

PUBLIC WORKS COMMITTEE REPORT
September 29, 2010, 3:05 PM
City Council Chambers

Members Present: Jason Wiener (chair), Ed Childers, Dick Haines, Lyn Hellegaard, Roy Houseman, Bob Jaffe, Renee Mitchell, Stacy Rye, Dave Strohmaier, Pam Walzer, Jon Wilkins

Members Absent: Marilyn Marler

Others Present: Steve King, Kevin Slovarp, Jack Stucky, Doug Harby, Gregg Wood

I. ADMINISTRATIVE BUSINESS

A. Approval of the minutes of [September 22, 2010](#) Approved as submitted

B. Announcements – Gregg Wood, Project Coordinator, gave an update on City Projects that were completed or near completion including:

- House Bill 645 project, built two hundred thirteen ramps throughout the City for \$228,000.00, it was completed on time and on budget
- Greenough Gateway project, built sidewalks on both sides of Greenough Drive from Madison to Waterworks Hill, for \$225,000.00, it was completed on time and on budget
- Rattlesnake Sewer project, installed approximately 22,000 linear feet of sewer mains and services, this project is expected to be completed on time and under budget; with anticipation for some savings on this project
- North Higgins project, 1.2 million dollar project, with an anticipated October 15th completion date and is expected to come in on time and on budget; a ceremony is scheduled for October 15th for the completion of this project

Doug Harby, Project Manager stated that funds from House Bill 645, curb and ramp project, were used to install four sumps on Park Street to alleviate the drainage problems.

C. Public Comment on Non-Agenda items –None

II. CONSENT AGENDA ITEMS

1. Consider extending the Johnson Controls Inc (JCI) contract for the central maintenance facility HVAC services from October 1, 2010 through July 1, 2011 at the same rate as the existing contract, \$7,184.00 per year. ([memo](#))—Regular Agenda (Jack Stucky) (Referred to committee: 09/27/2010) **(REMOVE FROM AGENDA)**

Motion: The committee recommends the City Council authorize the Mayor to sign a contract extension with Johnson Controls Inc extending the existing HVAC contract from October 1, 2010 through July 1, 2011.

Jack Stucky asked the committee to recommend extending the Johnson Controls Inc. (JCI) HVAC contract for the Central Maintenance Facility from October 1, 2010 to July 1, 2011 at the existing rate of \$7,184.00. He said this would synchronize all the contracts to have the same expiration and due dates and would give the department some leverage in securing a better price by making it one contract with one price. By extending this contract it would also prevent a price increase that may occur if the current contract runs out and a new contract is negotiated.

Roy Houseman made the motion to recommend the City Council authorize the Mayor to sign the contract extension with Johnson Controls Inc. for \$7,184.00 from October 1, 2010 through July 1, 2011.

The motion passed unanimously.

III. REGULAR AGENDA ITEMS

1. An [ordinance](#) amending Chapter 15.44 and renaming the chapter from “House Moving” to “Oversize Loads and House Moving” to include oversize loads and update fees and regulations and an [emergency ordinance](#) amending Chapter 15.44 and renaming the chapter from “House Moving” to “Oversize Loads and House Moving” and amending Chapter 5.70 “House Moving” to include oversize loads and update fees and regulations, enacted as an emergency ordinance in order to have terms and conditions clearly established prior to the commencement of the Kearl Module Transportation project, which will move a large number of oversize loads through Missoula. ([Emergency Ordinance - Jaffe - Underline/Strikeout](#)) ([Explanatory Notes – Jaffe](#)) ([Memo](#)) ([PW](#)) ([Ordinance Clean Copy](#)) ([Wiener Edits 9/28](#)) **(HELD IN COMMITTEE)**

Jason Wiener asked Steve King for clarification of the definition of city streets as used in the ordinance.

Steve King, Public Works Director, said he takes this to mean all surface streets within the City; this excludes the interstate highway system, I-90, and excludes oversized loads on railroads, and oversized loads that may be moved on private property.

Jason Wiener said his changes to the ordinance included section 15.44.060, from grounds to refuse permits, to grounds to issue a permit, making it more positive. He had received some public comments about buried utilities under section C and was attempting to say when issuing permits we should verify the impacts on the City. Jason would also like discussions on moving the fees from the ordinance to a resolution saying this would give the committee an additional month to work on them. He said suggestions for road fees and bonding would be for better insurance against potential damage.

Bob Jaffe asked if fees for bonding could be based on some type of sliding scale and said we would need to know the ratings of each road structure and the axle weights of each load. He asked if this would create a third type of bond to cover roadway damage.

Steve King replied that there are currently two bonds required, a \$20,000.00 licensing bond and a \$20,000.00 site remediation bond; these are secured by the owner having the structure moved. He said neither one relates directly to individual moves or the character of structures or the character of the roadway. Steve said having a third bond is a new concept for Public Works; he said the Transportation Department has a proportional bond that is relative to the individual permit and we could ask the Department of Transportation for guidance with their bonding procedures, and ask our City Attorney for legality of application.

Dave Strohmaier asked why this would be a third fee instead of a modification of the existing bonds; and he asked how Public Works arrived at the \$20,000.00 fee.

Steve King said the \$20,000.00 license bond is for anticipated repairs and rehabilitation of public structures, such as tree damage, signals and sign damage, pavement damage, etc. He said this is an annual license requirement regardless of the size of loads. Modification of the older \$10,000.00 bond fee amount resulted in reviews and discussions with the Public Works staff, he said they reviewed costs of traffic signals, damages to large trees, etc. and if something of that magnitude were substantially damaged and needed repairs or replacement the staff recommended an increase to \$20,000.00 to cover these costs. Steve said that severe damage to this extreme is rare and the City has not exercised use of this bond in the last eighteen years.

Dave Strohmaier said he likes the idea of moving the fees from the ordinance to a resolution; he also likes some type of sliding scale approach for bond fees.

Jon Wilkins asked what cash amount would be required from the owner to buy a \$20,000.000 bond because he is concerned about out of pocket expenses for the owners. He said if we had a situation with deteriorating gas pipes that exploded and caught facilities on fire \$20,000.00 would not be enough to pay for the damages. Jon said the reason the changes were being made were primarily because of the Kearn project and he said nothing we could change in the ordinance would stop that project.

Steve King said he thought the cash amount for a \$20,000.00 bond was about two percent. He said the City ordinance is complimentary to the state law and not in conflict with it. He said he believes the City does not have jurisdiction or the ability to override State laws but the City can have laws to protect City interests within the City limits; we can require them to have permits. He explained that on heavy loads the load distribution was diffused and dispersed rapidly and our utilities were not vulnerable to these heavy loads; the road and the road base would be damaged long before any underground conduits would be damaged. He said most of our conduits, storm drains, sewer pipes; traffic signal conduits, etc. are not vulnerable to heavy loads.

Bob Jaffe said another issue is the reclamation of existing sites, such as the lot on Alder Street where a house was moved and a big hole with garbage in it is still there.

Jon Wilkins said he is in total agreement that the current ordinance needs to be updated. He wanted to know what our recourse is with big loads and said we may be able to secure permits and bonds and that would help significantly.

Steve King answered Jason Wiener's question regarding the State's bonding and insurance requirements and he had received information from Jim Lynch, Director of the Transportation Department. Steve asked Jim Lynch about question five regarding the liability insurance and bonding requirements associated with the State's oversized load permit; his answer was the administrative rules of Montana requires a minimum of one million dollars combined single liability, single limit, bodily injury, and property damage liability per occurrence, before a special permit may be issued.

Their bonding requirements for this project is a twenty million dollar bond to cover catastrophic damage to roads and bridges as well as any environmental impacts such as spills, storm water, permit violations etc. The bond is enforced and in place for one year after expiration of the permit.

Roy Houseman asked what the time line for changes to this ordinance update was.

Jason Wiener said the emergency ordinance expired October 22, 2010 and the committee needed to take action on the current ordinance by October 18, 2010. He said they would ask the City Attorney and the City Clerk for assistance with fees. He said this needs to be ready for the agenda and back to the committee by October 13th for adoption.

Dave Strohmaier asked Jason Wiener or Steve King if the City Attorney, Jim Nugent, had looked at or had any comments on paragraph 15.44.060 B relative to grounds for denial of permit.

Steve King said he did not speak with Jim Nugent about that issue but did speak with him about the resolution verses the ordinance content for the fee structure and Jim said it would be legal for the Council to pass a fee structure resolution taking it out of the ordinance but his advice was against the proposal because finding the fees would not be easily accessible for the public.

Lynn Hellegaard said the committee could extend the emergency ordinance for thirty days as a solution to allow more time; Jason Wiener said that may be an alternate consideration.

Steve King said the roads and bridges were designed for these load characteristics, if no heavy loads traveled on them the life of the road would be extended, if you put loads on the road as it is designed for, the road should last approximately twenty years and bridges would last much longer. He said the load bearing capabilities of the road structure should be there. He said the Kearn project is moving the loads over Federal roads and if there were any damages it would be a Federal and State concern not a local concern.

Renee Mitchell said she was concerned with the timing of these ordinance changes and these actions could be construed as discriminatory legislation because we were targeting a certain company.

Jason Wiener said we are using the same criteria for anyone applying for a permit not just this one company.

IV. 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. Review infrastructure conditions at the locations of serious and fatal traffic accidents: 2007-2009 ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 01/25/10)
3. Resolution to restore vacated Inez Street at South 2nd Street to the public trust and public use, and vacate a public access easement that was a condition of the vacation ([memo](#)).—Regular Agenda (Carla Krause) (Referred to committee: 04/26/2010)
1. T4 America partner support ([memo](#)) – Regular Agenda (Stacy Rye) (Referred to committee: (Referred to committee: 08/16/10) **HELD IN COMMITTEE**)
4. Use of \$60,000 allocated by FY2011 Budget in Road District #1. ([memo](#))([Five Year Assessments Chart](#))—Regular Agenda (Ed Childers) (Referred to committee: 09/20/2010) (**HELD IN COMMITTEE**)

V. ADJOURNMENT

The meeting adjourned at 3:50 PM

Respectfully Submitted,

Peggy Diamond
Program Specialist
City Public Works Department