

Street and Alley Committee Meeting

Minutes

September 27th, 2019

12:00pm

Present: Tami Christensen, Bryan Gartner, Janet Sergent

Absent: None

Visitors: Mayor Norby, Clerk/Treasurer Redfield, PWD Jeff Hintz, Tom and Nancy Hedegaard

The Street and Alley Committee was called to order to discuss the Hedegaard sidewalk issue presented at the September 19th, 2019 City Council Meeting. PWD Hintz stated local governments were mandated by Federal law for ADA accessibility, which included adequate sidewalks, and having property owners to install sidewalks when improvements are made is how we do this. Alderwoman Christensen asked what about when not everyone has sidewalks installed on the block, and PWD Hintz stated once this rule is being fully enforced they will all eventually filled in. Alderwoman Christensen asked if these permits do not cost any money, how does the City enforce? PWD Hintz stated the City can require them to be taken out and done correctly and permitted, such as the property in question that was brought up at the City Council meeting, as it was not done to specifications. Mayor Norby stated there was a State of Montana legislative resolution that mandated these be done to keep up with the Federal regulations. City Clerk/Treasurer stated she felt the City Council needs to address the other types of permits than Building Permits in the zoning code for triggers where the installation or improvement of sidewalks will be enforced, set a fee schedule for the other permits, and do a public campaign to let the public know what is expected of them.

Mrs. Hedegaard stated that the Safe Streets Resolution does not sound like it mandates, rather makes installation of sidewalks a suggestions, and that she doesn't understand why a driveway permit is being treated differently when there is nowhere in the code that says it is. Alderwoman Christensen stated she agreed with City Clerk/Treasurer Redfield, that the City Code needs clarification. Mrs. Hedegaard stated that she initially did not want the sidewalks because they have a community mail box on their property, and installing a sidewalk in front of it will increase their liability for the property. She stated that she has asked to have the box taken out and go to individual mail boxes on each property, but the post office has stated that PWD Hintz does not allow curbside boxes. She further stated PWD Hintz said he can move the box to another location, and she was not told during the permitting process that sidewalks would be required. She stated she was told that sidewalks would only be required if a significant project was done, and she does not believe making the driveway bigger and repaving it is a significant project. Mrs. Hedegaard stated PWD Hintz came to her property several times before they asked for the final permit on September 6th, and sidewalks were never mandated until the final permit was asked for, at which point PWD Hintz told them he would not issue the permit without sidewalks.

Alderwoman Christensen stated she is ok with mandating the installation of sidewalks, as it is federally mandated, but she feels the code needs to be updated. She recommended that the Street and Alley Committee meet again to start to clarify and amend the code. After further discussion, it was the general consensus of the Street and Alley Committee to meet again on October 21st, 2019 at 5:00pm with City Planner Sanderson to start to clarify and amend the City Code.

PWD Hintz presented the Street and Alley Committee with the Backes property issue. He stated that the property in question is a lot in North Meadow Subdivision that was owned by the North Meadow Water District for their wells. He stated that Mr. Backes purchased the property when the water district was dissolved and the subdivision came on City Water. PWD Hintz stated there is a 60 foot easement that runs directly through the center of the property that the City needs to retain because of future plans, per the Transportation Policy, to have that easement become a road. He stated that there is State law that an easement cannot split a property in half, which this easement does. PWD Hintz stated the City has two options, either move the easement to one of the sides of the property, or purchase the property. Alderwoman Sergent made a motion to recommend to the City Council that PWD Hintz approach Mr. Backes to see if he is willing to sell the property in question at a reasonable price, and Alderman Gartner seconded the motion. With no further discussion, all present voted aye.

Meeting was adjourned at 1:00 pm.

Jessica Redfield, City Clerk

Tami Christensen, Committee Chair