

MISSOULA REDEVELOPMENT AGENCY

CONDENSED BOARD MEETING MINUTES

April 4, 2018

FINAL

A **Special** meeting of the Board of Commissioners of the Missoula Redevelopment Agency was held on Wednesday, April 4, 2018 at the Hal Fraser Conference Room, 140 W. Pine, at 12:00 p.m. Those in attendance were as follows:

Board: Karl Englund, Nancy Moe, Natasha P. Jones, Melanie Brock

Staff: Ellen Buchanan, Chris Behan, Jilayne Dunn, Tod Gass, Annette Marchesseault, Lesley Pugh

Public: Mary Gray, Missoula Community Access Television (MCAT); Louie Miller, Dick Anderson Construction

CALL TO ORDER

12:00 p.m.

APPROVAL OF MINUTES

March 20, 2018 Regular Board meeting minutes were approved as submitted.

PUBLIC COMMENTS AND ANNOUNCEMENTS

ACTION ITEMS

Montana Rail Link (MRL) Park – 1930 South Avenue West (URD III) – *Marchesseault*

A. Construction Manager at Risk (CMAR) – Request to Award Contract to Dick Anderson Construction for the remainder of MRL Park Project

Marchesseault said this item is to request approval for Dick Anderson Construction to be the Construction Manager at Risk (CMAR) for the remainder of the Montana Rail Link (MRL) Park project. She said at the February 2018 meeting the MRA Board approved Dick Anderson Construction to provide pre-construction services for the project. Marchesseault said staff has been very satisfied with the work Dick Anderson Construction has done to date and would like to retain them for the remainder of the project.

Moe asked if the pre-construction phase is over. Louie Miller, Dick Anderson Construction, said there will be some overlap with pre-construction services and construction services with respect to the next agenda item, which is soil remediation. Moe asked if the amount that was approved in February was just for pre-construction services. Marchesseault said yes. Moe asked if staff had an amount for what the construction services will be. Marchesseault said no. She said it will be coming in the Guaranteed Maximum Price (GMP) which should come to the Board in May. She said the next item on the agenda is regarding their GMP for

the soil remediation part of the construction package and when the GMP for the remainder of the Park comes forward that will be the remainder of the construction fee for the project. Buchanan said staff wants to get started on the soil remediation now because it has to happen before anything else. Englund said MRA has to pick the contractor first in order for the contractor to work with the designers to put together the whole package. Moe said they have been working on some of that in pre-construction. Marchesseault concurred.

Moe asked if the City Council also has to approve this request. Marchesseault said no. She said when she took it to City Council she explained that the MRA Board had given approval only for pre-construction services. She said she asked for approval for the pre-construction and construction from City Council with the understanding that if the MRA Board did not approve Dick Anderson Construction for construction services, MRA staff would come back to City Council. Buchanan said the aspect of this that will go back to City Council is the bond for approval of a bond resolution. MRA will do a bond that reimburses for the purchase of the property, pays for the construction of the trail and for the construction of the Park.

Englund asked if the trail is part of Dick Anderson Construction's contract. Buchanan said it is a totally separate project that has already been awarded and is under construction. Gass said construction mobilized on Monday, April 2nd. Englund asked if there were any anticipated problems in terms of coordinating the trail and the Park. Marchesseault and Miller said no. Miller said there will be some coordination with trail construction but they do not anticipate any concerns or issues. Buchanan said the trail is being constructed almost entirely on MRL right-of-way (ROW) rather than within the property that the City purchased from MRL. Marchesseault said the trail schedule is very aggressive and it will be almost finished before Park work begins. Gass said it is scheduled to be complete by the end of May.

JONES: I MOVE THAT THE BOARD APPROVE DICK ANDERSON CONSTRUCTION AS THE PREFERRED CONSTRUCTION MANAGER AT RISK FOR CONSTRUCTION IN MRL PARK, AUTHORIZE STAFF TO NEGOTIATE A CONTRACT WITH DICK ANDERSON FOR CONSTRUCTION PHASE SERVICES, AND AUTHORIZE THE BOARD CHAIR TO SIGN THE CONTRACT.

Moe seconded the motion.

No further discussion. No public comment.

Motion passed unanimously (4 ayes, 0 nays).

B. Guaranteed Maximum Price #1 for soil remediation – Request for Approval
(Marchesseault)

Marchesseault said Dick Anderson Construction expects to prepare two Guaranteed Maximum Price (GMP) packages for MRL Park. The first is for soil remediation and the second is for the balance of construction of the Park. She said the soil remediation is going to remove soils to a level above and beyond what is required. When the City was doing due diligence for purchase of the property the Phase I and Phase II environmental assessments determined that the soil in the Park met all levels of thresholds for

industrial/commercial/recreational use. She said as the City started to get into the design process there was a determination that there was a desire to remediate the soil to meet residential standards. There are a few hot spots on the site where lead is above the residential standards, so they determined that the Parks and Recreation Department would pay the consulting fees for remediation and the soil remediation will come out of the Park project budget.

Marchesseault said NewFields was contracted to assess the hotspots and determine where they are. She said their options were to haul everything off site or to haul a couple of the hotspots that have readings above a certain level (505 kg) off site, with the remainder put into a repository under the site. Marchesseault said bids were solicited for both options and the on-site repository came back considerably less expensive so that is the option staff is proposing to proceed with.

Marchesseault said ideally they would like to get this work done and over before the Park work begins. She said it requires special certification for contractors to work with soil that has elevated levels of lead beyond residential standard, and during the main construction they don't want to be limited to contractors who have the special certification because not all of them do. She said they want to get the work done now so there is a clean site to start construction.

Marchesseault said Dick Anderson Construction solicited bids, and then with the fees on top of that, the amount requested for approval for the soil remediation is \$55,717.67. She said this is in the range of preliminary estimates from NewFields. Jones asked if this would change any of the previous estimates made about the overall project budget. Marchesseault said it is included in the existing project budget.

Moe asked what the schedule is for the soil remediation. Miller said they would like to begin work the week of April 8th. He said there is about two weeks' worth of work as long as there is no other contamination found. Englund asked what they are doing with the contaminated soil they are keeping on site. Miller said they will make an on-site repository by digging a pit approximately seven feet below grade and take the soils that are contaminated to a certain level and put them in the pit. Then they will compact the pit and cap it with two feet of existing material. He said this meets State Department of Environmental Quality (DEQ) standards and contains the lead so it doesn't leech out. Marchesseault said the pit will be capped by the concrete playing court in addition to the two feet of clean fill. She said that is a perfectly acceptable standard because lead doesn't leech laterally, it leeches vertically, and a concrete cap keeps the moisture from infiltrating. She said NewFields helped to identify this option.

Englund asked if it's City policy or City Council preference that it be cleaned to residential standards. Marchesseault said it was initially recommended by the Parks and Recreation Department. She said they were advocating for it and felt strongly that they had set a precedent on other park projects and wanted to follow that precedent on this project.

Moe asked if concrete is a preferred surface for playing. Marchesseault said it is a multi-use court and was recommended by the Parks and Recreation Department, partially for longevity. She said there is always the potential that if bids come in high and they need to

do some value engineering, it could be changed to asphalt because it is less expensive than concrete. Englund asked if asphalt is acceptable for the cap on the cleanup. Marchesseault said yes. Miller added that the two feet of fill is really all you need for it to be acceptable. The concrete cap is an added measure. He clarified that the concrete playing court is not part of this request and that will come out in the next GMP request. Englund said he thinks it's great that the City is remediating it to the highest standard it can.

BROCK: I MOVE THAT THE BOARD APPROVE DICK ANDERSON CONSTRUCTION'S GMP #1 FOR SOIL REMEDIATION IN MRL PARK IN AN AMOUNT NOT TO EXCEED \$55,717.67, AUTHORIZE STAFF TO NEGOTIATE A CONTRACT WITH DICK ANDERSON FOR GMP #1 FOR SOIL REMEDIATION IN MRL PARK, AND AUTHORIZE THE MRA BOARD CHAIR TO SIGN THE CONTRACT.

Jones seconded the motion.

No further discussion. No public comment.

Motion passed unanimously (4 ayes, 0 nays).

MDT/ADA Upgrade Project – Front Street & Higgins Avenue Sidewalk Bulb-Out (Front Street URD) – TIF Request (Buchanan)

Buchanan said at the January 2018 MRA Board meeting, in her Director's Report she talked about the Montana Department of Transportation (MDT) project being done downtown and in other parts of the urban core to make corners and intersections more "Americans with Disabilities Act" (ADA) compliant. She said some of that work will take place on Higgins and the City is incrementally trying to get the curb extensions/bulb-outs built with projects as they come on board. She said the City saw this as an opportunity to get as many as six corners done in conjunction with MDT. She said MDT is already going to be paying to tear out what is there and put back a normal radius corner. She referred to an illustration attached to her memo that shows what the corner would look like with MDT's proposal versus the bulb-out configuration.

Buchanan said the crown on the downtown streets is such that some of the corners cannot be done without completely reconstructing the street, as was done with the North Higgins project, because you get back-drainage that would come into the ADA ramp, cool at the crossing in the winter and turn to ice, or be pools of water in a rainy season. Buchanan said staff had WGM Group evaluate six corners. A couple just cannot be done without tearing up the intersection and reconstructing the street at a great deal of expense and disruption and likely would not meet MDT's schedules on the project. She said it came down to three corners that were doable.

Buchanan said the corner on Main Street and Higgins Avenue was double the price of two others, so her recommendation is to only do the northwest corner at Front Street and Higgins Avenue because the corner across the street will be done in conjunction with the Mercantile project. She said this will create a tighter crossing to get across Higgins Avenue at that point, and across Front Street to an extent. She said it didn't make sense to do just one corner at Main Street and Higgins Avenue and those will be done incrementally as they can be done.

Buchanan said the staff recommendation is that the Board approve up to \$31,400 to add the bulb-out to the northwest corner of Front Street and Higgins Avenue. She said her original memo had a smaller dollar amount associated with it and then she got an email over the weekend from MDT, after the agenda had gone out, that there would be some additional charges the City will have to carry. She said all state projects have an indirect cost capture that is tacked on in the amount of 10.69%, which added some cost to it. She said the cost includes an assumption that they may have to rebuild a catch basin manhole that's there. The manholes are made out of brick and can collapse during adjacent construction. Buchanan said no one thinks it will collapse, but she wanted to include it in the price in the event that it does. She said if it doesn't collapse then that cost, plus the state markup cost, would come off of the price making it \$25,852.

Brock asked if this project will need to be redone when the Front/Main conversion happens in the next five years. Buchanan said the bulb-outs are designed so that they are compatible with the layout for the Front/Main conversion. She said where there is diagonal parking there may be the need to change the angle, but that is not the case on this particular bulb-out because it has parallel parking on either side of it. Brock asked if the historical marker that is there will be put back in. Buchanan said yes.

Englund asked if MDT is happy with the design, but will not do the bulb-out because of the added expense. Buchanan said yes. She said MDT's overall project came in \$2 million under budget. She said the City hoped they would take some of that money and improve the corners where the curb extensions are desired. However, she said there are a lot of needs across the state and the \$2 million has been reallocated to some other community. She said if the Board approves, the bulb-out will be part of MDT's project and MRA will pay the difference. There are other intersections outside of MRA districts where Development Services is entering into an agreement with MDT to make some modifications. She said there will be a Memorandum of Understanding (MOU) between the City and the State relative to the additional costs.

Jones asked how the other corner is being funded. Buchanan said it is part of the Mercantile project and MRA will reimburse the Mercantile for it so MRA is paying for that one too.

MOE: I MOVE APPROVAL OF AN AMOUNT NOT TO EXCEED \$31,400 TO ADD A BULB-OUT TO THE NORTHWEST CORNER OF FRONT STREET AND HIGGINS AVENUE IN CONJUNCTION WITH THE MONTANA DEPARTMENT OF TRANSPORTATION MISSOULA ADA UPGRADES PROJECT AND AUTHORIZE THE CHAIR TO SIGN THE REQUIRED AGREEMENTS.

Brock seconded the motion.

No further discussion. No public comment.

Motion passed unanimously (4 ayes, 0 nays).

NON-ACTION ITEMS

STAFF REPORTS

COMMITTEE REPORTS

OTHER ITEMS

ADJOURNMENT

Adjourned at 12:27 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lesley Pugh".

Lesley Pugh