

## **Public Services Committee Meeting April 3, 2013**

The **Public Service Committee** met Wednesday, April 3, 2013, at 6:00 pm in the City Hall conference room. Present were Committee Chairperson Sue Galbraith and Committee Members Jerry Partridge, Dwayne Andrews and John Hollowell. Also present were Mayor C.A. Grenz, City Planner Dianna Broadie, Grant Administrator Dawn Colton, Public Utilities Director Allen Kelm and Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Galbraith called the meeting to order.

### **1. Request by Miles and Keeli Muscha for Fence Encroachment at 1001 S. Strevell Avenue**

The Committee members had received copies of Mr. Muscha's proposal for a fence encroachment on a City easement, along with photographs and a diagram of the property. Mr. Muscha explained that their home sits on the corner of Tompy and Strevell, which is a busy traffic area. As they have two small children, they would like to build a 6' board fence along these streets for purposes of security and privacy. They are asking for permission to place the fence approximately 5' north of their property line, which will leave enough space for a 6' sidewalk beside the fence, in the event they would wish to install one in the future.

City Planner Broadie read from City's Zoning Code, which indicated a six-foot solid fence is visually obstructive. She felt that if the fence were to be see-through, that would fix the problem.

It was determined that there would be no line-of-sight problems, as long as the fence would drop from 6 feet to 36 inches at 25 feet of the property line west of Strevell. After further discussion,

*\*\* Committee Member Andrews moved to recommend the Council approve the request as detailed in Mr. Muscha's proposal, with the understanding that if the City has need of the easement in the future, the fence would have to be removed. The motion was seconded by Committee Member Hollowell and, on roll call vote, passed unanimously, 4-0.*

### **2. Discussion on CTEP Projects**

Administrator Colton had prepared a chart of CTEP allocations vs obligations as of April 3, 2013. Custer County has agreed to combine its CTEP money with the City's. Prior 2009 allocations, which must be obligated to projects by September 15, 2013, now amount to a combined total of \$379,856.44.

The Montana Department of Transportation's (MDOT's) Tatro Street Project has been identified by the City as its priority to use the CTEP money. The cost of that project is \$372,118. That leaves a total of \$7,738.44 in pre-2009 CTEP dollars that must be obligated by September 15, 2013.

Administrator Colton had also supplied a spreadsheet setting out project ideas and costs that had been submitted by various individuals.

Committee Member Andrews expressed concern about the sidewalk over the Ivy Street railroad crossing on Montana St., and said he felt the repair on that crossing should be high up on the priority list. It was determined that Transco Railway Products would have to be contacted for permission to repair that crossing. The item entitled "Montana Ave Sidewalks," from Lincoln to Bender Park, was then amended to include the Milwaukee Railroad crossing and sidewalks from Ivy to Gordon Streets.

Director Kelm said he had received some comments from Kiwanis members who would like to see sidewalks constructed across Wibaux Park from Strevell to the "apron" at the wading pool and then to the shelter. If connected to the street/sidewalk, CTEP funds could be used. The VA also would like to see a sidewalk from Cale across the park to the shelter. Although the park is directly across the street from the VA Hospital, it is not possible to utilize the shelter for handicapped and/or veterans because of the lack of handicapped access.

It was suggested that, instead of using the Strevell Street side of the park, the Cale side be used. Moving the access sidewalk would also encourage traffic to move from Strevell over to Cale, which would help with relieving traffic congestion on Strevell.

The Committee, while prioritizing the projects, combined the Historic Preservation for Main Street with the Beautification of the West End Entrance into one item. This plan would move existing lights out toward Ft. Keogh, and replace those with old fashioned lights at the entrance to the City. It was mentioned that extending lighting out toward Ft. Keogh would require creating a new lighting district.

Director Kelm said there is a \$300,000 Urban Preservation Project coming up, which will be discussed April 12<sup>th</sup> at the MDOT office. From the railroad tracks at 8<sup>th</sup> Street down to Stower Street, past Highland Park School to the empty field where the asphalt ends at Sewell. The City will have to replace about one block of concrete street before that project can go forward, as the current street is in such disrepair.

The City has just become involved with Urban Preservation last year. Public Service Foreman Scott Gray rated all the urban routes in the City. State officials then met with Foreman Gray and Director Kelm and reviewed the suggested projects. The State chose the 8<sup>th</sup> Street crossing all the way down to Sewell Street. There is no match, but the City does have to replace that one city block before the project can move forward.

Committee Member Hollowell cautioned against spending everything just because it might be available, and holding some in reserve.

The Committee then prioritized the projects, as follows:

1. Montana Avenue Sidewalks from Lincoln to Bender Park and the Milwaukee Railroad crossing from Ivy to Gordon
2. Milwaukee Street Sidewalks (to be done in conjunction with the Tatro Street Project)
3. Wibaux Park: ADA sidewalks to Strevell (or Cale)
4. Riverside Park, Phase II
5. Historic Preservation for Main Street & Beautification of West End Entrance

**\*\*** *Committee Member Partridge moved to recommend to the Council to prioritize the projects in the order set forth above, and complete them as funds become available. The motion was seconded by Committee Member Hollowell and passed unanimously, 4-0.*

### **3. Request of Citizens**

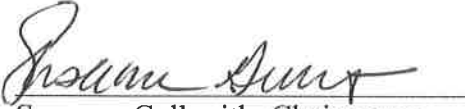
There were no requests of citizens.

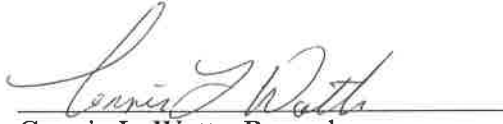
### **ADJOURNMENT**

**\*\*** *Having no further business, Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Partridge and passed unanimously, 4-0.*

The meeting was adjourned at 7:00 p.m.

Respectfully Submitted:

  
Susanna Galbraith, Chairperson

  
Connie L. Watts, Recorder

## **PUBLIC SERVICES COMMITTEE MEETING AGENDA**

**DATE:** April 3 – Wednesday

**TIME:** 6:00 p.m.

**PLACE:** City Hall Conference Room

1. Request by Miles and Keeli Muscha for fence encroachment at 1001 S. Strevell Ave.
2. Discussion on CTEP Projects
3. Request of Citizens

Public comment on any public matter that is not on the agenda of this meeting can be presented under “Request of Citizens” provided it is within the jurisdiction of the City to address. Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on a matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings.

# Miles and Keeli Muscha

1001 S. Strevell Avenue

Miles City, MT 59301

(406) 579-7315

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March 25, 2013

City of Miles City

17 S. 8<sup>th</sup> Street

Miles City, MT 59301

## **RE: PROPOSAL TO ENCROACH ON CITY RIGHT-OF-WAY WITH FENCING**

Dear Public Service Committee and Sue Galbraith, Chairperson,

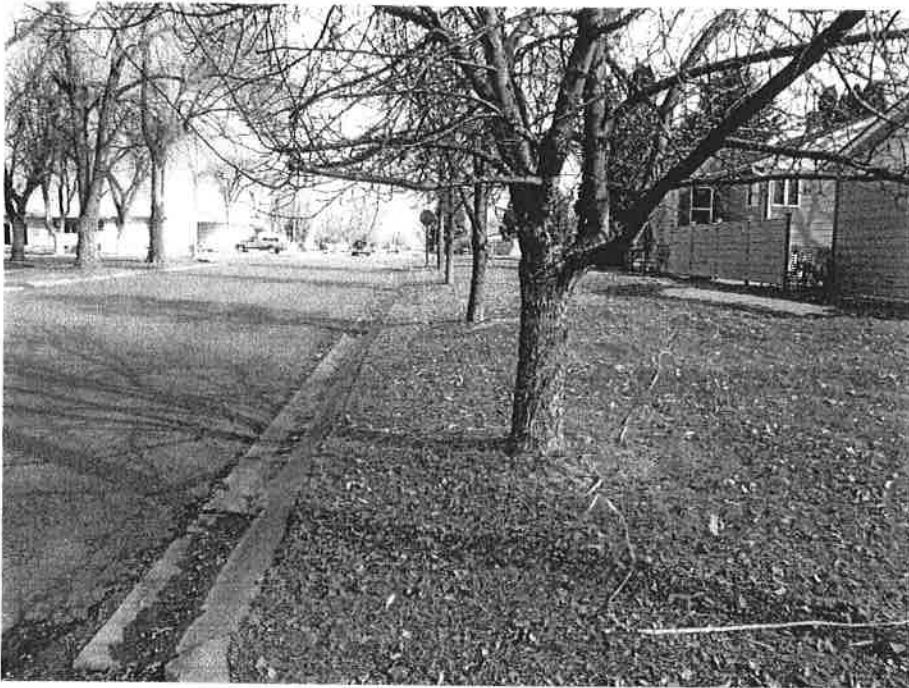
My name is Miles Muscha, and my family and I moved to Miles City in October 2012. We purchased a home in December 2012. Our home is located on the corner of Tompy and Strevell which is the north-east corner of block 36, lots 19 and 20. I work for Fish, Wildlife and Parks as the Fishing Access Site Maintenance Foreman, and my wife is currently staying home with our two girls aged 5 years and 7 months. Keeli has an Elementary Education degree from Montana State University and is considering becoming a child care provider in our home in the future. We are submitting this proposal to encroach on the city right-of-way with a new fence around our home.

Our home sits on an adequate sized lot, but the placement of the home and garage has divided the outdoor space into several smaller chunks instead of one large space. The largest expanse of space sits along Tompy Street. This section includes four trees along the street which are approximately three feet from the curb (see Picture 1.) There is also a utility pole on the west end of the property (see Picture 2.) The intersection of Tompy and Strevell is a busy traffic area, and we would like to build a fence for security and privacy. We are interested in including as much usable space inside of the fence as possible which is the reason for this proposal. More usable space inside of the fence would be advantageous for us because we are avid gardeners, we have small children and a dog, and we would like to have adequate green space for a possible child care facility. Because of the high traffic in our area we feel that space outside of the fence would not be useful for our needs.

We are planning a solid wood 6' fence (see Picture 3.) We realize the fence will need to end or drop to 36" at 25' off of the property line west of Strevell in order to sustain visibility at the corner intersection. We will be following this requirement. There is no current sidewalk on the north side of our property along Tompy Street. After conferring with a representative at City Hall we were able to locate our property line and

determined it to be 16'6" from back of curb on Tompy Street (see Figure 1 provided by city.) The normal city guidelines would place a future sidewalk directly on the north side of this property line. As referenced above, there is a utility pole on the west end of our property which would fall in the middle of a sidewalk at this location (see Picture 4.) Due to the location of the utility pole we are proposing an alternate location of a future sidewalk and in turn proposing the right to encroach on the city right-of-way with our new fence. We are asking for permission to place our fence at approximately 5' north of the property line. This will leave nearly 6' of space between the fence and the trees for a future sidewalk. We realize the standard city sidewalk measures 6' but we have noticed multiple variations of width and location of sidewalks in our neighborhood (see Picture 5.) We have also noticed a property one block to the south which has a fence appearing to encroach in a similar fashion as our proposal (see Picture 6.)

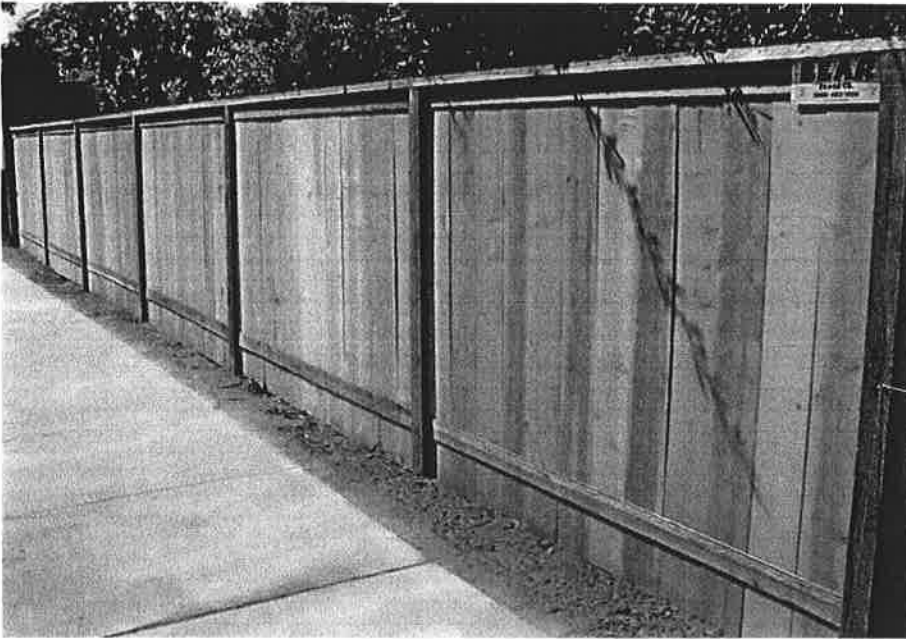
Picture 1 – Tompy Street Trees



Picture 2 – West End Utility Pole



Picture 3 – Fence Style



Picture 4 – Utility Pole In Reference to Adjacent Sidewalk



Picture 5 – Neighbor Sidewalk on Curb (1 block west of our property)



Picture 6 – Neighbor Fence Encroaching on City Right-of-way (1 block south of our property)



Thank you for considering our proposal. If you have any further questions or concerns, we plan on being in attendance at the Public Service Committee meeting when this matter is discussed. You may also contact us regarding this matter at 406-579-7315.

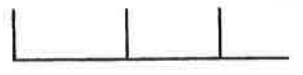
Sincerely,

*Miles Muscha* *Keeli Muscha*

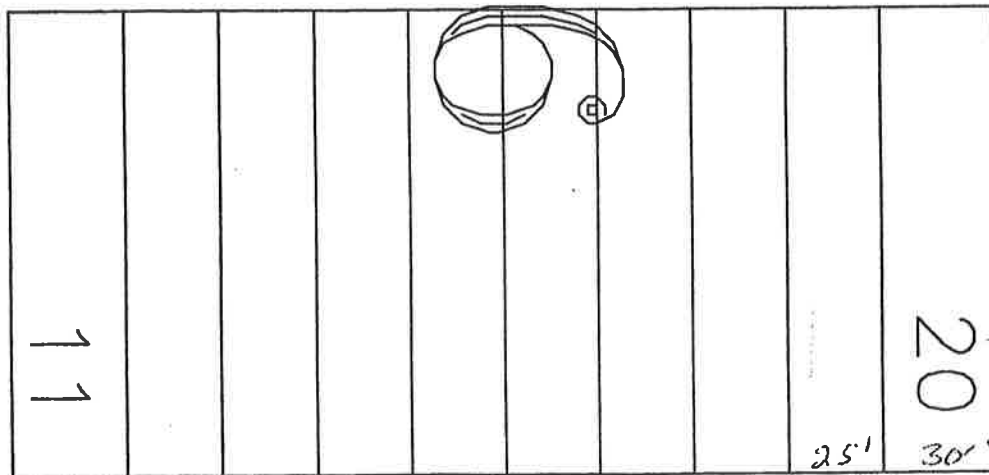
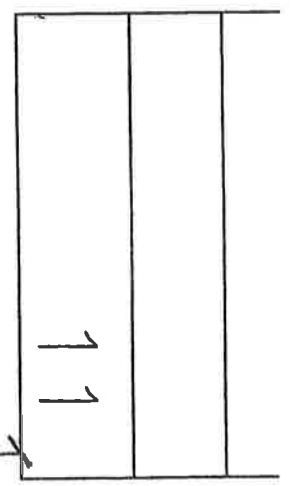
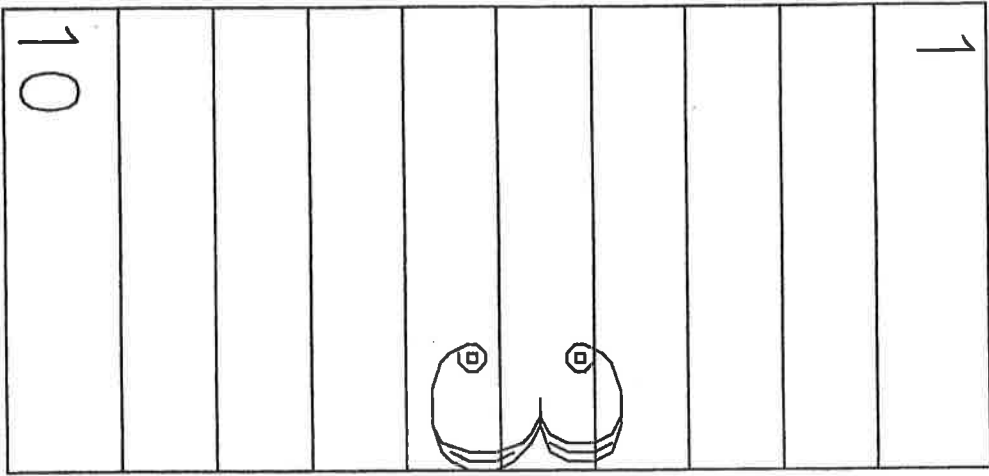
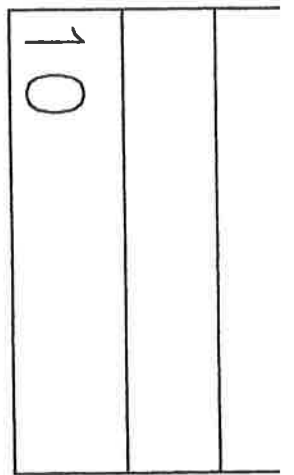
Miles and Keeli Muscha



Figure 1



ME



15'

STREET

123'

20

11

25'

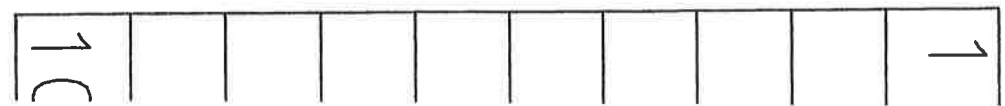
68

11

16'6" from back of curb to property line

68'

HS



**CTEP Allocations / Obligations as of 4/3/2013**

<b>MC/Custer County CTEP Funds as of 4/3/13</b>	
Miles City Total	\$ 363,924.81
Custer County Total	\$ 230,822.78
<b>Total Current Balance:</b>	<b>\$ 594,747.59</b>

<b>Funds that must be obligated by 9/1/13 (\$\$ allocated prior to 2009)</b>		<b>USE IT OR LOSE IT</b>
Miles City must spend:	\$ 208,923.51	
Custer County must spend:	\$ 170,932.93	
<b>Total</b>	<b>\$ 379,856.44</b>	

<b>Remaining Balance (post 2009 allocations)</b>	
Miles City	\$ 155,001.30
Custer County	\$ 59,889.85
<b>Total</b>	<b>\$ 214,891.15</b>

**Suggested use of "Use or Lose It" \$'s**

These figures represent using both City/County pre-2009 allocations on the Tatro Street project. When that project has been programmed, we will still have to spend \$7,738.44 on projects. Applications should be submitted by 9/15/2013.

City/County "must spend" \$'s	\$ 379,856.44
Cost of MDOT-Tatro St Project (w/Indirect Costs)	\$ 372,118.00
	<b>\$ 7,738.44</b>

POSSIBLE CTEP PROJECTS – Must have at least \$67,628.51 allocated by 9/30/2013

Available Funds: \$338,648 (\$380,503.15 – 11% for indirect costs)

Project	Requestor	Budget				
4 Riverside Park - Phase II	Dawn Colton	80,000	to 100,000			
1 Montana Ave Sidewalks + LR Crossing at Hwy	Suzanne / Duane	69,866				
Historic Preservation for Main Street	Kathy Doeden	0				
5 Beautification of West End Entrance	Connie Muggli	0				
Safe Routes to School	Tara Andrews	25,000				
3 Wibaux Park - ADA sidewalks to Strevell (or Cole)						
2 Milwaukee Street Sidewalks - w/ Tatra proj	Mark Ahner	75,000 - 55,780				
Running Total:		205,646				

City's Portion of Replacement

1081 ft 8.6 \* 1081 \* 6



# CTEP Allocations/Obligations by Entity

Entity: Custer County

**Allocations**

Year	Federal Allocations	Transfers Out	Transfers In	Total
1992	\$17,973.00	\$0.00	\$0.00	\$17,973.00
1993	\$19,028.00	\$0.00	\$0.00	\$19,028.00
1994	\$18,636.00	\$0.00	\$0.00	\$18,636.00
1995	\$20,362.00	\$101,253.00	\$0.00	-\$80,891.00
1996	\$15,712.00	\$0.00	\$0.00	\$15,712.00
1997	\$16,738.00	\$0.00	\$0.00	\$16,738.00
1998	\$13,868.00	\$0.00	\$0.00	\$13,868.00
1999	\$16,950.00	\$0.00	\$0.00	\$16,950.00
2000	\$18,342.00	\$0.00	\$0.00	\$18,342.00
2001	\$19,580.00	\$0.00	\$0.00	\$19,580.00
2002	\$17,994.00	\$0.00	\$0.00	\$17,994.00
2003	\$14,711.00	\$0.00	\$0.00	\$14,711.00
2004	\$14,620.00	\$0.00	\$0.00	\$14,620.00
2005	\$15,151.00	\$21,645.00	\$0.00	-\$6,494.00
2006	\$15,151.00	\$0.00	\$18,032.00	\$33,183.00
2007	\$15,114.65	\$14,425.00	\$0.00	\$689.65
2008	\$17,617.00	\$0.00	\$0.00	\$17,617.00
2009	\$18,820.28	\$16,144.00	\$0.00	\$2,676.28
2010	\$21,226.86	\$0.00	\$0.00	\$21,226.86
2011	\$19,923.92	\$0.00	\$0.00	\$19,923.92
2012	\$18,739.07	\$0.00	\$0.00	\$18,739.07
<b>Total Entity Funds:</b>				<b>\$230,822.78</b>

UPN/Unit	Project Number	Project Name	Federal Funds	Federal Expenditures	Project Status
<b>Total Federal Project Cost:</b>					

Filter: Entity = '1181'  
Sort: None

# CTEP Allocations/Obligations by Entity

Entity: Miles City

**Allocations**

Year	Federal Allocations	Transfers Out	Transfers In	Total
1992	\$46,992.00	\$0.00	\$0.00	\$46,992.00
1993	\$49,751.00	\$0.00	\$0.00	\$49,751.00
1994	\$48,725.00	\$0.00	\$0.00	\$48,725.00
1995	\$53,239.00	\$0.00	\$101,253.00	\$154,492.00
1996	\$41,082.00	\$0.00	\$0.00	\$41,082.00
1997	\$43,765.00	\$0.00	\$0.00	\$43,765.00
1998	\$36,261.00	\$0.00	\$0.00	\$36,261.00
1999	\$44,317.00	\$0.00	\$0.00	\$44,317.00
2000	\$47,957.00	\$0.00	\$0.00	\$47,957.00
2001	\$51,194.00	\$0.00	\$0.00	\$51,194.00
2002	\$47,590.00	\$0.00	\$0.00	\$47,590.00
2003	\$38,907.00	\$0.00	\$0.00	\$38,907.00
2004	\$38,666.00	\$0.00	\$0.00	\$38,666.00
2005	\$40,072.00	\$0.00	\$21,645.00	\$61,717.00
2006	\$40,072.00	\$18,032.00	\$0.00	\$22,040.00
2007	\$39,974.45	\$0.00	\$14,425.00	\$54,399.45
2008	\$46,592.55	\$0.00	\$0.00	\$46,592.55
2009	\$49,774.92	\$0.00	\$16,144.00	\$65,918.92
2010	\$56,139.72	\$0.00	\$0.00	\$56,139.72
2011	\$50,945.62	\$0.00	\$0.00	\$50,945.62
2012	\$47,915.96	\$0.00	\$0.00	\$47,915.96
<b>Total Entity Funds:</b>				<b>\$1,095,368.22</b>

**Obligations (CTEP)**

UPN/Unit	Project Number	Project Name	Federal Funds	Federal Expenditures	Project Status
2852000	STPE 8099(2)	ART CENTER-MILES CITY	\$134,344.45	\$134,344.19	Closed
2878000	STPE 8099(1)	MAIN ST LANDSCAPE-MILES CITY	\$184,018.87	\$184,018.75	Closed

Filter: Entity = '1192'  
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