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# MEETING MINUTES

## IMPACT FEE ADVISORY COMMITTEE

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***May 4, 2015 3:00-4:30pm***

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Development Services Conference Room – 435 Ryman, Missoula, MT 59802.

**Members Present:** Janet Donahue; chair; Dick Ainsworth, Jerry Ford, Derek Goldman, John Freer, Kate Sutherland.

**Members Absent:** Jim Galipeau; Nick Kaufman.

**Staff Present:** Bruce Bender, Leigh Griffing, Dale Bickell, Kevin Slovarp, Donna Gaukler, Mike Haynes, John Wilson, Dee Andersen.

### **Administrative Business**

- A. Minutes to approve dated: [November 20, 2014](#)

**Dick Ainsworth moved to approve, Kate Sutherland seconded the motion. Minutes were approve as submitted.**

- B. Public Comment: None

### **New Funding Requests:**

- A. Grant Creek Trail –I-90 Intersection Improvements
- [Funding Criteria Form](#)
  - [S-03 CIP Form](#)

This project has been in the Capital Improvement Program (CIP) for the last 2 years. The City attempted to acquire a Federal Lands Access Grant (FLAG) and was unsuccessful. Improvements are needed for this access into town in the southbound direction. In its current configuration, there is not enough room to merge into traffic causing congestion. The enhancements include two south-bound through lanes, a bike lane, and one dedicated right turn lane north of the intersection. This project is 100% eligible. The City and Montana Department of Transportation (MDOT) are planning to partner together to complete this project. Since the grant application was unsuccessful, City Engineer, Kevin Slovarp requested \$200,000 in impact fee revenue, which is half of the total project cost estimates.

The committee discussed the capacity increase and the methodology used. There were concerns that this project was not new development.

Bruce Bender said it's an unusual situation as it is a 100% capacity expansion.

Janet Donahue stated that it was not a high ranking CIP.

Mr. Slovarp said the state would match the funding of whatever the city could provide.

**Motion: John Freer moved to approve up to \$200,000 of transportation impact fee funding for the capacity increase to the south bound lanes of Grant Creek Road at I-90 Intersection using methodology # 2.**

**Jerry Ford seconded the motion.**

**Upon a voice vote, the motion carried unanimously.**

B. Grant Creek Trail Guardrail

- [Funding Criteria Form](#)
- [PR-08 CIP Form](#)

This is an addition to the Grant Creek Trail project. A protective guardrail needs to be installed on a dangerous curve near the nature preserve to provide a safe separation between the road and the trail. It was planned to be part of the trail initially at the request of a land owner. The cost estimate is \$45,000.

Parks and Recreation Director, Donna Gaukler, said there may also be another request in the fall for 200 feet of trail. They are working with the County to come up with a realistic cost estimate. There have been estimates but she is unsure if they are accurate.

Ms. Donahue read comments from Nick Kaufman who was unable to attend the meeting. Mr. Kaufman thought perhaps the original project was designed to come in stages. He had concerns that impact fee revenue was being used to fill in short falls, which seems to be a pattern. Since the Park Bond was issued, he wanted to know how this project fit in with that?

Ms. Gaukler said her team has been trying to be conservative. Because of the location of the trail they are limited to where they can go. There were concerns that the road would slide. The \$45,000 was a negotiated deal with the easement to the wildlife preserve. It has become a road issue. We want to make sure cars are safe on the road.

**Motion: Kate Sutherland moved to approve Parks Impact Fee funding up to \$45,000 for the Grant Creek Trail project, if it is deemed necessary**

**Dick Ainsworth seconded the motion.**

**Upon a voice vote, the motion carried unanimously.**

South Ave Right of Way Acquisition

- [Funding Criteria Form](#)
- [S-17 CIP Form](#)

This project was constructed in 2005. It widened the street and added sidewalks, curbs, gutters, new parking, turn lanes, and pavement. Third party engineering and legal advice assured the City there was adequate public right-of-way to proceed without acquiring property through purchase or easement. The City was sued about the right-of-way

issues and lost in both District and Supreme Court. The courts ruled that the City did not have adequate right-of-way and in some cases adjacent land owners to the project area were entitled to compensation. The costs determined by the court is a total of \$301,866.

Mr. Bender said he was not requesting any legal fees and feels the project is eligible for impact fee funding.

Mr. Freer said the cost's occurred back in 2005.

Ms. Donahue said she understood why it was brought forward but could not support this.

Mr. Ainsworth also said he will not support this request as this is not what impact fees are intended to do. He stated this was a debacle from the start.

Mr. Ainsworth asked if WGM paid any of these costs.

Mr. Bender said they helped pay for legal fees.

**Motion: Mr. Ainsworth moved to deny impact fee funding for this project.**

**Mr. Ford seconded the motion.**

**Upon a voice vote, the motion carried unanimously.**

Missoula to Lolo Trail/ Bitterroot Corridor Improvements

- [Funding Criteria Form](#)
- [S-06 CIP Form](#)
- [PR-10 CIP Form](#)

Ms. Gaukler and Mr. Slovarp have been working on this project with the County Public Works Department. This trail will become a vital transportation link for current and future residents of Missoula and western Montana. It will enhance the City's regional tourism draw and provide connection to the recreational trails at Blue Mountain Recreation Area.

The City portion of the trail will connect to the County portion of the project, near Buckhouse Bridge, then east to Reserve Street. It will cross Reserve with a separate grade crossing and continue along to the existing Bitterroot Branch Trail. Missoula Redevelopment Agency will be installing the separate grade crossing with \$5 million from URD III. The funds required to complete City obligation of the TIGER (M2L) grant is \$227,319.81

Ms. Donahue is a member of the Larchmont Country Club and that makes her a part owner and she wanted to declare that.

The committee discussed the details of the project and the methodology used in the criteria form.

Ms. Donahue asked what the committee had approved so far.

Ms. Gaukler said \$393,000.

Mr. Bender stated that trying to determine the growth on a trail is difficult. He asked if there were any numbers or projections.

Ms. Gaukler said they can assume a minimum of 6% growth which is standard on other trails that are well used. They do have counts, but it's hard to extrapolate what the Miller Creek residents will do. On the Milwaukee Trail we are getting 3,000 visits a day. I think we will get a significant increase or we wouldn't have been able to get the MRA on board

Mr. Bender said this trail would not get those numbers, but there is no doubt there would be a huge increase.

Mr. Slovarp pointed out that there are entitled lots in the Miller Creek area and there is probably another 900-1000 homes yet to be built.

The committee discussed ways of getting the project funded within the outlined criteria. Whether to split it out from the prior approved Hwy 93 project, or submit as a new project.

Mr. Bender said it's a bit confusing, we are chopping the old US Hwy 93 portion of the project off and this is what it will cost to build the trail.

Ms. Gaukler said this section of the trail it is a new request, but is part of the total project. She said if you look at current project it would be \$71,000 of the \$227,000 we are requesting. If you subtract the \$71,000 you get \$156,000.

Ms. Sutherland said she would support the \$156,000 request.

Ms. Donahue agreed.

**Motion: Ms. Sutherland said in regard to the \$5,156,000 project which will be rewritten to reflect just this section, she moved the committee recommend the approval of up to \$156,000 in Parks Transportation Impact Fees for this project.**

**Mr. Freer seconded the motion.**

**Upon a voice vote, the motion carried unanimously.**

## **Adjournment**

The meeting was adjourned at 4:30pm

Respectfully submitted,

*Dee Andersen*

*For a verbatim recording of this meeting please contact Dee Andersen 406-552-6110*