

## PUBLIC WORKS COMMITTEE REPORT

November 10, 2010 2:05 PM

City Council Chambers

**Members Present:** Jason Wiener (chair), Ed Childers, Dick Haines, Lyn Hellegaard, Roy Houseman, Bob Jaffe, Marilyn Marler, Renee Mitchell, Stacy Rye (left at 2:30PM), Pam Walzer, Jon Wilkins

**Members Absent:** Dave Strohmaier

**Others Present:** Steve King, Doug Harby, Bob Hayes, Gregg Wood

### I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of October 27, 2010 Approved as amended  
November 3, 2010 Approved as submitted
- B. Announcements – None
- C. Public Comment on Non-Agenda items – None

### II. REGULAR AGENDA ITEMS

- 1. Develop ordinance language to amend MCC Chapter 12.30, Fences and/or MCC 8.44 Barbed Wire and Electrical Fences. (memo)—Regular Agenda (Pam Walzer)(Referred to committee: 10/25/10) (Attachment)(REMOVE FROM AGENDA)

Pam Walzer said there has been some interest from the public in finding better ways to keep bears and deer out of orchards, gardens, etc. She said she found several inconsistencies in the Fence Ordinance in the electrical and barbed wire fence portions and she asked for the Public Works Department to bring actual ordinance language for the committee to set a Public Hearing on.

Steve King, Public Works Director, agreed there are discrepancies between the ordinances that need to be resolved. He said the first consideration of the Public Works staff was about safety in residential settings and he stressed there needs to be caution about certain fence types. He said neighborhood communities and technology have changed and the wild land interface is changing. Steve said with these types of changes Public Works is supportive of well regulated electrical fences within residential areas. Bob Hayes, an engineering technician staff member, provided a handout (Attachment) listing some of the topics for the committee to consider. Steve asked the committee if they would be interested in having Public Works draft some regulations for their consideration. He said this is a process of discussion, drafting and then referral for hearing.

Pam Walzer said it was unclear if the regulating of a fence is only along the public right-of-way or if the interior section of a property is subject to regulations. She said modern technology has made electric fences much safer than the older versions of electric fences. She said she would like to have Public Works guidance in standardizing the codes.

Steve King said some of the safety considerations with an electric fence is it should be at least 48 inches off the ground so small children or dogs would not normally have contact with the electric fence and it should be set back from a sidewalk or a future sidewalk location to prevent pedestrians from inadvertently brushing against it. He said the City would want to specify voltage limitations based on the standard electric fence that is available commercially. He said Montana Fish Wildlife and Parks web site recommends a minimum of 3000 volts for bear deterrent and he said Public Works would need to get additional information before regulating the voltage so it would be safe and effective. He said in the existing ordinance regarding the regulating of fences on public rights-of way and interior sections it is basically adjacent to the property line and includes any interior place on the property for residential; but for commercial fencing the regulations are not clearly specified and this needs to be reconciled. Steve said if a fence is erected in the city it should meet standards for safety, height, materials etc. whether it is residential or commercial and these are some of the recommendations the Public Works Department would bring to the committee to help clarify some of the ambiguities in the existing ordinance.

Roy Houseman said the current ordinance says electrical fences are permitted to secure animals for agricultural purposes or when located in areas frequented by wildlife. He said we definitely need some regulations and should

consider including underground electrical fences used to keep pets in; he would not want to totally ban a particular type of fence.

Jon Wilkins said his concern is the safety issues for barbed wire and electrical fences. He said he lives in a neighborhood that has children walking to school and their safety is a high priority.

Marilyn Marler said she is also in favor of resolving the conflicts in the current ordinance but she only wants electric fences in bear zones. It is inappropriate to have electric fences in town to keep deer out of yards, this would only concentrate the deer in yards of people who opt not to have electric fences and this does not address the problem of urbanized deer population.

Steve King said he understands that the committee would like some more research and information from the Public Works staff and he said the department would bring back a proposal at a future date.

Jason Wiener said this would be rescheduled at a later date.

2. Discuss needed improvements to Curtis St (between 3<sup>rd</sup> and River Rd), and timelines/budgets/funding sources related to those improvements. ([memo](#)) Regular Agenda (Marilyn Marler) (Referred to committee: 10/25/10) **(REMOVE FROM AGENDA)**

Marilyn Marler said she has been in contact with her constituents and the residents are interested in improvements to Curtis Street and they would like to have an update from Public Works. She said they would like to know when they can expect improvements.

Steve King, Public Works Director, said this neighborhood has been proactive and the neighborhood put together an infrastructure plan several years ago that had a good foundation of priorities but now needs to be updated with validation from the neighborhood that Curtis Street is a high priority, and the neighborhood would support an assessment project for sidewalks. He said Public Works does not have any current plans or projects for Curtis Street primarily because they have not heard from the neighborhood.

Doug Harby, Project Manager, said they were trying to get the sewer SID's paid for before the department came forward with sidewalk improvement projects. He said Curtis Street is in the Master Sidewalk Plan and is considered part of the sidewalk network. Doug said the total cost of the street reconstruction project would be approximately \$420,000.00 to complete the missing curbs and sidewalks. He said Curtis Street could be added as a priority with neighborhood support and interest and with the support of the area council members.

Marilyn Marler asked if the assessments would pay for the streets or just the curbs and sidewalks. Doug said it would be curbs and sidewalks. Marilyn said there are several cul-de-sacs along Curtis and she felt that many of the interested parties did not live right on Curtis Street.

Ed Childers asked if in the interim of the process for Curtis Street, could the raised walk way on the side of the street be marked or delineated with reflectors etc. so that people would know that this was a walkway and not a driveway.

Steve King said they would look at several types of surface mounted traffic control, such as delineators or painted areas, etc. that would highlight the area because it is dysfunctional and does need help. He said he would see what the Public Works Department could do in the interim.

#### Public Comment:

Dax Kuehn, vice chair of the River Road Neighborhood Leadership Council, said he could assure them that Curtis Street is of the highest priority as far as safety concerns; it is one of two north/south bound arteries through the neighborhood. He said the Emily Dickenson School has tripled their parking lot by adding an additional eighty six parking spaces and the school averages four to five hundred people a day. He said the school is directly on Curtis Street so this increases the traffic dramatically. He said he cannot emphasize enough the importance of safety issues on Curtis Street.

Jim Iverson said he is the last large property owner on Curtis Street with over three hundred linear feet adjacent to Curtis. He agrees that it does need to be improved but the issue is money to do the project with. He said his taxes doubled for twenty years with the sewer SID. He said if you ask all the property owners including the cul-de-sacs and get a consensus that they are all willing to help pay for the curbs and sidewalks he would be on board. He would like to see the statistics that there are safety issues. He said the issue is it needs to be fixed but he thinks ALL neighborhood

owners should share in the expense. He said he is aware that he is going to be obligated to put in curbs and sidewalks when he develops his property and would not oppose this if it could be incorporated with the development.

Dick Haines asked Steve King if Curtis Street is the City's highest priority.

Steve King said public safety on a complete or incomplete street is a high priority. He said the initiative would need to come from the neighborhood, the people who would be asked to pay for it, and if they want to pay for it then Public Works would be very supportive in organizing and contracting the project; if the neighborhood property owners do not want to pay for it, it would not be a priority of the Public Works Department. He suggested a mail survey for assessments or an SID to see if there is popular support from the neighborhood.

Jon Wilkins asked Dax Kuehn if he tried to petition the property owners on Curtis Street to see if they are willing to pay for this project because unfortunately the largest share of the expense will be to the adjacent property owners.

Dax Kuehn said he had not done a formal petition but they would do whatever is necessary to push this as a priority.

Marilyn Marler wanted to clarify that sidewalks are controversial projects that come to city council. She thinks the neighborhood council leadership team should submit a written statement saying Curtis Street is a high priority with names and addresses and commitments from the property owners.

Jon Wilkins wanted to thank everyone that donated socks for Valor House.

### **III. 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 2<sup>nd</sup> 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: Referred to committee: 08/16/10) (**HELD IN COMMITTEE**)
5. Use of \$60,000 allocated by FY2011 Budget in Road District #1. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 09/20/2010)
6. Ordinance revising requirements relating to sewer connection on sale. ([memo](#))—Regular Agenda (Jason Wiener) (Referred to committee 10/18/2010)

### **IV. ADJOURNMENT**

The Meeting adjourned at 3:00 PM

Respectfully Submitted,

Peggy Diamond  
Program Specialist  
City Public Works Department