

## **Missoula City Council Public Works Committee Minutes**

**May 5, 2021, 10:00 am  
ZOOM Webinar**

**Members present:** Mirtha Becerra (chair), John P. Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Bryan von Lossberg, Heidi West

**Members absent:** Stacie Anderson, Sandra Vasecka

### **1. ADMINISTRATIVE BUSINESS**

#### **1.1 Roll Call**

#### **1.2 Approval of the Minutes**

##### **1.2.1 PW Committee Minutes from 4/28/21**

The minutes were approved as submitted.

### **2. PUBLIC COMMENT**

### **3. COMMITTEE BUSINESS**

#### **3.1 Cost Sharing Agreement with United States Army Corps of Engineers for Clark Fork Area Levee III and V Evaluation**

Tracy Campbell Regulatory Compliance Manager for Storm Water Utility,

In the City of Missoula, there are four accredited Levees Clark Fork Area III, Clark Fork Area V, Grant Creek, and Patte

e Creek. Missoula also has one non-accredited Levee at McCormick Park, and Missoula County has one accredited Levee at Orchard Homes.

An accredited Levee means that the Federal Emergency Management Agency (FEMA) has determined it meets the requirements of the National Flood Insurance Program (NFIP). Also that FEMA has recognized on a Flood Insurance Rate Map (FIRM) as reducing the flood hazards posed by a base of one percent annual chance of 100-year flood. The properties behind the accredited levee receive reduced rates, and If a levee is not accredited, then flood coverage would be required for properties.

The Clark Fork Area III levee extends from the North bank of Madison Street to Orange Street. This includes about .54 miles of the embankment and .17 miles of floodwall. This levee protects around 86 structures and \$14 billion dollars of property. The rating is minimally acceptable because of some cracking, spalling on the floodwall, and the non-native vegetation.

The Clark Fork Area V is on the North bank from California Street to Russell Street. This includes .24 miles of the embankment. The levee protects around 120 structures and

36.4 million dollars of property. The rating is minimally acceptable because of the management of vegetation and riprap.

The US Army Corps of Engineers recommends the growth of sod and willows or brush on the levee slopes because it increases the bank stabilization and decreases erosion from flood flows. The City of Missoula is a critical habitat for threatened Bull Trout the City also needs to adhere to Fish and Wildlife standards. The plan is to remove all non-native vegetation and cottonwoods, transition levee slopes to native shrub cover.

Missoula and Granite Counties are working with the Montana Department of Natural Resources and Conservation (DNRC) and FEMA to update and produce new Flood Insurance rate maps (FIRMS). The levees must be re-certified due to the floodplain remapping effort.

The City has two options for the Certification Process to hire a private consultant or partner with the US Army Corps of Engineers. The pros for using the US Army Corps of Engineers are they built the levee, saving the city money because it is a cost-share. The con for the US Army Corps is that the Certification Process is a new process for them. The private consultant would be more established with this process. However, the consultant would not be local expertise, less predictable, more expensive. Ms. Campbell spoke with a consultant in Omaha, and he was hesitant to do it and said that it would be better to work with the US Army Corps.

The cost-sharing agreement would be a total cost of \$717,000, and the City of Missoula and the US Army Corps of Engineers would both pay \$358,500. This would be funded through the Storm Water Utility.

Ms. Merritt asked if the Army Corp and the City of Missoula's interests were aligned in regards to vegetation. Ms. Campbell explained that the US Army Corps is moving towards the City's idea of vegetation. Mr. von Lossburg asked Ms. Campbell to reevaluate the 14 billion dollar property figure he felt the amount was too high.

**Moved by:** Heidi West

Approve and authorize the Mayor to sign a Cost Sharing Agreement with the United States Army Corps of Engineers for an Accelerated Levee System Evaluation of the Clark Fork Area III and Area V Levee System.

AYES: (10): Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Bryan von Lossberg, and Heidi West

ABSENT: (2): Stacie Anderson, and Sandra Vasecka

**Vote results: Approved (10 to 0)**

### **3.2 Mullan BUILD Right-of-Way Agreements**

Jeremy Keene Director of Public Works presenting,

The Mullan Build project is moving ahead on schedule and has completed the final

design stage. The City of Missoula received a 13 million dollar Federal Grant to construct the roads. The next step is to work on the Right-of-Way Agreements. These secure the public rights-of-way and easements necessary to construct the project as required by Federal regulations. They also specify improvements and cost-sharing to be included in the project.

The City will have to follow the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. This means the grantor acknowledges that they have been fully informed of the right to receive just compensation for the property being acquired. This also requires the grantor agrees to donate right of way in exchange for the benefits received from the BUILD project.

The cost-sharing consists of participating in the Special Transportation Impact Fee, the Special Utility Development fee, and in some cases direct payment for improvements required by subdivision. This is reducing the overall cost of the development. The things that will be acquired with the right-of-way agreements are public right-of-way easements, temporary construction easements, grant of possession, and fee right-of-way deducted through subdivision or subdivision exemption.

There are six easements needed to construct the public infrastructure for Mary Jane Boulevard in the Mullan BUILD project.

1. Shannon R. Luikart
2. Flynn Family Limited Partnership (Grant of Possession)
3. Flynn Family Limited Partnership (Right-of-Way Agreement)
4. Rocky Mountain Beverage of Montana, LLC
5. HEH, LLC
6. Edgell 1, LLC

Mr. Hess asked when we would see the first dirt moving on the project, and Mr. Keene said he is optimistic about starting July 1, 2021.

**Moved by:** Jordan Hess

**Motion No. 1:** Approve and authorize the Mayor to sign a Right-of-Way Agreement with Shannon R. Luikart for the City to construct public infrastructure for Mary Jane Boulevard in the Mullan BUILD Project. **Motion No. 2:** Approve and authorize the Mayor to sign an Agreement and Grant Possession with Flynn Family Limited Partnership for the City to construct public infrastructure for Mary Jane Boulevard in the Mullan BUILD Project.

**Motion No. 3:** Approve and authorize the Mayor to sign a Right-of-Way Agreement with Flynn Family Limited Partnership for the City to construct public infrastructure for Mary Jane Boulevard in the Mullan BUILD Project. **Motion No. 4:** Approve and authorize the Mayor to sign an Agreement to Dedicate Right-of-Way with Rocky Mountain Beverage of Montana, LLC for the City to construct public infrastructure for Mary Jane Boulevard in the Mullan BUILD Project. **Motion No. 5:** Approve and authorize the Mayor to sign a Right-of-Way Agreement with HEH, LLC for the City to construct public infrastructure for Mary Jane Boulevard in the Mullan BUILD Project. **Motion No. 6:** Approve and authorize

the Mayor to sign a Right-of-Way Agreement with Edgell 1, LLC for the City to construct public infrastructure for Mary Jane Boulevard in the Mullan BUILD Project.

AYES: (10): Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Bryan von Lossberg, and Heidi West

ABSENT: (2): Stacie Anderson, and Sandra Vasecka

**Vote results: Approved (10 to 0)**

**4. ADJOURNMENT**

10:43