

PUBLIC WORKS COMMITTEE REPORT

July 29, 2009, 1:35 PM

City Council Chambers

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

Members Absent:

Others Present: Steve King, Kevin Slovarp, Jim Carlson, Brent Robson, Carla Krause

I. ADMINISTRATIVE BUSINESS

- A. Approve minutes of July 15, 2009 as submitted or corrected – Approved as submitted
- B. Announcements – None
- C. Public Comment on Non-Agenda items – None

II. REGULAR AGENDA ITEMS

1. Adopt a resolution modifying portions of Resolution 7411 for the community drain field exceptions to sewer contract requirements (memo) (Williams area map).—Regular Agenda (Steve King) (Referred to committee: 07/27/09)

Motion: The committee recommends the City Council adopt a resolution revising resolutions 4100, 4128, 4526, 4578, 5422, 6570, 6755 and 7411 amending the city's policy for review and approval of requests for sewer service to property outside the corporate limits with council granted exceptions under specific circumstances on a case-by-case basis.

Steve King, Public Works Director, stated that the item was initiated because of a severe situation with water quality in the area.

Jim Carlson, Director of Environmental Health, stated that two years ago there was a well on Waldo Road that tested high in nitrates, which is a violation of state ground water standards. If it were a public well, instead of a private one, it would not be allowed to continue to deliver potable water. For that home, 20% of the water in their well has been through a septic system. The sewage is coming from an area east of Highway 93 from drain fields at Jim and Mary's RV Park and from the system that serves the 36 lots in the Williams Addition and 5 properties not in the addition. They would like to get the systems hooked up as soon as possible to lower the burden on that watershed. The health board has issued a moratorium on new septic systems in that area. Spring Meadows is not on a community system but is also a contributor to the water quality problems. They will need to seek additional funds to get that area on sewer, as the cost will be approximately \$15,000 per lot. The Water Quality board has offered to contribute \$1,000 per lot as an incentive to connect. Getting 41 property owners to sign a waiver on annexation would be impossible, and the system is all interconnected. They are making the request to remove the annexation waiver requirement so they can get this subdivision connected and improve water quality downstream. The water in the subdivision is fine.

Mr. Wilkins asked if each lot would have to connect and whether the RV park was in the same situation. Mr. Carlson stated that they were already on a community drain field, and their connection costs would be relatively low with the RSID, about the same as they currently pay to operate the community system. The issue is annexation. The RV park has two drain fields, but is already included in the Wye SID. The Williams Addition is not. Mr. King stated that this type of request was not unprecedented, and they have made some connections for community systems in Mullan and East Missoula without everyone signing up for the petition and waiver. It has happened, in the past and will happen again.

Mr. Wiener asked for a description of the methods of annexation that could be used and how these parcels would differ from the ones next to them when it came time to annex them. Ms. Krause stated that state law says Council can provide sewer or terminate it if a citizen chooses to not be annexed. The other properties have signed a waiver of annexation with their contract for sewer, and these haven't. The City is allowed to require annexation if a property is receiving sewer, and has the right to terminate use of sewer if a property owner refuses annexation. Mr. King stated that it is difficult to disconnect a property from sewer. The City will look at annexing the neighborhood in the future and the Williams Addition may be included in a larger annexation effort by the City, so the lack of petitions could be outnumbered by the ones in surrounding neighborhoods.

Ms. Walzer asked if the requirement that the neighborhood be built to city standards was moot because it was already developed, and Mr. King replied that it was.

Mr. Jaffe asked if the request was to modify the policy document to say that in these situations they don't need an annexation waiver. Mr. King stated that they want Council to authorize an emergency connection based on the current circumstances. There are two options, the first is that more than 50% of property owners sign a contract, or in this case the homeowner's association can authorize the connection. They will notify all properties that they have City sewer and there will be a legal notice on the title report for each parcel asserting the City's right for future annexation. This request is to allow that connection in this case and on a case-by-case basis in the future.

Bruce Bender asked that the committee be aware that they were making an exception in this case because of water quality issues, and that in similar situations in the past, they were able to get a lot of property owners to sign up when it was a community system. The difficulty in this case is that the system is operating and causing a problem offsite. He stated that not having property owners sign the waiver puts the City in a weaker state than having even half of the property owners sign up. Mr. Williams runs the system and represents the homeowners association, but is not an owner there.

Mr. Childers stated that it was an awkward situation because they usually give properties sewer in exchange for being annexed, but there are 41 properties contributing to the degradation of an off-site well. Because the groundwater is contaminated and it's an emergency, he will support it, but he dislikes it.

Mr. Childers made the motion to adopt the resolution as attached.

Mr. Haines asked if there was a possibility the State would require the City to provide sewer to the subdivision and about the potential for the people with the contaminated well could take action in court. Mr. Carlson stated that the State concurred on the moratorium on new systems, but has not threatened to make any requirements. If more wells go bad, there is increased likelihood that someone would get an attorney and take action.

Mr. Haines asked if there was some way to say the City would not annex the subdivision for a certain number of years. Mr. Bender replied that it had been done previously in other areas, but only in conjunction with negotiations with the County Commissioners to bring the projects together. This project is already together and there is no reason in this case for the City to grant an exception, and they wouldn't want to put themselves in that spot. Mr. Carlson stated that a meeting of homeowners, there was general support for the project.

Mr. King stated that the issue was time-sensitive because they needed to preserve the good bids in the RSID.

The motion passed with seven ayes and two nays (Wilkins, Mitchell).

Mr. Wiener stated that Public Works Committee would meet at 6:45 on Monday prior to the City Council meeting to provide further discussion and discuss the Williams Addition specifically.

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. Discussion item to consider vacating portions of an 1896 petition County road on the westerly side of Miller Creek Road. ([memo](#)) (Monte Sipe) (Referred to committee: 10/6/08)
4. Discussion item regarding complete streets. ([memo](#)) (Jason Wiener) (Referred to committee: 10/27/08)
5. Information item to present the City's Master Sidewalk Plan. ([memo](#))—Regular Agenda (Doug Harby) (Referred to committee: 01/12/09)
6. Discussion of local, city-sponsored energy production ([memo](#)). (Ed Childers) (Referred to committee: 12/22/08)
7. Discussion on the leaf removal program ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 06/08/09)
8. [Resolution](#) of intention to close and vacate certain portions of Miller Creek Road and Lower Miller Creek Road generally located between Briggs and the "Wye". ([Resolution A](#)) ([Resolution B](#)) ([Staff Report](#)) ([map-6 MB file size](#)) ([memo](#)) ([PW](#)) (Returned from Council floor: 4/13/09)

IV. ADJOURNMENT

Respectfully Submitted,

Jessica S. Miller
Office Manager
City Public Works Department