024

**SUBJECT:** Special Use Permit Request for Property at 716 & 718 Broadway

---

A special use permit application has been submitted for the property at 716 and 718 Broadway, zoned CBD (Central Business District) and DCC (Downtown Commercial Corridor Overlay District). The property contains a two-story building with commercial space on the ground floor and residential space on the upper floor. It abuts a public alley to the west. The applicant is requesting a special use permit for the purposes of constructing, maintaining, and operating a restaurant drive-through on the alley side of the building. The CBD regulations require all permitted uses to be conducted entirely indoors, with some exceptions. A special use permit is required for any use that is not conducted entirely indoors and does not fall under one of the exceptions but would otherwise be a permitted use in the CBD.

The Zoning Code (Chapter 30 of the City's Code of Ordinances) authorizes the City Council to grant special use permits in accordance with Section 30-104. In order for a special use permit to be granted, the Planning and Zoning Commission and the City Council must consider and make findings of fact with regard to certain criteria. Staff has reviewed the application according to the criteria and made the following findings:

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

**Finding:** The alley is 16 feet wide. It was not designed to allow modern vehicles to pass each other. The drive-through traffic will preclude any other traffic from using the south half of the alley in this block.

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

**Finding:** There are no inherent fire hazards with a restaurant drive-through. The restaurant itself will be compliant with the Fire Code.

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



Finding: The property is located in the Central Business District (CBD), which contains a mix of commercial and residential uses. In general, a restaurant drive-through could potentially have an adverse effect on the character of any neighborhood containing residential uses, which is why it is listed as a special use in the CBD. In this case, the main effect on the character of the neighborhood will be the drive-through traffic in the alley.

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

Finding: As stated previously, the drive-through traffic will preclude any other traffic from using the south half of the alley in this block. Traffic will not be able to enter the alley from Broadway.

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

Finding: The drive-through will not require any public utilities other than those needed for the restaurant. There is sufficient capacity to serve the restaurant.

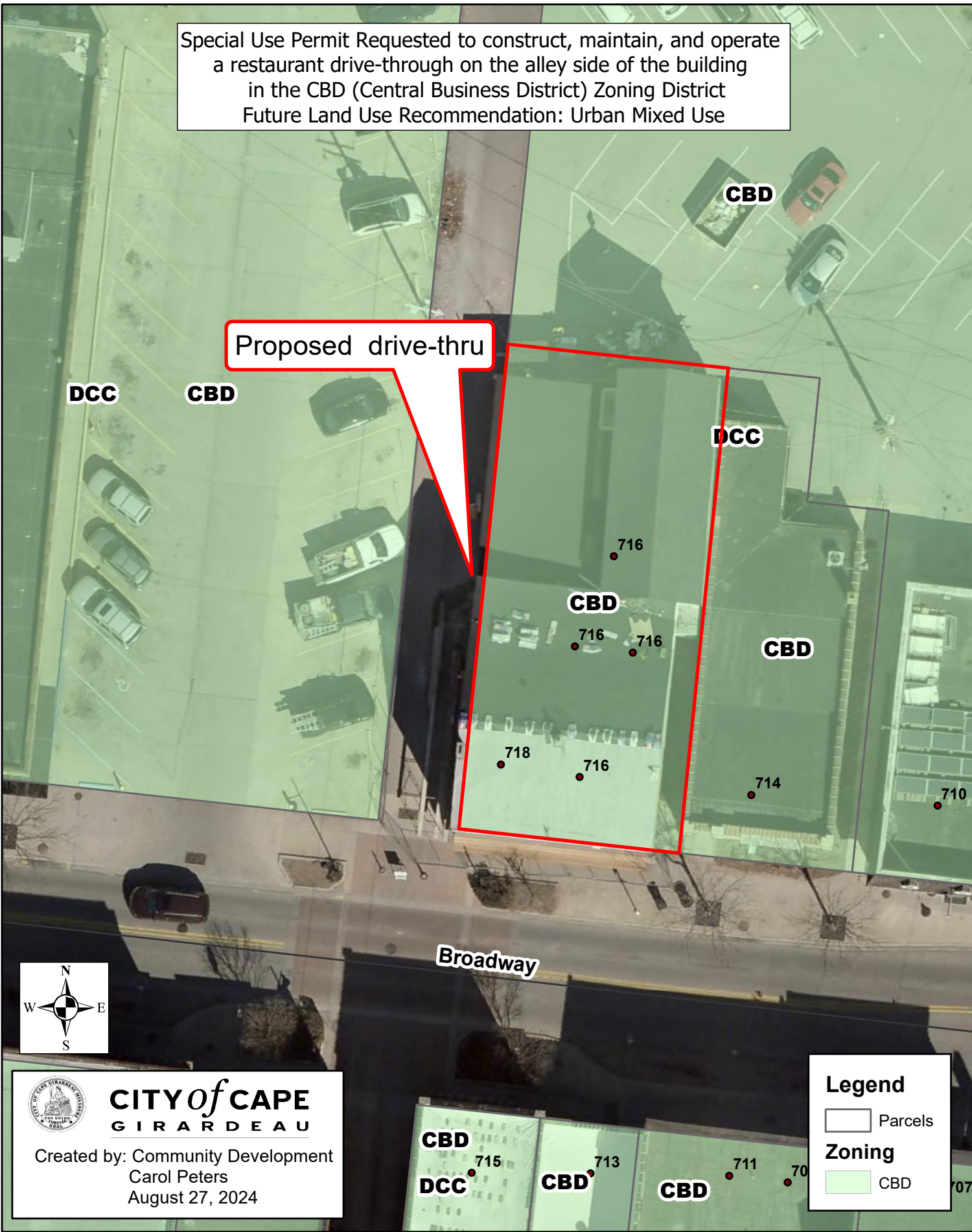
Based on the above findings, staff has no recommendation with regard to the request. If the request is approved, the City will install "Do Not Enter" signs on both sides of the alley, facing Broadway. A License and Indemnity Agreement is required for any items placed within or extending into the alley, such as awnings, canopies, signs, menu boards, etc.



# 716 & 718 Broadway Special Use Permit Request

Special Use Permit Requested to construct, maintain, and operate a restaurant drive-through on the alley side of the building in the CBD (Central Business District) Zoning District  
Future Land Use Recommendation: Urban Mixed Use

Proposed drive-thru



**CITY of CAPE**  
GIRARDEAU

Created by: Community Development  
Carol Peters  
August 27, 2024

### Legend

Parcels

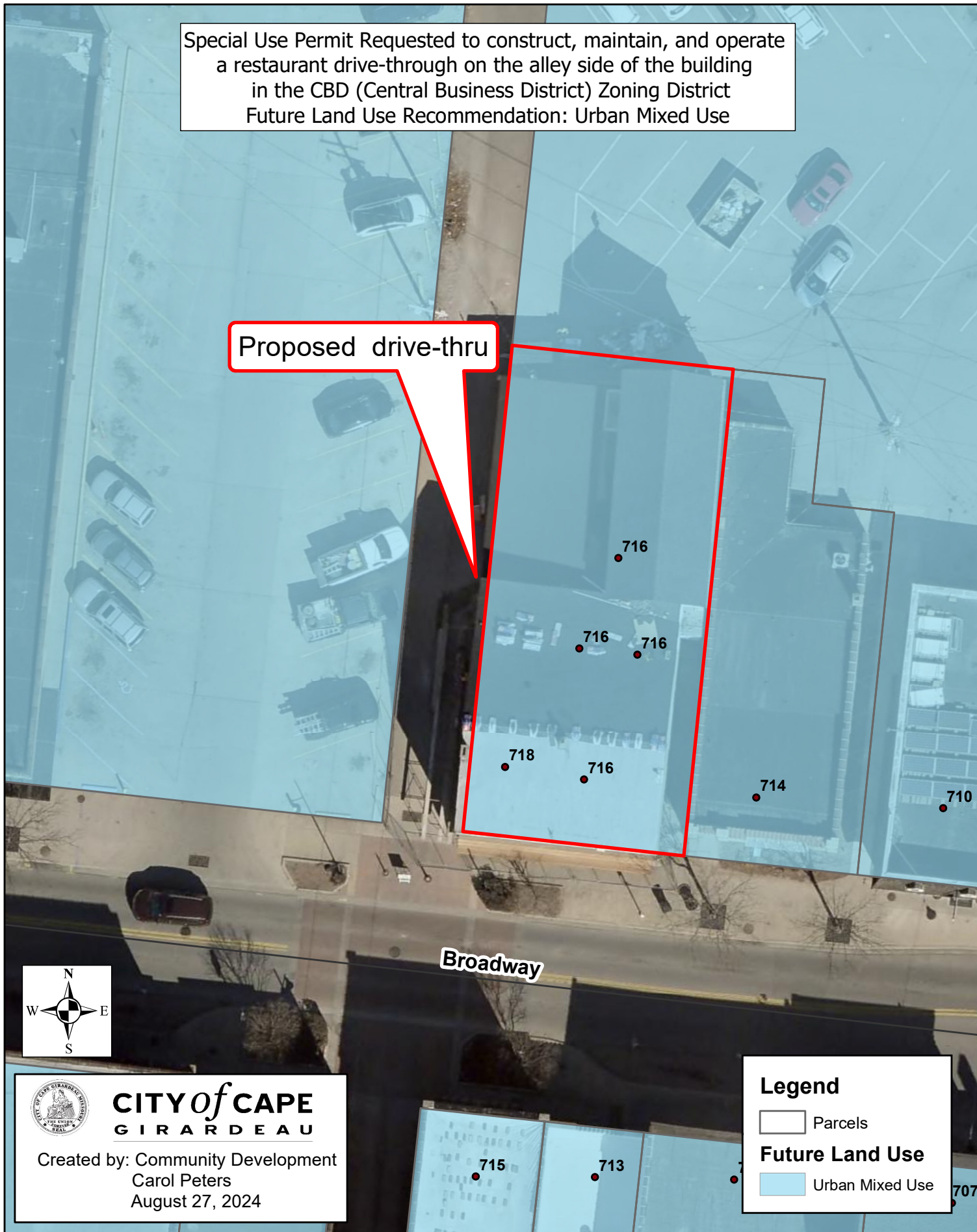
### Zoning

CBD

# 716 & 718 Broadway Special Use Permit Request

Special Use Permit Requested to construct, maintain, and operate a restaurant drive-through on the alley side of the building in the CBD (Central Business District) Zoning District  
Future Land Use Recommendation: Urban Mixed Use

Proposed drive-thru



**CITY of CAPE**  
GIRARDEAU

Created by: Community Development  
Carol Peters  
August 27, 2024

**Legend**

- Parcels
- Future Land Use**
  - Urban Mixed Use





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

716/718 Broadway

|   |  |  |  |
|---|--|--|--|
| Applicant<br>Todt Roofing & Construction  |  | Property Owner of Record <input type="checkbox"/> Same as Applicant<br>Semo Cardinal Group LLC |  |
| Mailing Address<br>2905 Valley Creek Rd   | City, State, Zip<br>Cape Girardeau, MO 63701 | Mailing Address<br>1439 Minnesota Ave  | City, State, Zip<br>Cape Girardeau, MO 63701 |
| Telephone<br>573-275-3168   | Email<br>projectmgmt@todtroofing.com         | Telephone<br>573-803-1802  | Email<br>office@semocardinalgroup.com        |
| Contact Person<br>Brandon Beninati  |  | <i>(Attach additional owners information, if necessary)</i>                                    |  |
| Type of Request<br><input type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Special Use Permit <input type="checkbox"/> Both |  | Proposed Special Use (Special Use Permit requests only)<br>Alley access for drive thru         |  |
| Existing Zoning District<br>CBD, Central Business District <input type="checkbox"/>   |  | Proposed Zoning District (Rezoning requests only)<br>Choose a Zoning District                  |  |

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

To utilize the alley on the west side of the buidling for drive-thru to the restaraunt

\* SEE ATTACHED PLANS \*

Describe the proposed use of the property.

Commercial space of building will be a restaraunt with drive-thru and occupant seating

\* SEE ATTACHED PLANS \*

Application continues on next page

|   |          |                                  |   |
|---|----------|----------------------------------|---|
| OFFICE USE ONLY                             |          |                                  |   |
| Date Received & By                          | 08/23/24 | File #                           | 1474  |
| MUNIS Application #                         | 15650    | MUNIS Permit #                   |   |
| Application Fee Received \$                 | 148-     | <input type="checkbox"/> Check # | <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Cash |
| 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.*  
Should not have a "substallal" effect
- 2) *The proposed special use will not substantially increase fire hazards.*  
Will not substantially increase fire hazards
- 3) *The proposed special use will not adversely affect the character of the neighborhood.*  
Will not affect the character of of the nieghborhood in a negative manner
- 4) *The proposed special use will not adversely affect the general welfare of the community.*  
Will not adversely affect the general welfare of the community
- 5) *The proposed special use will not overtax public utilities.*  
Will not overtax public utilities

**ADDITIONAL ITEMS  
REQUIRED**

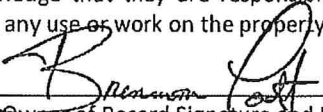
See Instructions for more information.

- In addition to this completed application form, the following items must be submitted:
- Base Application fee - \$148.00 payable to City of Cape Girardeau
  - Planned Development rezoning only - Additional \$88 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 \$2.85 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

8/22/24  
 \_\_\_\_\_  
 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.

*Brandon Beninati*  
 \_\_\_\_\_  
 Applicant Signature and Printed Name

8/22/24  
 \_\_\_\_\_  
 Date





**ARCHITECTURAL SITE PLAN**

NOTE: THIS DRAWING IS NOT A CONTRACT

AS1.1

PROJECT NO. 23-45

DATE: 08.06.2024

PROJECT NAME: Roni's Mac Bar

OWNER: Roni's Mac Bar

ARCHITECT: Phillip B. Smith Architect LLC

SCALE: AS SHOWN

DATE: 08.06.2024

PROJECT NO. 23-45

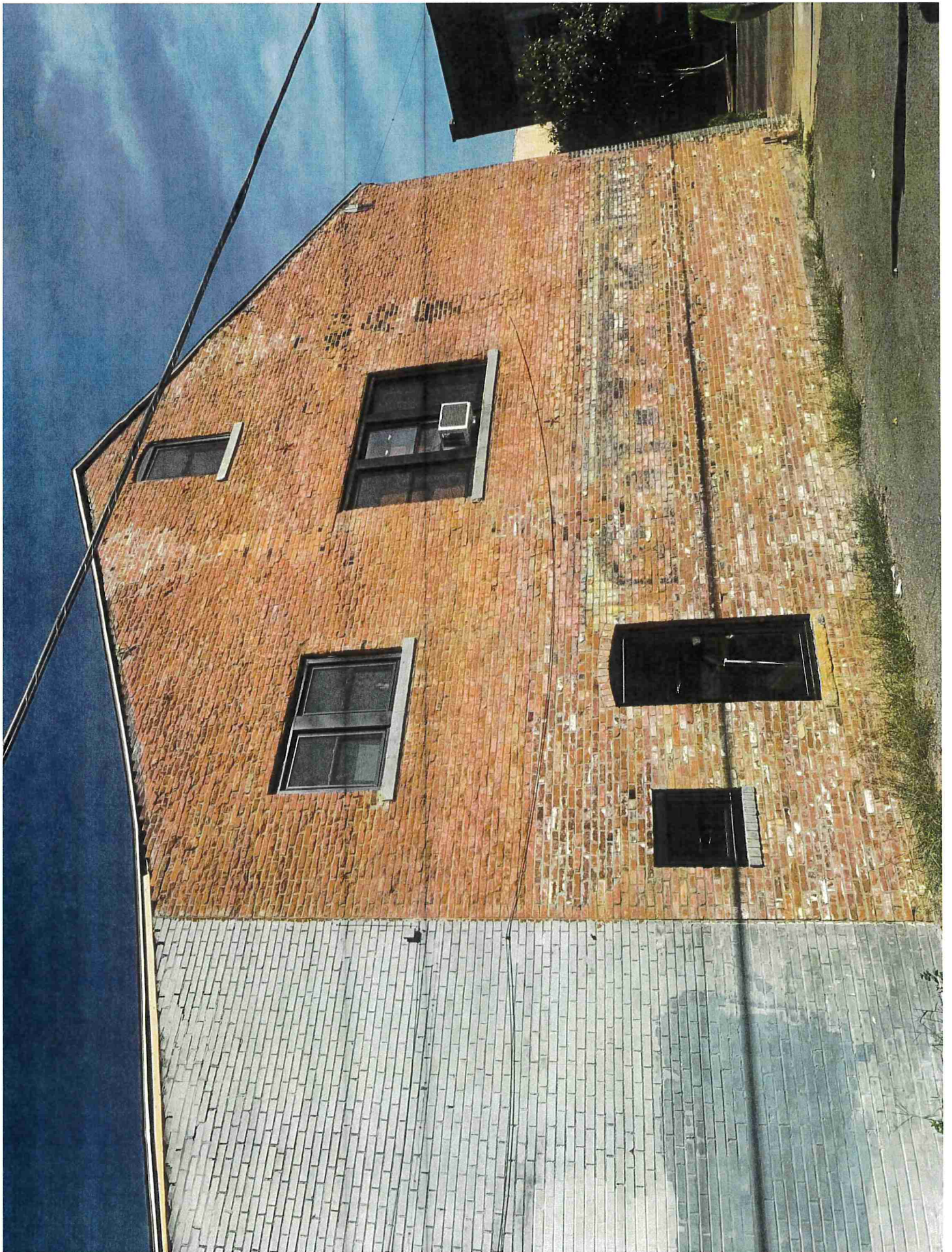
| MARK | DATE       | DESCRIPTION |
|------|------------|-------------|
|      | 08.06.2024 | CONGT. DOC. |

Interior Renovation  
**Roni's Mac Bar**  
 718 Broadway Street  
 Cape Girardeau, Missouri

08.06.2024



**Phillip B. Smith**  
**ARCHITECT LLC**  
 423 Thomas Street Cape Girardeau, Missouri 63701  
 Phone: 573.651.9601 Phillip@PhillipBSmithArchitect.com





Bellevue St

N Ellis St

N Sprigg St

Broadway

211060001015001000

211060001012000000

211060001003000000

211060001011000000

211060001004000000

211060001005000000

A

B

211060001006000000

211060001009000000

C

211060001006050000

G

F

D

E

060014019000000

211060014005000000

2110700190

211060014013000000

**A**

**Parcel Number:** 21-106-00-01-008.00-0000  
**Deed Holder:** VICTORY C4 LLC  
**Property Address:** 724 BROADWAY  
CAPE GIRARDEAU, MO 63701-0000  
**Mailing Address:** 2443 FILMORE STREET #380-8164  
SAN FRANCISCO, CA 94115-0000 USA

**B**

**Parcel Number:** 21-106-00-01-006.00-0000  
**Deed Holder:** REMEDY CAPITAL LLC  
**Property Address:** 710 BROADWAY  
CAPE GIRARDEAU, MO 63701-0000  
**Mailing Address:** 710 BROADWAY  
CAPE GIRARDEAU, MO 63701-0000 USA

**C**

**Parcel Number:** 21-106-00-01-006.04-0000  
**Deed Holder:** REMEDY CAPITAL LLC  
**Property Address:** 714 BROADWAY ST  
CPE GIRARDEAU, MO 63701-5514  
**Mailing Address:** 710 BROADWAY  
CAPE GIRARDEAU, MO 63701-0000 USA

**D**

**Parcel Number:** 21-106-00-14-004.00-0000  
**Deed Holder:** LAKEWOOD INVESTMENTS LLC  
**Property Address:** 709 BROADWAY ST  
CPE GIRARDEAU, MO 63701-5513  
**Mailing Address:** 13350 LAKEWOOD DR  
STE GENEVIEVE, MO 63670-8623 USA

**E**

**Parcel Number:** 21-106-00-14-005.00-0000  
**Deed Holder:** SPROUSE MICHAEL W & DEBRA L TRUST  
**Property Address:** 713 BROADWAY  
CAPE, MO  
**Mailing Address:** 3208 KAGE HILLS RD  
CAPE GIRARDEAU, MO 63701-0000 USA

**F**

**Parcel Number:** 21-106-00-14-006.00-0000  
**Deed Holder:** ARPAD LLC  
**Property Address:** 715 BROADWAY ST  
CPE GIRARDEAU, MO 63701-5513  
**Mailing Address:** 912 KARAU LN  
CPE GIRARDEAU, MO 63701-4409 USA

**G**

**Parcel Number:** 21-106-00-14-015.00-0000  
**Deed Holder:** YOUNG BRYAN B & RHONDA ET UX  
**Property Address:** 721 BROADWAY  
CAPE GIRARDEAU, MO 63701-0000  
**Mailing Address:** 790 HYDE PARK  
JACKSON, MO 63755-8693 USA

Sec. 30-65. - CBD, Central Business District.

(a) *Purpose.* The CBD is the city's urban mixed-use district. It encompasses the downtown area and contains a wide range of uses and lot sizes. It also has the largest concentration of historic buildings. In order to preserve the unique character of the CBD, uses involving outdoor activities are limited to those that do not detract from the pedestrian-oriented nature and visual appeal of the district. New buildings, as well as exterior alterations and additions to existing buildings, are required to meet certain design standards to ensure compatibility. To accommodate existing lots and provide for flexibility in the design of new development and redevelopment projects, there are no minimum lot standards or setbacks.

(b) *Permitted principal uses.*

- (1) Art galleries or museums.
- (2) Auditoriums or theaters.
- (3) Banks or other financial institutions.
- (4) Banquet facilities.
- (5) Bed and breakfasts.
- (6) Commercial day cares.
- (7) Commercial recreation facilities.
- (8) Funeral homes or mortuaries.
- (9) Governmental facilities.
- (10) Health or fitness centers.
- (11) Hospitals.
- (12) Hotels or motels.
- (13) Institutions of higher education, including universities and business, career, or technology schools.
- (14) Instructional schools for art, dance, music, martial arts, or other disciplines.
- (15) Libraries.
- (16) Medical marijuana dispensary facilities, as permitted in [section 30-118](#).
- (17) Meeting halls.
- (18) Microbreweries or microdistilleries.
- (19) Nursing homes.
- (20) Offices.
- (21) Parks, playgrounds, or recreation facilities.
- (22) Personal service establishments.
- (23) Police or fire stations.
- (24) Residential treatment facilities.
- (25) Residential uses, excluding manufactured homes.
- (26) Restaurants or bars.
- (27) Retail or rental establishments.
- (28) Small-scale light manufacturing and industrial facilities primarily utilizing artisans or digital machinery.
- (29) Transitional housing.
- (30) Veterinary clinics or animal hospitals, excluding livestock and kennels.



(c) *Permitted accessory uses.*

- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-106.
- (2) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.
- (3) Solar energy systems, as permitted in section 30-113.

(d) *Special uses.*

- (1) Any use not meeting the requirements of subsection (e)(1) of this section which would otherwise be a permitted use in this section.
- (2) Excursion gambling boats or floating gambling facilities.
- (3) Helicopter facilities, in conjunction with a hospital.
- (4) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.
- (5) Marinas or docks.
- (6) Public utilities, except for buildings or accessory structures that are normal and customary in a zoning district which would allow other buildings or structures of the same nature as a use-by-right.
- (7) Telecommunication towers, as permitted in section 30-107.
- (8) The allowance of additional height up to a total of 60 feet, not to exceed five stories.
- (9) Vehicle fueling, service or repair facilities, excluding body or paint shops.
- (10) Wind energy conversion systems, as permitted in section 30-113.

(e) *Standards.*

- (1) All permitted uses shall be conducted entirely indoors except the following:
  - a. Drive-through or automatic teller machine (ATM) facilities associated with a bank or other financial institution.
  - b. Eating or drinking facilities.
  - c. Live musical performances or the playing of recorded music, provided that such activities do not violate other provisions of the city Code.
  - d. Mobile food or beverage service facilities, provided that such activities do not violate other provisions of the city Code.
  - e. Parking or loading facilities.
  - f. Parks or playgrounds.
  - g. Permitted accessory uses that are customarily conducted outdoors, in conjunction with a dwelling.
  - h. Public art.
  - i. Public recreation facilities.
  - j. Shipping containers, as permitted in subsection (c)(2) of this section.
  - k. Solar energy systems, as permitted in subsection (c)(3) of this section.
  - l. Temporary uses, as permitted in section 30-109.
  - m. Walk-up windows for food or beverage service, provided that such activities do not violate other provisions of the city Code.
  - n. Waste containers, subject to screening provisions as required elsewhere in the city Code.
- (2) Design standards for new buildings. New buildings shall be compatible with the general architectural character of the surrounding buildings in terms of setback, orientation, height, scale, massing, materials, and colors. New buildings shall not:

- a. Disrupt an existing pattern of setbacks along a street;
  - b. Disrupt an existing pattern of buildings being oriented toward a street; or
  - c. Result in disproportionate height, scale, or massing relative to the surrounding buildings.
- (3) Design standards for exterior alterations and additions to existing buildings.
- a. Exterior alterations and additions to existing buildings shall be compatible with the architectural character of the building being altered or added to in terms of setback, orientation, height, scale, massing, materials, and colors. Exterior alterations and additions shall not:
    1. Remove, materially alter, or obscure significant character-defining features such as parapets, cornices, belt courses, corbels, quoins, and patterned brickwork;
    2. Remove, materially alter, or obscure non-storefront wall openings in a manner that disrupts an existing wall opening pattern on a public-facing building elevation;
    3. Reduce or expand non-storefront wall openings to fit replacement windows or doors, except for minor shimming; or
    4. Replace double-sash windows or divided light windows with windows consisting of a single, undivided light.
  - b. Exterior alterations and additions to existing buildings shall be compatible with the general architectural character of the surrounding buildings in terms of setback, orientation, height, scale, massing, materials, and colors. Exterior alterations and additions shall not:
    1. Disrupt an existing pattern of setbacks along a street;
    2. Disrupt an existing pattern of buildings being oriented toward a street; or
    3. Result in disproportionate height, scale, or massing relative to the surrounding buildings.
- (4) CBD design standards approval.
- a. Except as provided for in subsection (e)(5) of this section, CBD design standards approval shall be required for any new building or any exterior alteration or addition to an existing building, excluding signs and ordinary maintenance and repair.
  - b. Application for CBD design standards approval shall be submitted to the city manager using a form provided by the city and contain all necessary information as determined by the city manager. Such application shall be processed administratively in accordance with procedures established by the city manager.
- (5) Certificate of appropriateness.
- a. A certificate of appropriateness shall be required for any of the following:
    1. Demolition in whole or in part of any building, excluding any building demolished by the city pursuant to chapter 7, article XIII of this code;
    2. Painting of an unpainted surface on the exterior of any building, excluding new construction;
    3. Painting of an exterior wall and the roof, trim, or architectural details attached thereto or contained therein, in the same color, unless such condition already exists; or
    4. Addition or alteration of a mural on the exterior of any building. For the purposes of this section, the term "mural" means any sign or piece of graphic artwork that is painted or applied directly to a wall, roof, or other portion of a building.
  - b. Application for a certificate of appropriateness shall be submitted to the city manager using a form provided by the city and contain all necessary information as determined by the city manager. Such application shall be processed in accordance with the criteria and procedures set forth in section 30-74(j) through (r).

(f) *Height, area, width, density, setback, and open space requirements.*

(1) Maximum height: 40 feet, not to exceed three stories.

(2) Minimum lot area: None.

(3) Minimum lot width: None.

(4) Maximum density: None.

(5) Minimum setbacks:

a. Front yard: None.

b. Rear yard: None.

c. Side yard: None.

(6) Minimum open space: None.

(Ord. No. 5694, art. 1, 11-6-2023)

**Editor's note—** Ord. No. 5694, art. 1, adopted Nov. 6, 2023, repealed the former § 30-65 and enacted a new section as set out herein. The former § 30-65 pertained to similar subject matter and derived from Ord. No. 5607, art. 1, adopted Dec. 19, 2022; and Ord. No. 5615, art. 2, adopted Feb. 6, 2023.

Sec. 30-104. - Special use permits.

- (a) *Purpose.* Subject to the provisions of this section, the city council may, by ordinance on its own motion or on application, grant a special use permit for any special use specifically identified in the zoning district in which the special use is proposed. The city council may impose appropriate conditions and safeguards for the issuance of the special use permit, such as a limitation of the duration of the special use, a limitation of the parties who may carry out such use, and limitations upon or requirements for the size or design of buildings and other improvements on the property. In cases where a special use permit application is submitted for a property in the H district, the historic preservation commission shall make a recommendation to the city council in lieu of approving or denying a certificate of appropriateness for any work covered by the special use permit.
- (b) *Application for special use permit.* Application for a special use permit shall be submitted to the city manager using a form provided by the city and contain all necessary information as determined by the city manager. The special use permit fee shall be per the city's fee schedule. Such application shall be processed in the same manner as provided in section 30-32 relating to application for a zoning district change.
- (1) In reviewing an application for a special use permit, the city council shall determine whether or not the proposed special use will:
- a. Substantially increase traffic hazards or congestion;
  - b. Substantially increase fire hazards;
  - c. Adversely affect the character of the neighborhood;
  - d. Adversely affect the general welfare of the community; and
  - e. Overtax public utilities.
- (2) If the council's finding is negative as to all of the criteria in subsection (b)(1) of this section, the application may be granted; if affirmative as to any of the aforementioned criteria, then such special use permit shall be denied.
- (3) Any use for which a special use permit is granted shall otherwise comply with all of the regulations set forth in this chapter for the zoning district in which such use is located.

(Code 1990, § 30-401; Ord. No. 5012, art. 7, 10-2-2017)

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**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-183**

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## **SUBJECT**

An Ordinance granting a special use permit to Derek and Karla Cornelius for purposes of constructing, maintaining, and operating a billboard at 3849 Business Park Place, in the City and County of Cape Girardeau, Missouri.

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## **EXECUTIVE SUMMARY**

The attached ordinance grants a special use permit for a billboard at 3849 Business Park Place. A public hearing on the special use permit request was held on November 4, 2024.

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## **BACKGROUND/DISCUSSION**

A special use permit application has been submitted for the property at 3849 Business Park Place, zoned M-1 (Light Manufacturing/Industrial). The property contains a manufacturing facility. The application requests approval of a proposed V-shaped LED billboard in the northwest corner of the property near Interstate 55. Section 25-109 of the Development Code (Chapter 25 of the City's Code of Ordinances) contains requirements specific to billboards. Refer to the application for more information about the proposed billboard and the applicant's responses to the requirements.

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

Section 30-68 - M-1, Light Manufacturing/Industrial District

Section 30-104 - Special Use Permits

Section 25-109 - Billboards

The attached ordinance grants a special use permit for the proposed use. A public hearing on the special use permit request was held on November 4, 2024.

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## **SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

See the attached staff report for analysis.

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## **STAFF RECOMMENDATION**

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

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## **BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission held a public hearing at its October 10, 2024 meeting and recommended

approval of the special use permit request, subject to the staff-recommended conditions, with a vote of 7 in favor, 0 in opposition, and 0 abstaining.

## **PUBLIC OUTREACH**

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The City Council's public hearing was advertised in the Southeast Missourian on October 19, 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:                              |
|---|---|
| <a href="#">24-113_SUP_3849_Business_Park_Place.doc</a>                       | Ordinance                                 |
| <a href="#">Staff_Review-Referral-Action_Form.pdf</a>                         | 3849 Business Park Place - Staff RRA Form |
| <a href="#">Agenda_Packet_-_3849_Business_Park_Place_SUP.pdf</a>              | 3849 Business Park Place - Agenda Packet  |
| <a href="#">Sec._30-68._- M-1_Light_Manufacturing_Industrial_District.pdf</a> | M-1 District Regulations                  |
| <a href="#">Sec._30-104._- Special_Use_Permits.pdf</a>                        | Special Use Permit Regulations            |
| <a href="#">Sec._25-109._- Billboards.pdf</a>                                 | Billboard Regulations                     |

BILL NO. 24-113

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO DEREK AND KARLA CORNELIUS FOR PURPOSES OF CONSTRUCTING, MAINTAINING, AND OPERATING A BILLBOARD AT 3849 BUSINESS PARK PLACE, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

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WHEREAS, Derek and Karla Cornelius are the owners of certain property on which they desire to construct, maintain, and operate a billboard at 3849 Business Park Place in the City and County of Cape Girardeau, Missouri; and

WHEREAS, the proposed location of said billboard is 3849 Business Park Place, Cape Girardeau, Missouri, which property is presently zoned M-1, Light Manufacturing/Industrial District; and

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

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

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

ARTICLE 2. A Special Use Permit for the purposes of constructing, maintaining, and operating a billboard at 3849 Business Park Place, in the City and County of Cape Girardeau, Missouri, located on the following described property:

Legal Description - 3849 Business Park Place

All of Lot Two (2) of Greater Cape Girardeau Business Park - Phase II, a subdivision in the City and County of Cape Girardeau, State of Missouri, as shown by plat recorded in Document Number 2016-01887 in the land records of Cape Girardeau County, Missouri.

is hereby granted to Derek and Karla Cornelius, to be effective ten (10) days after the date of passage and approval of this ordinance. The special use shall comply with all regulations set forth in the Zoning Code for the district in which the use is located except those which have been specifically excepted under this permit, and

all other applicable ordinances of the City of Cape Girardeau, Missouri, and any special conditions contained in the Special Use Permit, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. The City Manager is hereby given the power to execute the Special Use Permit for and on behalf of the City of Cape Girardeau, Missouri.

ARTICLE 3. Attached hereto as Exhibit B is the formal Findings and Conclusions of the City Council.

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

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk





## **SPECIAL USE PERMIT**

Derek and Karla Cornelius are hereby granted a Special Use Permit for the purposes of constructing, maintaining, and operating a billboard at 3849 Business Park Place in the City and County of Cape Girardeau, Missouri, on the following described property for an indefinite period of time:

### **Legal Description - 3849 Business Park Place**

All of Lot Two (2) of Greater Cape Girardeau Business Park - Phase II, a subdivision in the City and County of Cape Girardeau, State of Missouri, as shown by plat recorded in Document Number 2016-01887 in the land records of Cape Girardeau County, Missouri.

This Special Use Permit is granted upon the condition that the grantees be bound by all City ordinances which pertain to the Special Use Permit and that the grantees be bound by the following special conditions which are imposed as a condition of issuance of this Special Use Permit. Upon the failure of the grantees to comply with these special conditions, the Special Use Permit will automatically terminate and the City shall have the right to enter upon the land to abate such special use.

### **SPECIAL CONDITIONS:**

1. The special use authorized by this permit shall comply with all applicable laws and regulations.
2. Major modifications to said special use (including, but not limited to, the site plan) shall require the approval of the City Council.
3. This permit shall automatically expire 12 months from the date of issuance if the building permit for said special use has not been issued. If the building permit is issued within this time frame and later expires due to lack of progress, then this permit shall automatically expire upon the expiration of the building permit.
4. This permit is not transferable without the approval of the City Council.

IN WITNESS WHEREOF, the City Manager of the City of Cape Girardeau, Missouri, affixes his signature this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Dr. Kenneth Haskin, City Manager

ATTEST:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me appeared Dr. Kenneth Haskin, to me personally known, who, being by me duly sworn, did say that he is the City Manager of the City of Cape Girardeau, Missouri, a Municipal Corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the seal of said City and that said instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

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

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

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

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Cape Girardeau City Council considered the application for a Special Use Permit received September 13, 2024 filed by Derek and Karla Cornelius, for the property located at 3849 Business Park Place, Cape Girardeau, Missouri, for the purposes of constructing, maintaining, and operating a billboard.

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

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

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

Following consideration of the application, the requirements of Section 30-104 and other relevant provisions of the City Code, testimony, exhibits and file contents, the City Council duly deliberated the facts pertaining to the proposal and issued the following conclusion:

**THE APPLICATION IS:**

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

CITY OF CAPE GIRARDEAU, MISSOURI

ATTEST:

\_\_\_\_\_  
Stacy Kinder, Mayor

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk

**(IF DENIED)**



**CITY OF CAPE GIRARDEAU, MISSOURI  
CITY COUNCIL  
FINDINGS AND CONCLUSIONS**

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Cape Girardeau City Council considered the application for a Special Use Permit received September 13, 2024 filed by Derek and Karla Cornelius, for the property located at 3849 Business Park Place, Cape Girardeau, Missouri, for the purposes of constructing, maintaining, and operating a billboard.

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

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

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

Following consideration of the application, the requirements of Section 30-104 and other relevant provisions of the City Code, testimony, exhibits and file contents, the City Council duly deliberated the facts pertaining to the proposal and issued the following conclusion:

**THE APPLICATION IS:**

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

CITY OF CAPE GIRARDEAU, MISSOURI

ATTEST:

\_\_\_\_\_  
Stacy Kinder, Mayor

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



**CITY OF CAPE GIRARDEAU, MISSOURI**

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

FILE NO. 1475

LOCATION: 3849 Business Park Place

**STAFF REVIEW & COMMENTS:**

Derek & Karla Cornelius are requesting a Special Use Permit to place a billboard on property in the M-1 (Light Manufacturing/Industrial) zoning district at 3849 Business Park Place. SEE STAFF REPORT FOR FURTHER INFORMATION.

[Signature]  
City Planner

9/24/24  
Date

[Signature]  
City Attorney

9/26/24  
Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

[Signature]  
City Manager

9/27/24  
Date

**Planning & Zoning Commission**

Public Hearing Posting Date: \_\_\_\_\_ Public Hearing 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 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 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:**

**CITIZENS COMMENTING AT MEETING:**

[Signature]  
Chris Martin  
Planning & Zoning Commission Secretary

**City Council Action**

Public Hearing Posting Date: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

VOTE COUNT: \_\_\_\_\_ Favor \_\_\_\_\_ Oppose \_\_\_\_\_ Abstain

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

## *Planning & Zoning Commission*

**APPLICATION FOR:** Special Use Permit

**ADDRESS OF PROPERTY:** 3849 Business Park Place

**APPLICANT:** Derek & Karla Cornelius

**PROPERTY OWNER:** Derek & Karla Cornelius

**REPRESENTATIVE:** Kevin J. O'Shea

**REQUESTED SPECIAL USE:** Billboard in the M-1 Zoning District

## STAFF REPORT

**TO:** Planning and Zoning Commission

**FROM:** Ryan Shrimplin, City Planner *RS*

**MEETING DATE:** October 10, 2024

**SUBJECT:** Special Use Permit Request for Property at 3849 Business Park Place

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A special use permit application has been submitted for the property at 3849 Business Park Place, zoned M-1 (Light Manufacturing/Industrial). The property contains a manufacturing facility. The application requests approval of a proposed V-shaped LED billboard in the northwest corner of the property near Interstate 55. Section 25-109 of the Development Code (Chapter 25 of the City's Code of Ordinances) contains requirements specific to billboards. Refer to the application for more information about the proposed billboard and the applicant's responses to the requirements.

The Zoning Code (Chapter 30 of the City's Code of Ordinances) authorizes the City Council to grant special use permits in accordance with Section 30-104. In order for a special use permit to be granted, the Planning and Zoning Commission and the City Council must consider and make findings of fact with regard to certain criteria. Staff has reviewed the application according to the criteria and made the following findings:

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

**Finding:** There are numerous billboards and other signs along Interstate 55, which have not been found to create traffic hazards. The requirements in Section 25-109 ensure that new billboards do not contain features that could impair or confuse drivers. The proposed billboard does not contain any such features.

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

**Finding:** The proposed billboard will be constructed in compliance with the City's construction codes; therefore, it will not increase fire hazards.

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



Finding: The subject property is located in a business park and is adjacent to an interstate, making it an appropriate location for a billboard. There are no residential neighborhoods near the site.

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

Finding: The proposed billboard meets the requirements of Section 25-109 and Section 30-104, and staff is not aware of any potential adverse effects on the community.

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

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

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

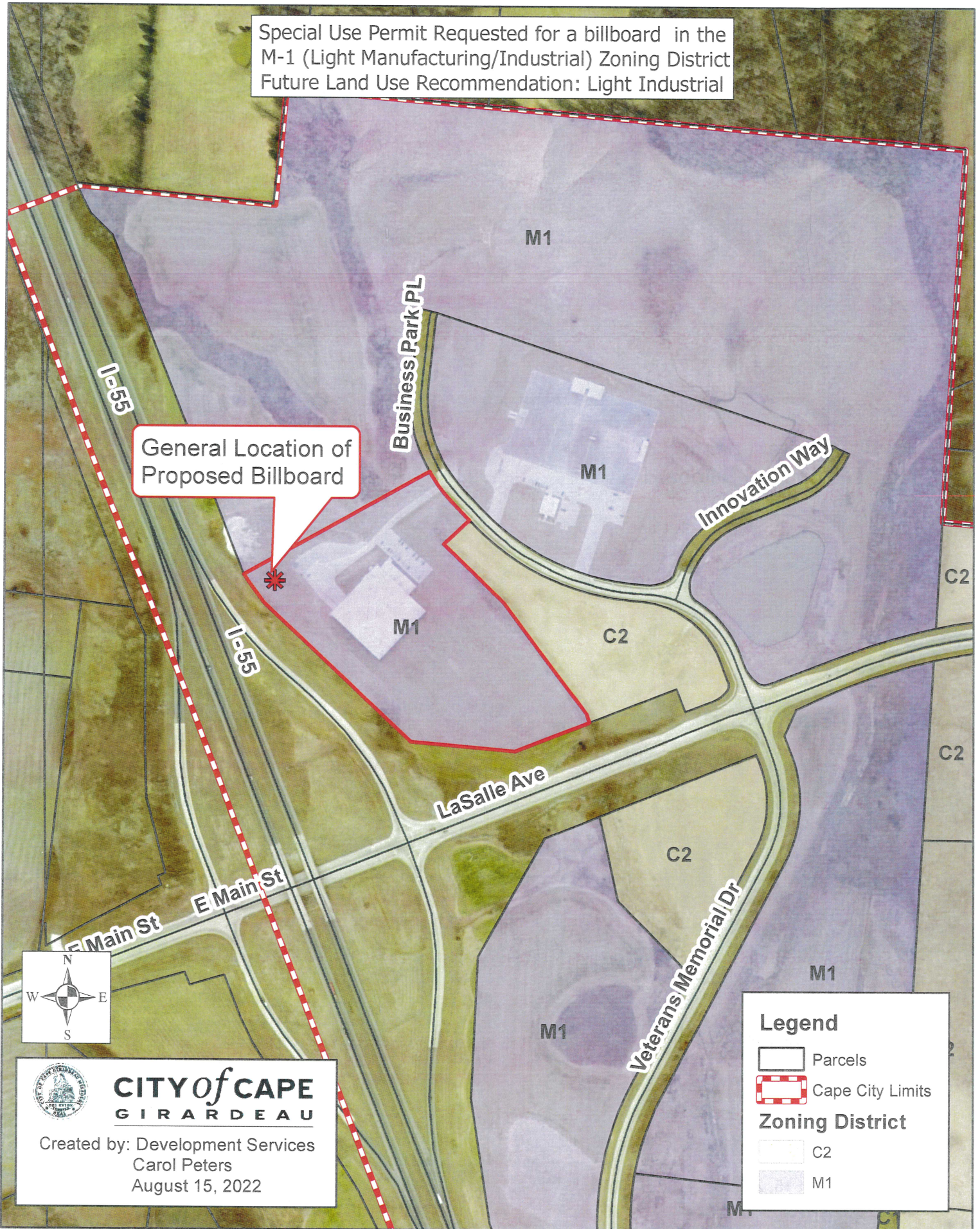
1. The special use authorized by this permit shall comply with all applicable laws and regulations.
2. Major modifications to said special use (including, but not limited to, the site plan) shall require the approval of the City Council.
3. This permit shall automatically expire twelve (12) months from the date of issuance if the building permit for said special use has not been issued. If the building permit is issued within this time frame and later expires due to lack of progress, then this permit shall automatically expire upon the expiration of the building permit.
4. This permit is not transferable without the approval of the City Council.





# 3849 Business Park Place Special Use Permit Request

Special Use Permit Requested for a billboard in the  
M-1 (Light Manufacturing/Industrial) Zoning District  
Future Land Use Recommendation: Light Industrial



General Location of  
Proposed Billboard



**CITY of CAPE**  
**GIRARDEAU**

Created by: Development Services  
Carol Peters  
August 15, 2022

## Legend

- Parcels
- Cape City Limits
- Zoning District
  - C2
  - M1

# 3849 Business Park Place Special Use Permit Request

Special Use Permit Requested for a billboard in the  
M-1 (Light Manufacturing/Industrial) Zoning District  
Future Land Use Recommendation: Light Industrial

General Location of  
Proposed Billboard



Business Park PL

Innovation Way

LaSalle Ave

E Main St



**CITY of CAPE**  
**GIRARDEAU**

Created by: Development Services  
Carol Peters  
August 15, 2022

### Legend

- Parcels
- Cape City Limits
- Future Land Use**
- Light Industrial
- Low Density Residential
- Regional Commercial



**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**

3849 Business Park Place, Cape Girardeau, MO 63701

|  |                              |  |                                     |
|--|------------------------------|--|-------------------------------------|
| <b>Applicant</b><br>Derek Cornelius; Karla Cornelius   |                              | <b>Property Owner of Record</b> <input checked="" type="checkbox"/> Same as Applicant                                |                                     |
| Mailing Address<br>251 Garnett Lane  |                              | City, State, Zip<br>Cape Girardeau, MO 63701   | Mailing Address<br>City, State, Zip |
| Telephone<br>(573) 388-2301  | Email<br>syntrax@syntrax.com | Telephone  | Email                               |
| Contact Person<br>Kevin J. O'Shea; koshea@oshealawllc.com; (573) 388-2296  |                              | <i>(Attach additional owners information, if necessary)</i><br>See attached information re Property Owners of Record |                                     |
| <b>Type of Request</b><br><input type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Special Use Permit <input type="checkbox"/> Both |                              | <b>Proposed Special Use (Special Use Permit requests only)</b><br>Billboard  |                                     |
| <b>Existing Zoning District</b><br>M-1, Light Manufacturing/Industrial District  |                              | <b>Proposed Zoning District (Rezoning requests only)</b><br>Choose a Zoning District                                 |                                     |

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

All of Lot Two (2) of Greater Cape Girardeau Business Park -- Phase II, a subdivision in the City and County of Cape Girardeau, State of Missouri, as shown by plat recorded in document number 2016-01887 in the land records of Cape Girardeau County, Missouri.

**Describe the proposed use of the property.**

We propose to erect a two-faced, v-shaped LED billboard in the northwest corner of the property, bordering Interstate 55. Pursuant to Section 30-335 of the City Ordinances, a billboard is a special use of property zoned M-1, such as the present property, that is allowable subject to the requirements of Section 25-109 of the City Ordinances. The proposed billboard, and its proposed location, meets all of the requirements and limitations set forth in Section 25-109.

We address in the attached supplemental submission the applicability of each provision in Section 25-109 ("Billboards") and Section 30-104(b)(1) ("Special Use Permits").

*Application continues on next page*

|   |   |                                      |                               |
|---|---|--------------------------------------|-------------------------------|
| <b>OFFICE USE ONLY</b>                      |   |                                      |                               |
| Date Received & By                          | File #                                      | MUNIS Application #                  | MUNIS Permit #                |
| <i>RH 9-13-24</i>                           | <i>1475</i>                                 | <i>15733</i>                         |                               |
| Application Fee Received \$                 | <input checked="" type="checkbox"/> Check # | <input type="checkbox"/> Credit Card | <input type="checkbox"/> Cash |
| <i>148.00</i>                               | <i>2104</i>                                 |                                      |                               |
| 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.*  
Please see attached supplemental submission.
- 2) *The proposed special use will not substantially increase fire hazards.*  
Please see attached supplemental submission.
- 3) *The proposed special use will not adversely affect the character of the neighborhood.*  
Please see attached supplemental submission.
- 4) *The proposed special use will not adversely affect the general welfare of the community.*  
Please see attached supplemental submission.
- 5) *The proposed special use will not overtax public utilities.*  
Please see attached supplemental submission.

**ADDITIONAL ITEMS  
REQUIRED**

See Instructions for more information.

- In addition to this completed application form, the following items must be submitted:
- Base Application fee - \$148.00 payable to City of Cape Girardeau
  - Planned Development rezoning only - Additional \$88 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 \$2.85 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.

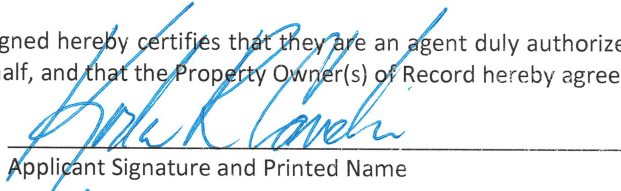
  
 \_\_\_\_\_  
 Property Owner of Record Signature and Printed Name

09/12/2024  
 \_\_\_\_\_  
 Date

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

Derek W. Cornelius

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.

  
 \_\_\_\_\_  
 Applicant Signature and Printed Name

09/12/2024  
 \_\_\_\_\_  
 Date

KARLA R. CORNELIUS

**PROPERTY OWNERS OF RECORD INFORMATION FOR SPECIAL USE PERMIT  
APPLICATION FOR LOT TWO (2) OF GREATER CAPE GIRARDEAU BUSINESS  
PARK – PHASE II**

Property Owners of Record

1. Derek Cornelius  
251 Garnett Lane  
Cape Girardeau, MO 63701

Phone: (573) 388-2301

2. Karla Cornelius  
1971 Williamsburg Drive  
Cape Girardeau, MO 63701

Phone: (573) 382-1196

**SUPPLEMENT TO SPECIAL USE PERMIT APPLICATION**  
**FOR LOT TWO (2) OF GREATER CAPE GIRARDEAU BUSINESS PARK – PHASE II**  
**3849 BUSINESS PARK PLACE, CAPE GIRARDEAU, MO 63701**  
**SUBMITTED BY DEREK CORNELIUS AND KARLA CORNELIUS (OWNERS)**

We address below the applicability of each provision in Section 25-109 (“Billboards”) and Section 30-104(b)(1) (“Special Use Permits”).

**Section 25-109. – Billboards.** Billboards shall be erected only upon approval of a special use permit, as set out in section 30-104. In addition to the requirements of section 30-104, the following regulations apply to the erection of billboards:

- (1) Billboards shall be allowed only in the C-2, PD, M-1 and M-2 zoning districts.

Response: The property is zoned M-1.

- (2) Billboards shall be allowed only on parcels of land bordering the following streets:
  - a. Interstate 55.
  - b. William Street (Route K), west of Kingshighway.
  - c. Missouri Route 74, west of Kingshighway.
  - d. Kingshighway from Boulder Crest Drive to Interstate 55.

Response: The property borders Interstate 55.

- (3) No billboard shall be placed within 1,400 feet of another billboard. This paragraph shall not apply to billboards which are located on opposite sides of the street to which the billboard is oriented.

Response: There are no billboards within 1,400 feet of the proposed location for the billboard.

- (4) No billboard shall be placed within 30 feet of a street right-of-way.

Response: The proposed location for the billboard is significantly more than 30 feet from any street right-of-way.

- (5) No billboard shall be placed within 100 feet of a property line of a property which is used for residential purposes.

Response: The proposed location for the billboard is significantly more than 100 feet from any residential property line.

- (6) For purposes of placing billboards, a V-shaped billboard or a back-to-back type of billboard shall be considered one billboard. Sign faces of less than 150 square feet may be placed between billboard faces at the apex of the "V" or across the rear of the "V," but no such sign shall be oriented toward a street upon which billboards are not allowed. The angle of all sign faces shall be oriented so that they are between 75 degrees and 90 degrees to the street on which the billboard is permitted.

Response: The proposed billboard is V-shaped but it does not include any additional signage at the apex of the "V," across the rear of the "V," or anywhere else. The proposed billboard has only two sign faces, *i.e.*, the two arms of the "V" shape.

The proposed billboard will be located such that the respective angles of the two sign faces are oriented between 75 degrees and 90 degrees to Interstate 55.

- (7) No billboard shall be located in such a manner as to obscure an official traffic sign, signal or device, or obstruct a driver's view of approaching or intersection traffic.

Response: There are no official traffic signs, signals or devices in the area of the proposed location of the billboard, and none shall be obscured by the proposed billboard.

The proposed billboard will not obstruct any driver's view of approaching or intersection traffic. Interstate 55 is a divided highway in the area around the proposed location for the billboard and, therefore, there is no oncoming traffic or intersecting traffic that could be obstructed by the billboard.

- (8) The maximum area of a billboard sign face shall be 300 square feet. The maximum length of a billboard sign face shall be 30 feet. The maximum total sign face area of a billboard shall be 600 square feet.

Response: Each side of the proposed billboard is 30 feet in length and 10 feet in height, for a total sign face area of 300 square feet per side.

- (9) There shall be a minimum clearance of ten feet from grade of the street to which the billboard is oriented to the bottom of a billboard sign face. There shall be a maximum height of 30 feet from grade of the street to which the billboard is oriented to the top of a billboard sign face.

Response: The proposed billboard will be erected such that the bottom of both sign faces is at least 10 feet from the grade of Interstate 55, and the top of both sign faces is no more than 30 feet from the grade of Interstate 55.

- (10) Audio speakers are prohibited in association with any billboard.

Response: The proposed billboard has no audio speakers or any other audio device.

- (11) ~~Electronic, video or digital billboard images or any portion thereof shall have a minimum duration of at least eight seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.~~

Response: The proposed billboard is illuminated by LED elements and the image(s) depicted on the sign faces can change. However, the image(s) on the sign faces will remain static for at least eight seconds, and no portion of such image(s) will flash, scroll, twirl, change color, or otherwise imitate movement in any manner.

- (12) Billboards may be illuminated, subject to the following instructions:

- a. No revolving or rotating beam or beacon of light shall be permitted as part of any billboard. Flashing devices shall not be permitted upon a billboard. However, changeable copy signs, such as those used for time and temperature displays, shall be permitted, but shall not be permitted to operate in a flashing or scrolling manner.

Response: The proposed billboard does not have a revolving or rotating beam or beacon of light, or any flashing device. Further, while the image(s) displayed on the sign faces of the proposed billboard may change, neither the image(s) nor any portion thereof will flash, scroll or otherwise simulate movement.

- b. External lighting, such as flood lights, thin line and gooseneck reflectors, are permitted, provided the light source is directed on the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street.

Response: The proposed billboard's sign faces comprise LED elements and, therefore, the proposed billboard will not have external lighting such as flood lights, thin line or gooseneck reflectors, etc.

- c. The illumination of any billboard within 100 feet of a property line which is used for residential purposes shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.



Response: The location of the proposed billboard is significantly greater than 100 feet of any residential property line and, therefore, this provision is not relevant.

- d. Electronic, video or digital billboard images shall be equipped with automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. The maximum luminance produced by electronic, video or digital billboard images shall not exceed three-tenths 0.3 footcandle greater than the ambient light level.

Response: The proposed billboard has an external light sensor for each sign face. These sensors monitor the ambient light and automatically adjust the brightness of the display on the respective sign face so that the sign face's brightness remains at or less than 0.3 footcandle of the ambient light level.

- (13) The following billboards shall not be permitted to remain or be erected:

- a. Billboards which have been erected without a building permit.

Response: This provision is not relevant.

- b. Billboards that employ any stereopticon or motion picture projection, or any portion of which gives the illumination of motion. This includes any electronic graphics signs or video displays, but does not include signs that contain changeable copy, such as time and temperature.

Response: We understand "stereopticon" to mean a display that combines two images to create a three-dimensional effect, or a display in which one image dissolves into another. The proposed billboard has no such display, and no image displayed on the sign faces, or any portion thereof, will give the impression or illumination of movement.

- c. Billboards which are not clean, not in good repaired, not structurally sound, or obsolete (billboards shall not be considered obsolete solely because they temporarily do not carry an advertised message).

Response: This provision is not relevant.

- d. Billboards which appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.

Response: The proposed billboard will not display any image(s) that attempt to regulate, warn, or direct the movement of traffic. Further, the proposed billboard does not resemble any official traffic sign, signal or device, and its location will not cause the proposed billboard to interfere with any official traffic sign, signal or device.

- e. Billboards which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

Response: The proposed billboard will be erected upon an appropriate pole. Therefore, this provision is not relevant.

- f. Billboards which are nonconforming and damaged or destroyed to an extent of more than sixty percent of the replacement cost.

Response: This provision is not relevant.

- 
- g. Billboards that prevent ingress or egress from any doors, windows, or fire escapes.

Response: The proposed billboard will be erected a significant distance from the existing structure on the property, and also from any anticipated structure that may be built on the property in the future.

- h. Billboards that are attached to a standpipe or fire escape.

Response: The proposed billboard will be erected upon an appropriate pole. Therefore, this provision is not relevant.

**Section 30-104(b)(1). – Special Use Permits.**

(1) In reviewing the application for a special use permit, the city council shall determine whether or not the proposed special use will:

a. Substantially increase traffic hazards or congestion;

Response: The proposed billboard will be light-restricted in accordance with the requirements of Section 25-401(1)4 of the City Ordinances, so that the brightness of the sign faces will not unduly affect drivers on Interstate 55, which is the primary street from which drivers will be able to view the sign faces. Drivers heading east on Main Street (in Jackson) west of Interstate 55 and/or heading east on LaSalle Avenue (in Cape Girardeau) east of Interstate 55 may be able to see the sign faces but the billboard will be located a significant distance from both of those streets. Further, the grade of Interstate 55 in that area is higher than either Main Street (Jackson) or LaSalle Avenue (Cape Girardeau), and the proposed billboard will be erected such that the sign faces will be between ten and thirty feet above the heightened grade of Interstate 55, as required by Section 25-109(9). Therefore, the proposed billboard will not substantially increase traffic hazards or congestion for motorists in the area.

b. Substantially increase fire hazards;

Response: The proposed billboard does not have any flammable components or connections that would be likely to cause, or increase the likelihood of, a fire. For example, there are no components such as incandescent or fluorescent lighting that operate at high temperatures. Further, the proposed billboard will be located sufficiently far from any existing or anticipated structure that there is no likelihood of any component of the proposed billboard increasing a fire hazard in connection with another structure.

c. Adversely affect the character of the neighborhood;

Response: The character of this property's neighborhood, even taking into account areas west of Interstate 55 and east of the property, is light industrial and agricultural in nature, with no residential or retail anywhere in sight of the location of the proposed billboard. Thus, the addition of a brand new billboard will not adversely affect the character of the neighborhood.

d. Adversely affect the general welfare of the community; and

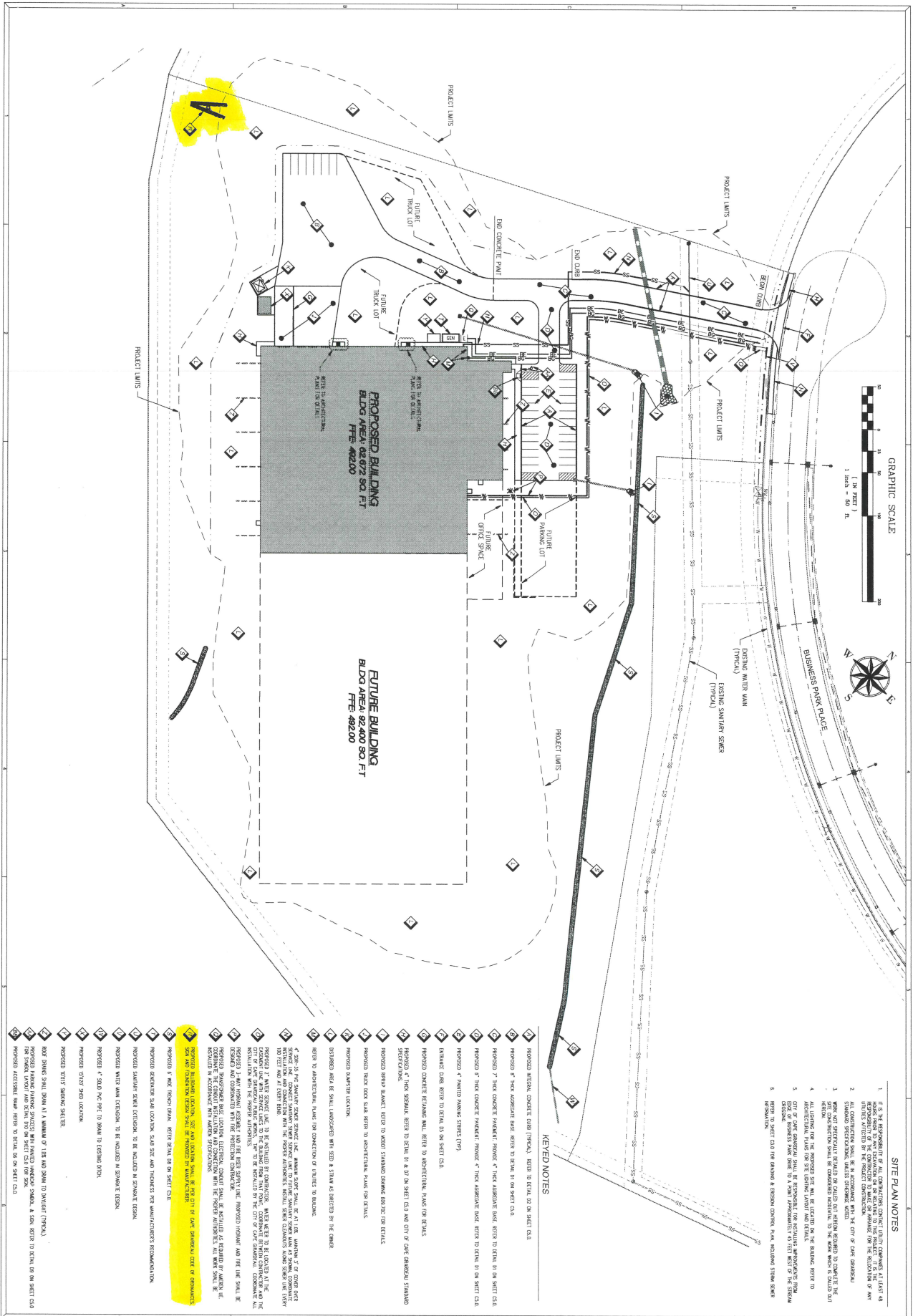
Response: Similarly, the general welfare of the community surrounding the property will not be affected by erection of the proposed billboard. The community has accepted the development of the Greater Cape

Girardeau Business Park, including commercial signage on buildings and the routine movement of commercial trucks. Therefore, the proposed billboard will not adversely affect the general welfare of the community.

e. Overtax public utilities.

Response: The LED lighting in the proposed billboard uses significantly less power than corresponding incandescent or fluorescent lighting, and less power than a mechanically-actuated sign of the same size. Therefore, the proposed billboard will not place any strain upon, much less overtax, the public utilities.

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**SITE PLAN NOTES**

1. IF THE REPRESENTATION OF ALL EXISTING CONDITIONS IS NOT AS SHOWN ON THIS PLAN, THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES BEFORE THE PROJECT COMMENCEMENT.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CAPE GIRARDEAU.
3. RIGHT-OF-WAY (ROW) SHALL BE MAINTAINED TO THE CENTERLINE OF THE ROAD.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CAPE GIRARDEAU.
5. CITY OF CAPE GIRARDEAU SHALL BE RESPONSIBLE FOR MAINTAINING IMPROVED PAVEMENT DURING CONSTRUCTION OF THIS PROJECT.
6. REFER TO SHEET C20 FOR SHOWN & EXISTING CONDITIONS, PLAN, INCLUDING STORM SEWER IMPROVEMENTS.

**KEYED NOTES**

- 1. PROPOSED INTERIOR CONCRETE CURB (TYPICAL) REFER TO DETAIL IN SHEET C20.
- 2. PROPOSED 4" THICK CONCRETE PAVEMENT REFER TO DETAIL IN SHEET C20.
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**SEAL**

DATE: \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_

SCALE: \_\_\_\_\_

PROJECT NO: \_\_\_\_\_

SHEET NO: \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

**IMPROVEMENT PLANS FOR**

**SIO3**

**GREATER CAPE GIRARDEAU BUSINESS PARK**

**CAPE GIRARDEAU, MISSOURI**

**KE KOEHLER**

**ENGINEERING AND LAND SURVEYING, INC.**

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

**DATE:** 11/15/2011

**SCALE:** AS SHOWN

**PROJECT NO:** C2.0

**SHEET NO:** 1

**CHECKED BY:** [Signature]

**DATE:** 11/15/2011

**SPECIAL USE PERMIT APPLICATION**

**FOR LOT TWO (2) OF GREATER CAPE GIRARDEAU BUSINESS PARK – PHASE II**

**3849 BUSINESS PARK PLACE, CAPE GIRARDEAU, MO 63701**

**SUBMITTED BY DEREK CORNELIUS AND KARLA CORNELIUS (OWNERS)**

**AMENDED LIST OF NAMES AND  
MAILING ADDRESSES OF ADJACENT PROPERTY OWNERS**

| <b>Property Owner Name</b>                                    | <b>Property Address</b>                              | <b>Mailing Address</b>           | <b>City</b>    | <b>State</b> | <b>Zip Code</b> |
|---|--|----------------------------------|----------------|--------------|-----------------|
| Drury Development Corporation<br>Attn:<br>Jacqueline Pollvogt | 3783 Business Park Place                             | 13075 Manchester Road, Suite 200 | St. Louis      | MO           | 63131           |
| Drury Development Corporation<br>Attn:<br>Jacqueline Pollvogt | Veterans Memorial Parkway                            | 13075 Manchester Road, Suite 200 | St. Louis      | MO           | 63131           |
| Touchdown Development Group, LLC                              | Lot 3, Greater Cape Girardeau Business Park Phase II | 2007 Independence Street         | Cape Girardeau | MO           | 63703           |
| Touchdown Development Group, LLC                              | Veterans Memorial Drive                              | 2007 Independence Street         | Cape Girardeau | MO           | 63703           |
| Crisp Realty Company  | 3800 Business Park Place                             | 2605 West Main Street            | Marion         | IL           | 62959           |
| City of Cape Girardeau  | 3766 Business Park Place                             | 44 North Lorimier Street         | Cape Girardeau | MO           | 63701           |

Sec. 30-68. - M-1, Light Manufacturing/Industrial District.

- (a) *Purpose.* The M-1 district is intended primarily for uses engaged in light manufacturing, assembly, fabrication, warehousing, wholesaling and retail trade, and service operations which conduct all activities within a building with no external impact or effect. This district is intended to serve as a transition between more intense industrial development and commercial, office, or multifamily residential development.
- (b) *Permitted principal uses.*
- (1) Light manufacturing facilities.
  - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing, electrical, heating, plumbing and binding establishments.
  - (3) Health and fitness centers.
  - (4) Cemeteries.
  - (5) Commercial day cares.
  - (6) Funeral homes and mortuaries.
  - (7) Government buildings and uses, including police and fire stations.
  - (8) Heavy machinery and equipment sales, rental and service.
  - (9) Offices, administrative, business, finance and professional.
  - (10) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
  - (11) Public service and public utility uses as follows:
    - a. Wireless facilities.
    - b. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
  - (12) Industrial schools and business schools.
  - (13) Mini warehouses or self-storage units.
  - (14) Residential treatment facilities.
  - (15) Television and radio studios including any transmitting facilities.
  - (16) Veterinary clinics, animal hospitals, and kennels.
  - (17) Warehouses, storage and distribution centers.
  - (18) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
  - (19) Recycling centers.
  - (20) Marinas or docks.
  - (21) Transitional housing.
  - (22) Restaurants and bars.
  - (23) Retail, including vehicle sales.
  - (24) Comprehensive marijuana cultivation facilities, medical marijuana cultivation facilities, or microbusiness wholesale facilities, as permitted in [section 30-118](#).
  - (25) Comprehensive marijuana dispensary facilities, medical marijuana dispensary facilities, or microbusiness dispensary facilities, as permitted in [section 30-118](#).
  - (26) Comprehensive marijuana-infused products manufacturing facilities or medical marijuana-infused products manufacturing facilities, as permitted in [section 30-118](#).

(27) Marijuana testing facilities, as permitted in section 30-118.

(28) Marijuana transportation facilities, as permitted in section 30-118.

(c) *Permitted accessory uses.*

(1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.

(2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-106.

(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) Emergency shelters, transitional service shelters for 50 or fewer residents.

(2) Manufactured business units, for office use only.

(3) Telecommunication tower, as permitted in section 30-107.

(4) Excursion gambling boat or floating gambling facility, as permitted in section 30-112.

(5) Wind energy conversion systems, as permitted in section 30-113.

(6) Billboards, as permitted in section 25-109.

(7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.

(8) Short-term or long-term use of shipping containers for principal uses, as permitted in section 30-105.

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

(e) *Standards.*

(1) A site plan, meeting the requirements of chapter 25 shall be submitted and approved.

(2) All storage shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible from the street or adjoining property. Any outdoor storage shall be at least 100 feet from any residential zoning district or use.

(3) No building shall be used for residential purposes, except for a night watchman or a caretaker employed on the premises.

(4) Utilitarian areas such as loading docks, mechanical equipment, storage areas, mechanical and electrical equipment, and dumpsters shall be located in the rear or side yard of the building.

(5) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25.

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

(1) Maximum height: 40 feet excluding silos, smokestacks, and dust collection systems.

(2) Minimum lot area: None.

(3) Minimum lot width: None.

(4) Minimum yard requirements:

a. Front yard: 25 feet.

b. Rear yard: 25 feet.

c. Side yard: None, except on a lot abutting a residential district there shall be a side yard of not less than ten feet on the side of the lot abutting the residential district.



(5) Maximum building coverage: None.

(g) *Open space, landscaping and bufferyard requirements.*

(1) A minimum of 15 percent of the total lot area shall be devoted to open space, including required yard and bufferyards.

(2) Landscaping shall be provided as required in chapter 25.

(3) A 20-foot-wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD and RMH zoning districts. This bufferyard shall comply with the requirements of chapter 25.

(h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-46.

(Code 1990, § 30-335; Ord. No. 5211, art. 6, 7-15-2019; Ord. No. art. 5, 2-6-2023)

Sec. 30-104. - Special use permits.

- (a) *Purpose.* Subject to the provisions of this section, the city council may, by ordinance on its own motion or on application, grant a special use permit for any special use specifically identified in the zoning district in which the special use is proposed. The city council may impose appropriate conditions and safeguards for the issuance of the special use permit, such as a limitation of the duration of the special use, a limitation of the parties who may carry out such use, and limitations upon or requirements for the size or design of buildings and other improvements on the property. In cases where a special use permit application is submitted for a property in the H district, the historic preservation commission shall make a recommendation to the city council in lieu of approving or denying a certificate of appropriateness for any work covered by the special use permit.
- (b) *Application for special use permit.* Application for a special use permit shall be submitted to the city manager using a form provided by the city and contain all necessary information as determined by the city manager. The special use permit fee shall be per the city's fee schedule. Such application shall be processed in the same manner as provided in section 30-32 relating to application for a zoning district change.
- (1) In reviewing an application for a special use permit, the city council shall determine whether or not the proposed special use will:
- a. Substantially increase traffic hazards or congestion;
  - b. Substantially increase fire hazards;
  - c. Adversely affect the character of the neighborhood;
  - d. Adversely affect the general welfare of the community; and
  - e. Overtax public utilities.
- (2) If the council's finding is negative as to all of the criteria in subsection (b)(1) of this section, the application may be granted; if affirmative as to any of the aforementioned criteria, then such special use permit shall be denied.
- (3) Any use for which a special use permit is granted shall otherwise comply with all of the regulations set forth in this chapter for the zoning district in which such use is located.

(Code 1990, § 30-401; Ord. No. 5012, art. 7, 10-2-2017)

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Sec. 25-109. - Billboards.

Billboards shall be erected only upon approval of a special use permit, as set out in section 30-104. In addition to the requirements of section 30-104, the following regulations apply to the erection of billboards:

- (1) Billboards shall be allowed only in the C-2, PD, M-1 and M-2 zoning districts.
- (2) Billboards shall be allowed only on parcels of land bordering the following streets:
  - a. Interstate 55.
  - b. William Street (Route K), west of Kingshighway.
  - c. Missouri Route 74, west of Kingshighway.
  - d. Kingshighway from Boulder Crest Drive south to Interstate 55.
- (3) No billboard shall be placed within 1,400 feet of another billboard. This section shall not apply to billboards which are located on opposite sides of the street to which the billboard is oriented.
- (4) No billboard shall be placed within 30 feet of a street right-of-way.
- (5) No billboard shall be placed within 100 feet of a property line of a property which is used for residential purposes.
- (6) For the purposes of placing billboards, a V-shaped billboard or a back-to-back type of billboard shall be considered one billboard. Sign faces of less than 150 square feet may be placed between billboard faces at the apex of the "V" or across the rear of the "V," but no such sign shall be oriented toward a street upon which billboards are not allowed. The angle of all sign faces shall be oriented so that they are between 75 degrees and 90 degrees to the street on which the billboard is permitted.
- (7) No billboard shall be located in such a manner as to obscure an official traffic sign, signal or device, or obstruct a driver's view of approaching or intersection traffic.
- (8) The maximum area of a billboard sign face shall be 300 square feet. The maximum length of a billboard sign face shall be 30 feet. The maximum total sign face area of a billboard shall be 600 square feet.
- (9) There shall be a minimum clearance of ten feet from grade of the street to which the billboard is oriented to the bottom of a billboard sign face. There shall be a maximum height of 30 feet from grade of the street to which the billboard is oriented to the top of a billboard sign face.
- (10) Audio speakers are prohibited in association with any billboard.
- (11) Electronic, video or digital billboard images or any portion thereof shall have a minimum duration of at least eight seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.

(12) Billboards may be illuminated, subject to the following instructions:

- a. No revolving or rotating beam or beacon of light shall be permitted as part of any billboard. Flashing devices shall not be permitted upon a billboard. However, changeable copy signs, such as those used for time and temperature displays, shall be permitted, but shall not be permitted to operate in a flashing or scrolling manner.
- b. External lighting, such as flood lights, thin line and gooseneck reflectors, are permitted, provided the light source is directed on the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street.
- c. The illumination of any billboard within 100 feet of a property line which is used for residential purposes shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.
- d. Electronic, video or digital billboard images shall be equipped with automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. The maximum luminance produced by electronic, video or digital billboard images shall not exceed 0.3 footcandle greater than the ambient light level.

(13) The following billboards shall not be permitted to remain or to be erected:

- a. Billboards which have been erected without a building permit.
- b. Billboards that employ any stereopticon or motion picture projection, or any portion of which gives the illusion of motion. This includes any electronic graphic signs or video displays, but does not include signs that contain changeable copy, such as time and temperature.
- c. Billboards which are not clean, not in good repair, not structurally sound, or obsolete (billboards shall not be considered obsolete solely because they temporarily do not carry an advertising message).
- d. Billboards which appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
- e. Billboards which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- f. Billboards which are nonconforming and damaged or destroyed to an extent of more than 60 percent of the replacement cost.
- g. Billboards that prevent ingress or egress from any doors, windows, or fire escapes.
- h. Billboards that are attached to a standpipe or fire escape.

(Code 1990, § 25-401; Ord. No. 4178, art. 1, 12-6-2010)

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-184**

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## SUBJECT

An Ordinance approving the record plat of Kneezle Shed Subdivision.

## EXECUTIVE SUMMARY

The attached ordinance approves a record plat for a one-lot single-family residential subdivision at 222 and 236 South West End Boulevard.

## BACKGROUND/DISCUSSION

A record plat has been submitted for Kneezle Shed Subdivision, located at 222 and 236 South West End Boulevard and zoned R-3 (High Density Single-Family Residential). The plat combines three tracts to create a single lot. The plat shows an exception for the omission of the required 10-foot utility easement along the front and rear lot lines. Staff supports the exception because there are no existing or proposed utilities in the areas where the easement is required.

## STAFF RECOMMENDATION

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

## BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its October 10, 2024 meeting, recommended approval of the record plat with a vote of 7 in favor, 0 in opposition, and 0 abstaining.

### ATTACHMENTS:

| Name:   | Description:                              |
|---|---|
| <a href="#">24-114_Kneezle_Shed_Sub_Ordinance.doc</a>       | Ordinance                                 |
| <a href="#">Staff_Review-Referral-Action_Form.pdf</a>       | Kneezle Shed Subdivision - Staff RRA Form |
| <a href="#">Map_-_Kneezle_Shed_Subdivision.pdf</a>          | Kneezle Shed Subdivision - Map            |
| <a href="#">Application_-_Kneezle_Shed_Subdiivision.pdf</a> | Kneezle Shed Subdivision - Application    |
| <a href="#">KNEEZLE_SHED_SUB_REVISED_FINAL.pdf</a>          | Kneezle Shed Subdivision - Record Plat    |

BILL NO. 24-114

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING THE RECORD  
PLAT OF KNEEZLE SHED SUBDIVISION

---

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

ARTICLE 1. The record plat of Kneezle Shed Subdivision, being Part of Lots numbered Eight (8) and Nine (9) in Block numbered Twenty-One (21) of West End Place Second Addition as Recorded in Plat Book #2, at Page #13 of the County Land Records, in the City and County of Cape Girardeau, Missouri, submitted by Kyle Joseph Kneezle, and Lana J. Kneezle, Husband and Wife, bearing the certification of Kelly K. Snell, a Registered Land Surveyor, dated the 14th day of October, 2024, is hereby approved.

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

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

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



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

FILE: **Kneezle Shed Subdivision**

LOCATION: 222 & 236 South West End Boulevard

**STAFF REVIEW & COMMENTS:**

A record plat has been submitted to combine two (2) lots at the northeast corner of Good Hope Street and South West End Boulevard. SEE STAFF REPORT FOR MORE DETAILS.

  
\_\_\_\_\_  
City Planner

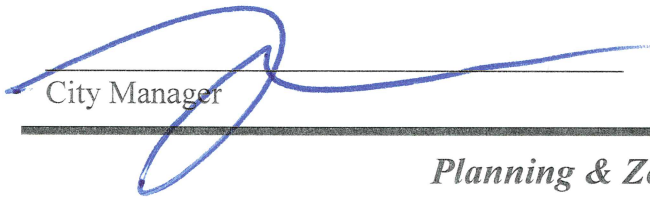
9/26/24  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Attorney

9/30/24  
\_\_\_\_\_  
Date

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**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

  
\_\_\_\_\_  
City Manager

10/2/24  
\_\_\_\_\_  
Date

---

***Planning & Zoning Commission***

**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 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 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:**

**CITIZENS COMMENTING AT MEETING:**

  
\_\_\_\_\_  
Chris Martin

Planning & Zoning Commission Secretary

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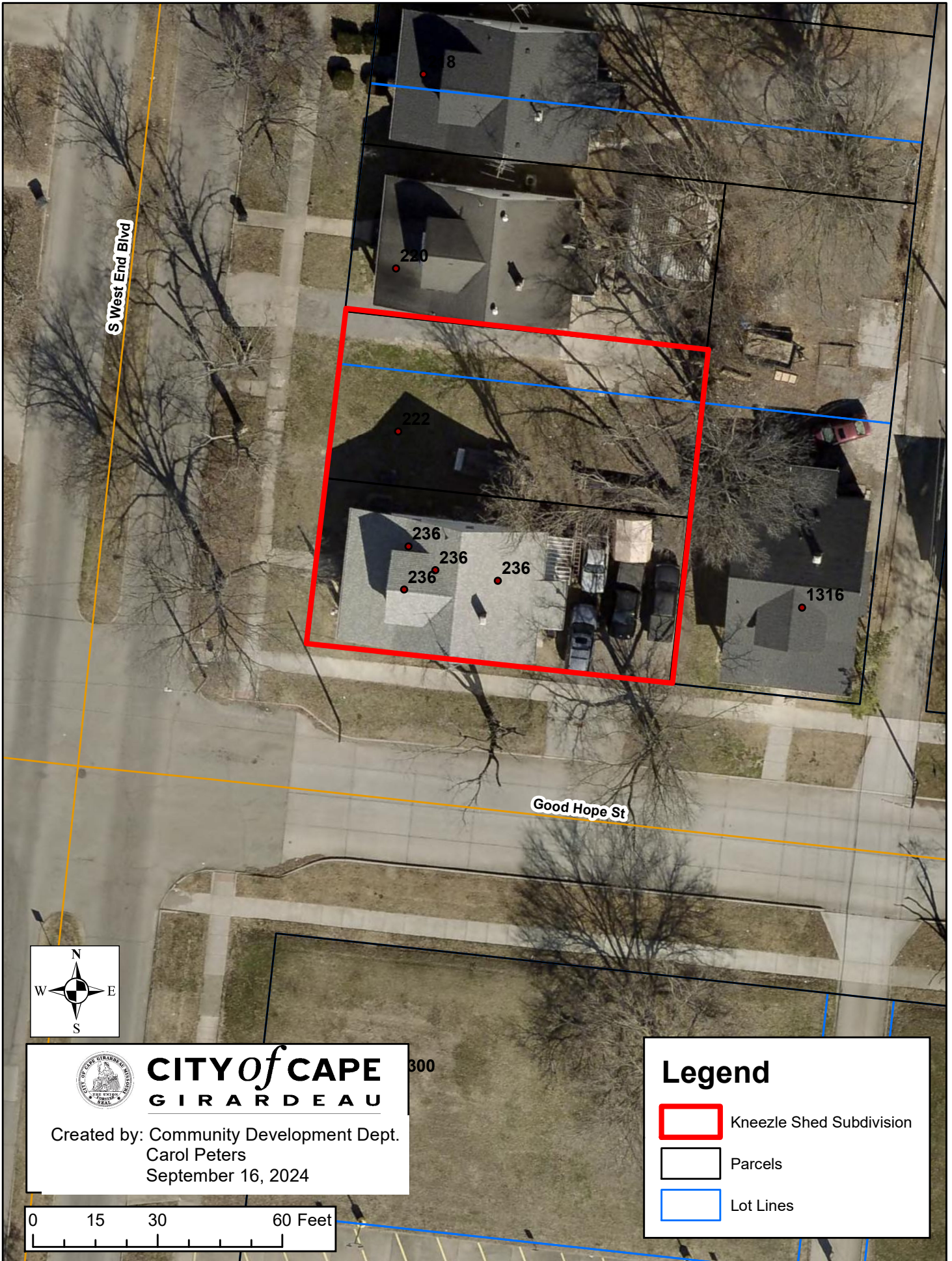
***City Council Action***

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

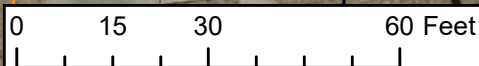
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# Kneezle Shed Subdivision






**CITY of CAPE**  
**GIRARDEAU**

Created by: Community Development Dept.  
Carol Peters  
September 16, 2024



## Legend

-  Kneezle Shed Subdivision
-  Parcels
-  Lot Lines





**SUBDIVISION PLAT APPLICATION**  
**CITY of CAPE GIRARDEAU**

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

|   |   |  |                                 |
|---|---|--|---------------------------------|
| Name of Subdivision<br><b>Kneeze Shed</b>   |   | Type of Plat<br><input checked="" type="checkbox"/> Record <input type="checkbox"/> Preliminary <input type="checkbox"/> Boundary Adjustment |                                 |
| Applicant<br><b>Kylee Lana Kneeze</b>   |   | Property Owner of Record<br><input checked="" type="checkbox"/> Same as Applicant  |                                 |
| Mailing Address<br><b>236 SWEND BOVD</b>  | City, State, Zip<br><b>Cape Girardeau Mo, 63703</b> | Mailing Address<br><b>Same</b>   | City, State, Zip<br><b>Same</b> |
| Telephone<br><b>1-573-579-8924</b>  | Email<br><b>lanajo1@yahoo.com</b>                   | Telephone<br><b>Same</b>   | Email<br><b>Same</b>            |
| Contact Person (if Applicant is a Business or Organization)<br><b>Lana</b>                |   | (Attach additional owners information, if necessary)   |                                 |
| Professional Engineer/Surveyor (if other than Applicant)<br><b>Richard Land Surveying</b> |   | Developer (if other than Applicant)  |                                 |
| Mailing Address<br><b>1813 Greenbrier Dr.</b>   | City, State, Zip<br><b>Cape Girardeau Mo, 63701</b> | Mailing Address  | City, State, Zip                |
| Telephone<br><b>1-573-450-5361</b>  | Email<br><b>richardlandsurveying@gmail.com</b>      | Telephone  | Email                           |

**ADDITIONAL ITEMS REQUIRED**

In addition to this completed application form, the following items must be submitted:  
 Review Fee (payable to City of Cape Girardeau) \$22.00 per lot (**\$220.00 minimum**)  
 Recording Fee Deposit (payable to City of Cape Girardeau)

See Instructions for more information.

| Sheet Size | Record Plat | Boundary Adjustment Plat |
|------------|-------------|--------------------------|
| 18" x 24"  | \$46.00     | \$26.00                  |
| 24" x 36"  | \$71.00     | \$31.00                  |

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

- One (1) full size print of the plat
- Digital file of the plat in .pdf format (can be emailed to [cityplanning@cityofcape.org](mailto:cityplanning@cityofcape.org))
- Completed minimum requirements checklist

**CERTIFICATION**

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. Furthermore, I hereby acknowledge that the plat submitted with this application must meet certain requirements in order to be approved including, but not limited to: a) successfully addressing all review comments, and b) any and all new public improvements for the subdivision being completed and/or covered under a performance guarantee agreement in accordance with the City's Code of Ordinances. If I am an agent, I hereby certify that I have notified the Property Owner(s) of Record and the developer of these requirements.

**Lana Kneeze Lana Kneeze** 9/03/2024  
 Applicant Signature and Printed Name Date

|   |                           |                                  |   |
|---|---------------------------|----------------------------------|---|
| OFFICE USE ONLY                             |                           |                                  |   |
| Date Received & By                          | File #                    | MUNIS Application #              | MUNIS Permit #  |
| <b>9/3/24 ps</b>                            |                           | <b>15743</b>                     |   |
| Review Fee Received \$                      | Recording Fee Received \$ | <input type="checkbox"/> Check # | <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Cash |
| <b>220-</b>                                 | <b>46-</b>                |                                  |   |
| Preliminary and Record Plats:               |                           |                                  |   |
| Planning & Zoning Commission Recommendation | Date                      | City Council Final Action        | Date  |
|   |                           |                                  |   |

MAIN REFERENCE SOURCE IS: KYLE AND LANA KNEEZZLE, LOCATED IN DOCUMENT #2004-09679, AND DOCUMENT #2023-10192 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI.

# RECORD PLAT KNEEZZLE SHED SUBDIVISION

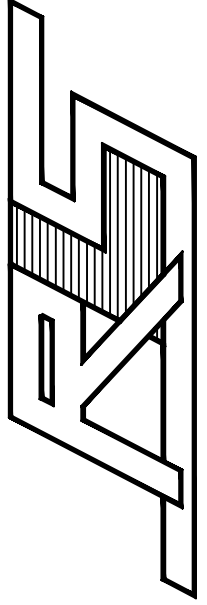
PART OF LOTS NUMBERED EIGHT (8) AND NINE (9) IN  
BLOCK NUMBERED TWENTY-ONE (21) OF WEST END  
PLACE SECOND ADDITION AS RECORDED IN PLAT  
BOOK #2, AT PAGE #13 OF THE COUNTY LAND  
RECORDS, IN THE CITY AND COUNTY OF CAPE  
GIRARDEAU, MISSOURI

FOR: KYLE & LANA KNEEZZLE  
CAPE GIRARDEAU, MISSOURI

PREPARED BY RICHARDS LAND  
SURVEYING, 1813 GREENBRIER DRIVE,  
CAPE GIRARDEAU, MISSOURI, 63701  
PHONE: 573-339-7473

## REFERENCES

DOC. #2004-09679 (MAIN REFERENCE)  
DOC. #2023-10192 (MAIN REFERENCE)  
DOC. #2024-00407 (ADJOINER)  
DOC. #2019-09961 (ADJOINER)  
PLAT BOOK #2, PAGE #13  
(WEST END PLACE SECOND ADD.)  
AERIAL PHOTOGRAPHS



**RICHARDS** LAND SURVEYING  
1813 GREENBRIER DR., CAPE GIRARDEAU, MISSOURI  
PHONE & FAX: (573) 339-7473

## SUBDIVISION DEDICATION

WE, THE UNDERSIGNED, KYLE JOSEPH KNEEZZLE, AKA KYLE KNEEZZLE, AND LANA J. KNEEZZLE, AKA LANA KNEEZZLE, HUSBAND AND WIFE, THE OWNERS OF PART OF LOTS NUMBERED EIGHT (8) AND NINE (9) OF IN BLOCK NUMBERED TWENTY-ONE (21) OF WEST END PLACE SECOND ADDITION AS RECORDED IN PLAT BOOK #2, AT PAGE #13 OF THE COUNTY LAND RECORDS, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, CONTAINING 7,263 SQUARE FEET (0.167 ACRES), MORE OR LESS, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/8" Iron Rod at the Southwest Corner of said Lot Numbered Nine (9); thence N.06°21'08"E., along the East Right-of-Way Line of South West End Boulevard, a distance of 80.70 feet to a 3/8" Iron Rod; thence departing from said Right-of-Way, S.83°56'48"E., a distance of 90.00 feet to a 1/2" Iron Rod; thence S.06°21'08"W., a distance of 80.70 feet to a 3/8" Iron Rod on the North Right-of-Way Line of Good Hope Street; thence N.83°56'48"W., along said Right-of-Way, a distance of 90.00 feet to the POINT OF BEGINNING. Containing 7,263 square feet 0.167 acres, more or less, in Cape Girardeau, Missouri, dated September of 2024. Subject to existing Easements of Record if any.

HEREBY DECLARE THAT WE HAVE CAUSED SAID LAND TO BE RESUBDIVIDED INTO A SINGLE LOT AS NUMBERED AND DESIGNATED ON THIS PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SUBDIVISION, WHICH IS HEREBY NAMED KNEEZZLE SHED SUBDIVISION. IN WITNESS WHEREOF, SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.

KYLE JOSEPH KNEEZZLE  
AKA KYLE KNEEZZLE

LANA J. KNEEZZLE  
AKA LANA KNEEZZLE

STATE OF MISSOURI  
COUNTY OF CAPE GIRARDEAU

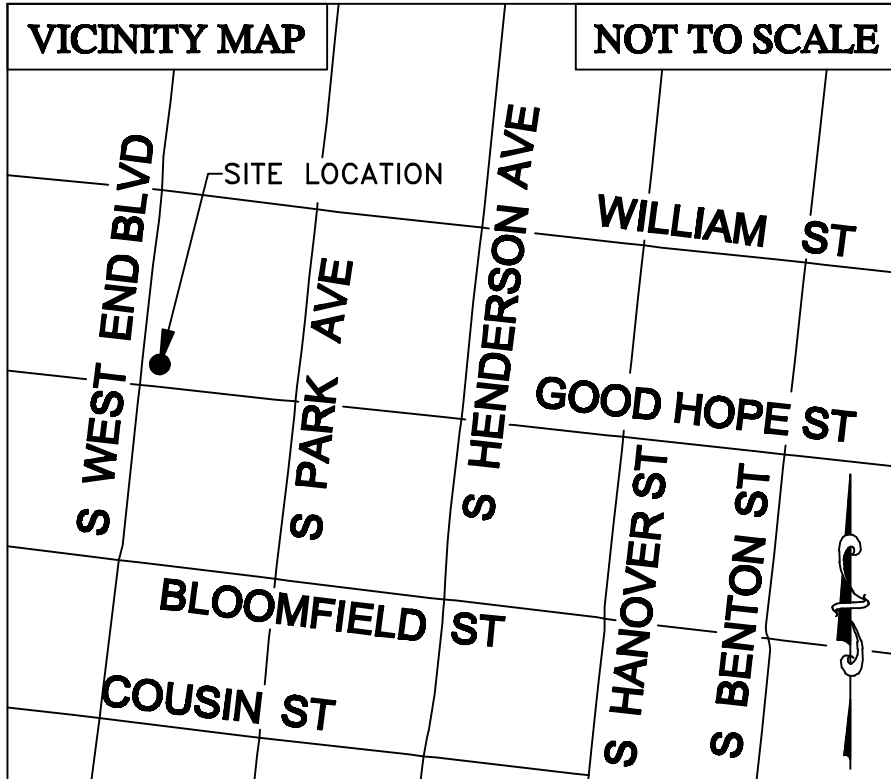
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., BEFORE ME, A NOTARY PUBLIC FOR SAID STATE AND COUNTY, PERSONALLY APPEARED KYLE JOSEPH KNEEZZLE AKA KYLE KNEEZZLE AND LANA J. KNEEZZLE AKA LANA KNEEZZLE, HUSBAND AND WIFE, WHO, BY ME DULY SWORN, DID SAY THAT THEY ARE THE PERSONS DESCRIBED HEREIN, THAT THEY EXECUTED THE FOREGOING INSTRUMENT, AND THAT THEY EXECUTED THE SAME FOR THE PURPOSES STATED THEREIN AS THEIR FREE ACT AND DEED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND AFFIX MY OFFICIAL SEAL IN THE STATE AND COUNTY AFORESAID, THE DATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_

I, \_\_\_\_\_, CITY CLERK OF THE CITY OF CAPE GIRARDEAU, MISSOURI, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY OF CAPE GIRARDEAU, MISSOURI BY ORDINANCE NO. \_\_\_\_\_ PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

CITY CLERK  
CITY OF CAPE GIRARDEAU, MISSOURI



**FLOODPLAIN INFORMATION:**  
SUBJECT PROPERTY LIES IN ZONE "X", AN AREA DETERMINED TO BE OUTSIDE OF THE 0.20% ANNUAL FLOOD PLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 29031C0280E, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 29TH, 2011.

**ZONING AND LOT INFORMATION**

**ZONING:** R-3, HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

**MAXIMUM HEIGHT = (A) WHEN SIDE YARDS ARE LESS THAN FIFTEEN (15) FEET IN WIDTH, TWO AND ONE-HALF (2 1/2) STORIES, NOT TO EXCEED THIRTY-FIVE (35) FEET (B) WHEN SIDE YARDS ARE FIFTEEN (15) FEET IN WIDTH OR GREATER, THREE (3) STORIES, NOT TO EXCEED FORTY-FIVE (45) FEET.**

**MINIMUM LOT AREA = FIVE THOUSAND (5,000) SQUARE FEET**

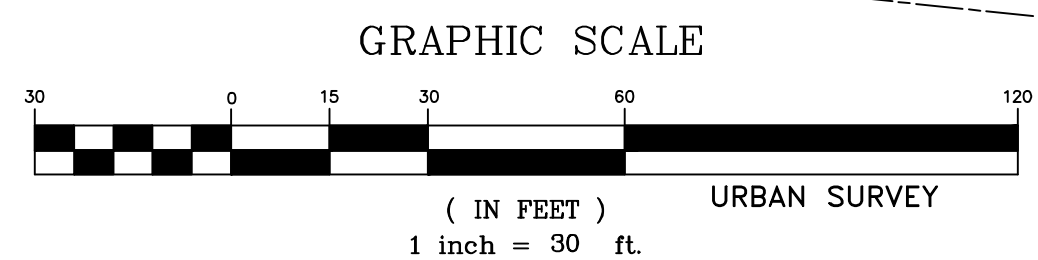
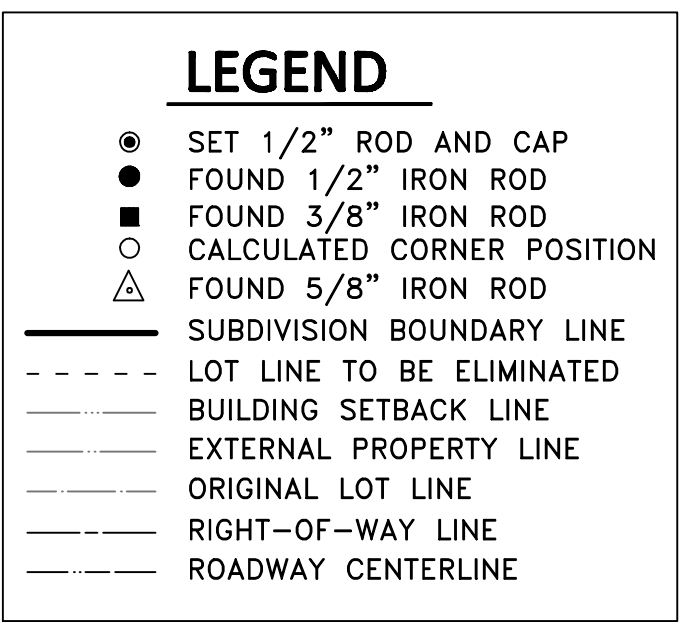
**MAXIMUM DENSITY = NINE (9) UNITS PER ONE (1) ACRE**

**MINIMUM LOT WIDTH = THIRTY (30) FEET**

**MINIMUM BUILDING SETBACKS:**  
FRONT YARD = TWENTY (20) FEET  
SIDE YARD = THREE (3) FEET  
REAR YARD = TWENTY (20) FEET

**THE ABOVE REQUIREMENTS APPLY TO SINGLE-FAMILY USES.**

**NUMBER OF LOTS: ONE (1)**  
**TOTAL AREA: 7,263 SQ. FT. (0.167 AC.)**



This is to certify that I, a Missouri Land Surveyor, have surveyed the property described in the above caption as shown by the annexed Plat, which Survey is true and correct and was executed to the best of my ability, in conformance with the current Minimum Standards for Property Boundary Surveys in the State of Missouri. Given under my hand and seal at Cape Girardeau, Missouri this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D.

KELLY K. SNELL, MO. P.L.S. #2017017647

STATE OF MISSOURI )  
COUNTY OF CAPE GIRARDEAU )

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., IN  
THE OFFICE OF THE RECORDER OF DEEDS IN CAPE GIRARDEAU COUNTY  
AT JACKSON, MISSOURI. DOCUMENT NO. \_\_\_\_\_

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

|      |             |    |      |  |                 |                 |                |                |              |
|------|-------------|----|------|--|-----------------|-----------------|----------------|----------------|--------------|
| REV: | DESCRIPTION | BY | DATE | DRAWN BY: KKS                          | CHECKED BY: AMV | SCALE: 1" = 30' | PROJECT NUMBER | DATE 9-11-2024 | SHEET 1 OF 1 |
|      |             |    |      |  |                 |                 | R2409178       |                |              |
|      |             |    |      | JOB NAME: KYLE AND LANA KNEEZZLE       |                 |                 |                |                |              |
|      |             |    |      | LOCATION: CAPE GIRARDEAU, MISSOURI     |                 |                 |                |                |              |
|      |             |    |      | DESCRIPTION: KNEEZZLE SHED SUBDIVISION |                 |                 |                |                |              |

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-185**

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**SUBJECT**

An Ordinance approving the record plat of Lutheran Home Southwest Subdivision.

**EXECUTIVE SUMMARY**

The attached ordinance approves a record plat for a one-lot residential subdivision at 414, 420, and 424 South Silver Springs Road.

**BACKGROUND/DISCUSSION**

A record plat has been submitted for Lutheran Home Southwest Subdivision, located at 414, 420, and 424 South Silver Springs Road and zoned RUMD (Residential Urban Mixed Density). The plat combines several tracts to create one new lot. The plat shows an exception for the omission of the required 10-foot utility easement along the front and rear lot lines. Staff supports the exception because there are no existing or proposed utilities in the areas where the easement is required.

**STAFF RECOMMENDATION**

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

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its October 10, 2024 meeting, recommended approval of the record plat with a vote of 7 in favor, 0 in opposition, and 0 abstaining.

**ATTACHMENTS:**

| Name:   | Description:   |
|---|--|
| <a href="#">24-115 Lutheran Home Southwest Subdivision Ordinance.doc</a>                | Ordinance  |
| <a href="#">Staff Review-Referral-Action_Form.pdf</a>                                   | Lutheran Home Southwest Subdivision - Staff RRA Form |
| <a href="#">Map - Lutheran Home Southwest Subdivision.pdf</a>                           | Lutheran Home Southwest Subdivision - Map            |
| <a href="#">39070 Lutheran Home Southwest Subdivision plat application.pdf</a>          | Lutheran Home Southwest Subdivision - Application    |
| <a href="#">39070 Record Plat of Lutheran Home Southwest Subdivision 10.11.24 2.pdf</a> | Lutheran Home Southwest Subdivision - Record Plat    |

BILL NO. 24-115

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING THE RECORD PLAT OF  
LUTHERAN HOME SOUTHWEST SUBDIVISION

---

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

ARTICLE 1. The record plat of Lutheran Home Southwest Subdivision, being Part of Out Lot No 86 of Survey No 2199, Township 30 North, Range 13 East in the City and County of Cape Girardeau, Missouri, submitted by Lutheran Home for the Aged, bearing the certification of Travis Steffens, a Registered Land Surveyor, dated the 17th day of October, 2024, is hereby approved.

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

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

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



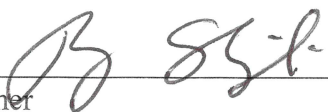
**CITY OF CAPE GIRARDEAU, MISSOURI**  
City Staff Review, Referral and Action - Subdivision Application

FILE: **Lutheran Home Southwest Subdivision**

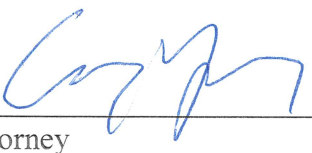
LOCATION: South Silver Springs Road

**STAFF REVIEW & COMMENTS:**

A record plat has been submitted to reconfigure several tracts into one lot along Silver Springs Road. SEE STAFF REPORT FOR MORE DETAILS.

  
\_\_\_\_\_  
City Planner

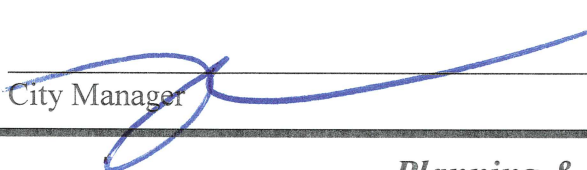
9/26/24  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Attorney

9/30/24  
\_\_\_\_\_  
Date

---

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

  
\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

---

***Planning & Zoning Commission***


**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 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 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:**

**CITIZENS COMMENTING AT MEETING:**

  
\_\_\_\_\_  
Chris Martin  
Planning & Zoning Commission Secretary

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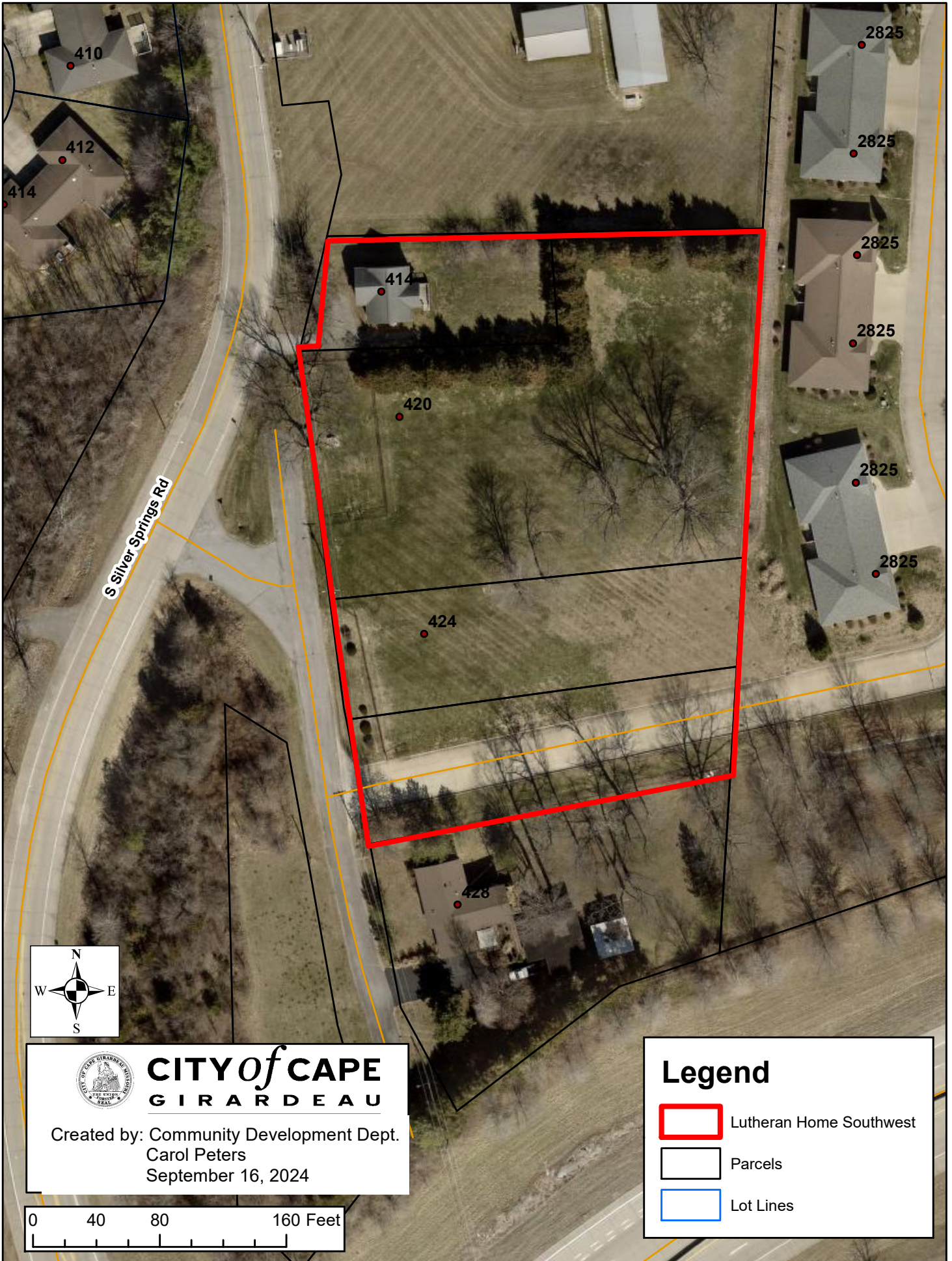
***City Council Action***

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

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# Lutheran Home Southwest Subdivision



S Silver Springs Rd

410

412

414

414

420

424

428

2825

2825

2825

2825

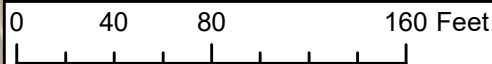
2825

2825



**CITY of CAPE GIRARDEAU**

Created by: Community Development Dept.  
Carol Peters  
September 16, 2024



## Legend

-  Lutheran Home Southwest
-  Parcels
-  Lot Lines



**SUBDIVISION PLAT APPLICATION**  
**CITY of CAPE GIRARDEAU**

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

|   |                  |  |                  |
|---|------------------|--|------------------|
| <b>Name of Subdivision</b>                                      |                  | <b>Type of Plat</b><br><input type="checkbox"/> Record <input type="checkbox"/> Preliminary <input type="checkbox"/> Boundary Adjustment |                  |
| <b>Applicant</b>  |                  | <b>Property Owner of Record</b> <input type="checkbox"/> Same as Applicant   |                  |
| Mailing Address   | City, State, Zip | Mailing Address  | City, State, Zip |
| Telephone   | Email            | Telephone  | Email            |
| Contact Person (if Applicant is a Business or Organization)     |                  | (Attach additional owners information, if necessary)   |                  |
| <b>Professional Engineer/Surveyor (if other than Applicant)</b> |                  | <b>Developer (if other than Applicant)</b>   |                  |
| Mailing Address   | City, State, Zip | Mailing Address  | City, State, Zip |
| Telephone   | Email            | Telephone  | Email            |

**ADDITIONAL ITEMS REQUIRED**

See Instructions for more information.

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

- \_\_\_ Review Fee (payable to City of Cape Girardeau)  
 \$21.00 per lot (**\$210.00 minimum**)
- \_\_\_ Recording Fee Deposit (payable to City of Cape Girardeau)
 

|                   |                    |                                 |
|-------------------|--------------------|---------------------------------|
| <u>Sheet Size</u> | <u>Record Plat</u> | <u>Boundary Adjustment Plat</u> |
| 18" x 24"         | \$46.00            | \$26.00                         |
| 24" x 36"         | <b>\$71.00</b>     | \$31.00                         |

(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)
- \_\_\_ One (1) full size print of the plat
- \_\_\_ Digital file of the plat in .pdf format (can be emailed to [cityplanning@cityofcape.org](mailto:cityplanning@cityofcape.org))
- \_\_\_ Completed minimum requirements checklist

**CERTIFICATION**

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. Furthermore, I hereby acknowledge that the plat submitted with this application must meet certain requirements in order to be approved including, but not limited to: a) successfully addressing all review comments, and b) any and all new public improvements for the subdivision being completed and/or covered under a performance guarantee agreement in accordance with the City's Code of Ordinances. If I am an agent, I hereby certify that I have notified the Property Owner(s) of Record and the developer of these requirements.

\_\_\_\_\_  
 Applicant Signature and Printed Name

\_\_\_\_\_  
 Date

|   |                                 |  |  |
|---|---------------------------------|--|--|
| <b>OFFICE USE ONLY</b>                            |                                 |  |  |
| Date Received & By _____                          | File # _____                    | MUNIS Application # _____              | MUNIS Permit # _____   |
| Review Fee Received \$ _____                      | Recording Fee Received \$ _____ | <input type="checkbox"/> Check # _____ | <input type="checkbox"/> Credit Card <input type="checkbox"/> Cash |
| Preliminary and Record Plats:                     |                                 |  |  |
| Planning & Zoning Commission Recommendation _____ | Date _____                      | City Council Final Action _____        | Date _____   |

# CITY OF CAPE GIRARDEAU

## SUBDIVISION PLAT APPLICATION

### INSTRUCTIONS

Preliminary plats (required for phased subdivisions) and record plats are subject to the subdivision plat process, which consists of reviews by the City staff, the Planning and Zoning Commission, and the City Council. Boundary adjustment plats do not go through the subdivision plat process. Instead, they are reviewed by staff only and, if approved, staff submits the plat prints to the County Recorder of Deeds Office for recording. A boundary adjustment plat cannot change the number of lots, reduce existing lots below the required minimum size, or change easement or utility lines. Applicants who are unsure of which type of plat they need to submit or have other questions should contact:

City of Cape Girardeau  
Planning Services Division  
44 North Lorimier Street  
Cape Girardeau, MO 63701  
(573) 339-6327  
[cityplanning@cityofcape.org](mailto:cityplanning@cityofcape.org)

For preliminary plats and record plats, the application deadline is four (4) weeks prior to the Planning and Zoning Commission meeting date. The Commission meets monthly on the second Wednesday. Applications must be delivered to the Planning Services Division using the above contact information.

City staff will review each application for completeness. If required information and/or items are missing, then the applicant will be contacted. Incomplete applications will not be reviewed until the requested information and/or items are provided.

Once an application has been deemed complete, it will be placed on the next Planning and Zoning Commission agenda. Staff will review the plat for compliance with the subdivision plat requirements (see attached) as well as the City's zoning and subdivision regulations. If a resubmission is necessary, then a staff review letter will be prepared and sent to the applicant. The resubmission and review process continues until all staff comments have been successfully addressed and the plat is in its final form.

A staff report will be prepared and delivered to the Planning and Zoning Commission one (1) week prior to the meeting. The staff report, along with the meeting agenda, will also be delivered to the applicant. The staff report will contain one of the following recommendations: a) approval of the plat; b) approval of the plat, subject to staff's comments being successfully addressed; c) denial of the plat; or d) action on the plat be tabled (postponed). If the plat is not in its final form by this time, then the staff report will recommend b, c, or d.

At the meeting, the Planning and Zoning Commission will review the plat and make a recommendation to the City Council. The applicant or their representative must attend the meeting to answer any questions regarding the plat.

A plat must be in its final form in order to be reviewed by the City Council. It is the applicant's responsibility to stay informed as to the status of the plat and to address any issues affecting the review schedule. Once staff has determined that a plat is in its final form, the applicant will be notified to submit the requisite number of prints. Each print must be signed and sealed by the professional surveyor and, in the case of a record plat, contain the notarized signature of each Property Owner of Record. The deadline for submitting prints is one (1) week prior to the Council meeting.

If the subdivision created by the plat involves new public improvements (such as water or sanitary sewer mains, streets, street lights, sidewalks, etc.), then those improvements must be completed and/or covered under a performance guarantee agreement in accordance with the City's Code of Ordinances before the City Council reviews the plat.

The City Council will vote on a motion to approve the plat. Preliminary plats are approved by motion and do not go on to the next Council meeting. Record plats are approved by ordinance and must receive approval of the first reading at one meeting and approval of the second and third readings at the next meeting. If approved, the plat prints will be signed by the City Clerk, who will also affix the City seal to them. For a preliminary plat, the developer may then proceed with the submission of the record plat for the first phase of the subdivision. For a record plat, the City Clerk will wait until the mandatory ten (10) day waiting period for ordinances has passed before signing and sealing the prints. Staff will then submit the plat prints to the County Recorder of Deeds Office for recording. Staff will notify the applicant when their copy of the recorded plat is ready for pick-up.

For questions, please contact the Planning Services Division at (573) 339-6327 or [cityplanning@cityofcape.org](mailto:cityplanning@cityofcape.org).



# City of Cape Girardeau

## Subdivision Plat Requirements

### (Record Plats)

#### **MINIMUM REQUIREMENTS FOR RECORD PLATS – COMPLETE CHECKLIST AND SUBMIT WITH APPLICATION**

*(First column of check boxes is for professional engineer/surveyor; second column is for City staff)*

NAME OF SUBDIVISION: \_\_\_\_\_

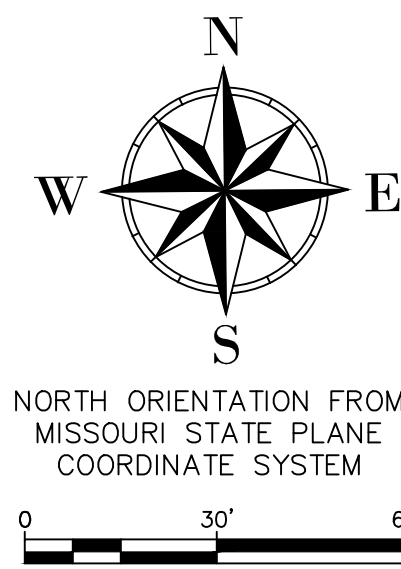
- Sheet size - 18" x 24", 24" x 24", or 24" x 36"
- White background with black text and graphics; greyscale allowed; no other colors
- Border - rectangular, solid line(s)
- Title block - include name, address, and phone number of consultant preparing the plat; include box for original issue date and at least 3 revision issue dates
- Sheet number, if plat consists of more than one sheet
- Plat title - located at the top of the sheet, preferably centered; begin with "RECORD PLAT"; name cannot be a duplicate of an existing subdivision in the county or include "RESUBDIVISION"
- Description beneath plat title - if existing platted lots are involved, begin with "ALL OF" or "PART OF" as applicable; include Block Number if applicable; include Book and Page or Document Number of existing plat; include vacated right-of-way/alley if applicable; end with "IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI"
- References - list all deeds, plats, separate easement instruments, etc. used in preparing the plat; include Book and Page or Document Number for each, if recorded
- North arrow with basis of bearings
- Graphic scale - 1:100 or less; must be a multiple of 10
- Vicinity map - lines only (no images); all nearby streets and major streets labeled; site labeled; include North arrow and "NTS" or "NOT TO SCALE"; use transparent background for labels
- Legend - list found monuments first, followed by set monuments, followed by: "SUBDIVISION BOUNDARY LINE", "LOT LINE TO BE ELIMINATED" and/or "NEW LOT LINE" as applicable, "EXISTING EASEMENT LINE" and/or "NEW EASEMENT LINE" as applicable, "BUILDING SETBACK LINE", "EXTERNAL PROPERTY LINE", "RIGHT-OF-WAY LINE", "CENTERLINE", other symbols as applicable
- Curve table and/or line table, if necessary - include unit symbols for distances/lengths
- Subdivision boundary and internal lines accurately drawn and labeled with bearing and distance or referenced to curve table/line table
- Section/township/range lines accurately drawn and labeled
- Adjacent parcel lines accurately drawn
- Subdivision boundary and each lot checked for closure
- Each proposed lot labeled with lot number and area expressed in square feet and acres
- All parcels within and adjacent to the subdivision boundary labeled with record owner name and Book and Page or Document Number for deed
- All existing platted lots within and adjacent to the subdivision boundary labeled with subdivision name and Book and Page or Document Number for plat
- All existing easements within the subdivision boundary labeled as existing; include type of easement (water, sewer, utility, drainage, access, etc.); include Book and Page or Document Number, if recorded
- All new easements within the subdivision boundary labeled as "NEW \_\_\_' UTILITY EASEMENT", "NEW \_\_\_' ACCESS EASEMENT", or other type of easement as applicable
- All building setback lines within the subdivision boundary labeled; include depth
- All rights-of-way within and adjacent to the subdivision boundary labeled with street name (or labeled as alley if applicable) and right-of-way width
- All private streets within and adjacent to the subdivision boundary labeled with street name followed by "(PRIVATE STREET)" along with existing access easement information, if applicable, or shown in a new 50 foot access easement
- Notes:
  - Zoning - include zoning district name, minimum lot area, minimum lot width, maximum density if applicable, and setbacks; if zoning district has different standards based on land use type, include all standards and state the proposed use type(s)
  - Lot - include total number of lots, largest lot area, smallest lot area, and total subdivision area; include proposed density (for residential subdivisions)

**MINIMUM REQUIREMENTS FOR RECORD PLATS (CONTINUED)**

- Variance, if applicable - begin with "A VARIANCE IS SHOWN FOR" followed by "A REDUCED LOT AREA FOR LOT \_", "A REDUCED LOT WIDTH FOR LOT \_", or "A REDUCED \_\_\_\_\_ YARD SETBACK ALONG THE \_\_\_\_\_ LOT LINE OF LOT \_", as applicable
  - Exception, if applicable - begin with "AN EXCEPTION IS SHOWN FOR" followed by "THE OMISSION OF THE REQUIRED 10 FOOT UTILITY EASEMENT ALONG THE \_\_\_\_\_ LOT LINE OF LOT \_" or "A REDUCED UTILITY EASEMENT WIDTH ALONG THE \_\_\_\_\_ LOT LINE OF LOT \_", as applicable
  - Floodplain - begin with "A PORTION OF THE PROPERTY FALLS WITHIN" or "NO PORTION OF THE PROPERTY FALLS WITHIN", as applicable; if referencing a zone designation, state what that designation means
- List each record owner name and Book and Page or Document Number for deed, name and address of party for whom the plat was prepared, name and address of consultant that performed the survey and prepared the plat
- Subdivision Dedication:
- Begin with "THE UNDERSIGNED," followed by the owner name(s) as stated in the current deed(s); include "HUSBAND AND WIFE," if applicable; include "A [insert state name] LIMITED LIABILITY COMPANY," or "A [insert state name] CORPORATION," if applicable; followed by "OWNER OF" or "OWNERS OF" and a description matching the description beneath the plat title, followed by "CONTAINING \_\_\_\_\_ SQUARE FEET (\_\_\_\_ ACRES), MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:"; followed by a legal description of the total subdivision area; followed by "HEREBY SUBDIVIDE" or "HEREBY SUBDIVIDES"; followed by "SAID TRACT INTO \_\_\_\_\_ AS SHOWN HEREON, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SUBDIVISION, WHICH IS HEREBY NAMED \_\_\_\_\_."
  - New right-of-way and/or easements - use standard language
- Legal description checked against drawing for congruence
- Owner signature line(s) with notary block(s) - include title after signatory name if owner is not an individual; include "HUSBAND AND WIFE," if applicable; include "A [insert state name] LIMITED LIABILITY COMPANY," or "A [insert state name] CORPORATION," if applicable
- If plat shows existing public easement(s) to be released – use standard block for City Manager’s release
- City Clerk's certificate - use standard block for record plats
- County Recorder of Deeds' certificate - use standard block
- Surveyor's certificate

# RECORD PLAT OF LUTHERAN HOME SOUTHWEST SUBDIVISION

PART OF OUT LOT NO 86 OF SURVEY NO 2199,  
TOWNSHIP 30 NORTH, RANGE 13 EAST  
IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI



## SUBDIVISION DEDICATION

THE UNDERSIGNED, BRENT PRESSER, BOARD PRESIDENT OF LUTHERAN HOME FOR THE AGED, A MISSOURI NONPROFIT CORPORATION, BEING THE OWNER IN FEE OF THAT PART OF OUT LOT NO. 86 OF SURVEY NO. 2199, TOWNSHIP 30 NORTH, RANGE 13 EAST IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, CONTAINING 92,484 SQUARE FEET (2.12 ACRES), MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF BLOOMFIELD ROAD AND THE EAST RIGHT-OF-WAY LINE OF SOUTH SILVER SPRINGS ROAD, THENCE WITH SAID EAST RIGHT-OF-WAY LINE, SOUTH 07°44'03" EAST, 360.52 FEET; THENCE NORTH 82°47'21" EAST, 26.81 FEET; THENCE SOUTH 07°12'39" EAST, 47.22 FEET; THENCE SOUTH 05°11'12" WEST, 49.45 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, NORTH 87°12'04" EAST, 271.30 FEET; THENCE SOUTH 03°08'43" WEST, 336.38 FEET; THENCE SOUTH 77°33'24" WEST, 234.05 FEET; THENCE NORTH 07°54'38" WEST, 310.12 FEET; THENCE NORTH 87°09'57" EAST, 12.81 FEET; THENCE NORTH 05°10'42" EAST, 65.52 FEET TO THE POINT OF BEGINNING, BEING SUBJECT TO ANY RIGHT-OF-WAYS OF RECORD;

DO HEREBY SUBDIVIDE SAID TRACT INTO A LOT AS SHOWN HEREON, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SUBDIVISION, WHICH IS HEREBY NAMED "LUTHERAN HOME SOUTHWEST SUBDIVISION".

BRENT PRESSER - BOARD PRESIDENT  
LUTHERAN HOME FOR THE AGED

STATE OF MISSOURI )  
COUNTY OF CAPE GIRARDEAU ) SS.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC FOR SAID STATE AND COUNTY, PERSONALLY APPEARED BRENT PRESSER, BOARD PRESIDENT OF LUTHERAN HOME FOR THE AGED, A MISSOURI NONPROFIT CORPORATION, KNOWN TO ME TO BE THE PERSON DESCRIBED HEREIN, WHO ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF SAID NONPROFIT CORPORATION.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY OFFICIAL SEAL IN THE AFORESAID STATE AND COUNTY, THE DATE FIRST ABOVE WRITTEN.

MY TERM EXPIRES \_\_\_\_\_

NOTARY PUBLIC

I, \_\_\_\_\_, CITY CLERK OF THE CITY OF CAPE GIRARDEAU,

MISSOURI, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ORDINANCE NO. \_\_\_\_\_

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
CITY CLERK OF THE CITY OF CAPE GIRARDEAU, MISSOURI

STATE OF MISSOURI )  
COUNTY OF CAPE GIRARDEAU )

FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF DEEDS OF CAPE GIRARDEAU

COUNTY, MISSOURI, IN DOCUMENT NO. \_\_\_\_\_, AT JACKSON, MISSOURI,

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

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

## SUBDIVISION NOTES

### ZONING DISTRICT REGULATIONS

THE SUBDIVISION IS ZONED  
RUMD - RESIDENTIAL URBAN MIXED DENSITY DISTRICT

MAXIMUM HEIGHT:  
WHEN SIDE YARDS ARE LESS THAN 15 FEET IN WIDTH, 2½ STORIES NOT TO EXCEED 35 FEET.  
WHEN SIDE YARDS ARE 15 FEET IN WIDTH OR GREATER, THREE STORIES, NOT TO EXCEED 45 FEET.

MINIMUM LOT AREA:  
EACH TOWNHOUSE MUST BE ON A SEPARATE PLATTED LOT CONSISTING OF AT LEAST 1,400 SQUARE FEET.  
DUPLICES: 3,750 SQUARE FEET PER UNIT.  
SINGLE-FAMILY: 5,000 SQUARE FEET.  
MULTI-FAMILY: 3,750 SQUARE FEET.

MAXIMUM DENSITY: TWELVE UNITS PER ONE ACRE. HIGHER DENSITIES MAY BE APPROVED WITH A CLUSTER SUBDIVISION AS PERMITTED IN CHAPTER 25.

MINIMUM LOT WIDTH:  
TOWNHOUSES AND DUPLICES: 20 FEET.  
ALL OTHER USES: 30 FEET.

MINIMUM YARD REQUIREMENTS:  
FRONT YARD:  
EACH TOWNHOUSE: TEN FEET.  
ALL OTHER USES: 20 FEET.  
REAR YARD:  
EACH TOWNHOUSE: 20 FEET.  
ALL OTHER USES: 20 FEET.  
SIDE YARD:  
TOWNHOUSES AND DUPLICES: NONE.  
ALL OTHER USES: THREE FEET.

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

### AREA AND LOT INFORMATION

TOTAL SUBDIVISION AREA: 92,484 SQ. FT. (2.12 ACRES)  
TOTAL NUMBER OF LOTS: 1  
SMALLEST LOT SIZE: 92,484 SQ. FT. (2.12 ACRES)  
LARGEST LOT SIZE: 92,484 SQ. FT. (2.12 ACRES)

### RECORD OWNER

NOW/FORMERLY  
LUTHERAN HOME FOR THE AGED  
DEED BOOK 1067, PAGE 842  
DOCUMENT # 2005-10683  
DOCUMENT # 2006-14852  
DOCUMENT # 2007-02795  
DOCUMENT # 2009-11360

### PLAT PREPARED FOR:

LUTHERAN HOME FOR THE AGED  
2825 BLOOMFIELD RD  
CAPE GIRARDEAU, MO 63703

### REFERENCES

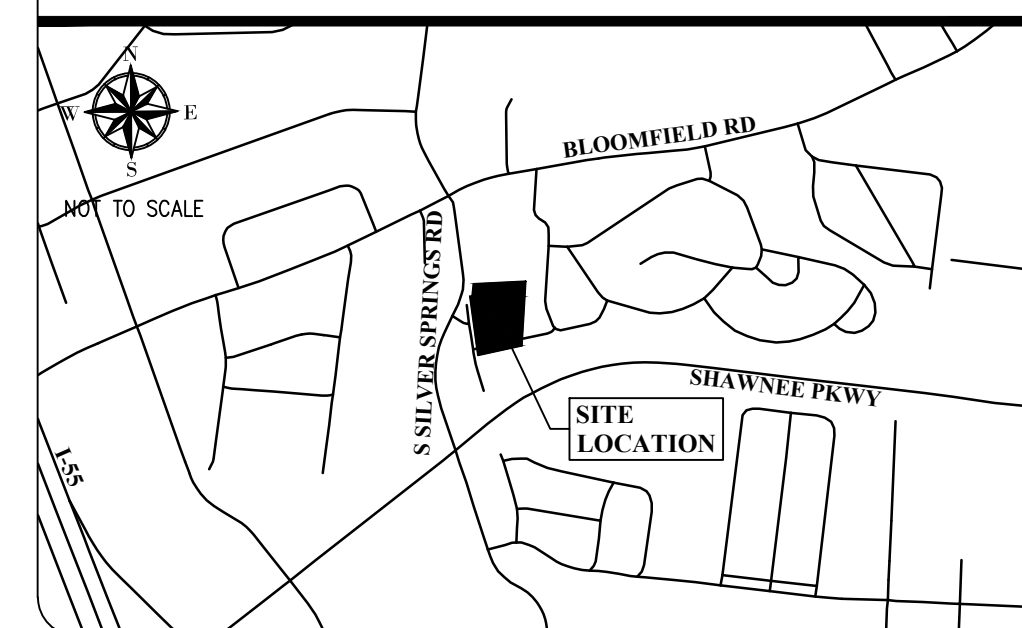
DEED BOOK 439, PAGE 117  
DEED BOOK 508, PAGE 976  
DEED BOOK 951, PAGE 625  
DEED BOOK 1067, PAGE 842  
DOCUMENT #2005-10683  
DOCUMENT #2006-14852  
DOCUMENT #2007-02795  
DOCUMENT #2009-11360  
DOCUMENT #2018-08541

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

## LEGEND

- = FOUND ½" IRON ROD
- = SET IRON ROD
- = SUBDIVISION BOUNDARY LINE
- - - = LOT LINE TO BE ELIMINATED
- = BUILDING SETBACK LINE
- - - = EXTERNAL PROPERTY LINE
- - - = RIGHT OF WAY LINE
- - - = CENTERLINE

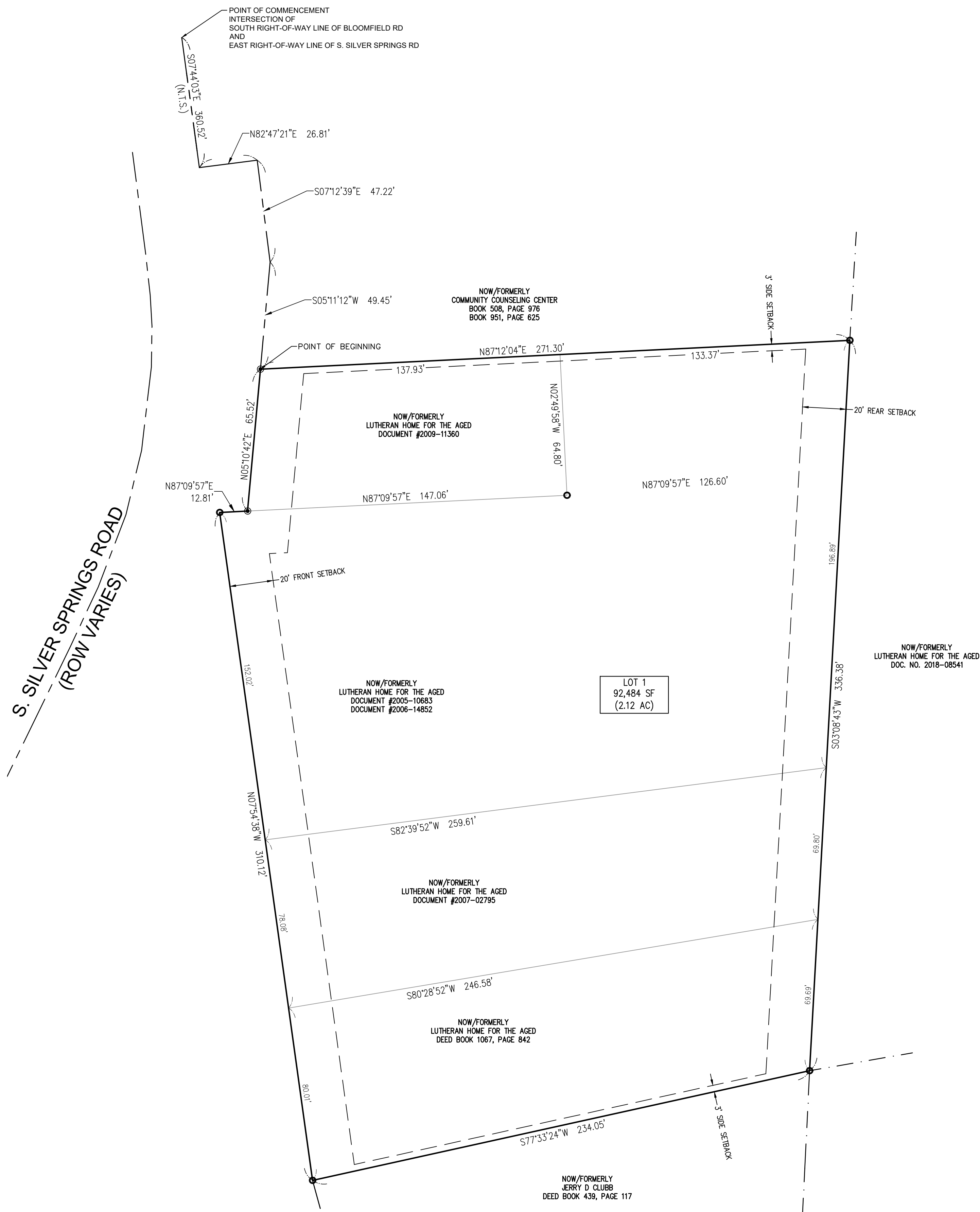
## VICINITY MAP



## FLOODPLAIN NOTE

NO PORTION OF THE PROPERTY FALLS WITHIN THE 100 YEAR FLOODPLAIN, AS INDICATED ON THE FLOOD INSURANCE RATE MAP NUMBER 29031C0262E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

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



# KOEHLER

Professional Engineers & Land Surveyors

194 Coker Lane  
Cape Girardeau, Missouri 63701  
Ph: (573) 335 - 3026 Fax: (573) 335 - 3049  
PLS CORPORATE LICENSE NO. 000262

| DRAWN BY:     | ASHTON GASKILL     | REV DATE: | DESCRIPTION               | INITIALS |
|---------------|--------------------|-----------|---------------------------|----------|
| CHECKED BY:   | TRAVIS STEFFENS    | 10/04/24  | REVISED PER CITY COMMENTS | AG       |
| SURVEY DATE:  | JULY 2024          | 10/11/24  | REVISED PER CITY COMMENTS | AG       |
| DRAWING DATE: | SEPTEMBER 09, 2024 |           |                           |          |
| DRAWING NO:   | 39070              |           |                           |          |

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-186**

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## SUBJECT

An Ordinance annexing land located at 3082 County Road 620 into the city limits of the City of Cape Girardeau, Missouri.

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## EXECUTIVE SUMMARY

The attached ordinance annexes the property at 3082 County Road 620 into the city limits. A public hearing was held on October 7, 2024 to consider the proposed annexation and zoning of the property as M-1 (Light Manufacturing/Industrial District). Ordinances for the zoning and ward boundary extension are on this agenda as separate items.

---

## BACKGROUND/DISCUSSION

On August 19, 2024, the City Council acknowledged receipt of an annexation petition for the property at 3082 County Road 620. A public hearing was held on October 7, 2024 to consider the proposed annexation and zoning of the property as M-1 (Light Manufacturing/Industrial District). Ordinances for the zoning and ward boundary extension are on this agenda as separate items.

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## 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 3082 County Road 620.

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## PUBLIC OUTREACH

Notice of the City Council's public hearing was advertised in the Southeast Missourian on September 21, 2024. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the property.

---

### ATTACHMENTS:

| Name:  | Description:                          |
|--|---------------------------------------|
| <a href="#">24-116_3082_CO_RD_620_Annexation_Ordinance.doc</a> | Ordinance                             |
| <a href="#">Map - 3082 County Road 620 to be Annexed.pdf</a>   | 3082 County Road 620 - Annexation Map |

BILL NO. 24-116

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING LAND LOCATED AT 3082  
COUNTY ROAD 620 INTO THE CITY LIMITS OF THE  
CITY OF CAPE GIRARDEAU, MISSOURI

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WHEREAS, Forefront Enterprises, LLC, a Missouri Limited Liability Company, has presented to the City Council of the City of Cape Girardeau, Missouri, a Verified Petition requesting annexation as the owner of all fee interest of record of a certain tract of land which it proposes to be annexed to the City of Cape Girardeau, Missouri; and

WHEREAS, a public hearing was held on Monday, October 7, 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 contiguous and compact and adjacent to the existing corporate limits of the City, and to extend the limits of the City over said tract as described herein below, to-wit:

3082 County Road 620

Part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section 23, Township 31 North, Range 13 East of the Fifth Principal Meridian in Cape Girardeau County, Missouri containing 1.36 acres (more or less), described as follows:

Commencing at the northeast corner of the NW $\frac{1}{4}$  of said Section 23; thence South 88°24'55" West along the  $\frac{1}{4}$ -Section Line, 519.50 feet to the northwest corner of Lot 5 of LaCroix Industrial Park Amended as shown in record Plat Book 15, Page 38; thence South 00°38'05" East along the West Line of said LaCroix Industrial Park, 588.17 feet to the southeast corner of a parcel described in Document Number 2017-05089; thence South 86°52'57" West along the South Line of said parcel, 446.15 feet to a point in the centerline of the West Fork of Cape LaCroix Creek for the Point of Beginning: thence South 48°07'03" East along the said centerline, 76.01 feet thence South 11°00'16" East along said centerline, 206.28 feet to the northeast corner of Lot 03 of Peaceable Acres Subdivision as shown in Plat Book 17, Page 24; thence South 74°57'12" West along the North Line of said Lot 03, 167.29 feet to a point in the East Right of Way Line of County Road 620 (Cape LaCroix Road); thence North 15°02'48" West along said East Right of Way Line, 488.67 feet thence South 67°41'03" East, 20.92 feet to a point in the centerline of the West Fork of Cape LaCroix Creek; thence South 18°45'03" East along said centerline, 59.32 feet thence South 54°11'14" East along said centerline, 189.94 feet to the Point of Beginning.

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.

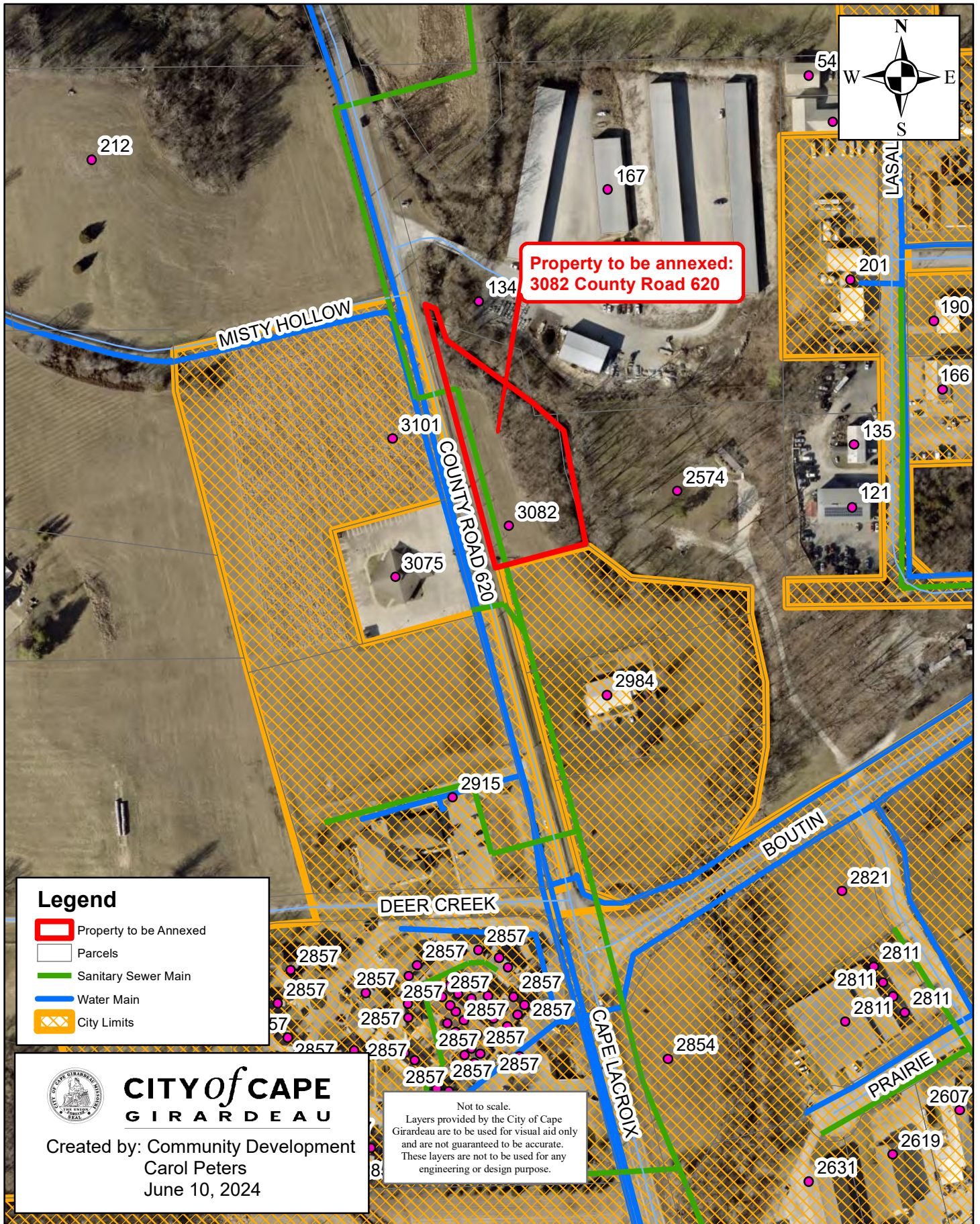
\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



# 3082 County Road 620 Annexation Request





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**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-187**

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## **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 3082 County Road 620 as M-1, Light Manufacturing/Industrial District.

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## **EXECUTIVE SUMMARY**

The attached ordinance zones the property at 3082 County Road 620 as M-1 (Light Manufacturing/Industrial District) upon annexation. A public hearing was held on October 7, 2024 to consider the proposed annexation and zoning of the property as M-1. Ordinances for the annexation and ward boundary extension are on this agenda as separate items.

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## **BACKGROUND/DISCUSSION**

On August 19, 2024, the City Council acknowledged receipt of an annexation petition for the property at 3082 County Road 620. As part of the annexation process, the Planning and Zoning Commission is charged with making a recommendation to the City Council regarding how the property should be zoned upon annexation.

The adjacent properties are zoned R-1 (Single-Family Suburban Residential District) to the northwest and C-2 (Highway Commercial District) to the south. The other adjacent properties are outside the city limits and are not zoned. This area is characterized by single-family residential, multifamily residential, religious, commercial, and light industrial uses. The Cape Vision 2040 Comprehensive Plan's Future Land Use Map shows the subject property as Light Industrial.

A public hearing was held on October 7, 2024 to consider the proposed annexation and zoning of the property as M-1 (Light Manufacturing/Industrial District). Ordinances for the annexation and ward boundary extension are on this agenda as separate items.

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## **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 owner of the subject property intends to construct a building containing a business office and a plumbing/HVAC equipment and materials storage area. M-1 (Light Manufacturing/Industrial 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.

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## **STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended zoning the property as M-1 (Light Manufacturing/Industrial District) upon annexation.

## BOARD OR COMMISSION RECOMMENDATION

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The Planning and Zoning Commission, at its September 11, 2024 meeting, held a public hearing and recommended zoning the property as M-1 (Light Manufacturing/Industrial District) upon annexation, with a vote of 7 in favor, 0 in opposition, and 0 abstaining.

## PUBLIC OUTREACH

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Notice of the City Council's public hearing was advertised in the Southeast Missourian on September 21, 2024. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the property.

| <b>ATTACHMENTS:</b>   |                                       |
|---|---------------------------------------|
| Name:   | Description:                          |
| <a href="#">24-117_3082_CO_RD_620_Zoning_M-1.doc</a>                          | Ordinance                             |
| <a href="#">Staff_Review-Referral-Action_Form_-_3082_County_Road_620.pdf</a>  | 3082 County Road 620 - Staff RRA Form |
| <a href="#">Map_-_Zoning_-_3082_CO_RD_620.pdf</a>                             | 3082 County Road 620 - Zoning Map     |
| <a href="#">Map_-_FLU_-_3082_CO_RD_620.pdf</a>                                | 3082 County Road 620 - FLU Map        |
| <a href="#">Sec._30-68._-_M-1_Light_Manufacturing_Industrial_District.pdf</a> | M-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 3082 COUNTY ROAD 620 AS M-1, LIGHT MANUFACTURING/INDUSTRIAL DISTRICT

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WHEREAS, the City Planning and Zoning Commission has recommended zoning all of the newly annexed property described in Article 1 of this ordinance as M-1, Light Manufacturing/Industrial District; and

WHEREAS, Public Notice of such change was given as prescribed in Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and a public hearing was held on Monday, October 7, 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 M-1, Light Manufacturing/Industrial District:

3082 County Road 620

Part of the Northeast Quarter (NE¼) of the Northwest Quarter (NW ¼) of Section 23, Township 31 North, Range 13 East of the Fifth Principal Meridian in Cape Girardeau County, Missouri containing 1.36 acres (more or less), described as follows:

Commencing at the northeast corner of the NW¼ of said Section 23; thence South 88°24'55" West along the ¼-Section Line, 519.50 feet to the northwest corner of Lot 5 of LaCroix Industrial Park Amended as shown in record Plat Book 15, Page 38; thence South 00°38'05" East along the West Line of said LaCroix Industrial Park, 588.17 feet to the southeast corner of a parcel described in Document Number 2017-05089; thence South 86°52'57" West along the South Line of said parcel, 446.15 feet to a point in the centerline of the West Fork of Cape LaCroix

Creek for the Point of Beginning: thence South 48°07'03" East along the said centerline, 76.01 feet thence South 11°00'16" East along said centerline, 206.28 feet to the northeast corner of Lot 03 of Peaceable Acres Subdivision as shown in Plat Book 17, Page 24; thence South 74°57'12" West along the North Line of said Lot 03, 167.29 feet to a point in the East Right of Way Line of County Road 620 (Cape LaCroix Road); thence North 15°02'48" West along said East Right of Way Line, 488.67 feet thence South 67°41'03" East, 20.92 feet to a point in the centerline of the West Fork of Cape LaCroix Creek; thence South 18°45'03" East along said centerline, 59.32 feet thence South 54°11'14" East along said centerline, 189.94 feet to the Point of Beginning.

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 M-1, Light Manufacturing/Industrial 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:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



**CITY OF CAPE GIRARDEAU, MISSOURI**

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

FILE NO. 1472

LOCATION: 3082 County Road 620

**STAFF REVIEW & COMMENTS:**

Contiguous property being annexed at 3082 County Road 620 to be placed into an appropriate zoning district. SEE STAFF REPORT FOR FURTHER INFORMATION.

[Signature]  
City Planner

8/29/24  
Date

[Signature]  
City Attorney

8/30/24  
Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

[Signature]  
City Manager

8/30/24  
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 type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Nick Martin            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Robbie Guard  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sommer McCauley-Perdue | <input 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:**

**CITIZENS COMMENTING AT MEETING:**

[Signature]  
Chris Martin  
Planning & Zoning Commission Secretary

**City Council Action**

Posting Dates: Sign \_\_\_\_\_ Newspaper \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_  
Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

VOTE COUNT: \_\_\_\_\_ Favor \_\_\_\_\_ Oppose \_\_\_\_\_ Abstain

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

# Zoning Recommendation for Property to be Annexed

Recommended Zoning of 3082 County Road 620:  
M-1 (Light Manufacturing/Industrial District)  
Future Land Use Recommendation: Light Industrial



Misty Hollow Ln

Meek and

R1

3101

County Road 620

3082

3075

C2

Capel LaCroix Rd

### Legend

3082 CO RD 620

Cape City Limits

Parcels

### Zoning District

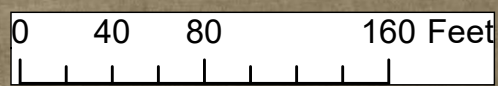
C2

R1



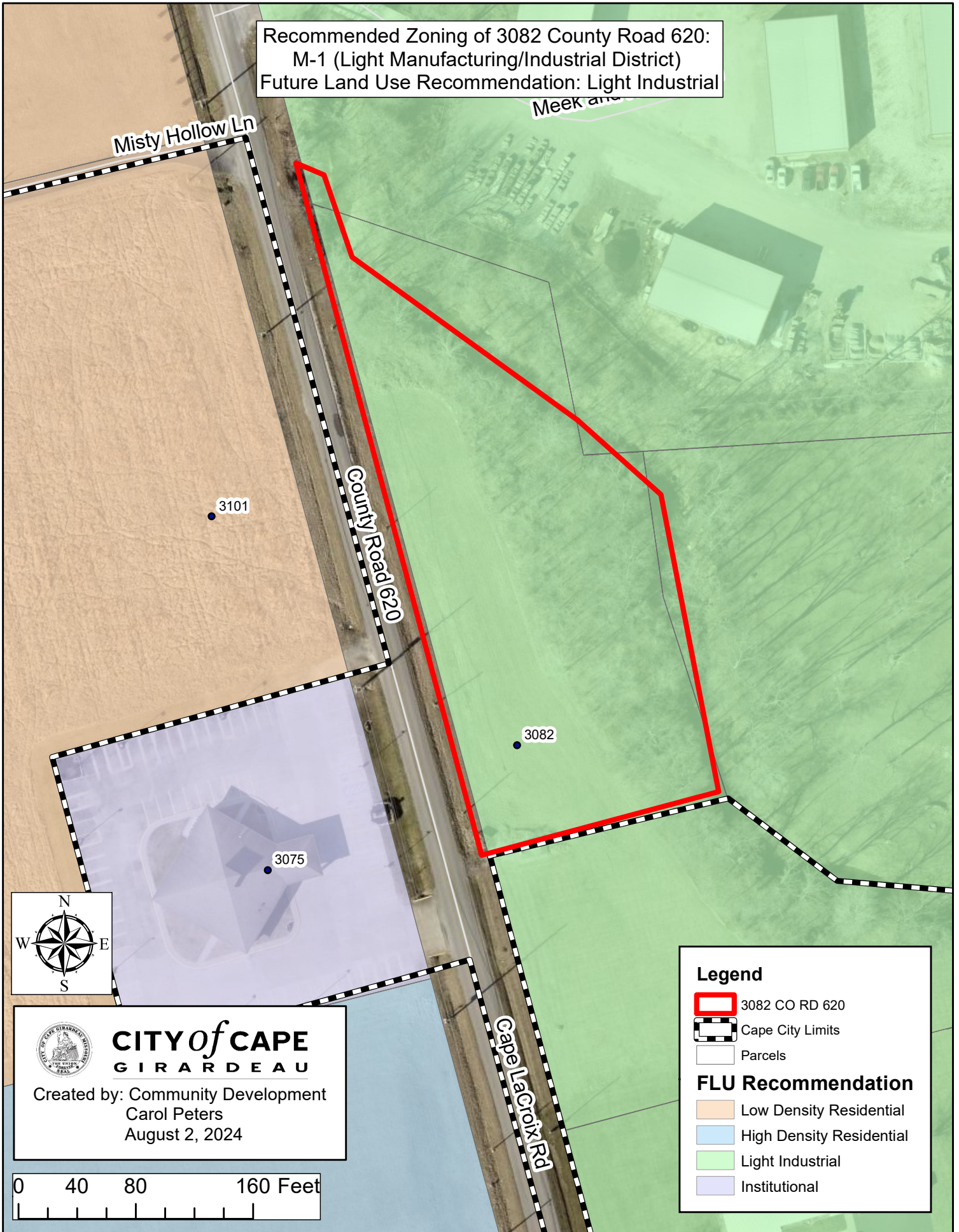
**CITY of CAPE**  
**GIRARDEAU**

Created by: Community Development  
Carol Peters  
August 2, 2024



# Zoning Recommendation for Property to be Annexed

Recommended Zoning of 3082 County Road 620:  
M-1 (Light Manufacturing/Industrial District)  
Future Land Use Recommendation: Light Industrial



Sec. 30-68. - M-1, Light Manufacturing/Industrial District.

- (a) *Purpose.* The M-1 district is intended primarily for uses engaged in light manufacturing, assembly, fabrication, warehousing, wholesaling and retail trade, and service operations which conduct all activities within a building with no external impact or effect. This district is intended to serve as a transition between more intense industrial development and commercial, office, or multifamily residential development.
- (b) *Permitted principal uses.*
- (1) Light manufacturing facilities.
  - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing, electrical, heating, plumbing and binding establishments.
  - (3) Health and fitness centers.
  - (4) Cemeteries.
  - (5) Commercial day cares.
  - (6) Funeral homes and mortuaries.
  - (7) Government buildings and uses, including police and fire stations.
  - (8) Heavy machinery and equipment sales, rental and service.
  - (9) Offices, administrative, business, finance and professional.
  - (10) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
  - (11) Public service and public utility uses as follows:
    - a. Wireless facilities.
    - b. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
  - (12) Industrial schools and business schools.
  - (13) Mini warehouses or self-storage units.
  - (14) Residential treatment facilities.
  - (15) Television and radio studios including any transmitting facilities.
  - (16) Veterinary clinics, animal hospitals, and kennels.
  - (17) Warehouses, storage and distribution centers.
  - (18) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
  - (19) Recycling centers.
  - (20) Marinas or docks.
  - (21) Transitional housing.
  - (22) Restaurants and bars.
  - (23) Retail, including vehicle sales.
  - (24) Comprehensive marijuana cultivation facilities, medical marijuana cultivation facilities, or microbusiness wholesale facilities, as permitted in [section 30-118](#).
  - (25) Comprehensive marijuana dispensary facilities, medical marijuana dispensary facilities, or microbusiness dispensary facilities, as permitted in [section 30-118](#).
  - (26) Comprehensive marijuana-infused products manufacturing facilities or medical marijuana-infused products manufacturing facilities, as permitted in [section 30-118](#).



(27) Marijuana testing facilities, as permitted in section 30-118.

(28) Marijuana transportation facilities, as permitted in section 30-118.

(c) *Permitted accessory uses.*

(1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.

(2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-106.

(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) Emergency shelters, transitional service shelters for 50 or fewer residents.

(2) Manufactured business units, for office use only.

(3) Telecommunication tower, as permitted in section 30-107.

(4) Excursion gambling boat or floating gambling facility, as permitted in section 30-112.

(5) Wind energy conversion systems, as permitted in section 30-113.

(6) Billboards, as permitted in section 25-109.

(7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.

(8) Short-term or long-term use of shipping containers for principal uses, as permitted in section 30-105.

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

(e) *Standards.*

(1) A site plan, meeting the requirements of chapter 25 shall be submitted and approved.

(2) All storage shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible from the street or adjoining property. Any outdoor storage shall be at least 100 feet from any residential zoning district or use.

(3) No building shall be used for residential purposes, except for a night watchman or a caretaker employed on the premises.

(4) Utilitarian areas such as loading docks, mechanical equipment, storage areas, mechanical and electrical equipment, and dumpsters shall be located in the rear or side yard of the building.

(5) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25.

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

(1) Maximum height: 40 feet excluding silos, smokestacks, and dust collection systems.

(2) Minimum lot area: None.

(3) Minimum lot width: None.

(4) Minimum yard requirements:

a. Front yard: 25 feet.

b. Rear yard: 25 feet.

c. Side yard: None, except on a lot abutting a residential district there shall be a side yard of not less than ten feet on the side of the lot abutting the residential district.

(5) Maximum building coverage: None.

(g) *Open space, landscaping and bufferyard requirements.*

(1) A minimum of 15 percent of the total lot area shall be devoted to open space, including required yard and bufferyards.

(2) Landscaping shall be provided as required in chapter 25.

(3) A 20-foot-wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD and RMH zoning districts. This bufferyard shall comply with the requirements of chapter 25.

(h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-46.

(Code 1990, § 30-335; Ord. No. 5211, art. 6, 7-15-2019; Ord. No. art. 5, 2-6-2023)

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**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-188**

---

**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 3082 County Road 620. A public hearing was held on October 7, 2024 to consider the proposed annexation and zoning of the property as M-1 (Light Manufacturing/Industrial 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 3082 County Road 620.

**ATTACHMENTS:**

| Name:  | Description:                                       |
|--|--|
| <a href="#">24-118_3082_CO_RD_620_Ward_4.doc</a>                       | Ordinance  |
| <a href="#">Map - 3082 County Road 620 Ward Boundary Extension.pdf</a> | 3082 County Road 620 - Ward Boundary Extension 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

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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:

3082 County Road 620

Part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northwest  
Quarter (NW  $\frac{1}{4}$ ) of Section 23, Township 31 North, Range  
13 East of the Fifth Principal Meridian in Cape  
Girardeau County, Missouri containing 1.36 acres (more  
or less), described as follows:

Commencing at the northeast corner of the NW $\frac{1}{4}$  of said  
Section 23; thence South 88°24'55" West along the  $\frac{1}{4}$ -  
Section Line, 519.50 feet to the northwest corner of  
Lot 5 of LaCroix Industrial Park Amended as shown in  
record Plat Book 15, Page 38; thence South 00°38'05"  
East along the West Line of said LaCroix Industrial  
Park, 588.17 feet to the southeast corner of a parcel  
described in Document Number 2017-05089; thence South  
86°52'57" West along the South Line of said parcel,  
446.15 feet to a point in the centerline of the West  
Fork of Cape LaCroix Creek for the Point of Beginning:  
thence South 48°07'03" East along the said centerline,  
76.01 feet thence South 11°00'16" East along said  
centerline, 206.28 feet to the northeast corner of Lot  
03 of Peaceable Acres Subdivision as shown in Plat  
Book 17, Page 24; thence South 74°57'12" West along  
the North Line of said Lot 03, 167.29 feet to a point  
in the East Right of Way Line of County Road 620 (Cape  
LaCroix Road); thence North 15°02'48" West along said  
East Right of Way Line, 488.67 feet thence South  
67°41'03" East, 20.92 feet to a point in the  
centerline of the West Fork of Cape LaCroix Creek;  
thence South 18°45'03" East along said centerline,

59.32 feet thence South 54°11'14" East along said centerline, 189.94 feet to the Point of Beginning.

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.

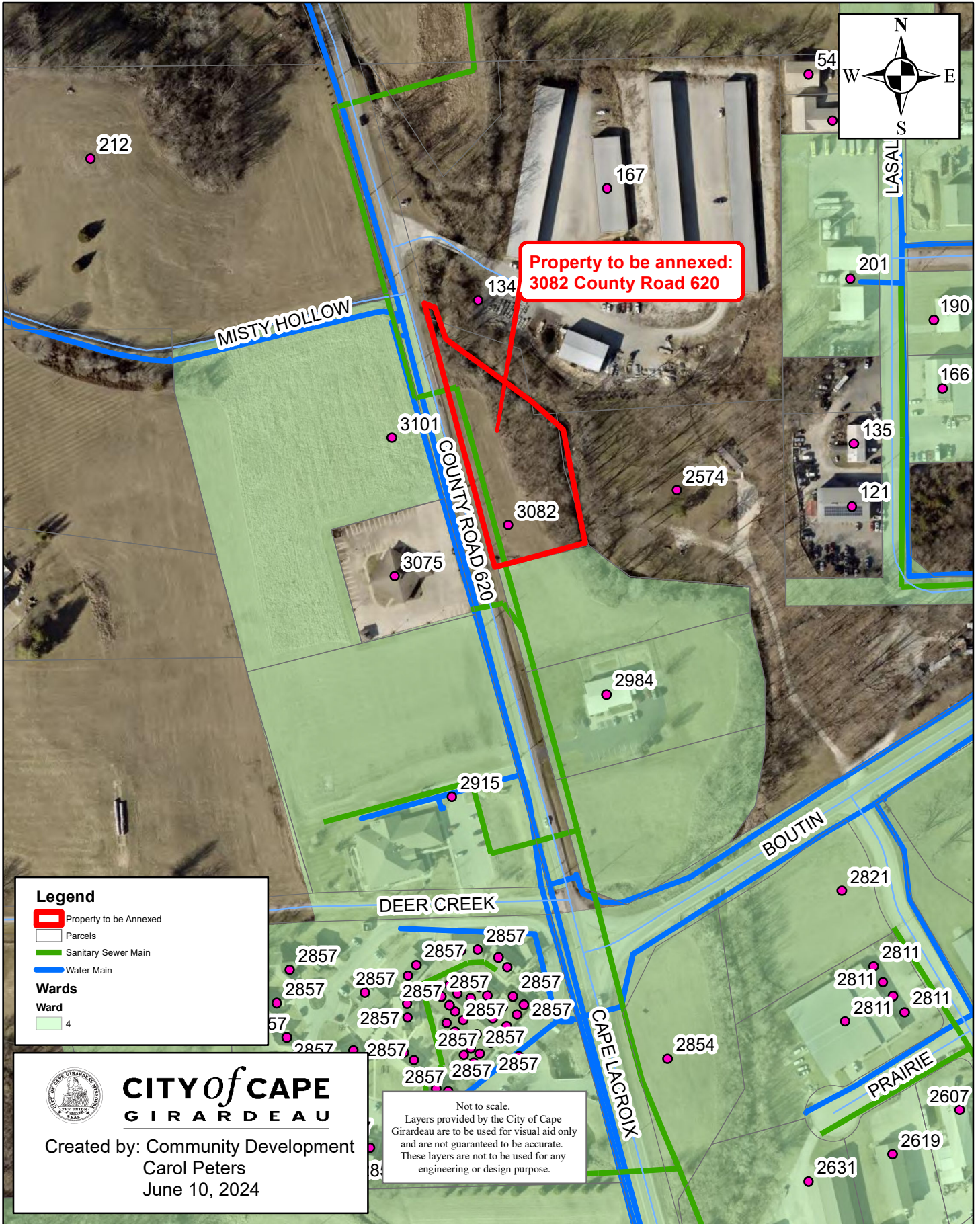
\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



# 3082 County Road 620 Ward Boundary Extension



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-189**

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## SUBJECT

An Ordinance annexing land located at 3268 Perryville Road into the city limits of the City of Cape Girardeau, Missouri.

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## EXECUTIVE SUMMARY

The attached ordinance annexes the property at 3268 Perryville Road into the city limits. A public hearing was held on October 7, 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.

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## BACKGROUND/DISCUSSION

On August 19, 2024, the City Council acknowledged receipt of an annexation petition for the property at 3268 Perryville Road. A public hearing was held on October 7, 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.

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## 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.

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## STAFF RECOMMENDATION

Staff recommends approval of the ordinance annexing the property at 3268 Perryville Road.

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## PUBLIC OUTREACH

Notice of the City Council's public hearing was advertised in the Southeast Missourian on September 21, 2024. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the property.

---

### **ATTACHMENTS:**

| Name:   | Description:                          |
|---|---------------------------------------|
| <a href="#">24-119_3268_Perryville_Annexation_Ordinance.doc</a> | Ordinance                             |
| <a href="#">Map - 3268_Perryville_Road_to_be_Annexed.pdf</a>    | 3268 Perryville Road - Annexation Map |

BILL NO. 24-119

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING LAND LOCATED AT 3268  
PERRYVILLE ROAD INTO THE CITY LIMITS OF THE  
CITY OF CAPE GIRARDEAU, MISSOURI

---

WHEREAS, Williams Revocable Trust U/A/D October 5, 2016, has presented to the City Council of the City of Cape Girardeau, Missouri, a Verified Petition requesting annexation as the owner of all fee interest of record of a certain tract of land which it proposes to be annexed to the City of Cape Girardeau, Missouri; and

WHEREAS, a public hearing was held on Monday, October 7, 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 contiguous and compact and adjacent to the existing corporate limits of the City, and to extend the limits of the City over said tract as described herein below, to-wit:



3268 Perryville Road

That part of the Southwest Quarter of Section 13, Township 31 North, Range 13 East of the Fifth Principal Meridian in the County of Cape Girardeau, the State of Missouri, described as follows:

Commence at the Southwest corner of said Section 13, thence North 89°34'00" East, with the South line of said Section 13, a distance of 146.40 feet; thence North 26°22'00" East, 524.00 feet; thence North 56°22'00" East, 276.30 feet; thence North 16° 22'00" East, 200.50 feet, to a point in Perryville Road, the point of beginning; thence North 07°01'32" West, 49.70 feet; thence North 74°52'03" East, 254.06 feet; thence South 31°18'00" East, 122.16 feet; thence South 58°42'00" West, 200.00 feet; thence South 88°42'00" West, 36.30 feet to a point in Perryville Road; thence North 45°36'32" West, 133.59 feet, to the point of beginning, and containing 0.89 acres, more or less.

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.

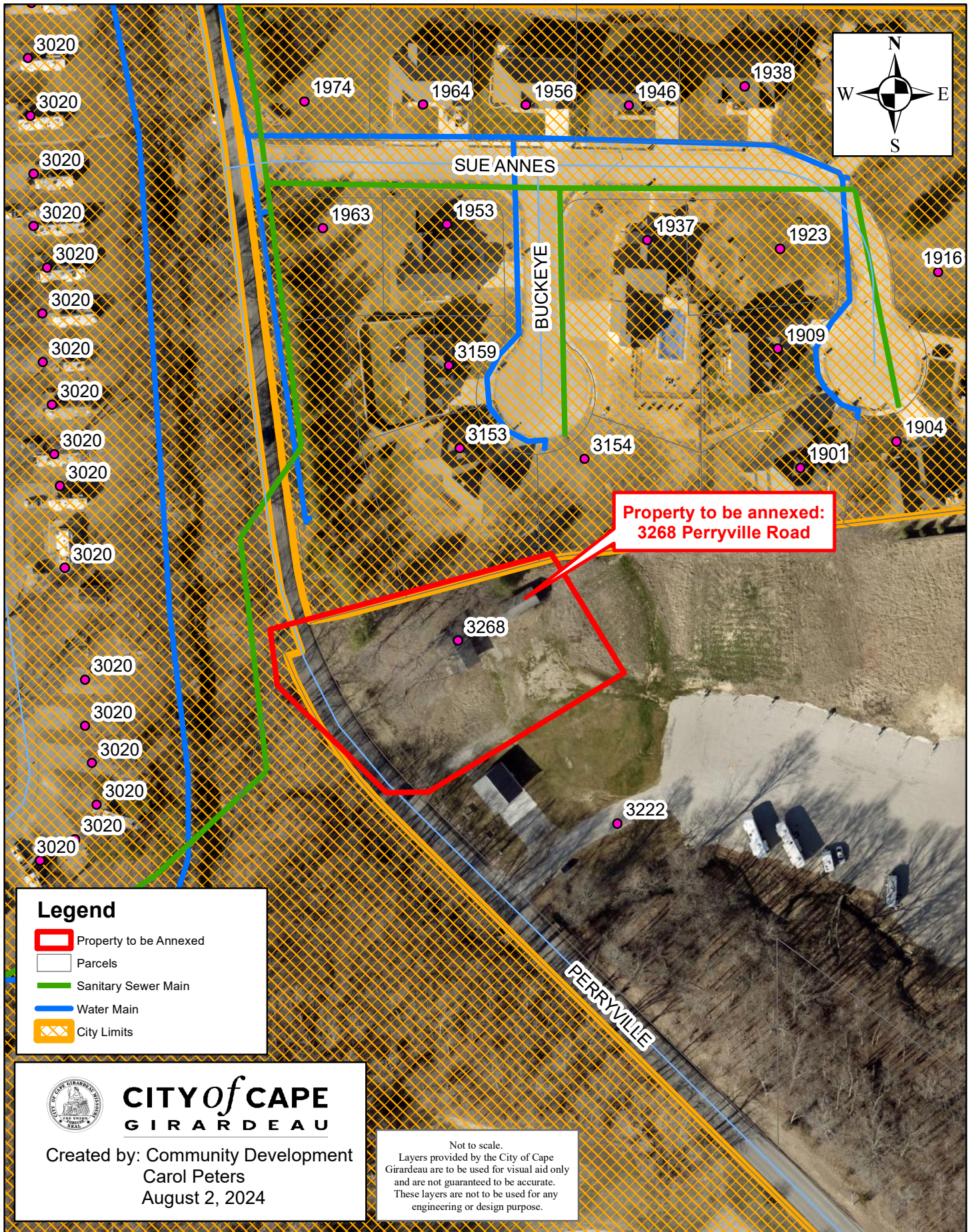
\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



# 3268 Perryville Road Annexation Request



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**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-190**

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## **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 3268 Perryville Road as R-1, Single-Family Suburban Residential District.

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## **EXECUTIVE SUMMARY**

The attached ordinance zones the property at 3268 Perryville Road as R-1 (Single-Family Suburban Residential District) upon annexation. A public hearing was held on October 7, 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 August 19, 2024, the City Council acknowledged receipt of an annexation petition for the property at 3268 Perryville Road. As part of the annexation process, the Planning and Zoning Commission is charged with making a recommendation to the City Council regarding how the property should be zoned upon annexation.

The adjacent properties are zoned R-1 (Single-Family Suburban Residential District) to the north and west. The other adjacent properties are outside the city limits and are not zoned. This area is characterized by single-family residential, religious, commercial, and light industrial 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 October 7, 2024 to consider the proposed annexation and zoning of the property as R-1 (Single-Family Suburban Residential District). 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 subject property contains a single-family dwelling. R-1 (Single-Family Suburban Residential District) permits the existing 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.

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## **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.

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## **BOARD OR COMMISSION RECOMMENDATION**

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The Planning and Zoning Commission, at its September 11, 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 7 in favor, 0 in opposition, and 0 abstaining.

## **PUBLIC OUTREACH**

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Notice of the City Council's public hearing was advertised in the Southeast Missourian on September 21, 2024. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the property.

| <b>ATTACHMENTS:</b>                                     |                                   |
|---|-----------------------------------|
| Name:   | Description:                      |
| <a href="#">24-120_3268_Perryville_Zoning_R-1.doc</a>   | Ordinance                         |
| <a href="#">Map - Zoning - 3268_Perryville_Road.pdf</a> | 3268 Perryville Road - Zoning Map |
| <a href="#">Map - FLU - 3268_Perryville_Road.pdf</a>    | 3268 Perryville Road - FLU Map    |

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ZONING NEWLY ANNEXED PROPERTY LOCATED AT 3268 PERRYVILLE ROAD AS R-1, SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT

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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, October 7, 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.:

3268 Perryville Road

That part of the Southwest Quarter of Section 13, Township 31 North, Range 13 East of the Fifth Principal Meridian in the County of Cape Girardeau, the State of Missouri, described as follows:

Commence at the Southwest corner of said Section 13, thence North 89°34'00" East, with the South line of said Section 13, a distance of 146.40 feet; thence North 26°22'00" East, 524.00 feet; thence North 56°22'00" East, 276.30 feet; thence North 16° 22'00" East, 200.50 feet, to a point in Perryville Road, the point of beginning; thence North 07°01'32" West, 49.70 feet; thence North 74°52'03" East, 254.06 feet; thence South 31°18'00" East, 122.16 feet; thence South 58°42'00" West, 200.00 feet; thence South 88°42'00" West, 36.30

feet to a point in Perryville Road; thence North 45°36'32" West, 133.59 feet, to the point of beginning, and containing 0.89 acres, more or less.

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

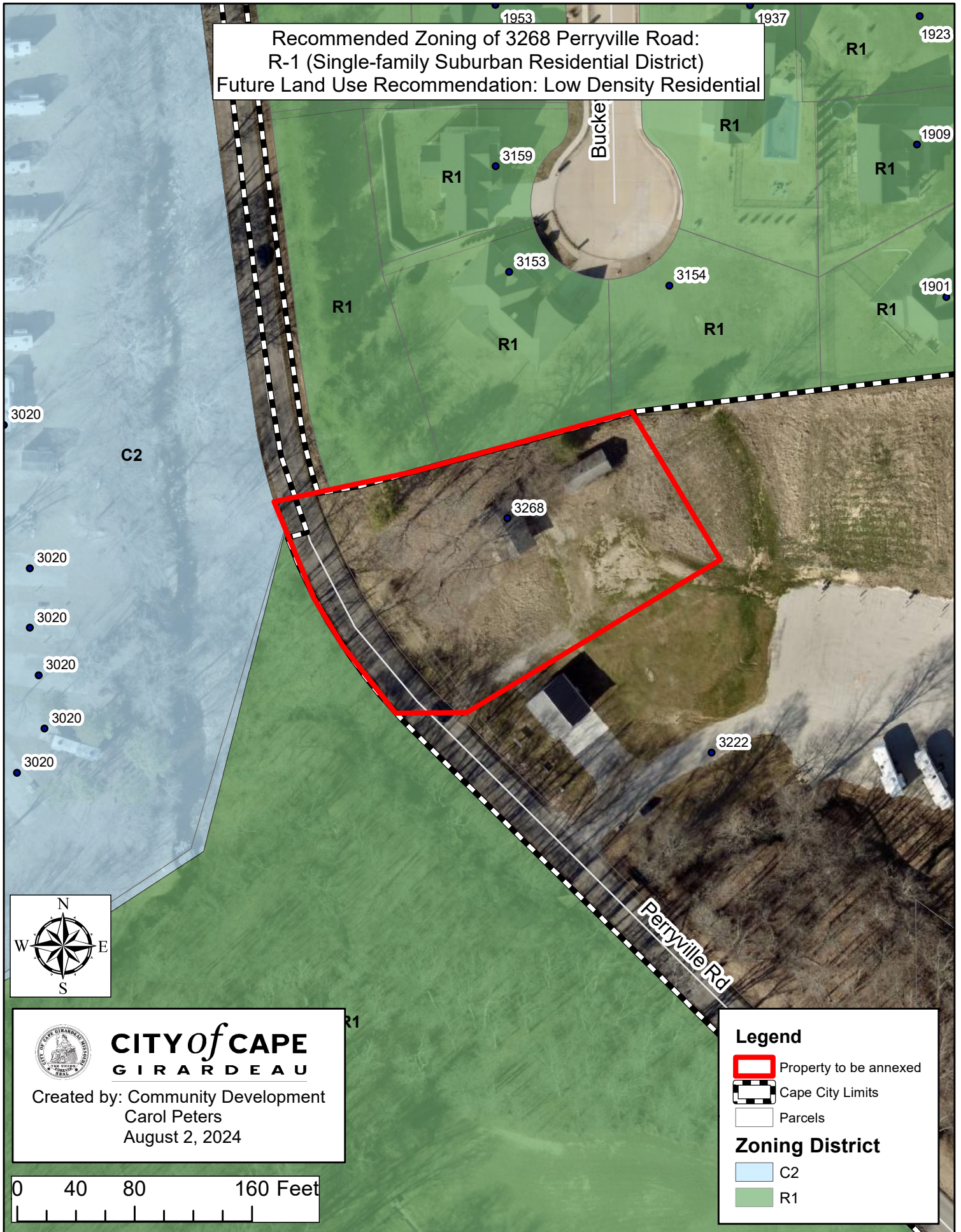
ATTEST:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



# Zoning Recommendation for Property to be Annexed

Recommended Zoning of 3268 Perryville Road:  
R-1 (Single-family Suburban Residential District)  
Future Land Use Recommendation: Low Density Residential



**CITY of CAPE**  
**GIRARDEAU**

Created by: Community Development  
Carol Peters  
August 2, 2024

## Legend

Property to be annexed

Cape City Limits

Parcels

## Zoning District

C2

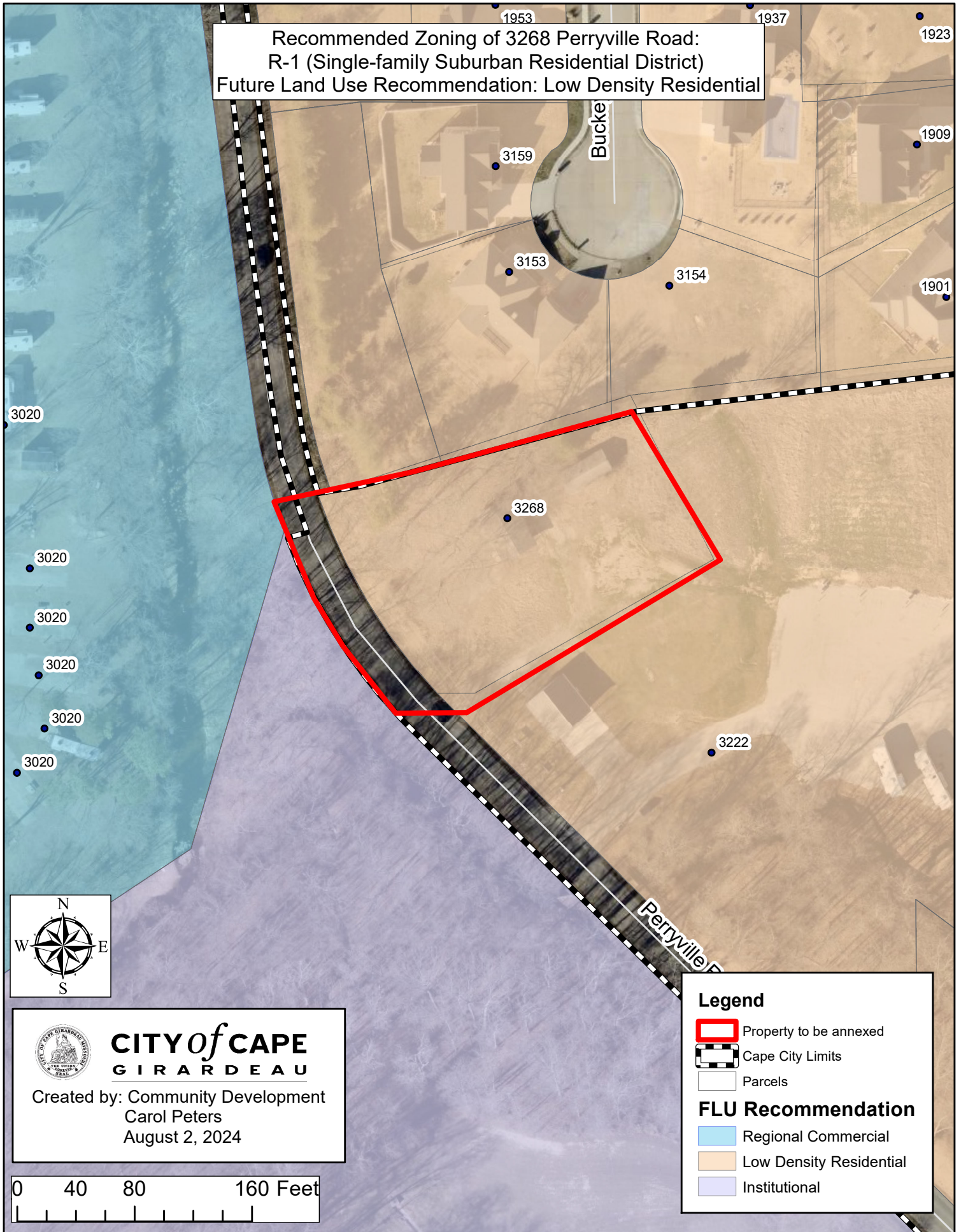
R1

0 40 80 160 Feet



# Zoning Recommendation for Property to be Annexed

Recommended Zoning of 3268 Perryville Road:  
R-1 (Single-family Suburban Residential District)  
Future Land Use Recommendation: Low Density Residential



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
11/4/2024

|   |               |
|---|---------------|
| <b>AGENDA REPORT</b><br>Cape Girardeau City Council | <b>24-191</b> |
|---|---------------|

**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 3268 Perryville Road. A public hearing was held on October 7, 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 3268 Perryville Road.

| <b>ATTACHMENTS:</b>  |  |
|--|--|
| Name:  | Description:                                       |
| <a href="#">24-121_3268_PERRYVILLE_1_Ward_4_Boundary_Ext.doc</a>       | Ordinance  |
| <a href="#">Map - 3268 Perryville Road Ward Boundary Extension.pdf</a> | 3268 Perryville Road - Ward Boundary Extension Map |

BILL NO. 24-121

ORDINANCE NO. \_\_\_\_\_

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:

3268 Perryville Road

That part of the Southwest Quarter of Section 13,  
Township 31 North, Range 13 East of the Fifth Principal  
Meridian in the County of Cape Girardeau, the State of  
Missouri, described as follows:

Commence at the Southwest corner of said Section 13,  
thence North 89°34'00" East, with the South line of  
said Section 13, a distance of 146.40 feet; thence  
North 26°22'00" East, 524.00 feet; thence North  
56°22'00" East, 276.30 feet; thence North 16° 22'00"  
East, 200.50 feet, to a point in Perryville Road, the  
point of beginning; thence North 07°01'32" West, 49.70  
feet; thence North 74°52'03" East, 254.06 feet; thence  
South 31°18'00" East, 122.16 feet; thence South  
58°42'00" West, 200.00 feet; thence South 88°42'00"  
West, 36.30 feet to a point in Perryville Road; thence  
North 45°36'32" West, 133.59 feet, to the point of  
beginning, and containing 0.89 acres, more or less.

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.

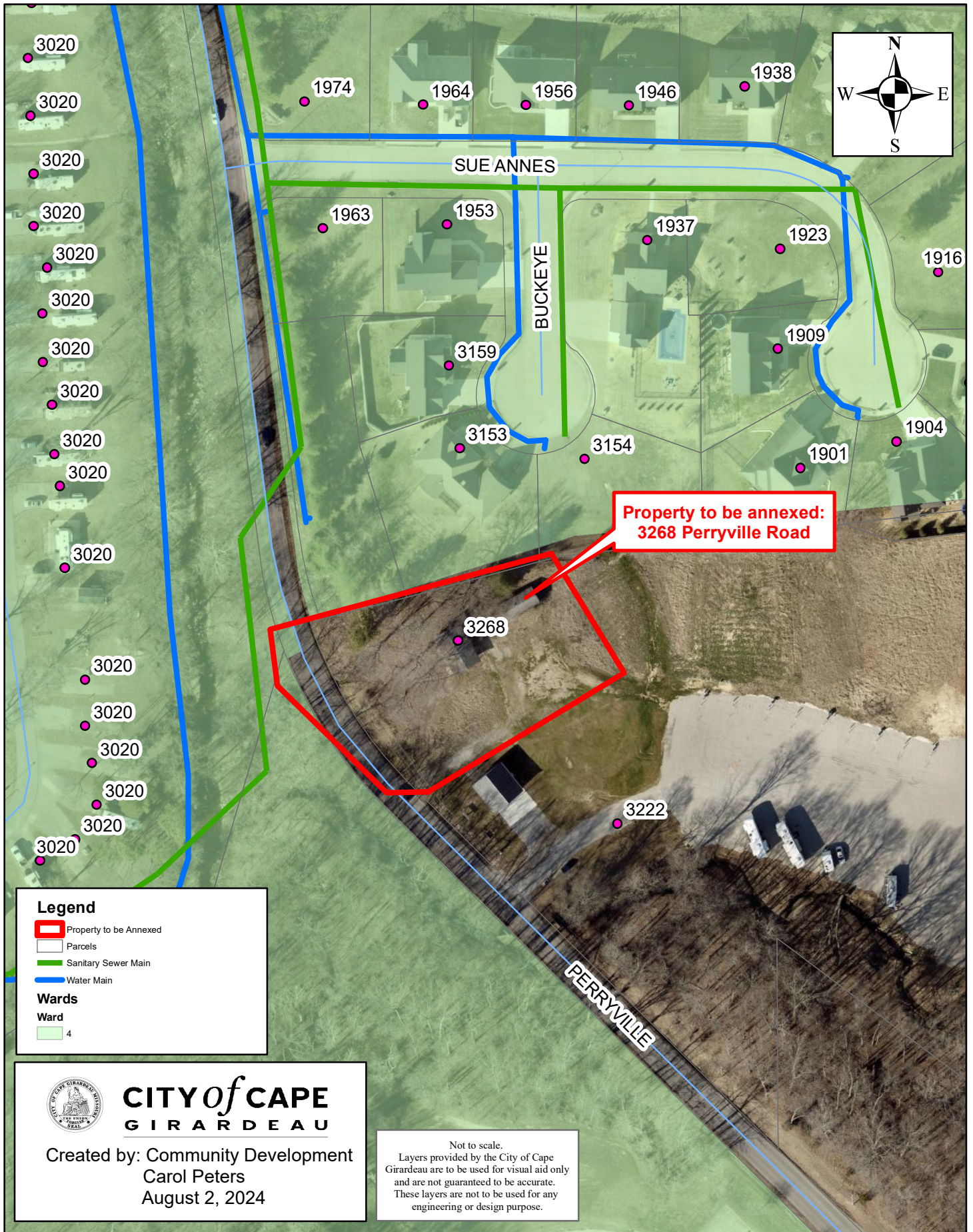
\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Traci Weissmueller, Deputy City Clerk



# 3268 Perryville Road Ward Boundary Extension



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**Staff:** Gayle L. Conrad, MPCC/CMC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-193**

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**SUBJECT**

Appointment of two members to the Golf Course Advisory Board for terms expiring November 12, 2027.

**EXECUTIVE SUMMARY**

Josh Parham and Janet Esicar have terms set to expire November 12, 2024. Each have been serving on the Golf board since 2021 and are eligible for reappointment. 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.

| <b>Applicant</b>    | <b>Ward</b> | <b>Citizen Academy Graduate</b> |
|---------------------|-------------|---------------------------------|
| Daniel Dowling      | 3           | No                              |
| Holly Godwin        | 5           | No                              |
| James W. Green      | 5           | No                              |
| C. Donald Harris    | 5           | No                              |
| Timothy Lynn Kelley | 4           | No                              |
| Jared Snell         | 5           | No                              |
| Jody Underwood      | 4           | No                              |

**STAFF RECOMMENDATION**

It is recommended that two appointments be made to the Golf Course Advisory Board for terms expiring November 12, 2027.

## BOARD OR COMMISSION RECOMMENDATION

---

The Golf Board made a recommendation at their October 24th meeting to reappoint

Josh Parham and Janet Esicar.

| <b><u>ATTACHMENTS:</u></b>                 |                              |
|--|------------------------------|
| Name:                                      | Description:                 |
| <a href="#">Golf_Roster.pdf</a>            | Golf Board Roster            |
| <a href="#">roster_attendance.golf.pdf</a> | Golf Board Attendance Roster |

# CITY OF CAPE GIRARDEAU, MISSOURI

## Roster of Advisory Boards and Committees

October 7, 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><b>Date Appointed</b></u>                                     | <u><b>Date Reappointed</b></u> | <u><b>Term Expires</b></u> |
|--|--|--------------------------------|----------------------------|
| Josh Parham                                | March 1, 2021  | 11/01/21                       | November 12, 2024          |
| Janet Esicar<br>Council member, ex-officio | March 1, 2021  | 11/01/21                       | November 12, 2024          |
| Nate Saverino                              | September 18, 2017   | 11/04/19, 11/7/22              | 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<br><i>(Council Item term Correction 4/5/21)</i> | 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 as 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.





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**Staff:** Gayle L. Conrad, MPCC/CMC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-192**

---

**SUBJECT**

Appointment of one member to the Tree Board for a term set to expire February 1, 2025.

---

**EXECUTIVE SUMMARY**

Sven Svenson resigned from the Tree Board on August 9, 2024. He was serving a term set to expire February 1, 2025. A copy of the roster is attached for your information.

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**BACKGROUND/DISCUSSION**

The Tree Board is comprised of the Public Works Director, Parks and Recreation Director, one member of the Parks and Recreation Advisory Board, and four residents of Cape Girardeau selected by the City Council. Members serve a three-year term. The following individuals have expressed interest in serving on this Board, and their advisory board summary sheets are attached.

|                |                               |
|----------------|-------------------------------|
| Applicant      | Ward Citizen Academy Graduate |
| Holly Godwin   | 5 No                          |
| Jonathan Notch | 5 No                          |

---

**STAFF RECOMMENDATION**

It is recommended that one appointment be made to the Tree Board for a term expiring February 1, 2025.

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**BOARD OR COMMISSION RECOMMENDATION**

The Tree Board made a recommendation October 24th to appoint Jonathan Notch to the Board.

---

**ATTACHMENTS:**

| Name:                                      | Description:                 |
|--|------------------------------|
| <a href="#">Tree_Board_Roster.pdf</a>      | Tree Board Roster            |
| <a href="#">roster_attendance.tree.pdf</a> | Tree Board Attendance Roster |



**CITY OF CAPE GIRARDEAU, MISSOURI**  
**Roster of Advisory Boards and Committees**  
**October 21, 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.*

**Tree Board**

|   | <u>Date Appointed</u> | <u>Date Reappointed</u>  | <u>Term Expires</u> |
|---|-----------------------|--------------------------|---------------------|
| Lewis Jackson Hill, Parks & Rec Brd Appointee | November 2, 2018      |                          | (P&R Term Expires)  |
| Robert Harris                                 | August 21, 2017       | 1/22/19; 04/04/22        | February 1, 2025    |
| vacant  |                       | ----                     | February 1, 2025    |
| Angela Wilson                                 | January 22, 2024      | ----                     | February 1, 2027    |
| Jennifer Behnken                              | July 5, 2016          | 1/22/18; 2/1/21; 1/22/24 | February 1, 2027    |
| Parks & Rec Dir                               |                       |                          |                     |
| Casey Brunke, Public Works Dir                |                       |                          |                     |

Serve three year terms, appointed by City Council. Meetings held third Monday, bi-monthly beginning in February, at noon at the Osage Community Centre. Study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of public trees in parks, along streets and in other public places. Upon request by City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (Two Members added per Ord. 4516, 11/18/13) Staff contact – Parks and Recreation Director, 339-6340.

## TREE BOARD Attendance Record

Ordinance effective 4/13/00

X = present, A = absent

Board meets bi-monthly beginning in February

| <b>2024</b>             | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug                     | Sep | Oct | Nov | Dec | 1st letter | 2nd letter | 3rd letter | appt'ed  | termi-<br>nated |
|-------------------------|-----|-----|-----|-----|-----|-----|-----|-------------------------|-----|-----|-----|-----|------------|------------|------------|----------|-----------------|
| Bi-Monthly, 2nd Monday  |     | 12  |     | 5   |     | 3   |     | 12                      |     | 21  |     |     |            |            |            |          |                 |
| Behnken, Jennifer       |     | P   |     | P   |     | P   |     | P                       |     | P   |     |     |            |            |            | 07/05/16 |                 |
| Harris, Robert          |     | P   |     | P   |     | P   |     | P                       |     | P   |     |     |            |            |            | 08/21/17 |                 |
| Svenson, Sven           |     | P   |     | P   |     | A   |     | Resigned August 9, 2024 |     |     |     |     | 08/27/19   | 03/04/20   | 04/22/21   | 10/18/17 | 9/24 resigned   |
| Wilson, Angela          |     | A   |     | P   |     | A   |     | P                       |     | P   |     |     |            |            |            | 01/22/24 |                 |
| Parks and Rec Appointee |     |     |     |     |     |     |     |                         |     |     |     |     |            |            |            |          |                 |
| Lewis Jackson Hill      |     | P   |     | P   |     | A   |     | P                       |     | A   |     |     |            |            |            | 11/02/18 |                 |

| <b>2023</b>             | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | 1st letter | 2nd letter | 3rd letter | appt'ed  | termi-<br>nated |
|-------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------|------------|------------|----------|-----------------|
| Bi-Monthly, 2nd Monday  |     | 13  |     | 7   |     | 12  |     | 14  |     | 9   |     | 11  |            |            |            |          |                 |
| Behnken, Jennifer       |     | P   |     | P   |     | P   |     | P   |     | P   |     | P   |            |            |            | 07/05/16 |                 |
| Harris, Robert          |     | P   |     | P   |     | P   |     | P   |     | P   |     | P   |            |            |            | 08/21/17 |                 |
| Klipfel, Laura          |     | P   |     | P   |     | P   |     | P   |     | P   |     | A   | 08/27/19   | 03/04/20   | 04/22/21   | 10/18/17 |                 |
| Svenson, Sven           |     | P   |     | P   |     | P   |     | P   |     | P   |     | P   |            |            |            |          |                 |
| Parks and Rec Appointee |     |     |     |     |     |     |     |     |     |     |     |     |            |            |            |          |                 |
| Lewis Jackson Hill      |     | P   |     | P   |     | P   |     | P   |     | P   |     | P   |            |            |            | 11/02/18 |                 |

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**Staff:** Gayle L. Conrad, MPCC/CMC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-194**

---

**SUBJECT**

A motion authorizing the appointment of Traci Weissmueller as Deputy City Clerk.

**EXECUTIVE SUMMARY**

---

Bruce Taylor was promoted to the position of Legal Assistant on September 11, 2024. After a hiring selection process completed by City Clerk Gayle Conrad, Assistant City Manager Trevor Pulley, and Human Resources Manager Gina Snyder, Traci Weissmueller was offered, and accepted, the position of Deputy City Clerk/Administrative Aide, replacing Bruce Taylor. As Deputy City Clerk, Traci will perform many of the duties of the City Clerk, and some of these duties require that the Deputy City Clerk be appointed by the City Council.

**BACKGROUND/DISCUSSION**

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Gayle Conrad was appointed to the duties of City Clerk effective July 7, 1999. On October 28, 2013, Gayle Conrad became the Director of Citizen Services and also retained the title and duties of City Clerk. In order for her to perform her role as Director of Citizen Services, Bruce Taylor was selected for the position of Deputy City Clerk/Administrative Aide. Some of the duties of the Deputy City Clerk require that the position be appointed by the City Council.

On September 4, 2024, Bruce Taylor was promoted to the position of Legal Assistance, leaving the Deputy City Clerk position vacant. After a hiring selection process completed by City Clerk Gayle Conrad, Assistant City Manager Trevor Pulley, and Human Resources Manager Gina Snyder, Traci Weissmueller was offered, and accepted, the position of Deputy City Clerk/Administrative Aide, replacing Bruce Taylor.

**STAFF RECOMMENDATION**

---

Staff recommends that the Council appoint Traci Weissmueller as Deputy City Clerk effective October 21, 2024.

**ATTACHMENTS:**

| Name: | Description: |
|-------|--------------|
|-------|--------------|

No Attachments Available

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**Staff:** Gayle L. Conrad, MPCC/CMC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
11/4/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-195**

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**SUBJECT**

---

Set Regular City Council Meetings for the 2025 calendar year.

**EXECUTIVE SUMMARY**

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Pursuant to the City Charter, the Council shall meet regularly at least twice each month. Additionally, pursuant to the City Charter, there must be at least seven days between the introduction and passage of an Ordinance. As prescribed by rule, the Council meets the first and third Mondays of each month. A few regularly scheduled City Council meetings in 2025 will need to be rescheduled due to City observed holidays.

**BACKGROUND/DISCUSSION**

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Listed below are regular meeting dates in conflict with City observed holidays and Staff's proposed change to resolve.

- Monday, January 20, Martin Luther King, Jr. Day - change to Tuesday, January 21
- Monday, February 17, Presidents' Day - change to Tuesday, February 18
- Monday, September 1, Labor Day - change to Tuesday, September 2
- Monday, September 15, MML Conference - change to Monday, September 22

**STAFF RECOMMENDATION**

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Staff recommends the dates for the City Council meetings in 2025 be set by motion.

**ATTACHMENTS:**

| Name:  | Description:                        |
|--|-------------------------------------|
| <a href="#">Council_Meeting_Dates_2025.pdf</a> | Proposed 2025 Council Meeting Dates |

# January 2025

| Sun | Mon                                     | Tue                                | Wed                       | Thu | Fri | Sat |
|-----|---|------------------------------------|---------------------------|-----|-----|-----|
|     |   |                                    | 1<br><i>New Years Day</i> | 2   | 3   | 4   |
| 5   | 6                                       | 7                                  | 8                         | 9   | 10  | 11  |
| 12  | 13                                      | 14                                 | 15                        | 16  | 17  | 18  |
| 19  | 20<br><i>Martin Luther King Jr. Day</i> | 21<br><i>Proposed Meeting Date</i> | 22                        | 23  | 24  | 25  |
| 26  | 27                                      | 28                                 | 29                        | 30  | 31  |     |

City Observed Holiday     
 Regularly Scheduled Council Meeting     
 Proposed Meeting Change

# February 2025

| Sun | Mon                         | Tue                                | Wed | Thu | Fri | Sat |
|-----|-----------------------------|------------------------------------|-----|-----|-----|-----|
|     |                             |                                    |     |     |     | 1   |
| 2   | 3                           | 4                                  | 5   | 6   | 7   | 8   |
| 9   | 10                          | 11                                 | 12  | 13  | 14  | 15  |
| 16  | 17<br><i>Presidents Day</i> | 18<br><i>Proposed Meeting Date</i> | 19  | 20  | 21  | 22  |
| 23  | 24                          | 25                                 | 26  | 27  | 28  |     |

City Observed Holiday     
 Regularly Scheduled Council Meeting     
 Proposed Meeting Change



# March 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----|-----|-----|-----|-----|-----|
|     |     |     |     |     |     | 1   |
| 2   | 3   | 4   | 5   | 6   | 7   | 8   |
| 9   | 10  | 11  | 12  | 13  | 14  | 15  |
| 16  | 17  | 18  | 19  | 20  | 21  | 22  |
| 23  | 24  | 25  | 26  | 27  | 28  | 29  |
| 30  | 31  |     |     |     |     |     |

City Observed Holiday     
 Regularly Scheduled Council Meeting     
 Proposed Meeting Change

# April 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----|-----|-----|-----|-----|-----|
|     |     | 1   | 2   | 3   | 4   | 5   |
| 6   | 7   | 8   | 9   | 10  | 11  | 12  |
| 13  | 14  | 15  | 16  | 17  | 18  | 19  |
| 20  | 21  | 22  | 23  | 24  | 25  | 26  |
| 27  | 28  | 29  | 30  |     |     |     |

City Observed Holiday     
 Regularly Scheduled Council Meeting     
 Proposed Meeting Change

# May 2025

| Sun | Mon                       | Tue | Wed | Thu | Fri | Sat |
|-----|---------------------------|-----|-----|-----|-----|-----|
|     |                           |     |     | 1   | 2   | 3   |
| 4   | 5                         | 6   | 7   | 8   | 9   | 10  |
| 11  | 12                        | 13  | 14  | 15  | 16  | 17  |
| 18  | 19                        | 20  | 21  | 22  | 23  | 24  |
| 25  | 26<br><i>Memorial Day</i> | 27  | 28  | 29  | 30  | 31  |

City Observed Holiday
  Regularly Scheduled Council Meeting
  Proposed Meeting Change

# June 2025

| Sun | Mon | Tue | Wed | Thu                     | Fri | Sat |
|-----|-----|-----|-----|-------------------------|-----|-----|
| 1   | 2   | 3   | 4   | 5                       | 6   | 7   |
| 8   | 9   | 10  | 11  | 12                      | 13  | 14  |
| 15  | 16  | 17  | 18  | 19<br><i>Juneteenth</i> | 20  | 21  |
| 22  | 23  | 24  | 25  | 26                      | 27  | 28  |
| 29  | 30  |     |     |                         |     |     |

City Observed Holiday
  Regularly Scheduled Council Meeting
  Proposed Meeting Change

# July 2025

| Sun | Mon | Tue | Wed | Thu | Fri                          | Sat |
|-----|-----|-----|-----|-----|------------------------------|-----|
|     |     | 1   | 2   | 3   | 4<br><i>Independence Day</i> | 5   |
| 6   | 7   | 8   | 9   | 10  | 11                           | 12  |
| 13  | 14  | 15  | 16  | 17  | 18                           | 19  |
| 20  | 21  | 22  | 23  | 24  | 25                           | 26  |
| 27  | 28  | 29  | 30  | 31  |                              |     |

City Observed Holiday     
 Regularly Scheduled Council Meeting     
 Proposed Meeting Change

# August 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----|-----|-----|-----|-----|-----|
|     |     |     |     |     | 1   | 2   |
| 3   | 4   | 5   | 6   | 7   | 8   | 9   |
| 10  | 11  | 12  | 13  | 14  | 15  | 16  |
| 17  | 18  | 19  | 20  | 21  | 22  | 23  |
| 24  | 25  | 26  | 27  | 28  | 29  | 30  |
| 31  |     |     |     |     |     |     |

City Observed Holiday     
 Regularly Scheduled Council Meeting     
 Proposed Meeting Change

# September 2025

| Sun | Mon                                   | Tue                                  | Wed                     | Thu | Fri | Sat |
|-----|---------------------------------------|--------------------------------------|-------------------------|-----|-----|-----|
|     | 1<br><i>Labor Day</i>                 | 2<br><i>Proposed Council Meeting</i> | 3                       | 4   | 5   | 6   |
| 7   | 8                                     | 9                                    | 10                      | 11  | 12  | 13  |
| 14  | 15<br><i>Missouri Municipal</i>       | 16<br><i>League Annual</i>           | 17<br><i>Conference</i> | 18  | 19  | 20  |
| 21  | 22<br><i>Proposed Council Meeting</i> | 23                                   | 24                      | 25  | 26  | 27  |
| 28  | 29                                    | 30                                   |                         |     |     |     |

City Observed Holiday
  Regularly Scheduled Council Meeting
  Proposed Meeting Change

# October 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----|-----|-----|-----|-----|-----|
|     |     |     | 1   | 2   | 3   | 4   |
| 5   | 6   | 7   | 8   | 9   | 10  | 11  |
| 12  | 13  | 14  | 15  | 16  | 17  | 18  |
| 19  | 20  | 21  | 22  | 23  | 24  | 25  |
| 26  | 27  | 28  | 29  | 30  | 31  |     |

City Observed Holiday
  Regularly Scheduled Council Meeting
  Proposed Meeting Change

# November 2025

| Sun | Mon | Tue                       | Wed | Thu                           | Fri                               | Sat |
|-----|-----|---------------------------|-----|-------------------------------|-----------------------------------|-----|
|     |     |                           |     |                               |                                   | 1   |
| 2   | 3   | 4                         | 5   | 6                             | 7                                 | 8   |
| 9   | 10  | 11<br><i>Veterans Day</i> | 12  | 13                            | 14                                | 15  |
| 16  | 17  | 18                        | 19  | 20                            | 21                                | 22  |
| 23  | 24  | 25                        | 26  | 27<br><i>Thanksgiving Day</i> | 28<br><i>Thanksgiving Holiday</i> | 29  |
| 30  |     |                           |     |                               |                                   |     |

City Observed Holiday     
 Regularly Scheduled Council Meeting     
 Proposed Meeting Change

# December 2025

| Sun | Mon | Tue | Wed                                | Thu                        | Fri | Sat |
|-----|-----|-----|------------------------------------|----------------------------|-----|-----|
|     | 1   | 2   | 3                                  | 4                          | 5   | 6   |
| 7   | 8   | 9   | 10                                 | 11                         | 12  | 13  |
| 14  | 15  | 16  | 17                                 | 18                         | 19  | 20  |
| 21  | 22  | 23  | 24<br><i>Christmas Eve Holiday</i> | 25<br><i>Christmas Day</i> | 26  | 27  |
| 28  | 29  | 30  | 31                                 |                            |     |     |

City Observed Holiday     
 Regularly Scheduled Council Meeting     
 Proposed Meeting Change

**Staff:** Gayle L. Conrad, MPCC/CMC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
11/4/2024

**MEMORANDUM**  
Cape Girardeau City Council

**24-025**

**SUBJECT**

Appointment of one regular member to the Liquor License Review Board for a term expiring December 1, 2027.

**EXECUTIVE SUMMARY**

James Newman has a term on the Liquor License Review Board that is set to expire December 1, 2024. He has been serving on the board since 2019, and is eligible to serve another term.

**BACKGROUND/DISCUSSION**

The purpose of the Liquor License Review Board is to hear appeals regarding a denial, suspension or revocation of a liquor license.

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

| Applicant       | Ward | Citizen Academy Graduate |
|-----------------|------|--------------------------|
| Daniel Dowling  | 3    | No                       |
| Holly Godwin    | 5    | No                       |
| Octavious Moore | 2    | No                       |

**GENERAL DIRECTION**

Unless directed otherwise, appointments to the Liquor License Review Board will appear on a future City Council agenda for consideration.

**ATTACHMENTS:**

| Name:  | Description:                       |
|--|------------------------------------|
| <a href="#">Liquor License Roster.pdf</a>    | Liquor License Review Board Roster |
| <a href="#">Dowling_Daniel.10-10-24.pdf</a>  | Dowling, Daniel                    |
| <a href="#">Godwin_Holly.05-13-24.pdf</a>    | Godwin, Holly                      |
| <a href="#">Moore_Octavious.09-12-24.pdf</a> | Moore, Octavious                   |

# CITY OF CAPE GIRARDEAU, MISSOURI

## Roster of Advisory Boards and Committees

October 21, 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.

### Liquor License Review Board

|                                      | <u>Date Appointed</u> | <u>Date Reappointed</u> | <u>Term Expires</u> |
|--------------------------------------|-----------------------|-------------------------|---------------------|
| James, Newman                        | 12/16/19              | 11/15/21                | December 1, 2024    |
| Brandon Cooper, Chief Review Officer | 08/7/17               | 12/16/19; 11/21/22      | December 1, 2025    |
| Richard Fehr                         | 11/16/20              | 12/4/23                 | December 1, 2026    |
| Christen Griffen (alternate)         | 12/4/23               | ---                     | December 1, 2026    |

Section 5-50 of the City Code establishes a three-member Liquor License Review Board appointed by the City Council to serve a three-year term. The Council shall name one member as the Chief Review Officer. Staff Contact – Gayle Conrad, City Clerk

**Staff:** Gayle L. Conrad, MPCC/CMC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
11/4/2024

**MEMORANDUM**  
Cape Girardeau City Council

**24-026**

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**SUBJECT**

Appointment of two members to the Bloomfield Crossing Community Improvement District Board of Directors for terms expiring December 1, 2027.

**EXECUTIVE SUMMARY**

Two terms on the Bloomfield Crossing Community Improvement District Board of Directors will expire December 1, 2024. These positions are held by Jason Coalter and Brenda Kluessner, and each have served one full term on the board.

**BACKGROUND/DISCUSSION**

On November 15, 2021, the City Council adopted Ordinance No. 5472 establishing the Bloomfield Crossing 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.

Members serve a three-year term. Members of the Bloomfield Crossing Community Improvement District Board of Directors are not subject to the code requirements relating to term limits or board attendance.

**GENERAL DIRECTION**

Unless directed otherwise, appointments to the Bloomfield Crossing Community Improvement District Board of Directors for terms expiring December 1, 2027, will appear on a future City Council agenda for consideration.

**ATTACHMENTS:**

| Name:  | Description:                   |
|--|--------------------------------|
| <a href="#">Bloomfield_Crossing_Roster.pdf</a> | Bloomfield Crossing CID Roster |



# CITY OF CAPE GIRARDEAU, MISSOURI

## Roster of Advisory Boards and Committees

October 21, 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.

### *Bloomfield Crossing Community Improvement District*

|                     | <u><i>Date Appointed</i></u> | <u><i>Date Reappointed</i></u> | <u><i>Term Expires</i></u> |
|---------------------|------------------------------|--------------------------------|----------------------------|
| Jason Coalter       | 12/06/21                     | ----                           | December 1, 2024           |
| Brenda Kluesner     | 12/06/21                     | ----                           | December 1, 2024           |
| Cynthia McCormick   | 12/06/21                     | 12/4/23                        | December 1, 2026           |
| Britnie Unterreiner | 12/06/21                     | 12/4/23                        | December 1, 2026           |
| Dalton Buehler      | 12/06/21                     | 12/4/23                        | December 1, 2026           |

On November 15, 2021, the City Council adopted Ordinance No. 5472 establishing the Bloomfield Crossing 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. Members serve three-year term.

**Staff:** Gayle L. Conrad, MPCC/CMC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
11/4/2024

**MEMORANDUM**  
Cape Girardeau City Council

**24-027**

**SUBJECT**

Appointment of one member to the River Campus Board of Managers for a term expiring December 1, 2026.

**EXECUTIVE SUMMARY**

Two positions on the River Campus Board of Managers will expire on December 1, 2024. One of the expiring positions is a City Council appointed position currently held by Kenneth Haskin. He is the City Manager and has been serving since 2021. The other position is a Board of Regents appointed position currently held by Brad Koester.

**BACKGROUND/DISCUSSION**

The River Campus Board of Managers is not subject to the code requirements relating to term limits or board attendance. Attached is a copy of the roster for the Board.

| <b>Applicant</b> | <b>Ward</b> | <b>Academy Graduate</b> |
|------------------|-------------|-------------------------|
| Holly Godwin     | 5           | No                      |
| Lauren Jones     | 6           | No                      |
| Michelle Latham  | 4           | Yes                     |

**GENERAL DIRECTION**

Unless directed otherwise, an appointment to the River Campus Board of Managers for a term expiring December 1, 2027, will appear on a future agenda for consideration.

| <b>ATTACHMENTS:</b>                            |                                       |
|--|---------------------------------------|
| Name:  | Description:                          |
| <a href="#">Rivercampus_Board_Roster.pdf</a>   | River Campus Board of Managers Roster |
| <a href="#">Godwin_Holly.05-13-24.pdf</a>      | Godwin, Holly                         |
| <a href="#">Jones.Lauren.11-06-2023.pdf</a>    | Jones, Kristen                        |
| <a href="#">Latham_Michelle.08-16-2024.pdf</a> | Latham, Michelle                      |

# CITY OF CAPE GIRARDEAU, MISSOURI

## Roster of Advisory Boards and Committees

October 21, 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.

### River Campus Board of Managers

|                       | <u><i>Date Appointed</i></u> | <u><i>Appointed By</i></u> | <u><i>Term Expires</i></u> |
|-----------------------|------------------------------|----------------------------|----------------------------|
| Brad Koester          | 12/2023                      | Board of Governors         | December 1, 2024           |
| Kenneth Haskin        | 08/02/21; 11/15/21           | City Council               | December 1, 2024           |
| Rhonda Weller-Stilson | 10/21/11; 12/14/18; 12/17/21 | Board of Governors         | December 1, 2025           |
| Danielle Poyner       | 12/02/19; 11/21/22           | City Council               | December 1, 2025           |
| Sophia Han            | 11/16/20; 12/4/23            | City Council               | December 1, 2026           |
| Bradley Sheriff       | 12/2020; 12/15/23            | Board of Governors         | December 1, 2026           |

Serve three year terms, three appointed by Council, three by Semo University Board of Regents. Board meets quarterly as needed. At least one of the city's appointees shall be from the hotel/motel industry. The Board is responsible for supervising the use of the River Campus facilities. Staff contact – Kenneth Haskin, City Manager, 339-6320.

**Staff:** Gayle L. Conrad, CMC/MPCC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
11/4/2024

**MEMORANDUM**  
Cape Girardeau City Council

**24-028**

**SUBJECT**

Appointment of one member to the Show Me Center Board of Managers for a term expiring December 1, 2027.

**EXECUTIVE SUMMARY**

Two positions on the Show Me Center Board of Managers will expire on December 1, 2024. One of the expiring positions is a City Council appointed position currently held by Arlo Ehly. He has been serving on the board since 2022 and is eligible to serve another term. The other position is a Board of Governors appointed position currently held by Kent Phillips.

**BACKGROUND/DISCUSSION**

The Show Me Center Board of Managers is not subject to the code requirements relating to term limits or board attendance. Attached is a copy of the roster for the Board. The following individuals have submitted an Advisory Board application:

| <b>Applicant</b> | <b>Ward</b> | <b>Academy Graduate</b> |
|------------------|-------------|-------------------------|
| Holly Godwin     | 5           | No                      |
| C.Donald Harris  | 5           | No                      |
| Lauren Jones     | 6           | No                      |
| Michelle Latham  | 4           | Yes                     |

**GENERAL DIRECTION**

Unless directed otherwise, an appointment to the Show Me Center Board of Managers for a term expiring December 1, 2027, will appear on a future agenda for consideration.

| <b>ATTACHMENTS:</b>                             |   |
|---|---|
| Name:   | Description:                            |
| <a href="#">Show_Me_Center_Board_Roster.pdf</a> | Show Me Center Board of Managers Roster |
| <a href="#">Godwin_Holly.05-13-24.pdf</a>       | Godwin, Holly                           |
| <a href="#">Harris_C_Donald.02-22-2024.pdf</a>  | Harris, C. Donald                       |
| <a href="#">Jones.Lauren.11-06-2023.pdf</a>     | Jones, Kristen                          |
| <a href="#">Latham_Michelle.08-16-2024.pdf</a>  | Latham, Michelle                        |

# CITY OF CAPE GIRARDEAU, MISSOURI

## Roster of Advisory Boards and Committees

October 21, 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.

### Show Me Center University/City Multi-Use Center Board of Managers

|                | <u>Appointed By</u> | <u>Date Appointed</u> | <u>Date Reappointed</u> | <u>Term Expires</u> |
|----------------|---------------------|-----------------------|-------------------------|---------------------|
| Kent Phillips  | Board of Governors  | November 9, 2022      | ----                    | December 1, 2024    |
| Arlo Ehly      | City Council        | June 6, 2022          | ---                     | December 1, 2024    |
| Kenneth Haskin | City Council        | August 2, 2021        | 11/21/22                | December 1, 2025    |
| Brad Sheriff   | Board of Governors  | December 17, 2021     | 11/9/22                 | December 1, 2025    |
| Alicia Scott   | Board of Governors  | December 15, 2024     | ----                    | December 1, 2026    |
| John McGowan   | City Council        | December 4, 2023      | ---                     | December 1, 2026    |

Serve three year terms, three appointed by Council, three by SEMO University Board of Regents. Meet first Wednesday, every other month.  
Board supervises use of Show Me Center facilities. Staff contact – Kenneth Haskin, City Manager, 339-6320.