

## PUBLIC WORKS COMMITTEE REPORT

March 30, 2011 8:30 AM

City Council Chambers

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

**Members Absent:** Marilyn Marler, Stacy Rye, Dave Strohmaier

**Others Present:** Steve King, Doug Harby, Jessica Miller, Monte Sipe, Gregg Wood, Jim Carlton, Tim Skufca, Aggie Nielsen, Mike Nielsen, Jeremy Keene, Tod Gass

### I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of – March 23, 2011 Approved as submitted
- B. Announcements – Jason Wiener said he would bring back the Parking Discussion on April 13, 2011 and would need two hours to work through as many of the items as possible.
- C. Public Comment on Non-Agenda items – None

### II. CONSENT AGENDA ITEMS

- 1. Resolution to order curb and sidewalk improvement project 10-038, in the East Broadway Ph. I Area. (memo)—Regular Agenda (Monte Sipe) (Referred to committee: 03/28/11)(REMOVE FROM AGENDA)

**Motion: The committee recommends the City Council approve and adopt the resolution to order curb and sidewalk improvements adjacent to properties in the East Broadway Ph. I Area, Project 10-038."**

Doug Harby, Construction Project Manager, requested the committee adopt and approve the sidewalk improvement project 10-038 Phase I in the East Broadway area. This project contains three parcels located east of the University of Montana Park and Ride and on the east and west sides of the proposed Silver Tip housing project parcel. This includes construction of missing sections of sidewalk, curb/gutter, driveway improvements and associated work. A notice letter was sent to all affected property owners informing them of the project proposal, construction cost estimates and specific dates for consideration by Public Works committee and City Council. All costs of the improvements will be assessed to the adjacent property owners under the City's Special Improvement Assessment Program with financing terms available up to twenty years. Next year Phase II that will extend from Creekside to the Cobblestone Apartments and to Easy Street.

Jon Wilkins made the motion to recommend the City Council approve and adopt the resolution to order curb and sidewalk improvement project 10-038 in the East Broadway Phase I Area. Jon said this is needed for public safety.

The motion was passed unanimously.

- 2. 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) (REMOVE FROM AGENDA)

**Recommended Motion: The committee recommends that the City Council adopt a 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 and schedule a City Council public hearing for Monday, April 25, 2011**

Jessica Miller, Administrative Services Manager/Projects Coordinator, said the Missoula Redevelopment Agency (MRA) is coordinating a City sidewalk project along the Brooks Street Corridor and this vacation proposal was initiated by the City. There was a power point presentation ([memo](#)) showing the areas to be vacated, the Resolution and the Memorandum of Understanding. The proposal is to vacate portions of right-of-way in the Brooks Street Corridor in return for utility and permanent public right-of-way easements for use in the project. The owners have agreed to trade the permanent public right-of-way easements for the vacated right-of-ways and they have entered into and signed a Memorandum of Understanding. They have also agreed to execute utility easements in the vacated right-of-ways and will be responsible for payment of the nominal annual property taxes and liability.

Jason Wiener asked Jeremy Keene with WGM if the buildings were up to the boundary lines as they stand now.

Jeremy Keene referred to the displayed maps and said they were asking for easements at Brooks, a small corner portion of North Avenue and a portion of Regent Street.

Jon Wilkins asked if there were any objections from the property owners, Jeremy said there were no objections. He made the motion for the resolution of intention to set a public hearing for April 25, 2011.

The motion was passed unanimously.

### III. REGULAR AGENDA ITEMS

1. 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)(REMOVE FROM AGENDA)

Jason Wiener said this is a pre-public hearing discussion on amendments to Missoula Municipal Code 13.04, sewer regulations. This discussion is referring to demonstration permits for alternative treatment systems.

Steve King, Director of Public Works, said the public hearing is set for April 11, 2011, to consider amendments to our City sewer regulations to clarify the connection of property with plumbing out to the sewer main. There are some exceptions based on foreclosures and for graywater systems. There has been a request for composting toilets and accommodations for waterless property development which is not a sewer issue but a Health Department issue. He is not sure the composting toilet issue changes the public hearing on sewer regulations. He said all plumbed properties with either well water or a public water supply would require the standard sewer connection. The request is to develop a property without a water supply, if it is not connected to the sewer then it is not a sewer related issue.

Tim Skufca, representing Missoula Urban Demonstration (MUD), is not proposing that everyone use composting toilets, the issue is the demonstration permit to allow, in this specific circumstance, to demonstrate sustainable solutions to urban problems. The composting toilet is one element of this project, it allows us not to connect to sewer and we think connecting to sewer in urban situations is absolutely good but we need to start thinking in the future, to look for alternatives to a central sewer system. Composting toilets save water and stops the need to deliver the sewage to a central plant. He said the three elements of concern with composting toilets is odor, bugs and maintenance, these approved certified units mitigate all of those. He stressed that this is important to allow MUD leeway so this option can be studied for the future. We need to think about climate change, water shortages, toxic elements and the depletion of food sources, we need to focus on these things rather than codes. There are examples in Portland, Seattle; and the University of British Columbia has a whole building that uses composting toilets. This project is small but the complexity is not connecting to the sewer but how do we wash our hands, there is a way to mitigate that.

Jason Wiener asked for clarification if the composting toilet issue is not prohibited by the ordinance we have then is it under the jurisdiction of the Health Department.

Jim Carlton, Director of Environmental Health, said he would like to address the legal aspects, there are two things that would prohibit this, it is State law that says when we have a need for sewer we can't use septic systems or other alternatives, and the Health Department code says where public sewer is available you can't use other systems. Public sewers are what have made high density living possible. Operations is an issue because solid waste is where there are literally millions of viruses and parasites. There is also the potential for serious odor problems. There is a place where these systems are appropriate, in rural settings not high density areas.

Jason Wiener asked if the legal requirements Jim Carlton is referring to is in section 13.04. Steve King said it is in the City adopted Health Regulations and it is not in the ordinance that we are considering for the public hearing.

Bob Jaffe said he is supportive of demonstration and pilot projects but he is not interested in changing codes. If there is a building it should be hooked to the sewer, there are other issues such as hand washing that not only includes the sanitary issues but other things such as chemicals. If an exception was made for this project and something went wrong, if it were hooked to the sewer you could turn on a valve and be on the sewer system, he likes the idea of a backup system being available.

Ed Childers said if these systems had no odor problems and the virus and bacteria could be dealt with successfully and there were no maintenance requirements, what would you do with the leachate? He does not think this is a good idea.

Tim Skufca said the leachate is treated like any homeowner treats their fertilizers which are poison, even though the leachate is not a poison it would be handled like the petroleum fertilizers and other poisons or chemicals home owners use.

Jason Wiener said he doesn't see a lot of desire to pursue this and at the very least if they were to do something they would do it outside of the context of the amendments to ordinance 13.04.

2. Resolution to order curb and sidewalk improvement project 09-040, in the Expressway, Great Northern Ave., and Latimor St. Area. (memo)—Regular Agenda (Monte Sipe) (Referred to committee: 03/28/11)  
**(HELD IN COMMITTEE)**

**Motion: The committee recommends the City Council approve and adopt the resolution to order curb and sidewalk improvements adjacent to properties in the Expressway, Great Northern Ave., and Latimor St. area, Project 09-040."**

Doug Harby, Construction Project Manager, requested the committee adopt and approve the sidewalk improvement project 09-040 in the Expressway, Great Northern Avenue and Latimor Street area. This project contains eleven separate parcels located within commercial/industrial developed areas. Well developed foot paths are indicative of the need for a complete sidewalk system. The roadways are classified as collectors and the project includes construction of missing sections of sidewalk, curb/gutter, driveway improvements and associated work. A notice letter was sent to all affected property owners informing them of the project proposal, construction cost estimates and specific dates for consideration by Public Works committee and City Council. All costs of the improvements will be assessed to the adjacent property owners under the City's Special Improvement Assessment Program with financing terms available up to twenty years.

Pam Walzer made the motion to recommend the City Council adopt and approve the sidewalk improvement project 09-040.

**Public Comment**

Aggie Nielsen, one of the owners of 2901 Latimor Street said she wanted to register a complaint because in 1993 they were told they had to landscape and put in an irrigation system that cost them \$20,000.00. At that time she asked if there would be a sidewalk requirement and was told no, it was not a concern. Now we are told we have to rip it up and put in sidewalks and we are faced with another \$20,000.00. She feels being required to put in sidewalks now is unfair and they should be grandfathered in.

Ed Childers asked Doug Harby to tell them about 2901 Latimor Street.

Doug Harby said when the rest of the area was annexed this property was excluded, and when they developed the property he assumed it was under the guidelines of the county. When we went through the county several years ago this property was in the county and did not wish to be annexed so we were unable to put in the sidewalks. He said the landscaping has grown out to the road and during the winter there is a snow obstruction causing pedestrians to walk out into the road.

Jon Wilkins wanted to know if this was still industrial; Doug Harby said he did not believe it was still considered industrial because they would not have been able to annex it.

Lyn Hellegaard said she would like more information from the county on this and would like to hold off on Latimore until next week's meeting.

Pam Walzer asked if this was time sensitive could we pull this one out, Doug Harby said they could and if the City Council decided to go ahead with the project there would still be time get it in the contract.

Pam Walzer withdrew the motion.

Bob Jaffe said he would like some clarification as to what kind of information the committee would be getting. Is it that the property owner doesn't want to put in sidewalks or does it pose a hardship on the owner.

Aggie Nielsen said the people that walk there are employees from surrounding businesses and they walk at lunch for exercise. It is not a populated area and not a lot of traffic. She objects to ripping out the landscaping for a few ladies that walk at lunch time. She restated they met all the city/county requirements at the time and they "forced" them to put in landscaping; now they are told they will have to rip it out.

Bob Jaffe asked Lyn Hellegaard what conclusions she expected from any information they received.

Lyn Hellegaard said maybe Public Works could come up with an alternate or cheaper plan for the sidewalks; a better solution for this particular property.

Doug Harby said the entire improvements would not need to be ripped out; the fence would be untouched, the trees would be untouched and there would be about five feet of sod and some of the irrigation that may need to be moved depending on the location of the system. The majority of the costs would be the chain link fence and that would be untouched.

Jon Wilkins asked if this could possibly be delayed until there was more development or the property sold.

Doug Harby said the development is already there. There is a large church and a warehouse on the south side of the property, and on the west side Lambros Realty built a large development. Both sides of this property have been developed and those property owners have built their curbs and sidewalks up to 2901 Latimore.

Jon Wilkins said eventually sidewalks will be built and if it is included with the other properties that would make it cheaper to do it now.

Ed Childers made the motion to recommend the City Council adopt and approve the sidewalk improvement project 09-040.

The motion was passed with eight ayes and one nay being cast by Lyn Hellegaard.

#### **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. 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 39<sup>th</sup> 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. Update from the Parking Commission. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 03/07/11)([Parking Fines](#)) ([Policy Review](#)) (Ltr: Iowa) (Ltr: Hensley)

### 3. ADJOURNMENT

The meeting adjourned at 9:33 AM

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