

PUBLIC WORKS COMMITTEE REPORT

August 12, 2009, 8:10 AM

City Council Chambers

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

Members Absent: Dave Strohmaier, Bob Jaffe

Others Present: Keila Szpaller, Monte Sipe, Brian Hensel, Steve King, Kevin Slovarp, Carla Krause

I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of [August 5, 2009](#) – Approved as submitted
- B. Announcements – None
- C. Public Comment on Non-Agenda items – None

II. CONSENT AGENDA ITEMS

1. Approve and authorize the Mayor to sign an agreement with Montana Department of Transportation (MDT) for City of Missoula Street Maintenance Division to perform large scale paving projects on State Routes as described on the attached Appendix C (Addendum 1) and in accordance with our state route maintenance contract. ([memo](#)).— Regular Agenda (Brian Hensel) (Referred to committee: 08/10/09) **REMOVE FROM AGENDA**

Motion: Although a quorum wasn't present, the committee recommends the City Council approve and authorize the Mayor to sign appendix C (addendum 1) with the Montana Department of Transportation for the city of Missoula street maintenance division to perform large scale paving projects on state routes in the amount of \$41,787.

Brian Hensel, Street Division Superintendent, stated that this was part of the State Maintenance contract. It is a special contract to chip and seal Russell Street from North Avenue to the railroad tracks.

Mr. Childers stated that the Street Division does a good job.

Mr. Childers made the motion to approve the contract.

Mr. Haines asked if the State was paying for the work. Mr. Hensel stated that the State was paying for all of the work, and it was an opportunity for additional revenue. Approximately half of the amount will come back to the City for revenue for labor and equipment costs.

The motion passed unanimously.

2. [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) **REMOVE FROM AGENDA**

Motion: The committee recommends the City Council adopt a resolution to close and vacate certain portions of Miller Creek Road and Lower Miller Creek Road amended per staff recommendations and conditioned on filing of slope easements as shown on Exhibit A of the resolution, adjusting the northernmost parcel to move the edge of the ROW vacation westward.

Pam Walzer and Renee Mitchell arrived.

Carla Krause, Special Services Administrator, stated that the petition was from citizens along Miller Creek Road and Lower Miller Creek requesting to vacate an old right-of-way (ROW) that was rediscovered. A joint City/County project to improve the road is underway. The County Commissioners have completed their ROW vacation. The City Council passed a Resolution of Intention to vacate in March. The public hearing and legal notices have occurred, and the item is ready for a final vote. The committee placed the item on hold until after the County completed their portion, which occurred August 6. A revised road design for a future four-lane resulted in a larger amount of property being vacated in the staff's recommendation. The Gonzales property in the north end of the project originally had a recommended vacation of 910 sq ft, which has increased in the revision. Monte Sipe,

Construction Project Coordinator, stated that they were unable to obtain a slope easement on the Gonzales property, so the staff recommendation is to retain ROW to the slope easement line, the dashed line on the exhibit.

Mr. Childers asked for clarification of the slope easement. Mr. Sipe stated that ROW allows for full improvements, including utilities and hardscaping, while the slope easement is restricted to establishing and maintaining the slope.

Ms. Mitchell stated that her understanding of the slope easement was that the property belongs to the property owners but they could not do anything on the easement that would destabilize the slope, which Mr. Sipe confirmed. Ms. Mitchell thanked Mr. Slovarp, Mr. Sipe, and WGM for coming up with this solution and stated it was the best solution.

Ms. Krause stated that on the next parcel the original staff recommendation was to vacate 4,633 square feet and now they recommend 8,599 square feet. On the last two pieces the original recommendation was 9,299 square feet, and it is now 9,301 square feet. The action needed from Council is to adopt a resolution closing and vacating portions of the right-of-way. The staff recommendation is to retain the ROW based on the needs of a potential future four-lane roadway.

Mr. Wiener asked for clarification on the second page of the exhibit, where it appeared the City was vacating a sliver of ROW located in the county. Ms. Krause replied that while the adjacent properties were located in the County, that part of the roadway had been annexed and was in the City, and would not be needed as part of a potential future four-lane. Mr. Wiener asked if they knew what changes in the roadway design caused the vacation recommendation. Kevin Slovarp, City Engineer, stated that they looked at alternatives for a potential future four-lane road and decreased the footprint, reducing existing lane widths and resulting in the sliver of recommended vacation. Therefore, the City will have vacated all of the found 30 feet from the 1896 easement as well as a small portion of the original 60 foot resolved ROW.

Mr. Wilkins arrived.

Mr. Hendrickson made the motion to adopt the resolution per staff recommendation with the revised Exhibit A, including the adjustment of the northernmost parcel.

Mr. Childers stated that caught the end of the County Commissioners' deliberations on the ROW vacation, and the community comments were positive. He asked if the current project was only for building a three-lane road. Mr. Slovarp replied that they were building a three-lane first, but are retaining sufficient ROW to build a fourth lane if it becomes necessary in the future. This action completes ROW acquisition and vacation on the west side of the road, but some ROW negotiations on the east side remain.

The motion passed unanimously.

Mr. Hendrickson asked when they expected construction to begin and whether the costs were still on track. Mr. Slovarp stated that they would resume negotiations on the east side of the road immediately, and the design was 95% complete. They may be able to relocate the utilities this fall or early winter, and get the sewer under the road next spring. They will receive new cost estimates from the engineer after finalization of the design plan. Due to the competitive bidding environment, projects have been coming in about 30% below the estimates, and they hope to have that happen on this project as well. They will work with Twite and Maloney on revised agreements for costs if needed.

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)

IV. ADJOURNMENT

Respectfully Submitted,

Jessica S. Miller
Office Manager
City Public Works Department