

**PUBLIC WORKS COMMITTEE REPORT**  
**September 16, 2009, 1:05 PM**  
**City Council Chambers**

**Members Present:** Jason Wiener (Chair), Ed Childers, Dick Haines, Bob Jaffe, Renee Mitchell, Dave Strohmaier, Pam Walzer, Jon Wilkins

**Members Absent:** John Hendrickson

**Others Present:** Monte Sipe, Bruce Bender, Steve King, Doug Harby, Kevin Slovarp, Phil Smith

**I. ADMINISTRATIVE BUSINESS**

- A. Approval of the minutes of August 26, 2009 and September 9, 2009 – Approved as submitted.
- B. Announcements – None.
- C. Public Comment on Non-Agenda items – None.

**II. CONSENT AGENDA ITEMS**

- 1. Approve an agreement between the City of Missoula and T & T Development LLP to purchase 62.5 sewer loading units. (memo).—Regular Agenda (Bruce Bender) (Referred to committee: 09/14/09) **REMOVE FROM AGENDA**

**Motion: The committee recommends the City Council approve and authorize the mayor to sign an agreement between the City of Missoula and T & T Development, LLP, to purchase sewer loading units per the 1989 Sunlight Development Company agreement.**

Bruce Bender, Chief Administrative Officer, stated that as part of the financing for the Rattlesnake interceptor, Sunlight Development Company agreed to participate in a significant portion of the financing. The City agreed to recognize their contributions, over 2,000 single family residential unit assessments which would be recognized forever, and could also be sold. Each unit covered the cost of the sewer development fee and the Rattlesnake interceptor fee for a single connection. T & T Development acquired some properties and acquired the Sunlight units with them, and has now asked to sell those units back to the City at a reduced cost. Currently, each unit is worth about \$1,900, and the agreement sets a purchase price of about \$900 per unit. The total cost will be paid over a period of four years, out of the sewer development fee fund. The City benefits by having fewer units to track and purchasing the units at a reduced price.

Mr. Wiener asked how many units T & T Development had. Mr. Bender stated that he thought this was all of them.

Mr. Strohmaier asked who T & T Development was and what would happen if the City did not buy the units. Mr. Bender stated that they bought land and the corresponding units from the Sunlight Corporation. If the City did not buy the units, the burden would be on T & T to sell them to someone, but the City would have the burden of tracking the sale.

Mr. Strohmaier made the motion to approve the agreement.

Mr. Wilkins asked whether the City had ever been approached to buy other sewer loading units, and whether all units were attached to developable land. Mr. Bender stated they purchased some with open space in the 1990s, and of the 1,000 remaining units, 400 have been purchased by the City or used. Some remaining properties still own quite a few. Many properties were developed at a lower density than there were units for. The City received a benefit from the units at the time they were sold, as that money was used to build the project. Mr. Wilkins asked how many units were still out there, and Mr. Bender replied that there were about 600, which is 600 houses that could potentially connect to sewer without paying a fee, and the City could lose that revenue.

Ms. Walzer arrived.

Mr. Wiener asked if a citizen could find someone who owned the sewer loading units, if they could use them to get a deal on hooking up. Mr. Bender replied that they could, and that it was public knowledge, but it was hard to track the units down.

Mr. Jaffe stated that it made sense for the City to buy the units back, because that means more people will have to hook to the sewer at the full rate. Mr. Bender agreed and stated that if the sewer development increased in the future, the units would be worth more.

Mr. Haines arrived.

Mr. Childers asked whether the units were purchased from the same fund the sewer development fees went into, and Mr. Bender replied that they were.

The motion passed unanimously.

2. Approve and authorize the Mayor to sign a memorandum of agreement with the Montana Department of Transportation (MDT) to purchase one (1) street flusher truck. This truck is part of a Montana Air and Congestion Initiative (MACI) purchase. (memo).—Regular Agenda (Jack Stucky) (Referred to committee: 09/14/09) **REMOVE FROM AGENDA**

**Motion: The committee recommends the City Council authorize the Mayor to sign a memorandum of agreement with the Montana Department of Transportation (MDT) to purchase one (1) street flusher truck for \$50,067, the City of Missoula's portion of the total MDT cost of \$164,587.**

Steve King, Public Works Director, stated that memorandum of agreement was for the purchase and replacement of a flusher truck, which is a water truck used in conjunction with sweepers to keep dust down. It was a scheduled replacement. The City will be getting a \$164,587 truck for \$50,067. The State's portion of the funds comes from the Montana Air and Congestion Initiative.

Ms. Mitchell asked if the truck was fully equipped with backflow prevention, or whether they would be coming back with a referral to purchase additional parts. Mr. King stated that any additional equipment was covered by other approved budget items.

Ms. Mitchell made the motion to authorize the Mayor to sign the agreement.

The motion passed unanimously.

3. Review bids for curb and sidewalk improvement project and pass a Resolution to Confirm the Order for curb and sidewalk improvements in the Stephens/McDonald Ave. Area – Project 08-008 (memo).—Regular Agenda (Doug Harby) (Referred to committee: 09/14/09) **REMOVE FROM AGENDA**

**Motion: The committee recommends the City Council adopt the resolution to confirm final ordering of curb and sidewalk improvements adjacent to properties in the Stephens/McDonald Ave. area, Project 08-008.**

Review bids for curb and sidewalk improvement Project 08-008: Stephens/McDonald Ave. Area, award bid to lowest responsible bidder and authorize return of bid bonds. (memo).—Regular Agenda (Doug Harby) (Referred to committee: 09/14/09) **REMOVE FROM AGENDA**

**Motion: The committee recommends the City Council award the bid for Project 08-008, Curb and Sidewalk Improvements adjacent to properties in the Stephens/McDonald Ave. area to AAA Construction of Missoula for the sum of \$29,640.82 and authorize return of bid bonds.**

Monte Sipe, Construction Project Coordinator, stated that invitations had been sent to the property owners of the six parcels in the project, and this was the resolution to confirm the final order.

Mr. Wilkins asked whether it was an SID and if property owners had protested. Mr. Sipe stated that the project was through the curb and sidewalk assessment program. Owners receive five notification letters for curb and sidewalk projects, and the one before this meeting was letter three. They had heard back from some property owners, but no one was against the project.

Ms. Mitchell asked how long ago property owners received the notice. Mr. Sipe stated that letters are mailed a minimum of 12 days before the meeting, and this letter was the third one sent. The others were prior to Council's action to order the project, which was months ago.

Ms. Walzer stated it was a low cost project.

Ms. Walzer made the motions to approve the resolution to confirm the order, award the bid, and authorize the return of bid bonds.

Mr. Jaffe stated that the bids were closer to the estimate than they had been earlier in the year, and asked whether the estimate had been reduced or if the bids were starting to go up. Mr. Sipe stated that he had adjusted the estimate based on bid prices that they had seen earlier in the year, and these bids were consistent with what they had been seeing so far.

Mr. Wilkins asked if all the properties were multi-family, and whether any were owned by Missoula Housing Authority (MHA). Mr. Sipe stated that there were several duplexes, and some large multi-family complexes, none owned by MHA.

The motion passed unanimously.

4. Review bids for traffic calming improvement project SID 546 Pattee Creek Drive, award bid to lowest responsible bidder and authorize return of bid bonds. (memo).—Regular Agenda (Doug Harby) (Referred to committee: 09/14/09) REMOVE FROM AGENDA

**Motion: The committee recommends the City Council award the bid for SID-546, Pattee Creek Drive Traffic Calming Improvements to Knife River, the base bid of \$25,000 and authorize return of bid bonds.**

Doug Harby, Construction Project Manager, stated this was a traffic calming project that they had been working on for years, and Council had recently approved the SID. The City has not built speed cushions before, and the bid came in higher than estimates. The estimate was \$17,000, and the low bid was \$25,000. They increased the City's planned contribution from the Capital Improvement Program (CIP) \$7,700 to \$13,987. Because these are experimental for Missoula, and contractors don't know how to build them, this project will establish construction methodology and hopefully lower future costs for these improvements, which they feel justifies the increased contribution. There were alternate bid options for colored and stamped concrete and for asphalt.

Mr. Wilkins stated he was happy to see the project coming to a conclusion. He asked whether the cost per parcel would change. Mr. Harby stated that the high bid did not change the SID cost, just the cost to the City's CIP.

Mr. Wilkins made the motion to award the bid and return bid bonds.

Mr. Wiener asked what other projects would come out of the traffic calming CIP, and what the additional contribution for this project was competing with. Mr. King stated that Pattee Creek Road and Philips Street were the last two traffic calming projects receiving general fund money, so this contribution doesn't take away from any other projects. Phil Smith, Bicycle/Pedestrian Program Manager, stated that the money remaining in the CIP was carried over from FY09 specifically for these projects.

Mr. Strohmaier asked if they would begin construction this fall. Mr. Harby stated they plan to build this fall, but it depends on the weather, because colder weather means the concrete has to sit longer without being driven on.

Mr. Wilkins stated that the cushions were an experimental thing, and there were other situations where they need calming devices, so this project presents an opportunity to see if they may be successful in other places.

5. Order right-of-way improvements to 401 and 417 Rollins. (memo).—Regular Agenda (Doug Harby) (Referred to committee: 09/14/09) REMOVE FROM AGENDA

**Motion: The committee recommends the City Council order right-of-way improvements to 401 and 417 Rollins.**

Mr. Harby stated there were 30-foot boulevards and curb and sidewalk installed in 1986. Typically, the City puts topsoil in boulevards and property owners landscape it. At that time, the property owner was the president of the City Council, and requested the topsoil be removed and put in a parking cushion. Since then, the City has received complaints about the cars and vegetation. The department worked together a few years ago to notify the property owners and get improvements. Parking and storage of materials are not allowed in curbed boulevards. They have requested the property owners to comply voluntarily, and have gotten more complaints. A letter was sent notifying them of the improvement order and today's meeting date. No response has been received.

Mr. King added that this has been a nuisance in the neighborhood for at least 20 years, and he appreciated Mr. Harby's response to the complaints.

Mr. Harby stated that situations like this are typically dealt with when they come in with improvement projects, but since this property was done in a previous project, there will not be another one forthcoming soon. These situations are complaint initiated, and the City checks to see if complaints are justifiable or not.

Mr. Wilkins stated that after cleaning the property up and adding topsoil, grass, and trees, it will look that way again in a year if they did not add underground water as well. Mr. Harby stated they plan to completely enclose the boulevard with a tall curb so they can't put cars on it anymore. There are codes in place to enforce the maintenance of boulevards.

Ms. Mitchell asked if the same resident still owned the property. Mr. Harby stated he thought it belonged to the son now. Ms. Mitchell stated that if the person was disgruntled they could ignore the upkeep.

Ms. Mitchell made the motion to order the improvements.

Mr. Jaffe stated he had some concerns that there had been no active discussions with the homeowner, but it was a blatant violation of the rules and was generating complaints, so this was the appropriate action.

Ms. Walzer stated that she recommended a drought-tolerant species of tree, since there was a good possibility it would not get much water.

Mr. Strohmaier stated he used to live down that street and thanked staff for taking care of it.

Mr. Childers asked about the curb line and whether it would interfere with future improvements to the road. Mr. Harby stated that there was a traffic calming project at the request of the neighborhood, but it had not progressed beyond the design stage. A future project will rebuild that intersection, but this will not interfere with that design. Mr. King added that the intersection needed more work than is included in this order.

The motion passed unanimously.

Mr. Wilkins asked who was responsible for maintaining the boulevard in front of Sentinel High School. He had tried to contact the school district, but they said it was the City's responsibility. It is not being maintained. Mr. King stated that the City maintains center medians, but the boulevards are typically the responsibility of the adjacent property owner. He would have staff check into it and do any necessary enforcement.

### III. HELD AND ONGOING AGENDA ITEMS

1. Discussion on the sizes of grease interceptors for the restaurant industry ([Grease Interceptor PowerPoint](#)) ([memo](#)).—Regular Agenda (Stacy Rye and Bob Jaffe) (Referred to committee: 04/21/08)
2. Consider restructuring the city's Sewer Loan Program along the lines of the recently approved change to the Sidewalk & Curb Loan Fund.—Regular Agenda ([Chapter 3.16 – Sidewalk & Curb Loan](#)) ([Chapter 3.18 Sewer Loan](#)) ([Ordinance 3344](#)) (Ed Childers) (Referred to committee: 06/26/06)
3. Information item to present the City's Master Sidewalk Plan. ([memo](#))—Regular Agenda (Doug Harby)
4. (Referred to committee: 01/12/09) Purchase of one (1) 2010 Dodge Dakota crew cab pickup from Ronan Dodge of Ronan, Montana for a total of \$20,732 ([memo](#)).—Regular Agenda (Jack Stucky) (Referred to committee: 09/14/09)

### IV. ADJOURNMENT

Respectfully Submitted,

Jessica S. Miller  
Office Manager  
City Public Works Department