

PUBLIC WORKS COMMITTEE REPORT

October 28, 2009, 1:50 PM

City Council Chambers

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

Members Absent:

Others Present: Steve King, Kevin Slovarp, Doug Harby, Stacy Rye, Jim Hausauer, Dave Prescott, Zane Johnson

I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of [October 21, 2009](#) – Approved as submitted
- B. Announcements – None
- C. Public Comment on Non-Agenda items – None

II. CONSENT AGENDA ITEMS

- 1. Consider an emergency ordinance and an ordinance of the Missoula City Council adopting Missoula Municipal Code Title 15, new chapter, entitled “Grading and Drainage” ([memo](#)).—Regular Agenda (Doug Harby) (Referred to committee: 10/05/09) **REMOVE FROM AGENDA**

Motion: The committee recommends the City Council set a public hearing for November 23, 2009 to consider an ordinance an emergency ordinance adopting Missoula Municipal Code Title 15, new chapter, entitled Grading and Drainage.

Consider an ordinance and an emergency ordinance of the Missoula City Council adopting Missoula Municipal Code Title 12, new chapter, entitled “Parking” ([memo](#)).—Regular Agenda (Doug Harby) (Referred to committee: 10/05/09) **REMOVE FROM AGENDA**

Motion: The committee recommends the City Council set a public hearing for November 23, 2009 to consider an ordinance and an emergency ordinance adopting Missoula Municipal Code Title 12, new chapter, entitled Parking.

Mr. Harby stated that in the process of the zoning ordinance rewrite, they found that some items should be located in other titles. Title 15 already contained a fee schedule for grading and drainage permits, so they added the requirements from the old Title 19 into Title 15. The packet contains a summary of changes. They will send a postcard to architects and engineers referring them to the changes and requesting comments.

Mr. Wilkins asked whether the new ordinance had the same language as Title 19. Mr. Harby replied that they added tighter restraints to comply with air quality, Department of Environmental Quality, and Storm Water Pollution Prevention Plan (SWPPP). They added requirements for carryon and erosion prevention. Houses in the flat areas of town were creating runoff problems for neighbors, so they added requirements for everyone to have spot elevations. They will require drainage easements in new subdivisions that can't be obstructed to protect homeowners from neighbors' drainage. Mr. Wilkins asked they were being requested to pass an emergency ordinance as well. Mr. Harby stated that the regulations don't exist in Title 20, so they would like to expedite the regulations and have them go into effect immediately.

Mr. Wilkins made the motion to set a public hearing for emergency and regular ordinances for the new chapters of Title 12 and Title 15 on November 23, 2009.

Ms. Mitchell stated that because the drainage regulations would have made a difference on University Avenue construction, she thought it was needed and she supported it.

Mr. Wiener asked if they were going to convene a working group for the changes. Mr. Harby stated that they had talked to local architects and engineers, and they did not plan on having a working group unless they received a lot of negative comments. He did not think there was anything controversial in the changes. They would like to get a response before the public hearing, and if there was a common thread of wanting something different, they might convene a group. Mr. Wiener stated that the committee could use time on the 16th to educate people for the public hearing. Mr. Harby stated they were adding a fee for the SWPPP, which would be based on the same fees for grading and drainage and will allow them to enforce SWPPP better. The fee will only apply to lots over 1 acre.

Ms. Mitchell wondered whether the grading and drainage requirements were previously part of Title 19 or were subdivision regulations and asked why the items were being addressed here and not in the subdivision regulations. Mr. Harby stated that in Title 19, the only drainage requirements were for lots with a slope greater than 5%. Problems in various areas have made them decide that the requirements need to apply everywhere.

The motion passed unanimously.

III. REGULAR AGENDA ITEMS

1. Consider a right-of-way encroachment permit for parking at 420 Nora Street ([memo](#)).—Regular Agenda (Doug Harby) (Referred to committee: 09/28/09) **REMOVE FROM AGENDA**

Doug Harby, Construction Project Manager, stated that originally this was a request for an encroachment permit. Engineering had no objection to allowing private parking in public right-of-way (ROW) in certain circumstances, but it was not in the best interest of the City to encumber public ROW with encroachments to meet parking requirements. Instead of an encroachment, they would like to enter into a Memorandum of Understanding (MOU), which would allow the business to post signs for parking on the (ROW), under authority of Missoula Municipal Code (MMC) 10.22.040 and 10.22.070 allowing the City Engineer to post signs for parking on ROW. They created a revocable MOU in which the signs will be removed upon 30 days notice from the City. The parking area will be constructed to City standards and specifications and the City will approve the signs. The area will remain public ROW, and the permittee will not be able to tow or incapacitate vehicles. The MOU will also remain in effect for the current use only. The agreement was sent to the owner's representative, Zane Johnson of Territorial Landworks, who expressed that the owner agreed to the agreement.

Mr. Wiener requested that the signs in the ROW avoid suggesting that people will be towed. Mr. Harby stated they could do that.

Mr. Childers asked why they needed the parking. Mr. Harby stated that it was a mixed use building and the parking on-site meets zoning standards, but they may have trouble getting tenants for the commercial use. They want to offer prospective tenants parking exclusive to them.

The MOU does not require Council approval.

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 a letter agreement for professional services with WGM Group, Inc. in an amount not to exceed \$29,375 for professional services on the proposed SID 548 – 5th / 6th/ Arthur Intersection Improvements project ([memo](#)).—Regular Agenda (Gregg Wood) (Referred to committee: 10/05/09)

V. ADJOURNMENT

Respectfully Submitted,

Jessica S. Miller
Office Manager
City Public Works Department