MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, June 24, 2010

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, June 24, 2010 in Conference Room 101.

In attendance were: **Chair Matt Segal** (Ward I); **Councilmember Bruce Geiger** (Ward II), **Councilmember Mike Casey** (Ward III), and **Councilmember Connie Fults** (Ward IV).

Also in attendance were: G. Elliott Grissom, Planning Commission Chair; Michael Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; Aimee Nassif, Planning & Development Services Director; Susan Mueller, Principal Engineer; Shawn Seymour, Senior Planner; Kristian Corbin, Project Planner; and Kristine Kelley, Recording Secretary.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the June 10, 2010 Committee Meeting Summary.

Councilmember Geiger made a motion to approve the Meeting Summary of June 10, 2010**.** The motion was seconded by Councilmember Casey and **passed by a voice vote of 4 to 0.**

II. OLD BUSINESS

A. **T.S.P. 18-2010 Clearwire US, LLC (Wildhorse Springs):** A request to obtain approval for a Telecommunication Siting Permit for the purpose of collocating new antennas and the addition of equipment to the equipment compound at an existing telecommunications tower for a .41 acre tract of land zoned R3(PEU) at 132A Woodcliffe Place Drive in Wildhorse Springs Subdivision. (18T410128)

STAFF REPORT

Shawn Seymour, Senior Planner gave a PowerPoint presentation showing an aerial of the site. Mr. Seymour stated the following:

A Public Hearing was held on May 24, 2010 at the Planning Commission meeting and on June 10, 2010 the Planning & Public Works Committee requested to hold the application to address several issues.

Staff has discussed the outstanding issues with representatives from Clearwire and Crown Castle.

Hours of Operation & Routine Maintenance

The City will enforce the ordinance that requires all construction and activities on the site to be performed during the hours of 7:00 am to 6:30 pm – Monday thru Friday and 7:30 am to 5:00 pm on Saturdays.

Generator

There were concerns from the residents that the generator was going off on Tuesday evenings. Crown Castle will confirm what days and times the generator operates.

Unmarked Vehicles and Identification Badges

Those issues will be addressed by the Petitioner

Video Surveillance Cameras

Staff has done a site inspection and did not find any cameras and the applicants have confirmed that there are no cameras.

Property Ownership

Staff has confirmed with St. Louis County Recorder of Deeds that the property is owned by Crown Castle.

DISCUSSION

Councilmember Fults questioned as to whether the hours of operation have been restricted. Mr. Geisel confirmed that the hours have not been restricted. However, Staff has advised the Petitioner that those are the City's hours based on the existing ordinance and maintenance on the towers falls under that category and will be enforced as written. She also asked whether the generator needed to go on every week and whether it will have to go on more often with the addition of more equipment. Mr. Seymour noted that the generator was approved with the Verizon application in 2009. Mr. Geisel indicated that Staff has requested the schedule and frequency of when the generator is exercised.

Councilmember Geiger feels that Verizon should be required to operate the generator during normal daytime hours. Mr. Geisel stated that the current C.U.P does not require it and it is not a maintenance activity – the generator is scheduled on an automatic routine interval.

It was confirmed by the Petitioner that the generator will be scheduled to operate every Tuesday at 9:00 am for 15 minutes.

Councilmember Fults addressed the questions from the residents (1) the tower lights were not lit; (2) the landscaping was neglected (3) and setbacks within a residential area. Mr. Seymour noted that the setbacks meet the City's requirements. The "Conditional Use Permit" was granted when the entire property was zoned "NU" Non-Urban. The property was later entirely rezoned to the "R2" district and then further rezoned to add the PEU. Since the property was already there, it is essentially legally non-conformant. Ms. Nassif stated that there are setbacks established in the "NU" District, so when the original C.U.P. was granted, it met all setback requirements. When the site was rezoned to "Residential", it became non-conforming.

PETITIONERS COMMENTS

Mr. Ed Griesedieck, representative for Crown Castle addressed the following concerns from the residents and the Committee.

- Crown Castle possesses a perpetual lease of the tower site which pre-existed the residential development.
- He stated that Crown Castle and the carriers will abide by the maintenance schedule as set forth by the Committee, but requests that future maintenance be allowed during off-peak times. It was noted that the tower must be turned off in order to perform maintenance during peak times, which affects cell phone coverage. He indicated that subsequent to the pending petition, Crown Castle will be discussing potentially acceptable maintenance schedules with Staff.

There was additional discussion as to what determines maintenance operations and what defines peak and off-peak hours. Mr. Griesedieck stated that routine maintenance includes updating the equipment, replacing malfunctioning equipment along with generator work. They prefer to do this work starting after 8 pm**.**

Chair Segal feels that because the tower is located within a residential area, special considerations need to be provided and would like the tower powered down during daytime hours to facilitate maintenance such that it would be least offensive to the residents. Mr. Griesedieck stated that this could disrupt any Emergency 911 calls. It was suggested that work during the off-peak hours start at this tower first and as close to 8:30 p.m. as possible.

Mr. Griesedieck continued addressing the issues.

- The generator is being operated 9:00 a.m. on Tuesdays for 15 minutes. Councilmember Fults indicated that she will verify this with the residents.

- The Petitioner agrees with the Committee that the cars should be marked and the personnel should be wearing identification badges. They will mandate to the carriers that their subcontractors are required to wear badges. It was noted that each carrier has their own maintenance crews and the requirements will take effect immediately. The Petitioner will provide documentation to the Committee verifying that the carriers have been notified. The Committee would like the notification completed by August 1st. Mr. Geisel stated that the Police Department will assume anyone without credentials are not authorized to be working on the cell tower site.
- There are no surveillance cameras on the site.
- It was verified that the property is owned by Crown Castle under a perpetual lease.
- The beacon lights are controlled by the Federal Communications Commission. Councilmember Fults noted the lights at the base of the tower are not operating.
- It was indicated that the Petitioner holds the necessary bonds and insurance to protect the neighbor's property.
- The required engineering evaluation has been submitted to Staff.

Councilmember Casey made a motion to forward T.S.P. 18-2010 Clearwire US, LLC (Wildhorse Springs) to City Council with a recommendation to approve. The motion was seconded by Chair Segal. The motion **passed by a voice vote of 3 to 1 with Councilmember Fults voting no.**

Councilmembers Fults and Geiger feels that improvements need to be made to the landscaping. Councilmember Geiger asked as to whether there are other cell towers located within a residential district. Ms. Nassif responded that there are some located near schools, but are not intrusive.

Note: This is a Telecommunication Siting Permit, which requires a voice vote at the July 19, 2010 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on T.S.P. 18-2010 Clearwire US, LLC (Wildhorse Springs)].

B. Amendment to Section 1003.168.C.6 regarding signs for outdoor public art and art displays (Councilmember Casey)

STAFF REPORT

Aimee Nassif, Planning & Development Services Director spoke with Stacey Morse of the Chesterfield Arts who indicated that they are looking at new kinds of signs for the public art and public art displays within the City of Chesterfield.

Currently, the City code does not address these types of signs. Staff has drafted language allowing one sign for any public art piece or public art display. The proposed language also addresses variance requests to take into consideration large pieces of artwork such as The Awakening, which would allow signs larger in size. The language would fall under "Information Signs" in the City Code. The new language is in bold.

4) Outdoor public artwork or public art displays are permitted one (1) information sign. Signage shall not exceed three (3) feet in height, from grade to top of sign, and the sign face shall not exceed ten (10) inches by ten (10) inches or five (5) by twenty (20) inches in outline area. **Requests for modification to the size limitation shall be reviewed by the City of Chesterfield City Council. Said modification shall require a two-thirds vote of the City Council.**

Ms. Nassif did extensive research both locally and nationally and through the American Planners Association and found that not a lot of other municipalities address this in their City Code.

Councilmember Fults asked whether this would prohibit signs with "boxes" that hold information. Ms. Nassif stated that attaching a "box" to an existing sign would be allowed. It was noted that content of said information on the sign cannot be restricted. However, the size of the sign would limit the information. The proposed modifications will be in the City Code as "Permanent Signs – Information" to prohibit the use of these signs for advertising or other commercial purposes.

Question was raised as to whether the request is limited to the Chesterfield Arts. Ms. Nassif explained that any individual or organization who owns a piece of public art or public art display can apply for this type of signage.

Councilmember Casey made a motion to forward the Amendment to Section 1003.168.C.6 (Permanent Signs – Information Signs) to City Council with a recommendation to approve with the addition of the following;

4) Outdoor public artwork or public art displays are permitted one (1) information sign. Signage shall not exceed three (3) feet in height, from grade to top of sign, and the sign face shall not exceed ten (10) inches by ten (10) inches or five (5) by twenty (20) inches in outline area. **Requests for modification to the size limitation shall be reviewed by the City of Chesterfield City Council. Said modification shall require a two-thirds vote of the City Council.**

The motion was seconded by Councilmember Fults. The motion **passed by a voice vote of 4 to 0.**

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the July 19, 2010 City Council Meeting. See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on Amendment to Section 1003.168.C.6 (Permanent Signs – Information Signs)].

C. Public Notification Policies and Procedures – Discussion

STAFF REPORT

Aimee Nassif, Planning & Development Services Director stated that the Committee directed Staff to review all the notification requirements and provide information on the City's policies and procedures for public notification. It appears that the City meets or exceeds all Missouri State Statute requirements in all categories and areas. A summary of the recommendations for improvement is listed below;

- **Special Procedures** – zoning petitions, ordinance amendments, etc. Staff recommends consolidation of Sections 1003.300.4, 1003.300.6 and 1003.300.7 of the zoning code that address public notices. Ms. Nassif recommends that public notice be provided in one paper instead of two; either – the St. Louis Countian or the West County Journal. She has contacted several municipalities in the surrounding area and they advertise in the St. Louis Countian. However, the St. Louis Countian has a limited number of subscriptions whereas; the West County Journal has around 15,000 in the area. With the new Fees Ordinance the costs to advertise will be reimbursed to the City by the developer.

- **Variance Requests** – Board of Adjustment and the Public Works Board of Variance. Staff recommends that whenever a petition is heard before either board, the process to notify residents would be the same that the cost to advertise be placed on the applicant, as well as the flat fee of $75.00 and again that notification be provided in one paper of general circulation.

- **Telecommunications Siting Permit** – The ordinance requires that the applicant be required to provide notice to all property owners within 1,500 feet of any property line of the subject site. The City also provides notice within 225 feet of the subject site and the subdivision trustees. It is recommended that the City discontinue sending notices. The applicant would then be required to provide the following information:
    1. The date of the Public Hearing
    2. Brief explanation of applicant's request.
    3. What change, if any, the proposal will create to the existing appearance, array, or height of existing towers or structures.
    4. In the case of a new facility, provide a copy of the elevation of the proposed structure
    5. Applicant name and contact information
    6. Address of proposal.

In addition, the applicant should be required to provide the City with a certified copy of said notice.

Councilmember Fults had concerns as to whether the City is provided proof that notices have been sent. Ms. Nassif responded that the City receives a copy and they attest to it on the application before the Public Hearing can be posted. Mr. Seymour added that the City also receives a certified letter from the applicant attesting to whom notices have been sent and those addresses are provided.

Mr. Geisel assured the Committee that all the recommendations have been reviewed by City Attorney Heggie and that they are statutorily sound.

- **Vacation of Subdivision** – Currently the Subdivision Code states that the City Clerk handles the process. Staff recommends amending Section 1005.140 of the Subdivision Ordinance to be consistent of the policies and procedures.

- **Grants –** Ms. Nassif indicated that Grant applications were reviewed per the requirements set forth in each Grant.

- **Unfit Building Proceedings** – The City of Chesterfield follows Missouri State Statute requirements as well as City Code requirements for giving notice to property owners – usually around 10 days prior to the hearing date for an unfit building. The City Attorney and Staff recommend inclusion of the following language shown in bold:

  "Upon declaration of a public nuisance under this article, the City shall notify all affected parties that a public nuisance has been declared. Such notice shall be **posted on the property**, served by personal service or certified mail, return receipt requested, to all affected parties or by such **other means as are reasonably necessary in the opinion of the Planning and Public Works Director to provide adequate notice.** If service cannot be had by either of those modes service will be by publication.

Mr. Geisel stated that these recommendations will unify the process for all notification. He noted that state law requires notification in a paper of general circulation, but in addition, notification is provided through the City's website and on-site posting.

Councilmember Geiger asked what the current costs are to advertise. Ms. Nassif responded that on average the St. Louis Countian may be $60.00, but the West County Journal may cost $180.00.

Chair Segal feels the best way to reach the general population is through the utilization of the website.

Councilmember Fults concurs with Staff's recommendation to advertise in one paper.

Councilmember Fults made a motion to accept the recommendations as prepared by Staff and directed Staff to prepare legislation on the Public Notification Policies and Procedures. The motion was seconded by Councilmember Casey. The motion **passed by a voice vote of 4 to 0.**

III. NEW BUSINESS

A. Community Wildlife Habitat Signs

STAFF PRESENTATION

Mr. Mike Geisel, Director of Planning & Public Works stated that through the diligent efforts of the Citizens Committee for the Environment the City was previously recognized as a certified Wildlife Habitat Community. The Citizens Committee is asking the City to consider purchasing and installing new signs which the National Wildlife Federation has created for those communities that are recognized as wildlife habitats. The subject signs are 24" x 36" in dimension. By way of comparison, the standard speed limit sign is 18" x 24". Each sign would cost approximately $70.00. The City is currently creating an inventory of all of the city limit signs and the signs that are attached to them – such as the *Reduce, Re-use, Recycle* and the *Tree City USA* signs. The City has also contacted both the State and the County to determine their willingness to allow these signs to be installed within their rights-of-way – especially if they are in conjunction with Chesterfield's City limit signs.

Mr. Geisel stated that MoDOT has already advised the City that the current Chesterfield signs on the interstate routes need to be removed and replaced with standard signs stating "*You are entering the City of Chesterfield*" and noting only the City's population. Staff has resisted changing the signs and the City Administrator has been talking to the State about this issue. Mr. Geisel went on to say that MoDOT is less restrictive with other State routes but they want to make sure signs are compliant with the MUTCD. In addition, County now prohibits the City from landscaping the base of signs along County routes. If the proposed signs are mounted in accordance with the MUTCD, they will have to be mounted seven feet high. This would be very visually obstructive in a right-of-way area.

Mr. Mike Herring, City Administrator noted that the Citizens Committee is very proud of Chesterfield achieving the wildlife habitat certification and they want to share this achievement with the rest of the world. They feel that the wildlife signs posted attached to the City limit signs would be the most appropriate way of announcing this achievement. However, this brings up a lot of issues with respect to signs that may be requested by other groups, and whether the State and County would allow them on signs within their rights-of-way. Mr. Herring suggested that this type of achievement could also be proclaimed on the City's website.

DISCUSSION

Number of Signs
The number of wildlife habitat signs to be installed has not yet been determined. Before this can be determined, the City must complete its inventory of the 11 City limit signs and then identify appropriate locations. Approval must also be granted by the County and State to install the signs in their rights-of-way.

Size of Signs
Question was raised as to whether the signs could be smaller. Mr. Geisel replied that he is only aware of one size sign that has been created by the National Wildlife Federation. The sign is considered a "highway sign" so the dimensions are larger.

The Committee members expressed concern about the size of the size noting that it is larger than *Neighborhood Watch* signs and *Stop Signs*.

Presentation by Citizens Committee for the Environment
Ms. Darcy Capstick, Chair of the Citizens Committee for the Environment stated that today there are 83 certified community habitats across the country with Chesterfield being one of the first ten communities to achieve certification. These communities asked the National Wildlife Federation to create a sign acknowledging this achievement. Many of the community members, including Faust Park, are interested in obtaining these signs.

Ms. Capstick feels that posting the wildlife signs would generate more interest in community backyard conservation opportunities.

Location of Signs
Chair Segal commended Ms. Capstick and the Citizen Committee members for all the work they do. However, he noted that posting the wildlife signs could set a precedent for additional signs requested by other groups affiliated with the City. He does not support any sign being added to the City limit sign, but feels the wildlife signs would be ideal in the City's parks.

Ms. Capstick reported that there are smaller signs available for individual backyard habitat garden certification. The large sign is for the entire community representing hundreds of family certifications, school yard habitat certification, parks and City Hall certification.

Councilmember Geiger also expressed his concern with placing the wildlife sign with the City limit signs and agreed that posting them in the parks is a good idea. He felt that this would alert the community to the fact that the City is a community wildlife habitat.

Councilmember Fults expressed concern about the size of the signs but agreed that placing them in the parks could be appropriate.

Councilmember Casey suggested that Staff come back to the Committee with information on (1) whether the signs are allowed by the State and County, (2) the

number of signs to be installed, and (3) whether the signs have to be as large as 24" x 36". Chair Segal does not feel Staff needs to pursue conversations with the State and County since it appears the consensus of the Committee is that the signs should not be attached to the City limit signs.

Councilmember Casey made a motion to table the Community Wildlife Habitat Signs until further information is received from Staff.

Mr. Geisel asked for clarification on the type of information Staff is to gather, such as: (1) Does the Committee want the wildlife signs on the City limit signs? (2) Does the Committee want the signs on the right-of way? (3) Should Staff explore possible locations for the signs?

Chair Segal then made a motion for Staff to continue to explore the National Wildlife Federation sign with respect to downsizing the sign and limiting it to the scope of placement in Chesterfield parks. The motion was seconded by Councilmember Casey and **passed by a voice vote of 4-0.**

Mr. Herring asked whether the Committee would like to take a position prohibiting the addition of any signs on City limit signs. It was noted that out of the 11 City limit signs, only one sign has a sign attached to it – a *Tree City USA* sign.

Chair Segal made a motion directing Staff to prepare a report on the inventory of City limit signs, the condition of the signs, and the scope of what consists of a City limit sign. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4-0.**

B. P.Z. 05-2010 414 N. Eatherton (Mark Antonacci): A request for a change in zoning from "NU" Non Urban District to a "LI" Light Industrial District for a 2.903 acre tract of land located 1/3 of a mile southeast of the intersection of Wings Corporate Drive and North Eatherton Road (18W430046).

STAFF REPORT

Kristian Corbin, Project Planner gave a PowerPoint presentation showing an aerial of the site and surrounding area. Mr. Corbin stated the following:

The intent is to change the zoning for the potential sale of the subject site. The current structures on the subject site include a house and two sheds.

Zoning Classification

The land use and zoning for the properties surrounding this parcel are as follows;

- The property to the north and east is the Wings Corporate Estates and Precision Plaza and is currently zoned "PI" Planned Industrial District.

- The property to the south of the site is currently zoned "NU" Non-Urban District.
- The property to the west of the site is part of the City of Wildwood and is currently zoned "M3" Industrial District.

The "LI" Light Industrial District is one of the City of Chesterfield's straight zoning districts. In such a district, there are no preliminary plans or Attachment A in the change of zoning process. Chesterfield Zoning entitlements are by right and set forth in the City of Chesterfield Zoning Code. There are no modifications or negotiations to these requirements.

A public hearing was held on June 14, 2010. The Planning Commission recommended approval by a vote of 7 – 0.

PLANNING COMMISSION REPORT

Planning Chair Grissom stated that there were no issues brought forward to the Planning Commission.

Councilmember Casey made a motion to forward P.Z. 05-2010 414 N. Eatherton (Mark Antonacci) to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger. The motion **passed by a voice vote of 4 to 0.**

Note: One Bill, as recommended by the Planning Commission, will be needed for the July 19, 2010 City Council Meeting.
See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on P.Z. 05-2010 414 N. Eatherton (Mark Antonacci):].

C. T.S.P. 20-2010 Clearwire US LLC. (14550 South Outer 40 Road): A request to obtain approval for a Telecommunication Facility Siting Permit for the location of antennas and equipment on an existing AmerenUE transmission tower in a "NU" Non-Urban District-zoned right-of-way located southeast of the US Highway 40 and Timberlake Manor interchange (19R540055).

STAFF REPORT

Shawn Seymour, Senior Planner gave a PowerPoint presentation showing an aerial of the site and surrounding area. Mr. Seymour stated the following:

Zoning Classification

- The property is located in the Missouri Department of Transportation right-of-way of South Outer 40 Road and is north of the Suburbia Gardens development.

- The property is also south across Highway 40 at Timberlake Corporate Center and east of Thousand Oaks Subdivision.
- To the west is New Covenant Church.

A public hearing was held on June 14, 2010, no outstanding issues were identified. The Petitioner is requesting the following:

- Location of antennas to facilitate a broadband internet service on an existing AmerenUE transmission tower. The proposed antennas will be located at the top of the tower. There are currently no antennas on the tower.
- The ground-located equipment is located at the base of the transmission tower. The equipment will be enclosed surrounded by fencing.

PLANNING COMMISSION REPORT

Planning Chair Grissom stated that there were no issues brought forward to the Planning Commission.

Mr. John King, representing the Petitioner mentioned that if Crown Castle does not clean up or provide landscaping to the site, then Clearwire will get it done.

Councilmember Casey made a motion to forward T.S.P. 20-2010 Clearwire US LLC. (14550 South Outer 40 Road) to City Council with a recommendation to approve. The motion was seconded by Councilmember Fults. The motion **passed by a voice vote of 4 to 0.**

Note: This is a Telecommunication Siting Permit, which requires a voice vote at the July 19, 2010 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on T.S.P. 20-2010 Clearwire US LLC. (14550 South Outer 40 Road)].

D. Justus Pointe – Escrow Attachment Authorization and Change Order No. 1 – 2010 Asphalt Overlay, 2010-PW-13.

STAFF REPORT

Susan Mueller, Principal Engineer explained that the Justus Pointe Subdivision Construction Deposit Agreement was originally approved on May 27, 2008. At this time, the required improvements for the subdivision have not been completed and the developer, Bruno Homes, has been unable to complete construction of the remaining improvements or to correct noted deficiencies.

The Packet provided to the Committee includes the following;

- The Site Plan of the Justus Pointe development, which is partially completed. Only two of the proposed four townhome buildings are complete, along with some of the asphalt and basic amenities. Buildings three and four do not exist on the site.

- The Construction Deposit document shows a breakdown of monies retained to complete the project.

- The Justus Pointe Subdivision Deficiency list, which was completed on June 17, 2010, stipulates the final lift of asphalt on the parking lot is still missing. Staff has requested documentation for the sanitary sewers from the St. Louis Metropolitan Sewer District, which has not yet been received. Staff has been working directly with St. Louis County to obtain the approvals and occupancy permits – Certificates of Use for the retaining walls. Some grading work has been done to the site because the developer has surrendered their cash grading surety and SoilTek has been retained to stabilize the grades at a 3 to 1 slope for mowing purposes and to provide erosion control.

- Letters were written to Mr. Rich Bruno of Bruno Homes on December 23, 2009 and on May 6, 2010 giving notice that their Letter of Credit in the amount of $36,100 was at risk for attachment.

- Memorandum to the City Administrator requesting; (1) authorization to attach Letter of Credit #6000034352 for the purpose of completing the remaining Justus Pointe Subdivision exterior deficiencies, and (2) authorization to complete the asphalt parking lot pavement deficiency in the Justus Pointe Subdivision by way of change order to the Asphalt Overlay Project, 2010-PW-13, using contract unit bid prices, in a total amount not to exceed $12,000.00.

Mr. Geisel stated that the Letter of Credit that Staff is recommending to attach is a one-time request, which is not specific to only the asphalt overlay project – it will be used for any or all improvements. By attaching the escrow, it will allow Staff to change order the contract to increase the amount allocated by the amount necessary and to allow any associated budget adjustments.

DISCUSSION

Landscaping & Lake Improvements

Councilmember Geiger thanked Ms. Mueller and Staff for the fantastic work that is being done at the Justus Pointe Subdivision. He indicated that the residents are elated with the progress. He then asked as to whether there are sufficient escrow funds available to provide landscaping to the property and to address the siltation levels in the lake. Ms. Mueller replied that $36,100 is available in the construction escrow, and there is also a landscape bond which can be used towards the landscaping. Staff has looked at costs for a survey monumentation and to have a surveyor go in to survey the lake. It is expected that this would cost approximately $7,000. If the lake needs to be cleaned out, there is a lake bond available to cover those costs.

Ms. Mueller stated that the work is being completed to help stabilize the property. By making the grading improvements, retaining walls will not be necessary.

There was additional discussion as to whether buildings three and four will be completed by Bruno Homes. It was noted that Mr. Bruno had a potential buyer for the site and he had asked for some administrative approvals to the site, which were not granted. With the changes to the building code, in order to complete the site, the developer may need to provide new site plans to the City. Mr. Geisel indicated that the developer would have to re-subdivide for a new building and provide adequate escrows to complete any additional improvements.

Councilmember Geiger made a motion to approve the request for authorization to attach Letter of Credit #6000034352 and to approve the associated budget transfer adjustments. The motion was seconded by Councilmember Casey. The motion **passed by a voice vote of 4 to 0.**

Councilmember Geiger made a motion recommending that City Council approve the request for authorization to complete the asphalt parking lot pavement deficiency in the Justus Pointe subdivision by change order to the Asphalt Overlay Project #2010-PW-13 using contract unit bid prices, in an amount not to exceed $12,000.00 and to approve the associated budget transfer adjustments The motion was seconded by Councilmember Casey. The motion **passed by a voice vote of 4 to 0.**

Note: Requires a voice vote at the July 19, 2010 City Council meeting.

[Please see the attached report prepared by Susan Mueller, Principal Engineer, for additional information on Justus Pointe – Escrow Attachment Authorization and Change Order No. 1 – 2010 Asphalt Overlay, 2010-PW-13].

IV. ADJOURNMENT

The meeting adjourned at 7:00 p.m.