

PUBLIC WORKS COMMITTEE REPORT
January 11, 2012 2:05 – 3:30 PM
City Council Chambers

Members Present: Jason Wiener (chair), Ed Childers, Dick Haines, Bob Jaffe, Marilyn Marler, Dave Strohmaier, Jon Wilkins, Cynthia Wolken, Adam Hertz, Alex Taft, Caitlin Copple, Mike O'Herron

Members Absent: None

Others Present: Gregg Wood, Doug Harby, Starr Sullivan, Jack Stucky, Pat Brook, Kevin Slovarp, Monte Sipe, Steve King, Brentt Ramharter, Scott Paasch, Bob Wachtel, Jon Salmonson, Greg Oliver, Jennifer Carter, Marcia Hogan, Emily Bentley, Bill Bradford, Yvonne Crawford, Karen Kaley, Robin Spaziani, Susan Roy, Bob Giordano, Tom Parchetta

I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of – [December 14, 2011](#) - Approved as submitted
- B. Announcements – Jason Wiener stated that the Russell Street Project Development Agreement would be brought back to committee very soon now that all comments from other agencies had been received.
- C. Public Comment on Non-Agenda items – Susan Roy stated that she and her husband had replaced 32 slabs of sidewalk, 4-5 years ago, at a cost of \$8,000. They chose to pay the full amount at the time since they were employed. They were very dismayed when they saw the article in the paper about the Council considering relief for those that were paying by SID, but no relief for those that paid the full amount. She felt this was not equitable and not how citizens should be treated. She appreciated that the City might now consider assisting with payment. In the past it had always been the citizen's responsibility. The cost of repairing the sidewalk due to the uplifting by maple trees had been covered by them for over thirty-eight years. On top of that, they recently paid \$8,000 to replace the sidewalk adjacent to their property. She and her husband would like the Council to consider some method of relief for those that have paid by SID and those that have already paid the full amount up front. Secondly, it was said in the paper that citizens could get some relief fifteen years from now by being taxed, but she and her husband might not be around by that time. The City had never repaired the uplifting sidewalks caused by the maple trees, which is very hazardous.
- D. Review Held and Ongoing Agenda Items (Steve King)

Jason Wiener discussed the Held and Ongoing Agenda Items with the rest of the Committee members. It was decided to remove 1, 2, 3, 5 and 6 listed below:

1. Consider the sizes of grease interceptors for the restaurant industry ([memo](#)).—Regular Agenda (Stacy Rye and Bob Jaffe) (Referred to committee: 04/21/08)
2. Review infrastructure conditions at the locations of serious and fatal traffic accidents: 2007-2009 ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 01/25/10)
3. T4 America partner support ([memo](#)) – Regular Agenda (Stacy Rye) (Referred to committee: 08/16/10)
5. Approve the agreement for consultant services with Eli & Associates, Inc. on Project 10-034 England Boulevard right turn lane improvements. ([memo](#)) - Regular Agenda (Kevin Slovarp) (Referred to committee 05/16/2011)
6. Infrastructure condition inventory and maintenance requirements. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 07/11/2011)

II. CONSENT AGENDA ITEMS

1. Purchase four 2012 Kawasaki 1400 Concourse Patrol Motorcycles from Big Sky Motorsports of Missoula, in the amount of \$23,420.95 per motorcycle, for a total of \$93,683.80 for all four motorcycles, for the Missoula Police Department. (memo)—Regular Agenda (Jack Stucky) (Referred to committee: 01/09/12) (REMOVE FROM AGENDA)

Motion: The committee recommends that City Council award the contract to Big Sky Motorsports of Missoula, Montana, for the purchase of four (4) 2012 Kawasaki 1400 Concourse Patrol Motorcycles for \$23,420.95 per motorcycle, for a total of \$93,683.80 for all four Motorcycles, and authorize the return of all bid bonds.

Jack Stucky, Vehicle Maintenance Superintendent, read the motion and asked the Committee to award the bid and authorize the return of all bid bonds. He further explained that the project was rebid, which saved the City \$10,000, but he only received one qualified bid.

Jason Wiener asked for public comment and no comment was made. Dave Strohmaier moved to award the bid and authorize the return of all bid bonds. The motion passed unanimously.

2. Award bid to PEC Inc. for the installation of 75 feet of 36 inch diameter cure in place sewer pipe liner and by-pass pumping on Reserve St. for \$112,500. (memo)—Regular Agenda (Starr Sullivan) (Referred to committee: 01/09/12) (REMOVE FROM AGENDA)

Motion: The committee recommends the City Council award the bid to PEC Inc. for the installation of 75 feet of 36 inch diameter cure in place sewer pipe liner and by-pass pumping on Reserve St. for \$112,500.

Motion: The committee recommends the City Council authorize the Mayor to sign the contract with PEC Inc. for the installation of 75 feet of 36 inch diameter cure in place sewer pipe liner and by-pass pumping on Reserve St. for \$112,500.

Starr Sullivan, Wastewater Treatment Plant Superintendent, explained that the purpose of this installation was to repair 75 feet of sewer line across Reserve Street. This would be a trenchless repair adding pipe liner to the inside of the pipe in order to prevent further deterioration of the concrete pipe. This project had been bid before but only the liner was bid thinking that the Wastewater Treatment staff would perform the bypass pumping portion. They found out that the bypass pumping portion would be well over \$10,000, so they pulled the bid and rebid it with the liner and the bypass pumping portion together. They also felt it was better for the liner contractor and the bypass pumping contractor to work together. The trenchless process would be more expensive than just digging a new line, but the other option would be to dig up Reserve Street and he did not want to disrupt traffic on Reserve Street for several weeks.

Adam Hertz asked about the difference in cost between the actual trenching and the trenchless repair. Mr. Sullivan explained that he did not have the exact costs with him but he thought the trenchless technology was possibly 20% more.

Jason Wiener asked for public comment and no comment was made. Ed Childers made a motion to award the bid to PEC Inc. Jason Wiener added a friendly amendment to authorize the Mayor to sign the contract. The motion carried unanimously.

3. Approve the resolution to order curb and sidewalk improvements adjacent to miscellaneous parcels in Project 11-001. (memo)—Regular Agenda (Monte Sipe) (Referred to committee: 01/09/12) (REMOVE FROM AGENDA)

Motion: The committee recommends the City Council adopt a [resolution](#) to order curb and sidewalk improvements adjacent to miscellaneous parcels in Project 11-001.

Monte Sipe, Senior Construction Project Coordinator, explained that the resolution was to order the annual miscellaneous curb and sidewalk improvements. This year there were five properties and they were property owners that wished to make use of the City's curb/sidewalk funding option. The curb and sidewalks had already been installed either voluntarily through a building permit/development permit process or through a notification of hazardous sidewalk. The property owners then sign an assessment agreement which allowed the City to pay the contractor on the property owner's behalf. This way property owners could make use of the sidewalk financing and this would be incorporated into the bond sale.

Jason Wiener asked for public comment and no comment was made. Mike O'Herron made the motion to approve the resolution. The motion carried unanimously.

III. REGULAR AGENDA ITEMS

1. Report from Pedestrian Subcommittee on possible sidewalk funding options. (memo)(PowerPoint Report January 11, 2012)—Regular Agenda (Marilyn Marler) (Referred to committee: 01/09/12) (HELD IN COMMITTEE)

Marilyn Marler, Chair of the Pedestrian Subcommittee, thanked all members of the subcommittee for participating then discussed her PowerPoint presentation. The purpose of the subcommittee was to come back to the Public Works Committee with some better mechanisms for the installation of City initiated/or complaint driven hazardous sidewalks throughout Missoula.

As a resident and council person, Ms. Marler had heard from citizens of the need for more sidewalks. Currently the adjacent property owner pays 100% of the cost of sidewalk installation. The current method the City used was a problem when looking at payment, associated staff time, and the political process involved which obstructed the progress of installation.

The City assesses approximately \$800,000 a year for sidewalks. Property owners especially had a hard time with a bill over \$2,000. The Council also struggled with ordering in a \$15,000 sidewalk for one land owner. The community generally agrees and the subcommittee generally agrees that complete streets are important in Missoula, but the City cannot get there using the current process. A complete streets resolution passed two years ago said the City needed to get on the ball and have car lanes, bike lanes, and sidewalks all as part of a complete streets network. Was the City going to triple the amount of assessments to private homeowners? It was decided to look at different funding mechanisms. It was also pointed out that outlying wards may not need sidewalks and not all neighborhoods are equally in need of sidewalks. The City should have a workable connection but be reasonable in prioritizing and planning for sidewalks.

Ms. Marler then discussed the four proposals that came out of the Pedestrian Subcommittee. The first proposal was the health insurance model. This would be partially paid by the property owner and partially paid through taxes. The second proposal was for a local option fuel tax. The third proposal/discussion was how to achieve parity for those with current assessments or assessments that had been paid in full. The fourth proposal was to keep looking for grants or other options for funding. None of these proposals were dependent on one another or mutually exclusive.

Dick Haines commented that sidewalks were a large financial burden on a small number of people. Ms. Marler explained she was trying to put this in the context of each household in Missoula paying a chunk of the amount; it was not as if the \$800,000 was spread out over the entire City. Mr. Haines and Ms. Marler agreed that the current standard was a hardship to many people.

Marilyn Marler further discussed the health insurance model. It was a way of combining some City funding and homeowner/landowner funds. Typically it was a homeowner but could also be a business

owner having to install a sidewalk. Under this method there would be a tax increase to all City property owners, and if the City assessed the same amount of \$800,000 a year, the classic average house in Missoula at about \$225,000 would pay \$17.00 a year for sidewalks.

Dick Haines asked if Ms. Marler was including businesses. Ms. Marler explained that it would apply to businesses too. Mr. Haines asked if there would be no difference between a business and a homeowner. Ms. Marler said it came up in discussion in committee but she thought the committee decided to treat all property owners the same. Mr. Haines did not have a problem with that, but it needed to be clear that all types of landowners were included. Ms. Marler clarified that all landowners were included at this point.

Ms. Marler then explained that once a landowner paid the \$300 deductible, then the City would pay 70% of the cost of installation, which meant a 30/70 split between the landowner and the City until the landowner paid a maximum of \$2,000 out of pocket. After that, the City would contribute 100% of the cost up to \$15,000, then the rest of the cost over \$15,000 would revert back to the landowner.

Ms. Marler commended the Finance Department for the scenarios that they produced for the subcommittee for sidewalk installation. The scenarios looked at maxing out at \$2,000, \$3,000, and at \$5,000. The subcommittee decided that the difference to the overall City budget was minimal every time it went up another \$1,000, but was very big to the landowner. That was why the subcommittee settled on the \$2,000 maximum; however, this was an example of a variable that could be changed through the process. The maximum of \$15,000 was thought to be a good max out point for the City because most of those projects would be commercial projects or very large lots.

Ed Childers further explained that a two million dollar business would pay \$170.00 yearly and a twenty million dollar business would pay \$1,700 yearly. Ms. Marler clarified that a landowner paid more money yearly if their parcel was worth more money. Alex Taft asked if everyone paid the same rate of the assessed value. Jason Wiener indicated yes, but it was all based on the valuation of the property.

Jon Wilkins asked about the property owners along Hillview Way. Because the costs were so high and the Committee was trying to treat everyone equal and people with undeveloped land were being charged more because of possible future development. Would the health care proposal charge landowners more if they had 10 acres as opposed to 1 acre? Ms. Marler thought that Mr. Wilkins was speaking more to the issue of strategic sidewalk planning. Did the committee want to focus on installing sidewalks along a 10 acre parcel on the outside of town? Mr. Wilkins had not thought of it in that regard but wondered what a landowner with 10 acres might pay. Ms. Marler stated they would pay more depending on the current assessed value of their land whether their land was developed or not.

Alex Taft asked if the property owner would pay according to the current assessed value of their property or a future development value. Ms. Marler stated that the percentage would be based on the current assessed value of the property.

Dick Haines asked if the yearly assessment was enacted would money be used for landowners installing sidewalks now or would it be banked and used later. Ms. Marler explained that the proposal was to start the year the Committee chose, at the amount the Committee wanted to start with and it would accumulate into a sidewalk fund. Then every year sidewalks would be installed as part of the Master Sidewalk Plan. All property owners within the City limits pay the sidewalk assessment yearly even though they may not receive a sidewalk that year. Mr. Haines thought it would be a major burden to those property owners with a large chunk of undeveloped land.

Jason Wiener explained that if a landowner had a large chunk of developed land the property owner would pay more than a property owner with undeveloped land. Mill levees were calculated based on the taxable value/assessed value of the property and that was how the formula was calculated for sidewalks.

Ed Childers added that a landowner may have a quarter mile frontage on Hillview Way, if curbs and sidewalks were installed and the property was worth two billion dollars before the sidewalks and curbs, that property owner would pay the \$170 dollars, or whatever it would be a year for a sidewalk assessment, plus of the cost of putting in the sidewalk and curb. They were also responsible for everything over \$15,000 according to the scenario.

Dick Haines asked if the property owner would pay the assessment year after year even if they did not develop their property for twenty years. If so, he did not agree with that. Mr. Childers said yes.

Adam Hertz indicated that he did not like the proposal and wanted to discuss the gas tax option.

Marilyn Marler stated that one major issue the subcommittee struggled with was how to be fair to those landowners that currently had assessments or had already paid assessments. She then discussed Proposal 2 which was the local option fuel tax shifting the assessment to everyone, which would generate more than \$800,000 a year.

Bob Jaffe asked what Proposals 3 and 4 were. Jason Wiener explained that Proposal 3 was parity for those with current assessments and Proposal 4 was to look at grants and keep looking into other options.

Bob Jaffe explained that the subcommittee had explored the idea about eliminating assessments entirely, that the assessments to the adjacent property owners were a problem, and should be eliminated. The conclusion the subcommittee came to was that it was not feasible to eliminate the assessment program entirely because of the commercial projects that take place. The larger and commercial property owners generally wanted to take advantage of the assessment program. It was not so much how it would be paid for, but how the committee would not pay for it. The committee needed to come up with something that recognized that the sidewalk is a community benefit and not exclusively a benefit for the adjacent property owner and a fair way to do that. The subcommittee wanted to make it fair and across the board and not differentiate between commercial properties, residential properties, which ones were rentals, which ones were owner-occupied; but still acknowledge that the primary benefit the committee was trying to provide was to homeowners and residential property owners. This was the \$15,000 cap which captured all residential properties. The default would be to tax property owners but if there was a gas tax in place, then residents would not have to be taxed.

Ed Childers added that the Committee should tax property owners as a default but if the Committee could come up with a gas tax or grant, then the Committee could add to the sidewalks that are already being installed.

Marilyn Marler indicated that the local option fuel tax proposal could not be enacted by Council; it would have to go on the ballot and be voted on. A one to two cent per gallon fuel tax would raise over \$800,000 annually. This would have to be a County tax and revenue would have to be shared with the County. The option was discussed with one of the Commissioners and they were not excited about a County wide tax for sidewalks which are not usually in the county, but it could include pedestrian paths and bike trails which would work for County residents. If Council wanted to pursue this option, Ms. Marler would discuss it with the Commissioners.

Ms. Marler further explained that the larger issue was fairness. It would not be fair to tax those that had already paid for their sidewalks. The health insurance model could be applied to those property owners in the form of a tax rebate. It would only apply to active assessments and not go back in time crediting property owners that had already paid.

Bob Jaffe explained that tax rebate was not the right term; it would be more like applying a subsidy to their assessment payment. He also was not sure how to address those property owners who had already paid in full, agreed with Marilyn, but wanted to come up with a solution for those property owners as well. Maybe an appeal process would work for those who have already paid to request

reimbursement rather than burdening the Finance Department. This could be a complaint driven process.

Adam Hertz thought it would be difficult to go back in time with assessments that had already been paid, where would the Committee draw the line because there would be heartburn either way.

Cynthia Wolken said she was leaning towards not going back in time. There were different programs land owners could take advantage of. She would rather install more sidewalks now instead of reimbursing those landowners that had already installed sidewalks.

Mike O'Herron suggested that landowners could petition Council for relief rather than going to an appeal process.

Jon Wilkins stated he did not want to pay for someone else's sidewalk since he's retired. All the taxes assessed start to add up and the taxes in Missoula were higher than elsewhere. He wondered what other cities do for sidewalk installation. He also did not know if the City could afford to give rebates, but maybe the City could help someone being assessed new sidewalk fees now or in the future.

Bob Jaffe explained that this question had come up a number of times and the answer is that other cities do not install sidewalks. Missoula had an aggressive sidewalk program.

Doug Harby, Construction Project Manager, responded that, for example, the \$17.00 being assessed annually went towards repairs for sidewalk as well. Half the program included replacing sidewalks. Jon Wilkins asked about the people who could not afford to pay for their sidewalk.

Ed Childers stated that there was no equitable way to make the change. Council cuts it off, starts here, and continues on. Adjacent property owners paying the cost of installation was as fair as it was going to get, although they may not use the sidewalk. If Council was going to make this change it was a matter of who pays.

Jason Wiener stated that a decision would not be made today and the item would be taken up again.

Dick Haines wanted the Committee to consider that the purchase loan for a house included a sidewalk.

Bob Jaffe stated the assessment should not be inferred as a tax increase. Land owners may complain about the \$17.00 assessment, but will certainly complain about installing an \$8,000 sidewalk.

Marilyn Marler stated she was beginning to realize that it may not be possible to go back in time, it would not be feasible. She also spoke to the need to prioritize sidewalk installation, did the Master Sidewalk Plan for Missoula need to be updated or reviewed. Not all individual property owners needed sidewalk installed. Maybe there could be a partnership with the Missoula Redevelopment Agency using tax increment financing to coordinate with them to install sidewalks in the urban renewal districts, or consider CDBG grants for people who are income qualified, although the process is very time consuming with lots of staff time involved.

There had also been a discussion on what property owners would be eligible for the programs that the Committee decided upon. The program would not be applied to new subdivisions since developers were required to install sidewalks as a requirement of subdivision. What about consideration for those required to install sidewalk when a building permit is pulled. Should a person remodeling their garage have to pay for an \$8,000 sidewalk adjacent to their property? She also asked if the Committee wanted to recommend staff communication with TPCC regarding CTEP and CMAQ funding potential.

In closing Ms. Marler asked the Committee if they wanted to implement Proposals 1 and 3, which was the health insurance model and parity for those with current assessments, although it probably would not work to go back in time for those land owners who had already paid assessments. Then the Committee could further research the local option fuel tax with the County Commissioners and also

look into other grant sources. After a year Council could then reassess the program as far as progress and staff time. She did not want to reconvene the subcommittee until the Public Works Committee gave her feedback.

Public Comment

Bob Wachtel, Chairman of the Bicycle Pedestrian Advisory Board, liked the health insurance proposal and wanted the Committee to continue to move forward on the process.

Karen Kaley explained that her mortgage had gone up \$160.00 per month because of her sidewalk assessment which was a huge burden. She wanted the Committee to come up with a better solution to install sidewalks and to work with landowners. What one neighborhood needed was not what was required in other neighborhoods. She also asked that the Committee engage citizens in the process and to consider going back in time to reduce the burden on those who were currently paying assessments. She also did not want to pay additional fees in addition to what she was already paying for her sidewalk.

Bob Giordano, of the Missoula Institute for Sustainable Transportation (MIST), thought the health insurance proposal would be very workable along with the gas tax option. If the two were used together it would double the work installed. He recognized it would be hard to go back in time to help those who had paid or were currently paying for sidewalks, but maybe a grant could be made available. He also liked the CTEP and CMAQ suggestions for the long range transportation plan.

Tom Parchetta had over \$10,000 of sidewalks installed six years ago. He thought the Committee had already written off helping those that had already paid for sidewalks. He encouraged the Committee to find some sort of relief for those property owners, maybe a 50/50 split for new and old sidewalk installation. It would be insulting to have to pay the \$17.00 annual fee since he had already paid for his sidewalks. It was very difficult for him to have to dip into his retirement fund to pay for his sidewalks.

Marcia Hogan appreciated the bookkeeping problem of going back in time and helping those that had already paid assessments. It would be a good idea in fairness to take a sample of the properties to see who paid their assessment in full and who had not, those who did not pay their assessment in full may be landowners with the largest bills.

Greg Oliver, as a representative of Bike Walk Alliance for Missoula (BWAM), believed sidewalks were a positive endeavor for Missoula, but to keep looking at funding mechanisms.

Robin Spaziani discussed rebates on prior assessments. Property owners who had already paid for their sidewalks under the old system should not be subsidizing sidewalks under the new system which were financed. Those landowners who had already paid for their sidewalks in full would get nothing while those who financed their sidewalk would get a rebate.

Ms. Spaziani figured there were two choices and that was the tax payer continued to pay the outstanding debt they had under the old system, while also paying the new tax for future sidewalks, or there could be a certain percentage of rebate to every landowner who paid a sidewalk assessment back to some arbitrary date. Dissatisfaction would occur over that arbitrary date, but all that could be done was to make the system equitable for now on. Giving rebates defeated the purpose of the tax increase in order to pay for new sidewalks. She did not want the taxes to go towards sidewalks that were already built and paid for.

Jon Salmonson, of the Franklin Neighborhood, stated that he was the only member of the Subcommittee who voted against the proposal, it would not speed up the process and may increase the pain and will operate at the same rate as the present plan. He favored a plan that would take advantage of other sources of income and hoped this option could be reconsidered. He did not think the health care plan, once initiated, could be modified.

Jason Wiener discussed rescheduling the item for January 25, 2012, but it would depend on availability of time in the schedule.

IV. ITEMS TO REMOVE FROM AGENDA

1. Consider the sizes of grease interceptors for the restaurant industry ([memo](#)).—Regular Agenda (Stacy Rye and Bob Jaffe) (Referred to committee: 04/21/08)
2. Review infrastructure conditions at the locations of serious and fatal traffic accidents: 2007-2009 ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 01/25/10)
3. T4 America partner support ([memo](#)) – Regular Agenda (Stacy Rye) (Referred to committee: 08/16/10)
5. Approve the agreement for consultant services with Eli & Associates, Inc. on Project 10-034 England Boulevard right turn lane improvements. ([memo](#)) - Regular Agenda (Kevin Slovarp) (Referred to committee 05/16/2011)
6. Infrastructure condition inventory and maintenance requirements. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 07/11/2011)

V. HELD AND ONGOING AGENDA ITEMS

1. Consider the sizes of grease interceptors for the restaurant industry ([memo](#)).—Regular Agenda (Stacy Rye and Bob Jaffe) (Referred to committee: 04/21/08)
2. Review infrastructure conditions at the locations of serious and fatal traffic accidents: 2007-2009 ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 01/25/10)
3. T4 America partner support ([memo](#)) – Regular Agenda (Stacy Rye) (Referred to committee: 08/16/10)
4. Resolution to change the speed limit on Reserve Street between Brooks and 39th Street. ([memo](#))—Regular Agenda (Wayne Gravatt) (Referred to committee: 01/24/2011)
5. Approve the agreement for consultant services with Eli & Associates, Inc. on Project 10-034 England Boulevard right turn lane improvements. ([memo](#)) - Regular Agenda (Kevin Slovarp) (Referred to committee 05/16/2011)
6. Infrastructure condition inventory and maintenance requirements. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 07/11/2011)
7. Discuss the timing of various traffic lights around the city. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 09/26/2011)
8. Discuss the school speed zones. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 09/26/11)
9. Resolution to order curb and sidewalk improvements adjacent to properties in the East Broadway Ph. II Area, Project 11-012. ([memo](#))—Regular Agenda (Monte Sipe) (Referred to committee: 12/19/11) (Referred to committee: 01/09/12)
10. Approve resolution authorizing the Mayor to sign project agreements with Montana Department of Transportation for implementation of the Russell Street Project. ([memo](#)) ---Regular Agenda (Steve King) (Referred to committee: 12/05/11)

VI. ADJOURNMENT

The meeting adjourned at 3:35 p.m.

Respectfully Submitted,
Heidi J. Bakula, Program Specialist
City Public Works Department