



# **PUBLIC WORKS COMMITTEE AGENDA**

**Tuesday September 28, 2021 – 5 PM | Council Chambers, City Hall.**

1. Call meeting to order
2. Approval of Minutes
  - a. August 24, 2021
3. Public Comment - *Limit to three minutes per person*
4. Old Business
  - a. LIHWAP – CAO Green
5. New Business
  - a. Terry/Kathy White City Property Abandonment Request – CAO Green
  - b. Mitchell Street Concerns – CAO Green
  - c. Denty ROW Excavation Request – CAO Green
  - d. Public Works Monthly Report – Trent Freeman
6. Staff Comments
7. Announcement of the next meeting:
  - a. October 26, 2021
8. Adjournment

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## **Public Works Committee**

Garbage | Sewer | Streets | Trees | Wastewater | Water

## **Members**

John Henderson | Anthony Savalla | John Molendyke

# PUBLIC WORKS COMMITTEE MINUTES

**Tuesday, August 24, 2021, at 5PM | Council Chambers, City Hall.**

**Members Present:** John Henderson & Anthony Savalla  
**Members Absent:** John Molendyke  
**Mayor:** Diana Solle  
**CAO:** Jordan Green  
**Council Member:** None  
**Staff:** Trent Freeman, Cyndi Thompson  
**Consultants:** None  
**Guests:** See Sign in Sheet

**1. Call Meeting to Order**

Vice Chairperson Savalla called the meeting to order at 5:05PM.

**2. Approval of Minutes**

July 26, 2021 – Member Henderson motioned to approve the minutes. Vice Chairperson Savalla seconded the motion. 2 Ayes, 0 No's, 1 Absent. Motion passed.

**3. Public Comment - Limit to Three Minutes Per Person**

None.

**4. Old Business**

None.

**5. New Business**

a. ROW Occupancy Permit: 718 4<sup>th</sup> St, Concrete Pads in Alley

CAO Green, the resident wants to add 3 concrete pads off the existing garage.

There will be no impediment to movement of vehicles through the alley as the concrete pads will simply extend to the alley and not enter the actual thoroughfare portion of the City right-of-way.

There are City utility lines running underneath the alleyway. Staff recommendation is to approve on the condition that the property owner is made aware that the concrete pads can be removed or altered at the property owner's expense should the City have a valid reason to do so, such as the placement of new utility lines, repair or maintenance of existing lines, or the creation of new facilities or infrastructure. For this reason, staff recommends the applicant also consider the driveway approaches be constructed out of gravel instead of concrete, but that the ultimate decision be that of the property owner who would assume all risks associated with the placement of permanent concrete pads above on City property.

As the traffic thoroughfare is not impacted or encroached upon by the right-of-way encroachment, there will be no impact on the delivery of emergency services.

Staff finds no potential detriment to public health, safety, welfare, or adjacent properties because of the approval of this encroachment.

Vice Chairperson Savalla as long as the owner is aware of the utilities underground and there is adequate drainage of water with the proper grade.

CAO Green, I don't see any impact of drainage.

Vice Chairperson Savalla motioned we pass this on to Council with the stipulation that the homeowner is aware of existing utilities underneath and their responsibility to replace anything that has to be disturbed due to the utilities. Member Henderson seconded the motion. 2 Ayes, 0 No's, 1 Absent. Motion Passed.

b. City Abandonment of Property for 413 Park St.

**Request:**

Peggy White, of 413 Park Street, submitted a Request for Abandonment of City Owned Property to me on August 13, 2021. White requests that the city abandon and deed to herself the portion of the West Missouri Avenue right-of-way directly north of her property at 413 Park St. The purpose of said abandonment is to create a usable backyard for the property, as the current northern boundary line for 413 Park St is only about 5 feet removed from the structure. White submitted for a right-of-way encroachment permit previous to this abandonment request for the placement of a fence on City right-of-way, which was denied at City Council on August 2, 2021, with a vote of six for denial, one against denial, and one absent. Due to the unique characteristics of the site which would limit use of the backyard should a fence be placed on the property line, I met with White on August 13, 2021, to discuss the possibility of abandoning and deeding the land as a better alternative to simply encroaching on the City right-of-way.

**Staff Recommendation:**

Staff recommends the abandonment of the City owned property described as the approximately 25' by 50' section of the West Missouri Avenue right-of-way directly north of 413 Park Street to the applicant **for the sale price of \$4,000.**

Staff also recommends the Public Works Committee and City Council require the new property boundary be located two feet south of the Qwest utility box currently in the West Missouri Avenue right-of-way. Furthermore, staff recommends the Public Works Committee and City Council require the applicant to contact the utility company that owns the box to explain the proposed abandonment and get approval that company has no issue with the change in property boundary. Staff also recommends the applicant be responsible for any and all conditions the utility company requires to approve the change in property boundary, and that the City should not be held responsible for any interactions between the utility company and the applicant after the filing of the quitclaim deed.

Upon recommendation of the abandonment by the Public Works Committee, the applicant will be responsible for obtaining letters of no objection from 51% or higher of adjacent property owners. However, adjacent landowners to the property are the City of Deer Lodge and Katherine White of 117 West Milwaukee Avenue. For the purposes of this property abandonment due to limited adjacent landowners, staff recommends the City requests a letter of no objection by Katherine White be submitted to the City to ensure there are no other claims to the land besides the City and the applicant.

Requiring a different sale price is at the discretion of the Public Works Committee and City Council.

Upon obtaining the letters of no objection required, the request for abandonment and Public Works recommendation will be scheduled for duly noticed public hearing before the City Council. All public notice fees will be paid by the applicant. Should the Council resolve to sell the property by a two-thirds vote as required by MCA 7-8-4201(2)a, the applicant will be responsible for contracting a licensed surveyor to file a Certificate of Survey adjusting the property boundary and a Quitclaim deed with the Powell County Clerk and Recorder. These documents must be approved by the City and be in full adherence to City of Deer Lodge subdivision review exemption requirements. All surveyor, survey review, and filing fees will be the sole cost of the applicant.

Member Henderson motioned to accept the Abandonment of Property at 413 Park Street as stated in the staff report for the sale price of \$4,000 and move it to City Council. Vice Chairperson Savalla seconded the motion. 2 Ayes, 0 No's, 1 Absent. Motion Passed.

- c. LIHWAP (Low-Income Home Water Assistance Program)  
CAO Green, The Public Works Supervisor received a letter in the mail from Department of Public Health and Human Services about the Low-Income Home Water Assistance



Program from October 1, 2021, through September 30, 2023. The LIHWAP is a temporary Low-Income Home Water Assistance Program developed to provide low-income households assistance in paying their water and wastewater bills. Funds will be sent directly to Public Works System Operators to be credited to income eligible household accounts to reduce arrearages, prevent shutoffs, and reduce monthly rates. This program is slated to operate from October 1, 2021, through September 30, 2023. Household will apply for assistance through coordinated with the Low-Income Energy Assistance (LIEAP) program.

There was a discussion amongst the committee and staff on how bills would be paid by DPHHS and discussed topics within the contract.

CAO Green: This was presented to you for your recommendation to continue moving on with it and ask any questions you may have that I can address with DPHHS. Based on your comments, I will reach out to DPHHS about water shut offs should we need to shut it off due to non-payment from the customer. How we would receive payments from DPHHS. Our utility bills and how they are broken down and itemized, will there any sort of issue with the way its itemized. I will be able to bring answers back to the committee at our next meeting.

Vice Chairperson Savalla motioned for staff to continue to research the program offered by DPHHS. Member Henderson seconded the motion. 2 Ayes, 0 No's, 1 Absent. Motion Passed.

d. 2021 Street Maintenance Project Final Pay Estimate for Approval to Finance and Council

Public Works Supervisor, Trent Freeman, This is the first and final pay estimate for the street project in the amount of \$279,764.13 it is approximately \$5,00-\$6,000 over what was anticipated, but it is still under budget.

Vice Chairperson Savalla motioned to approve the 2021 Street Maintenance Project Final Pay Estimate in the amount of \$279,764.13 and recommend to Finance and Council. Member Henderson seconded the motion. 2 Ayes, 0 No's, 1 Absent. Motion Passed.

e. Brookside Sewer Project Pay Estimate for Approval to Finance and Council.

Public Works Supervisor, Trent Freeman, This is the second pay estimate for Brookside Sewer Project in the amount of \$ 109,657.60. This project came in under budget. The only thing that remains is some minor grating on Brookside, alley surfacing, plus the asphalt surfacing on Center Street. 3 residents that had septic systems, one hooked in, one resident paid to have a brand-new line ran from his property to the new main. It was a shared line, so he wanted to hook up to the main line to improve flowage. He paid the contractor directly at a reduced price since the hole was already dug. Out of the 4 properties that were dug, 2 of them are on and two of them are off with potential of one to get done in the future.

Vice Chairperson Savalla motioned to approve the Brookside Sewer Project Pay Estimate in the amount of \$ 109,657.60. and recommend to Finance and Council. Member Henderson seconded the motion. 2 Ayes, 0 No's, 1 Absent. Motion Passed.

- f. JC Park Trails Project Final Pay Estimate for Approval to Finance and Council.

Public Works Supervisor, Trent Freeman, This is the first and final pay estimate for the JC Trails project in the amount of \$35,233.11. This project came in under budget.

Vice Chairperson Savalla motioned to approve the JC Park Trails Project Final Pay Estimate in the amount of \$35,233.11 and recommend to Finance and Council. Member Henderson seconded the motion. 2 Ayes, 0 No's, 1 Absent. Motion Passed.

- g. Department of Public Works update

Public Works Supervisor Trent Freeman summarized ongoing and completed projects. Updated the committee on hiring a new Wastewater Treatment Plant Operator.

**6. Staff Comments:**

- a. None.

**7. Announcement of the next meeting**

- a. Next meeting: September 28, 2021, at 5pm.

**8. Adjournment**

- a. Meeting adjourned at 6:15pm.

Prepared by Cyndi Thompson, City Clerk

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John Molendyke, Chairperson

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Date

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**Public Works Committee**

Garbage | Sewer | Streets | Trees | Wastewater | Water

**Members**

John Molendyke (Chair) | John Henderson | Anthony Savalla (Vice)