

PUBLIC WORKS COMMITTEE REPORT

October 20, 2010 2:20 PM

City Council Chambers

Members Present: Jason Wiener (chair), Ed Childers, Dick Haines, Roy Houseman, Bob Jaffe, Marilyn Marler, Renee Mitchell, Stacy Rye, Dave Strohmaier, Pam Walzer, Jon Wilkins

Members Absent: Lyn Hellegaard

Others Present: Kevin Slovarp, Jack Stucky, Carla Krause, Jessica Miller, Nate Tollefson, Trudy Smith, Mark Huber

I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of [October 13, 2010](#) Approved as submitted
- B. Announcements – None
- C. Public Comment on Non-Agenda items – None

II. CONSENT AGENDA ITEMS

1. Petition 9499—Steven V. Sann; Utility easement located within the Glenn Addition Subdivision (Book 6, Page 23) along the east boundary of Lot 1 and along the common boundary between Lots 5&6 as recorded in the office of the Clerk and Recorder; SUID No. 2172604, 2172104, 2172200; Geocode: 220020425130000, 220020425050000, 220020425150000; Petition for Vacating a Public Utility Easement ([memo](#))—Regular Agenda (Dan Jordan) (Referred to committee: 10/18/10)

Motion: The committee recommends the City Council adopt a Resolution Closing and Vacating all that portion of the 20' Utility Easement granted in Glenn Addition described as the east 10 feet of Lot 6, Glenn Addition, as amended per plat of M & A Addition, Portion C, and the west 10 feet of Lot 5, Glenn Addition.

Dan Jordan, GIS Manager, requested that the committee recommend the City Council adopt a Resolution closing and vacating a utility easement in the Glenn Addition Subdivision. He said all utility companies have provided easement releases and have verified that they have no utilities in the easement, the utility companies have also agreed to release any interest in that portion of the utility easement. Dan said all property owners adjacent to the easement were contacted and the only response received was from Maynard Sticht of Lot 4 who was not interested in participating in the abandonment of the easement on his lot but he did not oppose the abandonment.

Mark Huber of Eli and Associates, Inc. said Steven Sann purchased the property to build apartments and the utility easement is running through the property. Mark said these properties face two major streets and the utility companies would access from those streets. He said there is no subdivision involved.

Several committee members requested an aerial map so they could get a clearer picture of the exact location of the easement; Dan Jordan had a map of the area on the projector to show the utility easement location.

Marilyn Marler made the motion to have the committee recommend the City Council adopt a Resolution closing and vacating all the portion of the twenty foot Utility Easement granted in the Glenn Addition.

Public Comment: none

The motion to vacate the Utility Easement in the Glenn Addition Subdivision was passed unanimously.

2. Petition 9500—Nate Tollefson, Tollefson Construction; All of portion of 38th Street adjacent to and north Lots 5&6 of Bakke Addition located in Section 32, Township 13 North, Range 19 West, P.M.M; Said portion of 28th Street is located between the eastern boundary of the Village 6 Cinema Parking Lot and the western boundary of Lot 7 of Bakke Addition and between the southern boundary of K-Mart and northern boundary of Lots 5&6 of Bakke Addition; Petition for Vacating Public Right of Way ([memo](#))—Regular Agenda (Carla Krause) (Referred to committee: 10/18/10)

Motion: The committee recommends the City Council adopt a resolution stating its intention to consider the vacation of the portion of 38th Street between Dore Lane, Village 6 Cinema, K-Mart and 39th Street in the Bakke Addition and set a public hearing for Monday, November 8, 2010.

Carla Krause, Special Services Administrator, started with a [power point presentation](#) showing an aerial map with the proposed vacated property and the surrounding areas. She said as a part of the proposed project the new gas main would be relocated and the other utility agencies have requested a twenty foot wide easement for ongoing utility maintenance. She said City Engineering and Parks and Recreation have requested a twenty foot wide non-motorized public access easement be added to the public utility easement. She said City staff also recommended a barrier fence be installed on the west boundary. Carla said there were four conditions of vacation being recommended: 1.) Thirty days after approval, the owner of Lots 5 and 6 execute a permanent twenty foot wide public utility and non motorized public access easement to combine with lots 5 and 6; 2.) Within two years after approval the owner of lots 3, 4, 5 and 6 in conjunction with the City, complete the design of the planned development; 3.) Within two years after approval the owner memorialize a non-motorized public access easement over and across the pedestrian pathways from the public access easement to connect with 39th Street; and 4.) Within three years after approval the owner install a non-motorized public pathway in the easement in vacated 38th Street and a barrier fence along the west boundary. Carla said City staff is supportive of the vacation proposal with the listed conditions and would like for the committee to make a recommendation to the City Council to adopt a resolution with the intent to consider the vacation proposal and to schedule a public hearing for November 8, 2010.

Jon Wilkins made the motion to have the committee recommend the City Council adopt a Resolution of intention to consider the vacation and to schedule a public hearing for Monday, November 8, 2010; he also expressed his concern about the additional traffic that would be using 39th Street, especially during rush hour.

Renee Mitchell said with the addition of so many units it would create a lot of traffic and this was a concern; she asked what the total acreage was. Nate Tollefson of Tollefson Construction said the total was approximately two acres. Renee called for the question.

Public Comment:

Trudy Smith with Professional Consultants, said for clarification there were eighty four units, with forty seven single bedroom units and thirty seven two bedroom units. She asked Carla Krause if 9. C of the four conditions for recommending the vacated easement could be amended to read "upon completion of construction" instead of "two years after potential vacation approval" because this project would be built in phases.

The motion to recommend City Council adopt a Resolution of intent and to schedule a public hearing for Monday, November 8, 2010 was passed with ten ayes and one nay with Marilyn Marler voting nay. Marilyn Marler requested to put this on the Consent Agenda.

3. Ordinance revising requirements relating to sewer connection on sale. ([memo](#))—Regular Agenda (Jason Wiener) (Referred to committee 10/18/2010)

Motion: The committee recommends the City Council set a public hearing on November 8, 2010, to consider an ordinance amending MMC 13.04.020 titled "Connection to public sanitary sewer upon property transfer – Required" to grant staff greater discretion to delay mandatory sewer connection.

Kevin Slovarp, City Engineer, said the original six month time extension was primarily for a winter shutdown to allow contractors some flexibility due to frozen ground and other winter conditions. He said the City would like to offer time extensions to include other reasons such as infrastructure projects that would be completed in the near future.

Jason Wiener said if other projects were going to be completed in the same area it would be more efficient.

Jon Wilkins made the motion to recommend City Council schedule a public hearing for Monday, November 8, 2010.

The motion for the public hearing was passed unanimously.

III. REGULAR AGENDA ITEMS

1. Approve and authorize the Mayor to sign an agreement with the Montana Department of Transportation (MDT) for the acquisition of one new street sweeper. ([memo](#))—Regular Agenda (Jack Stucky) (Referred to committee: 10/01/10) **(HELD IN COMMITTEE) NO DISCUSSION**
2. Approve amendment number 9 to existing City/HKM Engineering, Inc. agreement for the Russell Street / South 3rd Street - Environmental Impact Statement Project. ([memo](#))—Regular Agenda (Gregg Wood) (Referred to committee: 10/18/10) **(HELD IN COMMITTEE) NO DISCUSSION**

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. Resolution to restore vacated Inez Street at South 2nd Street to the public trust and public use, and vacate a public access easement that was a condition of the vacation ([memo](#)).—Regular Agenda (Carla Krause) (Referred to committee: 04/26/2010)
4. T4 America partner support ([memo](#)) – Regular Agenda (Stacy Rye) (Referred to committee: 08/16/10) (**HELD IN COMMITTEE**)
5. Use of \$60,000 allocated by FY2011 Budget in Road District #1. ([memo](#))(Five Year Assessments Chart)—Regular Agenda (Ed Childers) (Referred to committee: 09/20/2010) (**HELD IN COMMITTEE**)
6. **[Discussion Date: 10/13/2010]** An [ordinance](#) amending Chapter 15.44 and renaming the chapter from “House Moving” to “Oversize Loads and House Moving” to include oversize loads and update fees and regulations and an [emergency ordinance](#) amending Chapter 15.44 and renaming the chapter from “House Moving” to “Oversize Loads and House Moving” and amending Chapter 5.70 “House Moving” to include oversize loads and update fees and regulations, enacted as an emergency ordinance in order to have terms and conditions clearly established prior to the commencement of the Kearn Module Transportation project, which will move a large number of oversize loads through Missoula. ([Emergency Ordinance - Jaffe - Underline/Strikeout](#)) ([Explanatory Notes – Jaffe](#)) ([Memo](#)) ([PW](#)) ([Wiener Edits 9/28](#)) (**HELD IN COMMITTEE**)

V. ADJOURNMENT

Meeting adjourned 3:15 PM

Respectfully Submitted,

Peggy Diamond
Program Specialist
City Public Works Department