

Missoula City Council Public Works Committee Minutes

**September 29, 2021, 11:15 am
ZOOM Webinar**

Members present: Stacie Anderson, Mirtha Becerra (chair), John P. Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Sandra Vasecka, Bryan von Lossberg, Heidi West

Members absent: Jesse Ramos, Amber Sherrill

1. ADMINISTRATIVE BUSINESS

1.1 Roll Call

1.2 Approval of the Minutes

The minutes were approved as submitted.

1.2.1 PW Committee Minutes 9/22/2021

2. PUBLIC COMMENT

3. COMMITTEE BUSINESS

3.1 Flynn-Lowney Ditch Acquisition from the Hellgate Valley Irrigation Company

Logan McInnis Deputy Public Works Director for Utilities presenting,

The Flynn-Lowney Ditch is diverted off the river close to Iminagation Brewing and continues down Mullan Road and then split several times to serve properties. The Flynn-Lowney Ditch is owned by the Hellgate Valley Irrigation Company (HVIC), and over the years, they have had issues maintaining the ditch and keeping enough water in it. The City realized that the Mullan BUILD project would need to construct several expensive bridges to cross this ditch. After talking with HVIC they agreed to sell the ditch assets to the City, and the money would be used to drill wells for active irrigators and other compensation for other company shareholders. The shareholders approved the save with a majority vote.

The Acquisition benefits include reduced cost of the BUILD project and reduced development cost in the Sxwtpqyen Area. In addition, it will reduce the impacts of diversion structure on the river and fish populations and protect the existing infrastructure near the baseball stadium. The Acquisition will also maintain agricultural use, reduce the maintenance cost for the irrigators, and transfer water rights to new production wells. Improved safety, river access, and recreational opportunities will also be a future benefit.

Mr. McInnis explained that the City is working with Fish Wildlife and Parks and RDG, a river design group, to see what the river could look like if the diversion were to go away. Currently, the river is eroding the bank close to the Silver Park boat ramp and baseball

stadium. The trail is about to be lost into the river. This Acquisition will be an excellent opportunity to make these improvements.

The Cost of the Acquisition is \$990,000. The Transportation Impact Fees and Water Utility Development Fund will cover \$727,000. In addition, the City has \$263,000 in committed Funding Sources such as Future Fisheries Grant, Trout Unlimited, Clark Fork Coalition, and the Missoula Redelovement Agency.

Mr. Hess commented that the benefits are substantial and asked if the City has assigned a value to any of these benefits. Mr. Keene replied that it is hard to pin down exact numbers, but the City has estimated as much as a million dollars in storm drainage construction savings. Therefore, the cost ratio benefit is probably two to one in this Acquisition. Mr. Hess said this is a good piece of business, and he is very proud of the City and staff to put this together for mutual benefits.

Ms. Merritt explained that the ditch was originally constructed in 1902. She also said that she has been working on this project as a WGM employee, so she will not be voting on this item, although she supports it. She said this process came together because of hard work with shareholders and City employees. Water rights are very important in Montana, and many important partners have been involved in this Acquisition.

Moved by: Jordan Hess

Approve the acquisition of the Fynn-Lowney Ditch waiving of all contingencies per the July 22, 2021, purchase agreement between the Hellgate Valley Irrigation Company and the City of Missoula and authorize the Mayor to close on the property.

AYES: (8): Stacie Anderson, Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Sandra Vasecka, and Heidi West

ABSTAIN: (1): Julie Merritt

ABSENT: (3): Jesse Ramos, Amber Sherrill, and Bryan von Lossberg

Vote results: Approved (8 to 0)

3.2 Right-of-Way Agreement Amendment with HEH, LLC

Jeremy Keene Director of Public Works and Mobility presenting,

This Right-of-Way Agreement is with HEH, LLC and will improve access to the Hellgate Villages Subdivision. This agreement is to construct Mary Jane Blvd through the subdivision. The funding will be a credit for future development fees since the Mullan BUILD project was put on hold. This is a way of helping the Mullan BUILD project bring funding in sooner.

Moved by: Jordan Hess

Approve and authorize the Mayor to sign a first amendment to right-of-way agreement with HEH, LLC for the city to construct public infrastructure for the Mullan BUILD Project.

AYES: (10): Stacie Anderson, Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSENT: (2): Jesse Ramos, and Amber Sherrill

Vote results: Approved (10 to 0)

3.3 Right-of-Way Dedication Agreement Amendment with Rocky Mountain Beverage of Montana, LLC

Jeremy Keene Director of Public Works and Mobility presenting,

This Right-of-Way Agreement is with Rocky Mountain Beverage of Montana (RMB) and is located off Broadway near the Veteran Hospital. The hospital plans to open in February, and they need access available. Therefore, Mary Jane will be constructed to Veteran's Way and allow access. The City will finish the road with the Mullan BUILD project at a later date. RMB is hiring a contractor to do the work.

Moved by: Jordan Hess

Approve and authorize the Mayor to sign a First Amendment to the Agreement to Dedicate Right-of-Way with Rocky Mountain Beverage of Montana, LLC for the Mullan BUILD Project.

AYES: (10): Stacie Anderson, Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSENT: (2): Jesse Ramos, and Amber Sherrill

Vote results: Approved (10 to 0)

4. ADJOURNMENT