

Letter from Dan Wells

From: Dan Wells [mailto:dan@wellsbuilthomes.com]
Sent: Wednesday, May 19, 2010 12:04 PM
To: 'melingd@ci.billings.mt.us'
Subject: Ironwood sidewalks

Debi Meling
City Engineer
2224 Montana Avenue
59101

Billings Montana

Dear Debi,

I'm writing a note regarding the latest discussions about the sidewalks along Ironwood drive in Ironwood. Recently two homeowners James Pennington and Neal Johnson have been told by the city engineering department that they are required to have sidewalks in front of their homes. They are going to request a variance from the city council, and I wanted to discuss their reasoning with you before you heard somewhere else what is going on. I would also like to put the necessary paperwork in place so that we have the discussions that have been agreed to in the past on record for the future.

Background:

2004

In the 1st filing of Ironwood the SIA noted that there would be sidewalks on both sides of Ironwood drive. The plat showed sidewalks on the north side of Ironwood drive. During the planning process both ideas were discussed sidewalks one side and sidewalks on both sides. It was agreed during those meetings that if a trail system was in the back of a home that would serve as the sidewalk and that it would not be necessary for sidewalks on both sides of the road.

2005

After approximately a dozen homes were completed on Ironwood drive the city inspector told us that we were not installing sidewalks along Ironwood drive as called out in the SIA. At the time Shane Gundlach and I were the developers of Ironwood, we contacted our engineer and the problem was soon resolved, as the people who agreed to the idea of not requiring sidewalks on the same side of the roads as the trail system were all still in place and remembered the conversations that had been made. It was determined that the SIA had incorrect verbiage and once we made that conclusion it was not discussed further.

2006-2007

James Pennington worked for WBH and built a home for his family on the north side of Ironwood drive in the recently completed second filing. In this same timeframe WBH started to design for a home for the Johnson family. The legal description for the Pennington's home is: 24 block 12, the Johnson's legal is lots 22 and 23 of block 12. (the Johnson's combined two

lots) Both of these homesites have trails on the east, north & west of the homes and Ironwood Dr. is on the south side. During the course of construction of the Pennington home James found out that the permit noted a sidewalk on the front of his home. This was not a huge matter since we had been dealing with the sidewalk confusion on all of the Ironwood drive homes and we had not been installing sidewalks when a trail was behind the house. James was told by the building department that he would have to go to the city council and request a variance for his house if he wanted to put an end to the sidewalk matter. At the city council meeting before the council voted they wanted to get more information from the city engineering department and ultimately held off on the vote. As time moved on James thought the matter finished or at least not going to resurface, because of the agreement that was made in the 1st phase of Ironwood. At the completion of the Pennington home and Johnson home the city issued occupancy permits for these homes and no more thought was given the matter.

2008

District court upheld Ironwood Covenants stating that Ironwood drive could not be extended through lot 21 ensuring that forever forward Ironwood drive collector status ends as originally designed.

2010

Neal Johnson is contacted by Ken Ard with the city engineers stating he has to install sidewalks or the city will. Neal contacts Wells Built Homes.

With that quick background I hope that we can come to a conclusion that is beneficial for the city, the residents of Ironwood and the homeowners. It has become apparent to me we need to amend the SIA or add the necessary language that forever puts to rest the decisions that were made by the developers, their consultant and the city. The benefit of installing a sidewalk will provide little benefit from what is already provided via the trail system on the three sides of these homes. The homeowners landscaping is compete and it would be huge expense and change in the feel of their homes if the front of their homes are changed.

Debbi I would be glad to meet with