

**PUBLIC WORKS COMMITTEE REPORT**  
**June 24, 2009, 1:30 PM**  
**City Council Chambers**

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

**Members Absent:** Jon Wilkins

**Others Present:** Gregg Wood, Starr Sullivan, Steve King, Monte Sipe, Kevin Slovarp, Phil Smith, Stacy Rye

**I. ADMINISTRATIVE BUSINESS**

- A. Approve minutes of June 17, 2009 as submitted or corrected – Approved as submitted
- B. Announcements – None
- C. Public Comment on Non-Agenda items – None

**II. CONSENT AGENDA ITEMS**

1. Recommendation to award the Dickens Street lift station replacement contract to Patterson Enterprises for \$74,254.90 (memo).—Regular Agenda (Starr Sullivan) (Referred to committee: 06/22/09) **REMOVE FROM AGENDA**

**Motion:** The committee recommends the City Council approve and authorize the Mayor to sign the contract for the Dickens Street Lift Station Replacement to Patterson Enterprises for \$74,254.90 and return all bid bonds.

Starr Sullivan, Wastewater Superintendant, stated that this was a straightforward project. It is the third lift station they are rehabilitating.

Mr. Childers asked if Patterson Enterprises did a lot of concrete work. Mr. Sullivan replied that there was not much concrete in the project.

Mr. Childers made the motion.

Mr. Wiener asked how they certify contractors for the kind of work if it was not their main area of expertise. Mr. Sullivan stated that the consultant makes a list of items they look at and evaluate. Patterson Enterprises is a suitable contractor based on their past work. This is a relatively small and straightforward project.

The motion passed unanimously.

2. Change order #7 to Project #07-006 E. Main/Ryman sewer and street construction contract with Patterson Enterprises (memo).—Regular Agenda (Monte Sipe) (Referred to committee: 06/22/09) **REMOVE FROM AGENDA**

**Motion:** The committee recommends the City Council approve and authorize the Mayor to sign Change Order #7 to the Contract between the City of Missoula and Patterson Enterprises for the E. Main/Ryman sewer and street construction project in the amount of \$6,700.

Monte Sipe, Construction Project Coordinator, stated that this was change order seven for the E Main and Ryman sewer project, which was done over a year ago. They have been working with Patterson to finalize it to process the payment. Change orders one through six were approved administratively. This change order involves a \$4,500 incentive from a clause in the contract. It was performance-based and time-sensitive. The incentive was not part of the original bid. The other portion of it is \$3,000 for additional bypass pumping and traffic control.

Ms. Mitchell asked if the change order came toward the end of the project and Patterson was asked to go back and redo something. Mr. Sipe stated they had been dealing with the change order for about a year, and were now toward the end of the project. They were trying to resolve all the change order items at the end because the project was time-sensitive. Ms. Mitchell asked if the contractor would feel they were adequately compensated. Mr. Sipe stated they had been working with the contractor on the amounts.

Ms. Mitchell made the motion.

Mr. Childers stated that he would like to see the amounts in a table instead of in a narrative.

The motion passed unanimously.

Mr. Hendrickson asked if there was a similar incentive for early completion on the Higgins/Hill/Beckwith roundabout or the Scott Street bridge. Mr. Slovarp stated that there was not one for the roundabout, and he did not think there was one for Scott Street, either. Both are State projects, so the City would not have a say in the decision, but they could make a recommendation to the State.

3. West Reserve Phase 3 – sewer and water project update ([memo](#)).—Regular Agenda (Gregg Wood)  
(Referred to committee: 06/22/09) **REMOVE FROM AGENDA**

**Motion: The committee recommends the City Council approve and authorize the Mayor to sign Amendment Number 7 to HDR, Inc.'s Engineering Services Agreement contract for the West Reserve Phase 3 Project in an amount not to exceed \$104,950.42 to close out the project.**

Mr. Wood stated that they had finalized the construction contracts, and this item was the engineering wrap-up. There was extra work for the contractor claim resolution and the consultant close-out. The changes to this contract were brought to committee as information items on June 18 2008, and April 15, 2009. They knew they would go over the agreement amount because of the schedule. A portion of that is offset by liquidated damages to the contractor. At that time, the committee expressed its preference to bring only one change order at the end of the project. The project is now complete, except for some punch list items and Department of Environmental Quality (DEQ) finalization. The referral contains costs associated with the contractors' time.

Mr. Wiener asked for clarification that the contract was \$324,000 for the current consulting services agreement prior to the change order. Mr. Wood stated that the contract included other phases of the project, but that the attachments and quantities presented are being limited to Phase 3. As of April 15, HDR was \$30,000 over the contract amount, with further costs involving the contractor and mediation still to be determined. The contractor, Embe, was assessed \$52,500 in liquidated damages for being 105 days over contract. If all had gone as planned, HDR would have been below the contract amount.

Mr. Childers asked for clarification on the amendment and the recommended motion. Kevin Slovarp, City Engineer, stated that Amendment 7 totaled \$104,950.42. The total contract price for engineering services in Phase 3 is \$429,047.32, including the Amendment 7 amount.

Ms. Walzer made the motion to approve and authorize the Mayor to sign Amendment 7 for \$104,950.42.

The motion passed unanimously.

4. Approve and authorize the Mayor to sign a contract with the Montana Department of Transportation for CMAQ 8199 (87) for the Bicycle-Pedestrian Program ([memo](#)).—Regular Agenda (Phil Smith) (Referred to committee: 06/22/09) **REMOVE FROM AGENDA**

**Motion: The committee recommends the City Council Approve and authorize the Mayor to sign a contract with the Montana Department of Transportation for CMAQ 8199 (87) for the Bicycle-Pedestrian Program in the amount of \$34,400.**

Phil Smith, Bicycle and Pedestrian Coordinator stated that this was the 13th year of the contract, but the first time the agreement had come before Council. It is a revenue contract with the state. The contract needs to go through Council. It is Congestion Mitigation and Air Quality (CMAQ) money to implement programs for the bicycle and pedestrian office, such as the bicycling ambassadors, Bike/Walk/Bus Week, and the pedestrian awareness campaign. There is a time element to the contract. The contract was received Friday, June 19, and the agreements begin July 1 for Fiscal Year 2010. Per Jim Nugent, the Public Works Committee can authorize the Mayor to sign the document so that it can be sent to Helena in time for their signatures and be ratified by the Council at the next regular meeting. The bicycling ambassadors started on June 15 under the current grant, which ends June 30, and a delay in the contract would require them to stop working until the contract was signed. Steve King, Public Works Director, stated that the contract had been approved administratively in the past, which is corrected now that they realize it requires Council approval.

Mr. Jaffe stated that he had some questions about the money and how it was used. He asked what would have happened if the contract were not submitted right away. Mr. King stated that the bicycle ambassadors would need to be furloughed after June 30, until its approval. Any issues with the program could be discussed with changes implemented for the following year.

Mr. Jaffe made the motion to approve and authorize the Mayor to sign the contract.

Mr. Wiener stated that the programs would be funded in FY2010.

Mr. Hendrickson asked if the contract was outside Public Works' budget. Mr. King stated that it was a pass-through grant included in the budget, but was not from the general fund. Mr. Hendrickson asked whether it would be up for discussion in the next Budget Committee of the Whole meeting if Council members had questions. Mr. Wiener stated that the contract specifies what is funded. Mr. King stated that if members had questions about the priorities within the grant program, this summer is not the time to make changes, but staff would be happy to discuss priorities for future changes. Mr. Smith stated that he would be happy to discuss priorities with the committee and individually, and that they did not need to wait until the next budget cycle to look at those aspects of the programs.

Ms. Rye stated that she had concerns as well, and would like the Council to discuss them at some point. The contract contained a provision to facilitate non-automobile travel, but there is a lack of general fund money for bicycle and pedestrian facilities. She would like to see priorities for infrastructure instead of the programs. They have been waiting to pave the riverfront trail, which gets 10,000 commuters per day. In winter the trail is difficult to maneuver due to snow and ice, and a paved path would be easier. Having that paved would be a better priority than this program.

Ms. Walzer asked if the \$34,000 was only for the items listed, and did not run the whole bicycle/pedestrian program. The grant includes other items in addition to the ambassadors. Mr. Smith stated that the grant included a budget and list of items, but the bicycle/pedestrian office does other things as well.

Ms. Walzer asked whether the locations for the short-term bike facilities and corral had been identified. Mr. Smith stated that he takes requests all year and has 12 facilities spoken for. The location of the corral is up for discussion. Ms. Walzer asked if the item for bicycle and pedestrian safety was just for publicity, or for helmets and training as well. Mr. Smith stated that the item was almost entirely for promoting responsible bicycle and motorist behavior. They do trainings as well, but those aren't a high-cost item. They don't have money for TV and radio spots anywhere else.

Mr. Strohmaier stated that he would like to have some committee time for the bike ambassadors at the end of the summer, in addition to their presentation at council. He would like metrics to measure the success of the program.

Mr. Wiener clarified that in item C of the contract, it should specify Bike/Walk/Bus Week for 2010, not 2009.

The motion passed unanimously.

### **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. 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. Discussion item to consider vacating portions of an 1896 petition County road on the westerly side of Miller Creek Road. ([memo](#)) (Monte Sipe) (Referred to committee: 10/6/08)
4. Discussion item regarding complete streets. ([memo](#)) (Jason Wiener) (Referred to committee: 10/27/08)
5. Information item to present the City's Master Sidewalk Plan. ([memo](#))—Regular Agenda (Doug Harby) (Referred to committee: 01/12/09)
6. Discussion of local, city-sponsored energy production ([memo](#)). (Ed Childers) (Referred to committee: 12/22/08)
7. Authorize speed limits ([memo](#)) ([Speed Limits Memo – Steve King](#)) ([Presentation Maps](#)).—Regular Agenda (Ed Childers) (Referred to committee: 12/08/08)
8. Change the speed limit on George Elmer Drive to 30 mph throughout. ([memo](#)) (Bob Jaffe)
9. \$500 rebate or coupon toward connection of sewer through December 31, 2009 for existing homes. ([memo](#)) ([SDF Ordinance Changes](#)) ([SDF Analysis](#)) (Returned from Council floor: 05/18/2009)
10. Discussion on the leaf removal program ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 06/08/09)
11. [Resolution](#) of intention to close and vacate certain portions of Miller Creek Road and Lower Miller Creek Road generally located between Briggs and the "Wye". ([Resolution A](#)) ([Resolution B](#)) ([Staff Report](#)) ([map-6 MB file size](#)) ([memo](#)) ([PW](#)) (Returned from Council floor: 4/13/09)
12. Resolution to order alley approach improvements project 09-037 Block 73, school addition between Cowper and Bulwer St ([memo](#)).—Regular Agenda (Doug Harby) (Referred to committee: 06/22/09)
13. Miller Creek road improvements – WGM Group agreement amendment no. 3 ([memo](#)).—Regular Agenda (Monte Sipe) (Referred to committee: 06/22/09)
14. Discussion on new yield to bus legislation. ([memo](#)) – Regular Agenda (Jason Wiener) (Referred to committee: 06/29/09)

#### **IV. ADJOURNMENT**

Respectfully Submitted,

Jessica S. Miller  
Office Manager  
City Public Works Department