

MISSOULA REDEVELOPMENT AGENCY

CONDENSED BOARD MEETING MINUTES

February 24, 2010

FINAL

A **Special** meeting of the Board of Commissioners of the Missoula Redevelopment Agency was held at the MRA Conference Room, 140 W. Pine, Missoula, MT 59802 at 1:30 PM. Those in attendance were as follows:

Board: Hal Fraser, Nancy Moe, Rosalie Cates, Karl Englund

Staff: Ellen Buchanan, Chris Behan, Kari Nelson, Tod Gass, Jilayne Lee, Lesley Pugh

Public:

APPROVAL OF MINUTES

February 17, 2010 Regular Board Meeting Minutes were approved as submitted.

PUBLIC COMMENTS & ANNOUNCEMENTS

Fraser congratulated Buchanan on receiving a special award at the MAEDC luncheon regarding her work on the Old Sawmill District.

ACTION ITEMS

Silver Park – Request for Approval of Design & Engineering Changes

Behan reviewed his memo. He said at the last meeting the Board approved an Agreement for Territorial Landworks, Inc. (TLI) to perform construction engineering activities on Phase 2 for Silver Park. He said the next part, Phase 3, is not permitted and there is no clean break between design and construction because there's an overlap of the two design firms, Abbotswood Design Group (ADG) and TLI. Behan's first recommendation is that the Board approve of the primary points of a draft termination agreement between MRA and ADG, including final payments to ADG and its subconsultants totaling \$24,929.37. He said \$16,683.45 of that amount will go to ADG for their own costs. The rest will go to the civil and electrical subcontractors.

Behan said the deal MRA has made with ADG is to submit a check directly to ADG for \$16,683.45, submit a second check to the civil contractor and ADG, and submit a third check to the electrical contractor and ADG. All three checks will go to ADG, but MRA wants to ensure that the subs are taken care of because they may be needed in the future. Moe asked if the subs are signing a document that says they were paid in full and wondered if ADG will be signing a document saying that these are all of the subcontractors. Behan replied it becomes complicated. He said ADG has "paid when paid" type contracts with the subcontractors so they get paid when ADG gets paid. MRA

hasn't paid ADG since September and some of the funds owed to the subs are within the \$16,683.45 going to ADG. Behan said MRA can have the subcontractors sign something. Moe said she wants ADG to give MRA a document stating that these are all of the subcontractors and these are the amounts they are all owed and that they have been paid. She said the subcontractors can also sign and say that they've received all the payments they are owed. Behan said MRA will do that. Moe asked if ADG was getting a release from MRA or if their contract was just being terminated. Behan replied ADG is not getting a release. Behan said the only other change to the Agreement is that in the future MRA will describe ADG as the designer.

Behan said his second recommendation includes an amendment to MRA's current Agreement with TLI and the total amount of the amended Agreement is not to exceed \$55,047.50. This number represents an increase to the Agreement of \$5,335.50. Discussion ensued regarding the Phases and associated costs.

Englund asked if Staff is confident that MRA is getting work from ADG that is close to being ready to bid. Buchanan said the biggest thing MRA is going to see that needs to be done in the documents is that the reference points need to be tied to the ground. Behan said TLI has reviewed the documents in paper form and if what they get in the AutoCAD is the same as what they have on paper, they know how much they will have to change.

Moe said Buchanan said someone will have to look at the documents and decide what needs to be done. She wondered who that someone is. Buchanan replied it will be TLI on Phase 3. She said on Phase 4, depending on what the need assessed is, MRA may need to do a Request for Proposals. Or, if it's under a certain amount, MRA can get quotes. TLI will most likely review the documents and assess the need.

Cates said the Board has understood that Staff is terminating the relationship with ADG, but the actual reasons have never really been discussed and she wondered if it was the timeliness or quality of the work. Behan said there are two areas, one to come up with a master plan and another to put together all the plan documents. He said the latter has been inadequate. Behan said ADG did a great job on the Skatepark, but the firm has also had problems with the Parks & Rec Dept. on another park.

MOTION

ENGLUND: I MOVE THAT WE APPROVE THE PRIMARY POINTS OF A DRAFT TERMINATION AGREEMENT AS STATED IN THE MEMO TO US FROM CHRIS, DATED FEBRUARY 22, 2010, BETWEEN MRA AND ADG INCLUDING THE FINAL PAYMENTS TO ADG AND ITS SUBCONSULTANTS TOTALING \$24,929.37 CONTINGENT ON RECEIPT FROM THEM OF DOCUMENTS STATING THAT THESE ARE THE FINAL BILLS FROM THEIR SUBCONSULTANTS AND CONTINGENT TOO UPON RECEIPT FROM THE SUBCONSULTANTS OF A DOCUMENT SHOWING THAT THEY HAVE BEEN PAID. Cates seconded the motion. 4 ayes, 0 nays. Motion passed unanimously. Kemmis absent.

MOTION

MOE: I MOVE THE STAFF RECOMMENDATION REGARDING CHANGES OF THE SCOPE OF THE WORK DONE BY TERRITORIAL LANDWORKS, INC. Englund seconded the motion. 4 ayes, 0 nays. Motion passed unanimously. Kemmis absent.

NON-ACTION ITEMS

Buchanan said the Mayor requested that MRA help fund two initiatives that the City is taking in. One is the Best Place Project. A consultant called National Community Development Services is going to do a program development phase that talks to select community leaders and gathers data. What will come out of it is a draft multi-year strategic initiative. She said it will also gauge the level of support by the community to fund it as a multi-year project. She said this will cost \$25,000 and the Mayor has asked that MRA help fund it with \$5,000. St. Patrick Hospital, Northwestern Energy, First Security Bank, Washington Companies and the University of Montana are also helping fund it. Buchanan said she has agreed for MRA to help. Moe asked where MAEDC is in this. Buchanan replied they're not on the board, but they will be a participant. Discussion ensued. The Board expressed their appreciation that Buchanan brought this to them even though it's within her approval limit.

Change tape 1 s1/s2

The second request is for MRA to help fund a Missoula Organization of Realtors (MOR) yearly summit. The City would like to do a housing survey to get a feel for what the market is, particularly focusing on workforce housing. The survey results will be announced at the summit along with the annual housing report. MRA has been asked to be a \$5,000 participant. MOR also has money in it and they are trying to find sponsors to raise the rest of the money. Buchanan said the date has not been nailed down yet. The Board was okay with MRA spending money on this.

OTHER ITEMS

ADJOURNMENT

Meeting adjourned at 2:20 pm.

Respectfully Submitted,

Lesley Pugh

Lesley Pugh
Secretary II