

**PUBLIC WORKS COMMITTEE REPORT**  
**February 16, 2011 at 11:05 AM**  
**City Council Chambers**

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

**Members Absent:** Marilyn Marler, Stacy Rye

**Others Present:** Gregg Wood, Kevin Slovarp, Don Verrue, John Hendrickson, Jerry Ballas, Tim Netzley, Roger Petersen, Jim McDonald, Gary Bakke, Dennis Linneman, Ellis K. Surratt, Jr., Kirk Adkins, Mike Neely, Doug Shoup, and Larry Farnes

**I. ADMINISTRATIVE BUSINESS**

- A. Approval of the minutes of - 02/09/2011 – Approved
- B. Announcements – Gregg Wood, of City Public Works, updated the Committee on the Russell/3<sup>rd</sup> Environmental Impact Study (EIS). Legal sufficiency issues were close to being resolved. The following week printed approval documents would be distributed to all agencies. The document would be reviewed, revisions would be made, and then it would be printed for signatures. A copy for public distribution could be available as soon as late March and a record of decision by as early as mid June.
- C. Public Comment on Non-Agenda items – None

**II. CONSENT AGENDA ITEMS**

- 1. Approve the contract for professional services with WGM Group, Inc. in an amount not to exceed \$66,724 for preliminary investigation, utility coordination and information gathering for the South 3<sup>rd</sup> Street project. (memo)—Regular Agenda (Gregg Wood) (Referred to committee: February 14, 2011) (REMOVE FROM AGENDA)

**Motion: The committee recommends the City Council approve and authorize the Mayor to sign the contract for Professional Services with WGM Group, Inc. in an amount not to exceed \$66,724 for preliminary investigation, utility coordination and information gathering for the South 3<sup>rd</sup> Street project.**

Gregg Wood read the recommended motion. He then clarified that the RFP for the project had already been submitted, no design work was being done, the purpose was to have WGM Group update the previous surveys. Once WGM Group did this work all parties would be able to move forward when the record of decision was reached. At this time no design work would be done because FHWA did not want any assumptions made before a record of decision was reached. WGM had been involved in work done on 3<sup>rd</sup> Street in 1998 before the 3<sup>rd</sup> Street project was tied to the Russell Street environmental process. Once 3<sup>rd</sup> Street was tied to Russell all work on 3<sup>rd</sup> Street was halted.

Currently the City of Missoula was interested in a different survey method called LiDAR (Light Detection and Ranging) which involved flying a helicopter over the corridor. This type of data collection surveying provided more data points and shifted work from the field to the office, which also was advantageous in regards to safety. The city also wanted to use this method in the future and may utilize the company for other projects while they are in town because of mobilization costs, but those projects were not in the scope of 3<sup>rd</sup> Street project. It was anticipated that the costs for funding the project would come from the traffic impact fund through the CIP. The work would also be done in conformance with federal guidelines if other federal money became available in the future.

Pam Walzer asked if this type of data collection was more or less detailed than the survey that was required with the EIS. Mr. Wood explained that a survey had not been done for the current design.

Bob Jaffe asked if Mr. Wood could speak to the issues of centerline identification, which came up in the recent South Avenue lawsuit, and how the results of the lawsuit would affect this project.

Kevin Slovarp, City Engineer, explained that the lawsuit had the potential to affect how the 3<sup>rd</sup> Street project was executed, but the city had not made any decision to appeal the district court decision at this time. City Attorney, Jim Nugent, would be better suited to answer those questions. If the decision held from the district court the city would change its methods for centerline identification and right-of-way or easement acquisition. Each corridor would have to be reviewed independently. The city would be talking with property owners in order to secure easements or right-of-way if more square footage was required for a project.

Bob Jaffe asked if the city was aware of any problems in the corridor. Mr. Slovarp answered that he was not aware of any, each subdivision plat would need to be reviewed and that was part of the current process. Gregg Wood added that the city wanted to move forward with the knowledge of the court case to see if any conflicts arose. The city could then form better strategies.

Jon Wilkins asked if LiDAR would be good technology to use in the future or not. Mr. Wood answered that it was good technology, but it just had not been done for Russell Street. Mr. Wilkins asked if the whole surveying procedure would have to be repeated again for this area. Mr. Wood said no, the plan was to travel down Reserve Street to look at each intersection. He did not anticipate having to do it again. In 1998 some surveying was started with a certificate of survey (COS) and it was done as part of an EIS for 3<sup>rd</sup> Street. That project was halted because 3<sup>rd</sup> Street was then tied to Russell Street, so the surveying was never completed. Since there was now new development this would be a chance to look at the whole corridor.

Ed Childers asked about the difference between LiDAR and a traditional survey. Mr. Slovarp explained that LiDAR provided a digital terrain model (DTM) and the surface rendering picked up trees, buildings, and anything else in the corridor. Contour maps could also be developed. A basic survey picked up a tree or a fire hydrant and elevation of a structure but it did not provide a digital model, it just mapped horizontal and vertical location without any contours. LiDAR was a 3D map of the terrain.

Mr. Childers made the motion to approve the request. The motion carried unanimously.

### III. REGULAR AGENDA ITEMS

2. Consider an ordinance amending Missoula Municipal Code Chapter 15.32 Entitled "Building Permits," Providing for Low Voltage Permits. ([memo](#))—Regular Agenda (Don Verrue) (Referred to committee: 02/07/11) **(HELD IN COMMITTEE)**

Don Verrue, the City Building Official, passed out an explanation of low voltage and the administrative rule on when such permits would be required (linked to the memo above). Mr. Verrue explained that the city adopted the sections that dealt with low voltage from the National Electrical Code in 2010, but currently the city did not inspect low voltage installations. There were no state licensure regulations for local installers and currently the city only required a city business license for contractors installing these systems. The committee had discussed the issue of the Building Division educating contractors, but the best way to educate would be to require a permit so contractors would be held to electrical code requirements and city inspectors would educate on proper installation.

Low voltage systems were used with 911 services, the police department, fire and burglar alarms, commercial building elevators, door releases, and smoke doors which were activated when an alarm went off. Duct work may also contain dampers that control smoke in buildings so it would not spread. Other low voltage systems were used for grocery stores, cash registers, and computer systems.

The Building Division was working on an administrative rule that dealt with commercial, industrial, and multifamily requirements. Single family residence installations would not require a permit because of differences in construction. An office building had fire walls, drop ceilings, but a normal house did not. Mr. Verrue had asked for feedback from electricians and from the university. He did not get much feedback.

The new permit requirement would apply to a customer or utility owned data communication company or cable TV company installing more than 3 devices or more than 100 feet of cable. Mr. Verrue added that he was more than willing to make adjustments to the requirements; however, anyone installing these systems in a commercial setting should be regulated. Requiring a permit through the Building Division would also require the contractor to have a city business license for further regulation.

Jason Wiener asked about when responsibility fell to the owner of a building where a low voltage system was installed. Tim Netzley explained that each utility had a distribution box and everything from the distribution box was the owner's liability.

Jon Wilkins talked about his experience with construction and his belief was that these installations were always inspected and that if an electrical contractor was on site that that person would check the fire walls. Mr. Verrue explained that inspections were done to a certain extent, but not always. When a new commercial building was built the Building Division always inspected for fire wall protection in order to see any penetrations in the fire wall. As long as Mr. Verrue had been with the Building Division they had not inspected low voltage systems, although higher voltage wire was inspected. A licensed electrical contractor had to install high voltage wiring. Electricians could install low voltage systems. The state recently notified local jurisdictions that they were putting together a low voltage permit because of the need for more safety.

Mr. Wilkins asked if the permit was being addressed at the legislative level. Mr. Verrue was not sure, but the state was heading that way. Mr. Wilkins then asked if Mr. Verrue was working with MBIA on the issue. Mr. Verrue said that he had spoken with John Hendrickson this morning, but had not involved him until now because he believed Mr. Hendrickson was not involved with commercial buildings. At this point Mr. Verrue knew that Mr. Hendrickson wanted to be involved and had members willing to give the city further input.

Dick Haines stated that he supported the concept but he was concerned about how it would be applied. How did the Building Division know if a low voltage system was being installed? People move in, move out, remodel, how else would someone know if a permit was needed? What constituted 100 feet? How did the city handle converting a single family home to an office? He asked if Mr. Verrue could define what a device was.

Mr. Verrue discussed how the City Building Division notified contractors of new requirements, but explained that the situation was different because there were electricians and private companies installing low voltage systems. The Building Division would probably use the Yellow Pages to find local companies that may install low voltage and notify them before the May 1<sup>st</sup> deadline. Also, if they had a city business license they would be notified. Mr. Verrue then added that installations did happen without the city's knowledge, but they were trying to implement new requirements to stop this.

Mr. Haines wondered if the city would be incurring any liability if an imperfect inspection was done and there was a fire or an accident even though a permit was issued by the city. He suggested that Mr. Verrue consult our city attorney as far as liability.

Lyn Hellegaard thought more time needed to be spent in discussing this item and in information gathering from the local contractors and MBIA. She asked if the issue was time sensitive. Mr. Verrue stated it was not. Ms. Hellegaard thought it would be good to send the item back to committee.

Pam Walzer felt that this was less of an issue for MBIA and more of an issue for the tech contractors who should have a business license. The Building Division should work with business licensing on this issue. Ms. Walzer also felt that a better way to handle this might be to have cable installation or suspended wiring of some kind trigger a permit. This might be a better way to handle it instead of tracking the amount of devices or footage of wiring installed. Any item installed with a potential of impairing the fire wall was the most important issue.

Mr. Netzley explained that the number of devices and footage of cable was not arbitrary, it would be nearly impossible to know if a fire wall would be impacted. Some builders may not know what a fire wall was. Number of devices and footage installed would determine if a fire wall would be impacted.

Mr. Wiener asked for public comment.

John Hendrickson, of the MBIA stated that he was not in favor of the ordinance as proposed. He and his colleagues wanted to meet with the Building Division to work on the ordinance. If this item was not time sensitive he wanted to push the public hearing out until the middle of March and then bring it back to the council and the committee. Mr. Wiener stated that a new hearing date for March 28<sup>th</sup> had been proposed. Mr. Hendrickson thought that would be fine.

Jerry Ballas, a representative for the University of Montana, encouraged pushing the hearing out in order for the different industries to provide more feedback to the City Building Division. The university had no issue with paying for additional permits, but was concerned with the requirements for devices and footage of wiring. Mr. Ballas was concerned that a permit might be required every time a phone or computer was installed and he felt that that was excessive. Usually one office was set up at a time, but that office might require four cables, each 300 feet in length, for a total of 1200 feet. The university needed many types of installations with devices and wiring and he wanted more time to work out the permit requirements with the City Building Division.

Roger Peterson, of Palmer Electric, stated that his company performed nontraditional electrical work such as datacom and television. He was concerned about other aspects of the proposed ordinance such as did the proposed permit include fiber optic and other control systems, and if so, what were the inspection qualifications? Also, did the City Building Division have the expertise to inspect such systems? Elevators and fire alarms were already tested, would these inspections be duplicated? Mr. Peterson was further concerned about enforcement of the ordinance. There were several installers that worked with low voltage systems. What would the penalty be if they did not have proper permits? He was interested in working with the city but he did not want to see an ordinance that would be implemented and shortly thereafter amended because of these issues.

Mr. Wiener asked if further discussion could be held on the 2<sup>nd</sup> or 9<sup>th</sup> of March. Mr. Verrue indicated that the 9<sup>th</sup> of March would work. Mr. Wilkins asked if the item could be tabled without setting a hearing date since it could take more time than anticipated. Mr. Wiener stated that it would come back to committee on March 9, 2011 and at that time a hearing date would be set.

Several committee members agreed that this was a good idea in order to investigate the matter further and come up with more information from other parties. Mr. Haines suggested coming up with a list of qualifications for this type of work as far as who could install these systems.

Mr. Verrue appreciated having more time to collect more comments and he wanted contractors in the audience involved. He would also involve the university in the discussion.

Mr. Wiener stated that the committee would discuss the item again on March 9<sup>th</sup> and at that time the public hearing could be set.

#### **IV. HELD AND ONGOING AGENDA ITEMS**

1. Consider the sizes of grease interceptors for the restaurant industry ([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. T4 America partner support ([memo](#)) – Regular Agenda (Stacy Rye) (Referred to committee: 08/16/10)
4. Presentation from Public Works staff regarding proposed process for finding contractors and awarding bids for reconstruction of Russell Street. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 11/15/2010)
5. Resolution to change the speed limit on Reserve Street between Brooks and 39<sup>th</sup> Street. ([memo](#))—Regular Agenda (Wayne Gravatt) (Referred to committee: 01/24/11)

## V. ADJOURNMENT

The meeting adjourned at 12:03.

Respectfully Submitted,  
Heidi Bakula, Program Specialist  
City Public Works Department