

PUBLIC WORKS COMMITTEE REPORT

December 16, 2009, 10:30 AM

City Council Chambers

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

Members Absent: None

Others Present: Lyn Hellegaard, Doug Harby, Brian Hensel, Starr Sullivan, Jim Carlson, Steve King, Kevin Slovarp, Mamie Colburn, Ben Schmidt, Ginny Merriam, Donna Scott, Scott Murphy, Craig Henrikson, Jim Nugent, Terry Merlin

I. ADMINISTRATIVE BUSINESS

- C. Approval of the minutes of December 9, 2009 – Will be available at a later date.
- B. Announcements – None.
- C. Public Comment on Non-Agenda items – None.

II. CONSENT AGENDA ITEMS

- 1. Right of way encroachment permit for 434 North Higgins (Liquid Assets) ([memo](#)).—Regular Agenda (Doug Harby) (Referred to committee: 12/14/09) **REMOVE FROM AGENDA**

Motion: The Committee recommends City Council approve a 2 foot wide encroachment permit on the Spruce Street frontage of Lots 6-10, Block M, C.P. Higgins Addition, 434 North Higgins.

Doug Harby, Construction Project Manager, stated that a right-of-way encroachment was granted 22 years ago at this location, on the southeast corner of Spruce and Higgins. The City granted a 2-foot encroachment in 1986 to the Mandels, on the condition that a change of use or ownership would void the encroachment. Several changes of ownership have occurred since then. As part of the North Higgins Streetscape project, staff planned to move the driveway and the void encroachment came to their attention. City Engineering recommends the encroachment be renewed. They will relocate the driveway from Higgins to Spruce Street and will reconfigure the parking to back-in angle parking. Engineering recommends approval of the encroachment.

Mr. Strohmaier made the motion to approve the encroachment permit.

The motion passed unanimously.

III. REGULAR AGENDA ITEMS

- 1. Presentation and discussion of the results of the Odor Characterization Study conducted by Morrison-Maierle. ([memo](#)) ([presentation](#)).—Regular Agenda (Starr Sullivan) (Referred to committee: 12/07/09) **REMOVE FROM AGENDA**

Scott Murphy of Morrison-Maierle, Inc. stated that in response to the notice of violation the City received from the Health Department, they initiated an odor study in March 2009. Morrison-Maierle partnered with Bowker and Associates, which includes odor specialists. They conducted site sampling in July, because that is when temperatures are usually the highest and when most complaints produced. The notice of violation had specific items to address. They have developed a corrective action plan for short-term and long-term solutions.

Craig Henrikson of Morrison-Maierle stated that the study area had a one-mile radius. Four sources were identified as contributing over 60% of odor potential. There were two survey routes, one on each side of the river, where staff went out with a nasal ranger to document odors in the area. Community volunteers kept logs of what they smelled, times, and wind direction. The phone log was helpful, and the hotline received approximately 300 calls. Short-term and long-term solutions were identified. The Thickened Waste-Activated Sludge (TWAS) tank has a temporary odor mitigation system which will be replaced with a permanent one. They did some manhole sealing to reduce odors. A new headworks project is planned, and the solids handling building will need to be addressed. A smaller odor characterization will be needed for follow-up. Eko Compost will develop a plan to better manage the pre-mix piles, as well as a new operation and maintenance plan, which will need Department of Environmental Quality approval. The WWTF and Eko will work together on the sludge collection area.

Mr. Childers stated he appreciated the study. His concern was the cost to Eko Compost, and he hoped it would work out.

Ms. Walzer asked how far significant odors would migrate and whether they could make it downtown. Mr. Henrikson stated that most odors would travel about half a mile, but since most of the odors are hydrogen sulfide based, they can add up and get out over a mile. Two miles is too far, because the further out they get, the more dilution there is. Odors downtown would most likely be from other sources. It was possible that something special might create additional odors not found during the weeklong study.

Ms. Mitchell asked if there were ways to mitigate the odors besides filters and covers, and asked if they anticipated other consequences. Mr. Henrikson stated they need to minimize the amount of air to treat. The solids handling building has airflow discharged from the top of the roof, and if they can close some ventilation and minimize the total airflow out of the building, it will minimize the size of the odor control system.

Mr. Wilkins asked if the study results would change the way Eko Compost did business and the things they take from the community, such as leaves and Christmas trees. Terry Merlin, Plant Manager at Eko Compost, stated that they would like to take in more vegetation to help eliminate more biosolids odors with their green waste programs. They won't take horse and cattle manure from the fairgrounds this year.

Mr. Jaffe asked what other alternatives the fairground had. Mr. Merlin replied that they used to take it to BFI.

Mr. Strohmaier asked if the hybrid poplars project and the effluent it uses would create additional problems later. Starr Sullivan stated that the effluent is not the problem; that water is clean. The influent is the cause of the odors, and odors diminish throughout the treatment process. The poplars won't have an effect on odor issues.

Jim Carlson, Director of Environmental Health, stated that this was still part of an ongoing enforcement action and the next step would be to negotiate and get the compliance schedule on paper, so all parties have to go forward with corrective action.

Mr. Hendrickson asked if the Health Department agreed with the schedule that had been presented. Mr. Carlson replied that they would need to look at it to make sure that everyone was moving forward as fast as practical and that the timeline must be committed to paper.

2. 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) **REMOVE FROM AGENDA**

Motion: The committee recommends the City Council approve and authorize the Mayor to sign a construction contract to award the bid for Reserve Street Sewer Main Replacement Project (Site ID 184) to the lowest responsible bidder, Becco General Construction Services, LLC in the amount of \$266,190.55 and authorize the return of bid bonds.

Mr. King stated that the City collects \$6 million per year for the operation, maintenance, and debt service for the wastewater utility, and they spend about \$1 million per year on sewer replacement and depreciation for the system. Crews in the field every workday clean the lines with high-pressure water, working on 140 miles of pipe per year, and there are 300 miles total in the system. They also have cameras to send down the pipes. The pipe in this project is a larger diameter, 30 inches instead of the typical 8 or 10, and it needs more special care and responsibility.

Mr. Slovarp stated that there had been questions about the process and why the recommended award had changed. This project will replace 400 feet of interceptor south of the Clark Fork River from the treatment plant. The pipe needs to be replaced due to groundwater infiltration caused by pipe erosion. Staff recommended the contract be awarded to Becco. All contractors were present at the bid opening, and all submitted their bids on time. The engineer recommended that Becco's bid not be read out loud during the bid opening because they were not present at the pre-bid conference. After the public left the room, they contacted Jim Nugent, City Attorney, who told them to read the bid out loud. Becco was the low bidder, coming in \$40,000 less than Advanced Earthworks. According to Mr. Nugent, the purpose of obtaining competitive bids is to obtain the best bid for the City and taxpayers. The engineer received the remainder of the information from Becco, and they checked references. Everything discussed in the pre-bid meeting was included in their bid. The pre-bid was to discuss a major portion of the project, bypass pumping, and the subcontractor for Becco was at the pre-bid conference and heard the information they were trying to get across to the contractor. They feel confident that information was passed on.

Mr. Hendrickson asked how old the sewer line was and whether the infiltration into the pipe would reoccur. Mr. King replied that it was part of the original collection system and dated from the 1960s. Mr. Slovarp added that the type of pipe they are putting into place is not susceptible to the same type of erosion as the current pipe.

In response to questions from Mr. Hendrickson, Mr. King stated that they were not bending the rules for the bid. Written within the contract is that the City can identify and accommodate minor irregularities in bid submittals and has the discretion to overlook minor irregularities. The low bidder's subcontractor was present at the pre-bid, and the purpose of the meeting was to inform contractors about the bypass pumping. They are legally able to accommodate minor irregularities. There were complaints from other bidders, specifically Advanced Earthworks, and he had forwarded their attorney's letter as well as Mr. Nugent's response to the committee. They were within their rights to select this bid. Mr. Nugent stated that they did not sound like they were threatening a lawsuit, but the City has been to court before on bid awards. The bidding process is for the benefit of the taxpayer, not the bidder. They made sure the bid was covering everything in the specifications without increasing the bid amount.

Mr. Hendrickson made the motion to award the bid.

Mr. Wilkins asked if Becco was a local company. Mr. Slovarp stated that they had an office in Butte and one in Phoenix as well. They were the subcontractor for the truck barn completed at the Wastewater Treatment Facility, so the city has worked with them in past. Mr. Wilkins stated they were losing jobs in Missoula, and would like to make an extra effort to hire local contractors with local workers. If they have qualified bidders with local people, the \$40,000 bid difference is a wash, because the money will be spent locally.

Mr. Jaffe stated that he felt not reading the bid publicly was the error and that Public Works needed to have a policy discussion about that. He was concerned about language in the Advanced Earthworks' attorney's letter. Mr. Nugent stated that the law does not require a public reading, just a public bid. The attorney's letter refers to the Montana Procurement Act, which the City of Missoula has never adopted. Staff was still in the meeting room when they asked him about opening the bid, and they read it a few moments after people left. There was no evidence someone tampered with or altered the bid, and the reading was a minor irregularity. The next highest bidder is from out of town also. If Council considers hiring a Missoula company to be crucial, that is at their discretion. Council has the ability to waive the minor irregularity, and it is a Council decision.

Mr. Jaffe stated that he was interested in having a discussion about hiring local bidders.

Mr. Childers called the question. The motion to end debate passed with two nays (Michell, Wilkins).

The motion passed with seven ayes, one nay (Mitchell), and one abstention (Wilkins).

3. Approve the Engineering Services Agreement for SID 548 – 5th/6th/Arthur Intersection Safety Improvements project (memo). – Regular Agenda (Gregg Wood) (Referred to committee: 12/11/2009) **HELD IN COMMITTEE**

Mr. King stated that the SID had been created and RFPs had been received. Staff will bring back their recommendation as soon as the contract with the recommended consultant is drafted. The need for public participation for design review was a component of the agreements for the project.

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. 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