

PUBLIC WORKS COMMITTEE AGENDA
December 9, 2009, 2:05 PM
City Council Chambers

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

Members Absent: John Hendrickson, Dave Strohmaier

Others Present: Jack Stucky, Steve King, Jeff Smith, Carla Krause, Monte Sipe, Kevin Slovarp, Gregg Wood, Mark Muir, Doug Harby, Wayne Gravatt, Jeff Smith, Dan Hoffman, George Maclean, Tom Wackler

I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of [December 2, 2009](#) – Approved as submitted.
- B. Announcements – None.
- C. Public Comment on Non-Agenda items – None.

II. CONSENT AGENDA ITEMS

1. Purchase one front end loader for the Street Division ([memo](#)).—Regular Agenda (Jack Stucky) (Referred to committee: 11/09/09) **REMOVE FROM AGENDA**

Motion: Award the purchase of one 2010 WA320-6 Wheel Loader to Modern Machinery of Missoula, MT for a total of \$117,200 and return all bid bonds.

Jack Stucky, Vehicle Maintenance Superintendent, stated that Modern Machinery was the low bid vendor with trade-in credit. The bid was \$117,200.

Mr. Wilkins asked if they would get to keep the trade-in until they got the new machine, and Mr. Stucky replied that they would.

Mr. Wilkins made the motion to award the purchase and return all bid bonds.

The motion passed unanimously.

2. Approve the purchase of One (1) 2010 Ford Fusion hybrid from Bison Ford of Great falls, Montana for \$25,621.81. This purchase is a cooperative purchasing agreement with the State of Montana. ([memo](#)) (Jack Stucky) (Referred to committee: 12/7/09) **REMOVE FROM AGENDA**

Motion: The committee recommends the City Council approve the purchase of one (1) 2010 Ford Fusion hybrid from Bison Ford of Great falls, Montana for \$25,621.81.

Mr. Stucky stated that the hybrid purchase was a cooperative purchase from a State of Montana bid.

Mr. Wilkins made the motion to approve the purchase.

Mr. Childers asked whether hybrids have posed any problems for drivers or the mechanics and if they were reliable. Mr. Stucky stated that the Mayor's Prius had some problems with dead batteries at the beginning, but he was surprised with how reliable they have been. There is a learning curve for drivers and he recommends they talk to him first.

Ms. Walzer stated that she had used the Prius and it was required some learning. Mr. Stucky stated that there were instructions in the car.

The motion passed unanimously.

3. Approve the purchase of Five (5) 2009 Dodge Charger Patrol Cars from Ronan Auto Body of Ronan, Montana for \$24,961 each; a total of \$124,805 for all five cars. This purchase is a cooperative purchasing agreement with the State of Montana. ([memo](#)) (Jack Stucky) (Referred to committee: 12/7/09) **REMOVE FROM AGENDA**

Motion: The committee recommends the City Council approve the purchase of five (5) 2009 and/or 2010 Dodge Charger patrol cars from Ronan Auto Body of Ronan, Montana for \$24,961 each; a total of \$124,805 for all five cars.

Mr. Stucky stated that the vehicles could be 2009 or 2010 vehicles, and the purchase was a cooperative agreement with the State of Montana.

Ms. Walzer made the motion to approve the purchase.

In response to questions from Mr. Jaffe and Mr. Wilkins, Mr. Stucky stated that the vehicles were budgeted, and they would have gotten six new vehicles this year, but one was wrecked last year and they got a new one replaced by the insurance. Patrol cars have always been budgeted, not CIP, items.

Ms. Walzer asked what the difference between the purchase price and the budgeted amount was for. Mr. Stucky replied that about a third of the cost of a patrol car was for the accessories, such as lights. They reuse as much from the old car as they can. The budgeted amount will pay for the extra equipment needed.

The motion passed unanimously.

4. Approve right-of-way encroachment permit for 138 West Broadway. (memo) (Kevin Slovarp) (Referred to committee: 12/7/09) REMOVE FROM AGENDA

Motion: The committee recommends the City Council approve a right-of-way encroachment permit for a well for 350 Ryman Street.

Mr. Harby stated that GLR would be installing a groundwater heating and cooling well for the building, and one well that they dug did produce adequate flow to service the system, and this was the best location for another try. The encroachment permit includes piping to the building in addition to the well. GLR will be installing brand new sidewalk on Ryman Street from Pine to the alley. City Engineering supports the encroachment.

Mr. Jaffe asked why they were not putting the well in the parking lot behind the building. Mr. Harby stated that there needed to be some separation between the output and input wells. Jeff Smith of WGM stated that they had a huge drawdown for the well. They chose Ryman Street to get as far from the existing location as they could, and be in a location that would not impact a future building's potential for a similar system. The Ryman Street location did that and did not encumber the alley or the parking lot.

Mr. Wiener asked how wide the sidewalk was. Mr. Smith stated it was 12 feet wide.

Mr. Jaffe asked if it would make more sense to run the pipe out into the road instead of the sidewalk. Mr. Smith stated that there were other utilities in the road to work around, and that they would have to overlay the entire road, resulting in a higher cost.

Mr. Jaffe made the motion to approve the encroachment.

The motion passed unanimously.

5. Consider an ordinance revising Missoula Municipal Code Title 12, Chapter 12, entitled Curbs, Sidewalk, and Paving (memo).—Regular Agenda (Monte Sipe) (Referred to committee: 12/07/09) REMOVE FROM AGENDA

Motion: The committee recommends the City Council set a public hearing for January 11, 2010 to consider an ordinance adopting Missoula Municipal Code Title 12, Chapter 12, entitled Curbs, Sidewalk, and Paving.

Mr. Sipe stated that this ordinance was not incorporated with the grading and drainage ordinance and dealt with a different subsection of Title 12, pertaining to assessment terms. The current code has 8- and 12-year terms, and state law was changed to allow a 20-year term a few years ago. This item cleans up the municipal code to allow the 20-year option and change the default term to 20 years for those who do not fill out the reply form.

Mr. Wiener stated that he was hesitant about setting the default to 20 years, because it would result in more interest being paid over time. Mr. Sipe stated that the 20-year default was a recommendation from Brentt Ramharter because that term is similar to SIDs and because they get a lot of requests for 20-year terms.

Mr. Childers stated that 20 years didn't have to be standard for SIDs, and that some had smaller assessments. He did not want to see sidewalks become a 20-year default because there are some smaller projects and if the

property owners did not reply, the City would bill \$600 over 20 years. He asked how they've been using the 20-year option with the current code. Mr. Sipe stated that they give property owners the opportunity to reply and select a different term. Once the bond sale goes and the time is set, they can't change the term until after it goes on the taxes the following year. Property owners can pay it off at any time after that. Lots of people don't reply, then request a change to a 20-year term after it goes to the Finance Department.

Mr. Childers stated that he was in favor of setting the public hearing if they needed to change the ordinance to add the 20 year term, but that he hated to have 20 years as the default.

Mr. Childers made the motion to set a public hearing for January 11, 2009.

Mr. Jaffe asked if they could make only certain dollar amounts default to 20 years. He would like staff to prepare that language as alternative language for the public hearing, perhaps with a cutoff amount of \$5,000. Mr. Sipe stated that the Council had previously set a dollar amount, so that costs over \$5,000 went to a 20-year term, but after discussions with bond counsel, it was determined that everyone needs the same opportunity regardless of the dollar amount of the assessment. There is no dollar amount in the state statute. Mr. Wiener asked if they could base the amount on how much it added to the tax bill. Mr. Sipe stated that would be difficult without understanding the rate and associated cost for bond sales. He stated he would discuss the item with the Finance Director.

The addition of a threshold at which the term would default to 20 years was accepted as a friendly amendment.

Mr. Haines stated that it would take staff work to change it to a graduated scale. He stated that something other than the 20 year default would need to be presented in the public hearing.

Ms. Mitchell agreed with Mr. Childers and Mr. Jaffe. She stated that people did not stop to figure out total costs and they were not doing people a favor to let them be obligated longer than they needed to be.

Mr. Childers asked if was possible to bring some payment schedules, for example, \$5,000 for 8, 12 and 20-year financing terms. Mr. Sipe stated there would be assumptions in that, such as the interest rate and the interim costs for the bond sale. Property owners pay simple interest on the remaining principal balance.

Mr. Haines stated they were asking for more staff work.

The motion passed unanimously.

6. Adopt a resolution amending City Council Resolution #7463 to correct a typographical error and incorrect exhibit pages ([memo](#)).—Regular Agenda (Carla Krause) (Referred to committee: 12/07/09) **REMOVE FROM AGENDA**

Motion: The committee recommends the City Council adopt a resolution to amend Resolution #7463 to correct a typographical error and incorrect exhibit pages.

Carla Krause, Special Services Administrator, stated that there was a typo on one of the parcels the right-of-way (ROW) was reverting to, and also an error on the radial line description on exhibit A, which requires a formal process to correct. This item is a corrective resolution to correct both errors.

Mr. Wiener asked whether they vacated something real with the incorrect version, and Ms. Krause replied that they did not, but that redrawing from the exhibit would result in errors.

Mr. Haines made the motion to adopt the resolution.

The motion passed unanimously.

III. REGULAR AGENDA ITEMS

1. Review construction bids for Reserve Street Sewer Main Replacement Project (Site ID 184), award bid to lowest responsible bidder, Advanced Earthworks, Inc. in the amount of \$306,474.40 and authorize the return of bid bonds. ([memo](#)).—Regular Agenda (Kevin Slovarp) (Referred to committee: 11/23/09) **HELD IN COMMITTEE**

Kevin Slovarp, City Engineer, stated they were waiting for information from the engineer to potentially change the award to a contractor out of Butte, but were still checking the bid and what was included. They would like to bring a new referral next week and take care of it then.

Mr. Wiener asked what the controversy was. Mr. Slovarp stated they had a lower bid than the one listed, and were checking references to make sure they were responsible to do the work.

Mr. Jaffe asked if the bid they were looking at was submitted on time and according to the rules, and why it was not originally accepted. Mr. Slovarp stated that the apparent low bidder did not submit everything in the bid, so they were getting the rest of the information and checking references to make sure they were reputable. He stated that Mr. Nugent had been participating in the conversations and did not see any problems with it.

Ms. Mitchell stated that she hoped the informalities were not in violation of the process.

George Maclean, General Manager of Advanced Earthworks, stated that they were the apparent low bidder, and there was a mandatory pre-bid meeting in the bid documents because it is a technical job. Bids were read publicly. The low bid was not read publicly, and they did not attend the mandatory pre-bid. He stated the contractors were putting risks on the line, and the other firm did not have a representative at the mandatory pre-bid.

Mr. King stated that they would have more details next week.

Mr. Jaffe asked what the dollar amount of the difference in bids was. Mr. King stated that it was approximately \$40,000.

Non-Agenda Item (no motion to suspend the rules occurred)

2. A [regular](#) ordinance amending Missoula Municipal Code Title 12, and enacting a new chapter, entitled "Parking." ([memo](#)) ([PW](#)) (Returned from Council floor: 11/23/09)

Mr. Jaffe stated that he had concerns on the section of Title 12 defining commercial parcels and thought it was a broad definition. He wanted clarification on what constitutes paving and which substances are acceptable. They needed something that dealt with parking on the sidewalk. The type of financing was referenced elsewhere so it didn't need to be referenced there. The requirements for parking with remodels were onerous and they needed to discuss the threshold for changes. He wanted to know about the rule for parking in the setback. Mr. Harby stated that the setback parking rule is from the property line, and is set by zoning districts. Parking in the boulevard is a different issue. Mr. Jaffe stated that currently they can park in the setback if there is legitimate parking further in, but not if there is no other parking and that he had some problems with that. He also had a problem with the percentage of the front yard that can be paved, and 40% was too high.

Mr. Harby stated they were open to all discussions, and he would like the Council to weigh in on when to require parking improvements. The item of 200 square feet is to get a discussion going with Council. Currently, someone could add three bedrooms to a house where people are parking all over the boulevard and staff have no authority to change it. They want to be proactive in air quality for single family homes and to limit parking to the paved area. The Office of Planning and Grants doesn't allow any parking in the setback unless it's behind parking that is located out of the setback. They want to clarify whether it would invalidate the parking in the setback if someone changed a garage into a family room.

Ms. Walzer stated that she had comments from people who were adding on to their homes and had to add sidewalks and curbs, and she wondered whether there was already a threshold for sidewalks and curb requirements. Mr. Harby stated that if property owners were doing certain modifications to the property, such as adding a new structure, the ordinance allows staff to require curb and sidewalks in areas where curb and sidewalks exist. They do allow homeowners to request additional review if they don't think the requirement is fair.

IV. 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. Information item to present the City's Master Sidewalk Plan. ([memo](#))—Regular Agenda (Doug Harby)
4. Approve the agreement between the City of Missoula and Lloyd A. Twite Family Partnership related to sanitary sewer extension and upsizing for the South Missoula Area ([memo](#)).—Regular Agenda (Monte Sipe) (Referred to committee: 11/09/09)
5. Presentation and discussion of the results of the Odor Characterization Study conducted by Morrison-Maierle. (Starr Sullivan) (Referred to committee: 12/7/09)

6. A [regular](#) ordinance amending Missoula Municipal Code Title 12, and enacting a new chapter, entitled "Parking." ([memo](#)) ([PW](#)) (Returned from Council floor: 11/23/09)

V. ADJOURNMENT

Respectfully Submitted,

Jessica S. Miller
Office Manager
City Public Works Department