

# MISSOULA REDEVELOPMENT AGENCY

## CONDENSED BOARD MEETING MINUTES

March 27, 2009

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 10:00 AM. Those in attendance were as follows:

**Board:** Hal Fraser, Nancy Moe, Daniel Kemmis, Karl Englund

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

**Public:** Jamie Lockman, MRA Rep to the HPC

### **PUBLIC COMMENTS & ANNOUNCEMENTS**

#### **ACTION ITEMS**

##### **Silver Park Parking Lot Design Modifications & Additions – Request to Approve Expenditures**

Nelson said MRA is trying to get the parking lot for Silver Park completed in time for the beginning of baseball season, or at least before the season is over. She said in order to get this done it needs to be fast-tracked and the bid documents need to be prepared separate from the rest of Silver Park. Nelson said to do this takes a little extra time on behalf of the designer, Fred Ogram at Abbotswood Design Group, to prepare the bid documents as a separate document. Also, Nelson said this request includes Abbotswood doing construction administration on the parking lot.

Nelson said throughout discussions with Geomatrix, WGM Group and Millsite Revitalization Project (MRP) about the Voluntary Cleanup Plan and what's required under that, a methane abatement system needs to be designed and constructed underneath the parking lot to keep methane from migrating under buildings, particularly those to the east. Nelson said the system will be designed so that the methane will go out and be released somewhere under Silver Park and into the general atmosphere and not get trapped under any buildings. She said the parking lot will serve as a cap for the methane and keeps it from directly coming up and pushes it to one way or the other.

Lastly, Nelson said MRA wanted to have a separate set of bid documents to go ahead and complete the Riverfront Trail. She said MRA is still working to do Silver Park overall, but if the trail is separated out the CTEP money can be spent. Nelson said completion of the trail will include putting in the bridge, lighting and landscaping along the trail, and parking lot lighting and landscaping. Nelson said the reason lighting and landscaping for the parking lot wasn't included with the parking lot is because of the fast-tracking. She said it will take longer to get the electrical designed and Ogram felt it would require a separate electrical subcontractor that wouldn't be necessary for just the parking lot itself.

Nelson said she broke the Staff recommendation into three different parts to approve the three different segments. One to approve the design and construction administration services with Abbotswood Design Group for the parking lot, plus expenses, for \$13,000; One to approve preparation of bid documents by Abbotswood for completion of the Riverfront Trail for \$6,000; and one to approve entering into an agreement with Geomatrix for design of the methane abatement system for \$8,362.

Fraser asked what "plus expenses" refers to. Nelson said that's originally the way Abbotswood wrote up their contract and it includes photocopies, phone call charges, travel, etc. She said it's come across mostly as copies of plans. Buchanan added that it's typically called reimbursables.

Fraser asked if this all comes out of the money set aside for Silver Park. Nelson replied yes. Englund asked if there were concerns about not putting in the lighting. Nelson replied Ogram is putting in the entire infrastructure for the lighting. She said they're hoping to do the trail completion on the heels of the parking lot. Fraser asked what the lighting would cost. Nelson said she didn't recall. Fraser asked what additional amount it would cost to just put it in. Nelson replied it would be a substantial amount. She said Ogram is just putting in the sleeving for it. Putting it in will include the wiring, poles and electrical contractor's work. Also, Nelson said the main reason it wasn't included now is because of the timing. Fraser said he wondered what kind of lighting would be needed when the games aren't going on and if there would be enough for people using the trail system and so forth. Nelson replied that was a concern that baseball also had. She said they want to get it lit as soon as possible, hopefully this summer. Buchanan added that an unlit parking lot is nothing but an invitation for mischief. Discussion ensued regarding areas on the map.

Buchanan said MRA is trying to get Fish, Wildlife and Parks (FWP) money for the boat ramp. She said Staff is working with them and FWP likes the idea of another river access there.

Kemmis asked what the concern is about not being able to get the parking lot built before the season starts. Buchanan said the Health Dept. has not been happy about where the parking has been. She said if the parking lot is fully under construction then the Health Dept. will be happy. Buchanan said it's a stretch to think the parking lot will be completed by the first home game. She said it should be well underway and close to completion by then. This parking lot will have 150 spaces and the City's overall obligation is 250 spaces. Fraser said he imagined there will still be the need for some temporary parking in addition to the parking lot and he wondered if it would be difficult to get done with the Health Dept. Buchanan replied she thinks they'll be okay with having some temporary parking.

Englund asked if the Department of Environmental Quality (DEQ) has to approve the methane abatement. Buchanan replied they've said to go ahead and build the parking lot, they don't have concerns about that, but to make sure whatever is done doesn't violate MRP's Voluntary Cleanup Plan. Buchanan said they have not indicated that they need to approve the methane abatement design. Nelson said it's Chris Cerquone's impression that he does not have to take it to DEQ. Nelson said at some point DEQ will come and monitor the abatement system. If the system isn't working then something else will have to be done. She said Cerquone is confident what they put in will take care of the methane and it won't be a problem when it's monitored.

Fraser asked for clarification on what was being requested. Nelson said today's request will get design and bid documents for the design of the parking lot, design of the methane abatement system and completion of the Riverfront Trail. Fraser asked Nelson if she had a general number of what it will cost to build the parking lot. Nelson said MRA received an initial cost estimate of

\$600,000. Buchanan said the money to build the trail is CTEP money. She said Staff will have to bring the Board a proposal for how MRA comes up with the money for the parking lot. She said the challenge is that a big chunk of the funding for the Park is coming from MRP when the project bonds are sold. This is their payback to MRA of their one-third obligation for buying out the lease. Another big piece is \$500,000 in CTEP money, which MRA has. Buchanan said there are also Park Impact Fees of \$250,000. She said in this economy, Park Impact Fees aren't coming in the way they were. Also, a City SID of \$250,000 is thought to be accessible. Buchanan said there's an account with the City that has \$226,000 and was originally set aside in 2003 for parking for the Stadium. She said that money will require discussion with MRP because they wanted MRA to pay them that money for the right to park in their development for the additional 100 spaces, but they don't currently have a development. Buchanan said her recommendation is going to be that MRA use the \$226,000 to offset the costs of building the parking. Fraser asked if there was a risk in the next 30-60 days of being asked to approve money when it's not there. Buchanan said MRA does not have it currently budgeted, but the money is in contingency in URD II.

Fraser asked if a lot of extra money was being spent and/or things will be duplicated by pulling these items out rather than doing the whole thing at once. Buchanan replied only on design. She said putting this out in smaller pieces will attract smaller contractors, leading to a better construction price.

Kemmis asked what part of the \$13,000 is for fast-tracking and what part is for construction administration. Nelson replied it's about \$6,500 for the construction administration and about \$6,000 for the bid documents. Kemmis asked why the construction administration is being put in now instead of as part of the overall cost. Buchanan replied because the parking lot will be built before the whole Park is built. Kemmis said he assumed fast-tracking meant the City needed and wanted to get the parking lot done in time for this baseball season. Buchanan said that's still the goal. Kemmis said it sounds like it's not certain it will be done and part of the reason it's being fast-tracked now is in large part to assure the Health Dept. that the City is moving forward. Buchanan said she thinks that's part of it, but said there's no reason to assume the parking lot will not be completed in time to serve baseball this summer. She said it may not be completed the day the season opens but she said it should be done by the first part of July.

Kemmis said he doesn't recall seeing the language "plus expenses" very often and wondered if there's some standard way of referring to that so it's not so open-ended. Buchanan said it's usually referred to as "reimbursables" and has been in almost every design contract the MRA Board has approved. She said it includes printing costs, FedEx, travel, etc. Nelson said she just wanted to make sure it's in there because there will be expenditures above the \$13,000.

Englund asked if Staff was comfortable that MRA has the money to get everything done. Englund said he wants to see everything done. Buchanan said Staff will be asking to dip into the URD II contingencies to do the work.

*Change tape 1 s1/s2*

Moe asked if these were expected addendums, now up to four, to the original contract with Abbotswood. She also wondered if things were being duplicated. Nelson said the construction administration was not included in the original contract because they didn't know how much it would be or what to expect. She said putting out the separate bid documents was not expected because they originally planned to do one big document set for the whole Park. Moe said if MRA expected to contract out the whole Park then MRA is paying another \$13,000 which duplicates

some design work that's already paid for. Nelson said no, the \$6,500 for construction administration wasn't in the original contract. She said the \$6,000 for construction documents is what it costs to put the documents out separately rather than doing them all at once. She said they have to do extra work to pull them out. Nelson said no extra money is being spent on design. Moe said she wondered if the cost for pulling out the two sections is reasonable considering the fact they've done the heavy work on the project already. Nelson said she believes it's reasonable. Buchanan said Abbotswood had to create a whole separate set of bid documents for the pieces. Moe asked if more addendums were expected. Nelson said there will be for the construction administration of the completion of the Riverfront Trail and if there's any construction administration of the overall Park. Moe asked if MRA will be charged another fee for compiling the documents for the final construction. Nelson replied no and said that's bought and paid for.

Moe asked what kind of guarantee MRA is getting on Geomatrix's work for designing the methane abatement system. Moe wondered who will pay for the new system if the one Geomatrix designs doesn't work. Nelson said it's not MRA's responsibility if for some reason the system is put in and there are still methane concerns. She said it's her understanding that it will be MRP's responsibility. Buchanan said MRP has to demonstrate to DEQ that methane is not being allowed to migrate under buildings. MRP's contractor is designing a system to go under the parking lot that will force the methane to the west so that it will naturally disperse into the air and not collect under buildings.

Kemmis wondered if there was other methane producing material that is going to have to be abated. Buchanan replied the one area where there could be is the plaza. She said if the development had gone forward when it should have and MRA weren't out of sequence with the development, there would have been a methane barrier created at MRP's expense along the edge of the Park. Because the project has been delayed and all of the Brownfields money has been expended, Buchanan said MRA has to deal with this particular issue with the parking lot because it has to move forward.

Moe said the contractual relationship will be between MRA and Geomatrix, not between MRP and Geomatrix. Therefore, if there's a failure in the system it will be up to MRA to enforce whatever guarantee it's getting from Geomatrix. Moe said if Geomatrix is the designer there should be some sort of guarantee associated with what they design. Englund said once MRA touches it it's ours. Moe said that doesn't mean MRA can't get guarantees. Englund said MRA should get guarantees from the designer. Buchanan said it would be an easy thing to do if the Board is more comfortable with MRP having Geomatrix design this and MRA reimburse them. Nelson said MRA can go ahead and do that.

#### **MOTION**

**KEMMIS: I MOVE THAT THE BOARD APPROVE ADDENDUM #3 TO THE AGREEMENT FOR DESIGN SERVICES AND CONSTRUCTION DOCUMENTS FOR SILVER PARK WITH ABBOTSWOOD DESIGN GROUP FOR PREPARATION OF BID DOCUMENTS AND CONSTRUCTION ADMINISTRATION FOR SILVER PARK PARKING LOT IN AN AMOUNT NOT TO EXCEED \$13,000 PLUS ORDINARY AND DOCUMENTED EXPENSES. Englund seconded the motion. 4 ayes, 0 nays. Motion passed unanimously. Cates absent.**

#### **MOTION**

**KEMMIS: I MOVE THAT THE BOARD APPROVE ADDENDUM #4 FOR THE PREPARATION OF BID DOCUMENTS FOR COMPLETION OF SILVER PARK RIVERFRONT TRAIL AND PARKING LOT LIGHTING AND LANDSCAPING IN AN**

**AMOUNT NOT TO EXCEED \$6,000 PLUS ORDINARY AND DOCUMENTED EXPENSES. Englund seconded the motion. 4 ayes, 0 nays. Motion passed unanimously. Cates absent.**

**MOTION**

**ENGLUND: I MOVE WE AGREE TO REIMBURSE MRP AN AMOUNT NOT TO EXCEED \$8,362 FOR THE DESIGN AND PREPARATION OF BID SHEETS FOR THE METHANE ABATEMENT SYSTEM FOR THE PARKING LOT. Moe seconded the motion. 4 ayes, 0 nays. Motion passed unanimously. Cates absent.**

**NON-ACTION ITEMS**

**STAFF REPORTS**

**OTHER ITEMS**

**ADJOURNMENT**

Meeting adjourned at 10:50 AM.

Respectfully Submitted,



Lesley Pugh  
Secretary II