

MISSOULA PARKING COMMISSION

Minutes

November 29, 2018

A Board of Directors' meeting was held in the Jack Reidy Conference Room, 140 W Pine Street at 3:00 p.m. Those in attendance were Board members John Roemer, Pat Corrick (via phone), Matt Ellis, and Heidi Kendall. From the Parking Commission office were Tiffany Brander, Interim Director, and Jodi Pilgrim, Interim Administrative Services Manager. Also in attendance, Ellen Buchanan from MRA, Courtney Ellis from Dorsey & Whitney, Chris Behan from MRA, and Don Verrue from Development Services.

1. **Call to order** – John Roemer called the meeting to order
2. **Introductions** – John introduced Erin Montgomery, new Administrative Assistant I at Missoula Parking Commission.
3. **Public Comments & Announcements** – None
4. **Adjustment(s) to the Agenda** – Matt Ellis moved to adjust the agenda by moving Action Item Eight to immediately follow Item Five. Heidi Kendall seconded and the Motion was approved unanimously.
5. **Approval of Minutes**
 - a. John reminded that we probably will not have a meeting in December. Matt Ellis moved to approve the minutes from the Board Meeting held November 1, 2018. Heidi seconded the motion. The minutes from November 1, 2018 was unanimously approved.
6. **Communications and Presentations** – None
7. **Interim Director's Report** –
 - a. Tiffany Brander stated that the Food for Fines initiative is wrapping up for the month of November. It is going really well as we have surpassed last year's food numbers already.
 - b. Tiffany provided an update to the Board on current staffing. She stated that the new Administrative Assistant I Erin started and is doing well. She also informed the Board that we had an Administrative Assistant II give notice with their last day being November 30th. The in-house recruitment for that open Administrative Assistant II position closes on December 5th. We have also just wrapped up interviews for a new maintenance worker/toll collector. Human Resources was checking references and MPC should have a full maintenance crew by the end of the year.
 - c. T2 Connect – Tiffany reported that during the T2 Connect Conference she was able to participate in many classes and round table discussions with some of the classes counting toward her CAAP certification. She learned more about our software and things we can do to ease our customer's experiences.
8. **Action Items**
 - a. Resolution regarding Roam Declaration of Condominium and Bylaws-

Tiffany Brander asked the board if they had any questions regarding the Roam Declaration of Condominium and Bylaws. Heidi Kendall stated that she didn't

have any specific questions but would request a cliff's notes version for clarification. Courtney Ellis provided the following:

****Transcribed verbatim, for clarity****

Courtney: I'm so glad you asked. As Tiffany mentioned, these have been pretty heavily negotiated for many months now. The high-level over view is the declaration – the job of the declaration – is to create the condominium. It creates both of the units and it identifies which items are, what are called, limited common elements appurtenant to each of the units. So those are items that are –

Heidi: So when you say, excuse me, when you say both of the units – what do you mean both of the units?

Courtney: So in this particular condominium, there are only two units. So there is the parking garage that the city will acquire and then there are a variety of other spaces, both on that level and below and above, and all of the remainder of the whole building will be retained as the other unit – what we call the commercial unit. So that has retail space and a lot of storage space, residential housing, and related amenities. So the limited common elements are items that are outside of the unit boundaries, but related and really benefit just one or the other of the units. And then it also identifies the general common elements. The general common elements are elements that are outside, generally speaking, of the – and everyone please forgive our handwriting – that are also outside of the unit boundaries, but are for the general benefit of the condominium project as a whole. Those are the items that the commercial unit owner and MPC, as the parking unit owner, will each contribute to the costs. And those costs are allocated based on the relative square footage of the unit. That's kind of the high-level overview of the declaration. The declaration has been -- it's because of the way that the design works and where there are all of these, kind of, storage spaces that belong to one unit but are located on the other unit. I'm sure that you've noticed the descriptions of the unit boundaries are very long and kind of painful. But, essentially, the parking unit consists of the concrete box – and it does not include the veneer on the outside – the exterior walls, but it's the concrete slab exterior up to that veneer. It goes up to the bottom of the drop ceiling. I don't know if you guys have been in there, but it's kind of neat. I haven't seen a parking garage with a drop ceiling like this – it looks kind of nice. And then it goes down to the bottom of, I think it's a 2 inch concrete topping slab. It's the poured concrete surface that's poured on top of the structural bottom of that level P1. Exterior to that, above the drop ceiling there is a fire suppression system that serves essentially just the parking unit of the city. There's some electrical wiring that supports just the parking unit, so the lighting and some of the signage – if that will be lit up – and the other electrical needs just of that parking unit. And so those will also be the responsibility of the parking unit. The general common elements that the parking unit is proportionately responsible for – this has gone through quite a bit of discussion and negotiation, and there are – you'll see they're laid out in section 5 of the declaration. It's essentially – and there's some kind of movement on this

still. We're still working out details. The general common elements include this – there's a waterproof membrane that is above, and Don can describe this better than I can, I think, but there's a concrete precast plank that is a structural element, correct me whenever you need to. Above that is a waterproof membrane that protects the concrete pre-cast plank and everything below it. So below that plank is the space between the plank and the drop ceiling of the parking unit and then under that is the parking unit. So it is critical. It's below a fairly elaborate drainage system that helps the drainage from an indoor courtyard as well as from another kind of fully-enclosed courtyard that's not the central courtyard but off kind of toward the south. So that waterproof membrane, we pushed back quite a bit on it. The argument, and I think that it's, it's a fair statement to say, it protects the parking unit from the effects of any water drainage that is not moving through the drainage system, or as it's moving through the drainage system. So that is a general common element. The, I think we're still working back and forth a little bit about the way the portion of the pre-cast plank above the parking unit is characterized – whether or not that is a general common element or whether that is part of the commercial unit. And there are things like the space between the drop ceiling and the concrete, some of the landscaping that's outside of the building, but within the property boundaries. And then there are some other things that are property owner requirements that aren't inside the property boundaries, like snow removal on the sidewalks. That kind of stuff will be treated, in terms of allocating costs, as a general common element.

Tiffany: So, with snow removal for example, we would be responsible for our percentage, which is like 16 - point something percent of the entire bill. In the future we might offer to do that snow removal as a service that we would charge for, but we would have to have the staff to be able to handle that much sidewalk right now, so just as an example.

** End of verbatim transcription**

Matt Ellis requested an update on previously discussed construction issues and how they were resolved? In response, Tiffany Brander asked Don Verrue to speak with the Board in that regard beginning with the original permitting process and how P1 was classified.

Transcribed verbatim, for clarity

Don: Yeah. So when the architects submitted plans for this, they chose to have a P1 parking area – flat, which is accessible by building code. I cannot explain why they chose that, although if you think about it, it is a covered parking garage. You know I've used the Seattle parking garage a few times and it seems like those levels are flat – if you've been in there. They're all covered, so they're not exposed to the weather. So maybe that's why they chose that particular thing. I think it's easier to construct, too, versus a P2, which does have some sloping to drains. But, see, if you think about that, P2 is a slab on grade. It's got – it's on the – so now you go to the second level, you bring in these panels – they put these

panels on top, and they're pretty flat. Sometimes you get camber to them, but these – they had some camber, but they were engineered to not to go flat. And then the topping was 2 inches on top of that, which couldn't – you couldn't technically slope topping because once you slope it down to zero then you've got – you know, concrete doesn't adhere to concrete unless you do something special to it. So you've got the 2 inches of concrete, which are the topping – concrete topping the structural panels. So it was probably easier to construct it that way. And they were probably sure they wouldn't get much rain in there, which is probably true because it's totally covered, you know. You might get some from cars – get wet snow coming in. And we had a lot of discussions about that. You know, how much water are you really going to get in there? I don't think we really know, for sure. And then what happens to that water – when you bring a car in that's got a lot of wet snow underneath it, it's hard telling what's going to happen there. But the heat from the car is going to melt it, and then as it drains away from the car, if it's really cold it might just freeze. It probably wouldn't make it to the drains. Because I think they determined it's like 7 degrees colder inside there than outside. It's like a refrigerator in there. Once you get all that concrete inside and cold, it stays cold. So it's only going to be a few times – there is minimum time throughout the whole year, especially in the winter that we may have some experience with some ice. Otherwise, you probably won't experience any kind of ice in there. So is that --?

Tiffany: Yep. So because it was approved as an S2 that doesn't require slope and drainage – that's why they were able to build and it is up to code. So we discussed our concerns about cleaning and when we're cleaning where do we put it if there not proposing any drains? So, Don worked with them on a test that I can't quite recall the name of – water flow – describing how much was going in it that they did?

Don: So they had an engineer design the drains, but he designed it as if it was exposed. So the drains are much bigger than we need. But the drains are there, just like Tiffany was saying. You know if they need to wash some down, they got to drain the – clean the surface into this drain.

Tiffany: They're not there yet, but they have committed to installing 8 drains and they'll be working with development services on the requirements for getting those installed and in. So we will have drains. I have been working with Tim Haahs, they're a consulting company, based on a request not to work with Kimley Horn on this particular project – just due to some conflicts or possible conflicts of interest. So I have been working with Tim Haahs on a maintenance plan. So they're getting a proposal ready. They're reviewing all of the documents – just all of the building plans, all of the plumbing, all of the electrical, structural, everything that they were able to provide us that we'll go ahead and take a look at and then determine what a proposal would be for them to come back and give us a maintenance plan. Just to make sure that we are – we haven't done a garage like this before. All of our garages have drains, they have slope. So we just want to

make sure that we are keeping the garage in as clean and safe a condition as possible. And so we're waiting on that proposal and hopefully we'll have it here soon. Just to make sure we're keeping it safe.

Matt: And then we say we've got more work to do. So what exactly do we still have to get done going forward?

Tiffany: On these documents, or in order to open the garage?

Matt: On the documents.

Courtney: On the documents side, we're waiting for comments back. We sent these mark-ups around after meeting on Wednesday before Thanksgiving and Monday and Tuesday of this week. So they may come back with some comments or some questions we may need to have just a couple things ironed out. One thing that is still a little bit open is insurance. We're still just working through kind of making sure we're all understanding what the appropriate insurance for the association to have is, and how that is most fairly allocated.

Matt: Well we don't expect anything radical to come back? We're far enough down the road that...

Tiffany: Yeah, at this point, definitely and you know it will be changes to the exhibits – that sort of a thing. From my end, I went and walked through with both Jims – so construction Jim and Jim McLeod on Tuesday and we walked through the garage and we just talked about things that still need to be installed or repaired. There's a couple of patches that they're going to grind down for us. There's – we'll have one shared exit vestibule that goes off of the back of the building, because all of the doors are access controlled. So you can get out, but you can't get back in. So if you're a parker in an hourly area that's going to Kiwanis Park, you can leave through a back door, but the entrance is only for tenants of the building. So they would have to then redirect and go all the way out and around. So we do have one common area there that we'll be able to direct them to, and I spoke with Jim about putting signage on all of the doors. And they're going to work to design that in accordance with everything else that Roam has. And, so, there will be signage on the doors that say, "No return", "Public Access", that sort of a thing. So that hallway there is still – it's still pretty under construction, but it's out of the area that Development Services will be reviewing for temporary occupancy. But, I did speak with them and within the next week or so, it should be complete – not necessarily complete, but there won't be any exposed wires or anything like that. So it will be safe for people to come and go from. The striping is all done, the lighting is done, and Don can talk about the inspection and what still needs to be done from that, but there is just very minor things – a security globe that needs to be installed. They are very open to all of those things. We have one hose bib that is remaining to be installed. They said by,

not this Friday, but next that should be installed. So they're very—they're working very quickly on anything that has come up thus far.

Matt: The city is comfortable with all of this – where we're at?

Don: The MRA?

Matt: Yeah

Tiffany: Don, did you want to talk about the inspection for TCO?

Don: Yeah. So as of about an hour ago, the building inspector told me everything was good enough for temporary C of O. So what we've had there –when they constructed that, we have 2 building permits there. One is for a podium build, which is the 2 parking garages – it's like a big foundation for the structure above, but we want to get a-- we gave a building permit for just the podium – the two parking garages and there was a reason for doing that. And in this case it's going to work out pretty good because then we can get what's called a conditional Certificate of Occupancy, which is what we call it, not a temporary. And the condition is, on this one, this one – P1 is okay, but P2 is not ready yet. So the condition is we can give this for a period of time until the rest of it is finished. So once P2 is done, then we can actually get a C of O for that podium – that box, you know that foundation for the structure above.

Matt: Great.

Don: So we have—in order for us to get this conditional C of O, we've worked with other departments like Fire, Engineering – make sure they're okay with it, and Building Division. So there's 3 departments that really look at this first. So as of today we all came into agreement that we can certainly issue that so we can start preparing it for tomorrow. There are a couple of things left, which they are going to fence off so that it's not access to anybody. But, I'm thinking that by the time they open, it'll probably be done, which we're comfortable with.

Tiffany: In P1?

Don: P1, yeah. So P1 we can try to put together the conditional C of O tomorrow.

Tiffany: And then once we have that, then we can move forward with everything else. We're close. I've been telling the concerned citizens who have been contacting us that we are hopeful to open the second week of December – ish. There's a lot of concerns about students parking and leaving for the holiday and then those vehicles sitting there, which is also a concern in that the ordinance states that you can't park for longer – you can't leave your vehicle in one space – a public space – for longer than 120 hours. So that's a lot of people that would have to be towed away if they're left there.

Matt: Well, I know this has been a complicated deal so I appreciate everyone's work in this room. And I know you've spent a lot of hours on it.

John: Okay. So the only concern that I have is one that was raised by a board member that I had hoped would make it here today, Don, and that would be just a brief letter that just outlines where you came from and how you arrived at the international code and so forth and so on. We really feel like, as a parking commission, that we just need that back up. So I respectfully request that. If you have any question—

Don: Can you give me a little more detail? I mean where we came from? That was—

John: Well the decision was made to go around state code, which would have had drains and everything else and so forth on the floors. And to adopt the – I don't remember the code name – but it's international code for this project. We just want to make sure that we have our tutus covered a bit on that because it's certainly not a direction we would have taken it on our own. And we just, I don't know if we'll ever need such, but we would like it to be understood we did not—

Don: Actually—

Tiffany: I think—

Don: Actually, we did not go around state code. We have to abide by state code.

John: Okay, well—

Tiffany: I think the email, or the request is basically that when you chose to go with the international building code, it states that the garage is allowed to be flat. Because it is flat, there is no drains. But then with the Montana State Code, and if there are drains then there has to be slope. And so I think it's just the difference between those two – of the state plumbing code and then the international building code. And I think the question is coming from—so many meetings with you—the one we had in the Hal Frasier Room where we asked who makes the determination to go with the international building code standards instead of the Montana State Plumbing Code standards for slope and drainage. So I think just something that says that – yeah

John: The reasons why

Don: I see what you're talking about.

Tiffany: I think it will also be helpful in the future when—because obviously we know we're going to have more public – private partnerships, and it will be

helpful for our department – especially if I am no longer the director and if we have someone else coming in after the interim period – to understand what happened with this garage and how we can avoid – maybe not having drains in the future. Or just to understand. Since you’ll be gone, as well. How we got to where we’re at and how we can make those partnerships easier in the future.

Don: So you’re talking about the plumbing code and the international building code? And the plumbing code is a national code, too, just adopted by the state. Uniform plumbing code. The international building code is also adopted by the state. So you think it was a conflict? I don’t see it as a conflict. But I’ll send you a letter.

John: Well, I’ll just say it was a surprise. But I would very much appreciate that. That would help us a lot. Thank you.

Don: You bet, yeah. I can just send that to Tiffany.

John: Okay. We have before us a resolution to consider. Are there other questions from the board on the matter in front of us?

** End of verbatim transcription**

With no further questions from the Board, Jodi Pilgrim read the Resolution for the Board as follows:

Be it resolved by the Missoula Parking Commission of the City of Missoula, Montana (the “Commission”), as follows:

Section 1. Recitals, Authorization and Findings. Pursuant to a Development Agreement dated January 12, 2017, by and among Lambros Farran Apartments, LLC (the “Developer”), the City of Missoula, Montana, the City of Missoula Redevelopment Agency and the Commission, as amended (the “Development Agreement”), the Commission determined to acquire a condominium unit in the new ROAM Condominium Project to be used for public parking purposes (such unit, the “Parking Unit”). Construction on the Parking Unit is nearly complete, and the Commission has negotiated a Declaration of Condominium (the “Declaration”) and Bylaws of the ROAM Condominium Project (the “Bylaws”) with the Developer. Copies of the current drafts of the Declaration and the Bylaws have been provided to the Board of the Commission.

Section 2. Approval of Acquisition, Declaration and Bylaws. The Commission hereby approves the acquisition of the Parking Unit, subject to satisfaction of all conditions in the Development Agreement. The Commission further approves the Declaration and the Bylaws in substantially the forms provided to the Commission, with such changes as may be approved by the Interim Director. Each of the Chair of the Board and the Interim Director is authorized to execute and deliver such documents and certificates as may be necessary or desirable in connection

with the acquisition of the Parking Unit. In the absence of the Chair of the Board or the Interim Director, any member of the Board is authorized and directed to act or execute and deliver such documents.

Requesting and hearing no questions from the Board, John Roemer indicated that he would entertain a motion to approve it. Matt Ellis moved to approve the resolution as read. Heidi Kendall seconded the motion. Pat Corrick recused himself from the vote.

Ellen Buchanan asked Courtney if there needed to be anything in this motion that acknowledges that there may be a need to make changes to the documents that were written and authorize the staff to accept those changes. Courtney indicated that the resolution states that the documents were approved at substantially the form presented with such changes as Tiffany may approve.

John Roemer as for any further questions and hearing none called for all those in favor of the motion. The motion to approve the resolution as read was unanimously approved.

9. Non-action Items – None

10. Setting of next meeting and adjournment

Next Meeting is scheduled for Thursday, January 3, 2019 (Jack Reidy Conference Room).

Respectfully submitted,

Jodi Pilgrim
Interim Administrative Services Manager