

PUBLIC WORKS COMMITTEE REPORT

**April 20, 2011 11:05 AM
City Council Chambers**

Members Present: Jason Wiener (chair), Ed Childers, Dick Haines, Lyn Hellegaard, Bob Jaffe, Marilyn Marler, Renee Mitchell, Pam Walzer, Jon Wilkins, Cynthia Wolken

Members Absent: Stacy Rye, Dave Strohmaier

Others Present: Steve King, Kevin Slovarp, Jim Nugent, Jack Stucky, Doug Harby, Dan Jordan, Gregg Wood, Sherri Kenyon, Tony Sauro, Dave Shaw, Tony Golden, Mark Bancale, Allyson Weller,

I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of – [April 13, 2011](#) Approved as submitted
- B. Announcements – None
- C. Public Comment on Non-Agenda items – None

II. CONSENT AGENDA ITEMS

- 1. Resolution declaring certain City of Missoula property as surplus and authorizing its disposal. (memo)—Regular Agenda (Jack Stucky) (Referred to committee: 04/18/11) REMOVE FROM AGENDA

Recommended Motion: The committee recommends the City Council approve a resolution declaring certain City of Missoula Property as Surplus and Authorizing its disposal.

Jack Stucky, Vehicle Maintenance Superintendent, asked the committee to approve a resolution declaring certain City of Missoula property as surplus and authorize its disposal or sale.

Jon Wilkins made the motion the committee approve the resolution declaring certain City of Missoula property as surplus and authorizing its disposal.

Ed Childers asked how old the listed computers were. Jack Stucky said these computers were obsolete and most of them would be recycled.

The motion was approved unanimously.

- 2. Approve amendment no. 1 to the professional services contract between the city and WGM Group, Inc. on the SID 548 – 5th/6th/Arthur/Maurice Intersection, Safety and Circulation Improvement project. (memo)—Regular Agenda (Gregg Wood) (Referred to committee: 04/18/11) REMOVE FROM AGENDA

Motion: The Committee recommends the City Council approve and authorize the Mayor to sign Amendment No. 1 to the existing City / WGM Group, Inc. engineering services agreement in the amount not to exceed \$16,385 for additional engineering services on the SID 548 Project.

Gregg Wood, Project Development Coordinator, explained that this amendment was for extra services that were outside the scope of the original agreement and they were required to complete the original bid documents for SID 548. He asked the committee to approve Amendment no. 1. WGM Group did contact him about trying to save the costs on the end of the project, but it was decided it would be better to plan for the additional costs now rather than wait to see if the costs could be saved and then

try to amend the contract. The additional engineering costs are covered in the existing project budget which is primarily funded by the University of Montana. The University staff was consulted about this extra work and concurred with the amendment.

Pam Walzer made the motion to approve and authorize the Mayor to sign amendment No. 1.

The motion was passed unanimously.

3. Consider an ordinance and emergency ordinance of the Missoula City Council amending Missoula Municipal Code Chapter 3.18 entitled Sewer Connection Expense Relief Loan Program. (memo)—Regular Agenda (Kevin Slovarp) (Referred to committee: 04/18/11)(REMOVE FROM AGENDA)

Motion: The committee recommends the City Council set a public hearing for May 23 9, 2011 to consider an ordinance and emergency ordinance amending Missoula Municipal Code Chapter 3.18 entitled Sewer Connection Expense Relief Loan Program for the purpose of allowing the City to finance the costs of external grease interceptors installed in retrofit/remodel situations.

Kevin Slovarp, City Engineer, said there have been concerns from business owners on the sizes, types and costs of grease interceptors when they are required by code and the Industrial Pretreatment Program Administrative Rule #4. The sizes and types of grease interceptors required are reviewed by Public Works staff. They are attempting to help owners with cost concerns by providing a loan program for food service facility remodels or retrofit circumstances; this is not for new construction. The emergency ordinance is being considered because there is a downtown property owner that is interested in the loan program. The amendment is to expand the sewer loan program fund from \$20,000.00 up to \$60,000.00 per year; \$20,000.00 per occurrence for a grease interceptor is appropriate because typically we receive no more than two or three requests per year for installation and that is why there is a cap of \$60,000.00. A spreadsheet with the amount of payments occurring with taxes is available from the Finance Department for those interested. Costs of typical line cleaning can also be presented. This amendment is to allow the City to assist property owners by making a sewer utility loan program available for financing the installation of a grease interceptor.

Jason Wiener said in terms of protecting the integrity of the system and allowing us to finance the improvements is a positive thing. He is interested in how we deal with this now because there are a lot of existing restaurants that do not have this kind of protection and in some instances the sewer lines are being cleaned out by the City once a month. If the new businesses are going to be required to install certain types and sizes of grease interceptors then what would be the expense for existing businesses.

Lyn Hellegaard asked why the City wanted to get into the lending business and compete with banks or are we helping people that do not have the credit ratings to get a bank loan and need an alternative source to get these funds.

Kevin Slovarp said people have viewed this as a hardship for a onetime cost; in some situations businesses do not have \$14,000.00 or \$17,000.00 of capital for the initial outlay and this would be a means for the smaller businesses to install the required or desired equipment.

Bob Jaffe wanted to know how the interest rates were calculated. Lyn Hellegaard said the agreement says it will be determined by the most recent bond issues sold.

Bob Jaffe wanted to know what criteria are used to trigger the grease interceptor requirements and what are the alternative solutions for the grease in the lines are. The Java remodel at the University has a \$14,000.00 installation for a grease interceptor to pour a couple of cups of milk down the drain every day.

Steve King wanted to follow up on the Java University remodel saying that it was a full bakery kitchen operation that triggered the requirement, the Administrative rule identifies when this is triggered; it has to be a dilatory source of kitchen waste such as meat products, cooking on site, dishwashing on site, etc. A coffee bar does not trigger the requirement and is exempt from the requirement.

Renee Mitchell said grease is not supposed to be poured down the drain and what we are trying to do is keep businesses from doing this. She said the City would not be able to guarantee repayment and could be responsible for as much as \$60,000.00 per year; why would the City want to do get in the banking business.

Jason Wiener stated to clarify the text of the ordinance that the loan is essentially a lien on the property and if nothing else there would be back taxes. The City is the cause of the obstacle because we are trying to protect the sewer plant by requiring a business to install an expensive grease interceptor so it seems appropriate for the City to provide some relief if we are going to make that demand.

Jon Wilkins asked if there was a way to amend the ordinance by adding that a business had to try to get bank financing and be turned down before the City would finance them.

Jason Wiener said the ordinance can be written anyway they want to. He asked what would constitute proof a business was turned down; we don't require a commercial business owner that is getting a sidewalk assessment to go to a bank first before we finance the sidewalk construction.

Bob Jaffe made the motion to set the Public Hearing for May 9, 2011, for the regular and emergency ordinances to consider amending Missoula Municipal Code Chapter 3.18 Sewer Connection Expense Relief Loan Program.

The motion was passed unanimously.

III. REGULAR AGENDA ITEMS

1. Grant an easement for an overhead power line to Northwestern Energy. (memo)—Regular Agenda (Dan Jordan) (Referred to committee: 04/18/11)(REMOVE FROM AGENDA)

Motion: The committee recommends the City Council approve granting an overhead power line easement to Northwestern Energy on city owned property on the north side of Dakota Street asphalt between Russell Street and California Street for relocating an existing high voltage power line that runs adjacent to the Milwaukee Trail.

Dan Jordan, GIS Manager, requested an overhead power line easement to Northwestern Energy on city owned property on the north side of Dakota Street asphalt between Russell Street and California Street, for the Ashland Apartment Complex, Ault Development LLC. owner. The issue is the existing high voltage power line that is too close to the buildings under construction and future buildings to be constructed. The power lines would need to be moved with a minimum distance of twenty-five feet from the structures and trees resulting in a fifty foot wide corridor. Northwestern Energy, Ault Development, City Parks and Recreation Department, and Public Works agreed on a location that would require relocating a portion of the Milwaukee Trail adjacent to the apartment complex. The easement of the relocated power line would cross City owned lots and would require permission from Public Works. There would be no cost to the City for relocating the overhead power line or the relocation of the Milwaukee Trail.

Bob Jaffe asked if any of the property owners on the south side of Dakota, where the power line is being moved closer to had been notified.

Dave Shaw, Park & Trail Design & Development Manager, said this section of Dakota Street right-of-way and those City owned lots represents a significant interest to the Parks Department. A group from the local neighborhood redeveloped this sight for a beautification project known as "The Dakota Street Greens". They removed all the old asphalt replacing it with soil, trees, and low water use grasses. The neighborhood representative was contacted and informed of the utility relocation, and they discussed how the relocation would minimize the impacts on this greenway project. Relocating a few small areas of the trail would be a lot less impact to the whole site.

Bob Jaffe said with the street vacation of Dakota east of California there could be a whole block of developable lots. He asked if the easement could be angled or minimized so it would not cut across the corner of lot 17.

Doug Harby said the easement is a no build easement and the effect would be minimal because of existing setbacks on the lot.

Jon Wilkins asked if there had been any consideration about putting the power line underground; and he wanted to know who was paying for this.

Dan Jordan said it was very high voltage and very expensive to put it underground. Ault Development is paying for this.

Doug Harby power lines underground usually have to be replaced every twenty years and that would mean this area would be dug up approximately every twenty years. These particular power lines are very expensive and very high maintenance.

Renee Mitchell said the history on this relocation is Ault Development is building apartments and this power line was too close, he went to Northwestern Energy with the problem and now the committee is dealing with the easement for the relocation. She wanted to make sure that Ault Development is paying for all related expenses. She does think this is a reasonable request.

Pam Walzer made the motion that the council approves granting an overhead power line easement to Northwestern Energy at this site.

The motion was approved with ten ayes and one nay by Jon Wilkins.

Jason Wiener asked if Jon Wilkins wanted any additional material ready for the Monday Council meeting. Jon said the public needs a chance to talk about it; he thinks the people affected should be notified so they have a right to speak about it. Jason said if any additional notification is needed to please have it done it by Monday.

2. Approve the contract for professional engineering services with HDR Engineering, Inc. in the amount, not to exceed, of \$177,363 for Professional Services on the Rattlesnake Creek/Broadway Crossing (RUX) Project. (memo)—Regular Agenda (Gregg Wood) (Referred to committee: 04/18/11)(REMOVE FROM AGENDA)

Motion: The committee recommends the City Council approve and authorize the Mayor to sign the contract for Professional Services with HDR Engineering, Inc. in the amount, not to exceed, of \$177,363 for Professional Engineering Services on the RUX Project.

Gregg Wood, Project Development Coordinator, asked that the committee approve a contract for engineering services in the amount not to exceed \$177,363.00 for the Rattlesnake Creek/ Broadway Crossing (RUX) Project. Friends of Missoula Parks in 2006 procured a congressional earmark to fund a pedestrian/bicycle bridge over East Broadway in the Rattlesnake Creek area. The funding was not

sufficient and the earmark was modified in 2008 to fund engineering, right-of-way acquisition and construction of pedestrian and bicycle access improvements from the Lower Rattlesnake Valley to existing Van Buren Street pedestrian and bicycle bridge. The proposed project is to install a pedestrian and bicycle bridge across Rattlesnake Creek, a trail from the bridge to Van Buren Street, improve pedestrian and bicycle facilities on Van Buren Street to East Front Street, and improve safety and operations at the Van Buren and East Broadway intersection and to enhance the neighborhood access to the University of Montana with improved safety and multi-modal facilities. The engineering services would be funded by the Federal Highway Administration.

Jason Wiener asked what type of public involvement would there be in the engineering decisions about placement.

Gregg Wood said because it is the Federal Highway Administration and is Federal funding they would be following the National Environment Policy Act (NEPA). There would be public meetings, they would contact the stake holders, businesses, and the bike/ped community; show them the initial plans and get their input; then have a second meeting to follow up with a presentation to show they responded to their requests or explain why we couldn't incorporate them. It would be a formal process.

Marilyn Marler asked how this whole project was funded and for what amount. Gregg Wood said it was funded by an earmark in an agreement the City has with the Western Federal Lands Highway Division for \$625,000.00.

Marilyn Marler said we are in the planning stage now with no local tax money being used. She feels there are parts of town that need pedestrian connections more than this area and it is frustrating that we do not have a broader city scope to make these decisions.

Gregg Wood said they would get a lot more dollars on the ground by using some of the existing infrastructures and they want to honor the fact that the Rattlesnake neighborhood originally got this money. It is very specific in the agreement what the money is to be used for.

Bob Jaffe said riding along Broadway is not safe and having an alternate connection from the north side, west side, and downtown going out to the University and shopping centers by improving the connection is very positive.

Dick Haines asked if any of the proponents for this project could come to the council meeting to explain some of these issues. Gregg Wood said he would request that they come.

Jason Wiener said the intersection of Van Buren and Broadway is one of the places with the most pedestrian and bicycle traffic with some of the least accommodations for it, the walk phase for the north-south pedestrians coincides with the right turn arrow and this is a death trap waiting to happen.

Jason Wiener made the motion to approve the contract for engineering services with HDR Engineering, Inc. on the Rattlesnake Creek/Broadway Crossing Project.

Marilyn Marler said she would support it and has confidence Public Works will work to focus on the more positive parts such as changing the way the signals are coordinated but it was a shocking amount of money for this project.

The motion passed with ten ayes and one nay by Dick Haines.

3. Approve the installation of an indoor shooting range at 1010 North Avenue per MMC 9-62.040. (memo)—Regular Agenda (Doug Harby) (Referred to committee: 04/18/11) **HELD IN COMMITTEE**

This item was not discussed at this time.

4. Approve amendment no. 1 to the professional service contract between the City and WGM Group, Inc. on the South Missoula Sewer Project. (memo)—Regular Agenda (Kevin Slovarp) (Referred to committee: 04/18/11)(HELD IN COMMITTEE)

This item was not discussed at this time.

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. 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: (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 39th Street. ([memo](#))—Regular Agenda (Wayne Gravatt) (Referred to committee: 01/24/11)
6. Confirm the reappointments of Carol Williams and Theresa Cox to the Missoula Parking Commission for a term commencing May 1, 2011 and ending April 30, 2015.
7. 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)
8. Resolution stating its intention to consider the vacation of portions of Regent Street in the Homevale Addition, the intersection of Brooks and Stephens and the alley in Block 40 of the Union Addition. ([memo](#))—Regular Agenda (Jessica Miller) (Referred to committee: 03/28/11)
9. Consider amendments to Missoula Municipal Code 13.04, Sewer Regulations, related to gray water systems and connection upon property transfer. ([memo](#))—Regular Agenda (Steve King) (Referred to committee: 03/14/11)
10. [Discussion Date: 04/21/11] Update from the Parking Commission. (memo)(Parking Fines) (Policy Review) (Ltr: Iowa) (Ltr: Henslely) (Draft Parking Ordinance)—Regular Agenda (Bob Jaffe) (Referred to committee: 03/07/11)

III. ADJOURNMENT

The meeting adjourned at 12:05 PM

Respectfully Submitted,
Peggy Diamond, Program Specialist
City Public Works Department