

PUBLIC WORKS COMMITTEE REPORT

February 1, 2012 2:05 – 3:00 PM

City Council Chambers

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

Members Absent: Dave Strohmaier, Cynthia Wolken, Caitlin Copple

Others Present: Kevin Slovarp, Steve King, Doug Harby, Monte Sipe, Gregg Wood, Scott Michell, Steve Mauer, Phil Smith, Ariel Meuchel, Rachel Doran

I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of – Available at a later date
- B. Announcements – None
- C. Public Comment on Non-Agenda items – None

II. CONSENT AGENDA ITEMS

1. Resolution to order curb and sidewalk improvements adjacent to properties in the Arthur Avenue – Beckwith Avenue to South Avenue area, Project 11-018. (memo) – Regular Agenda (Monte Sipe)
(Referred to committee: 01/23/12) REMOVE FROM AGENDA

Motion: The committee recommends the City Council adopt the resolution to order curb and sidewalk improvements adjacent to properties in the Arthur Ave. – Beckwith Ave. to South Ave. area, Project 11-018, as amended, and directs that notice be given to all affected property owners.

Kevin Slovarp, City Engineer, explained that the Arthur Avenue project was part of a larger State pavement preservation project that would start construction this summer. He would be bringing the committee a City/State agreement for the State's project and for other pavement preservation projects on Main Street and South Avenue. The Street Division would also be working on some bad portions of the roadway before the pavement preservation project began on Arthur Avenue.

Doug Harby, Construction Project Manager, stated that the State pavement preservation project would be resurfacing Arthur Avenue between Beckwith and South Avenue and Public Works wanted to make sure all sidewalks were sound and all handicap ramps on all corners were installed before the State's project began. The State would also replace driveways that did not meet ADA standards in the pavement preservation project. The sidewalk improvements along Arthur Avenue would be between driveways, accessible curbs, and alleys in order to repair or replace sidewalk. Some sidewalk repairs would include entire frontages that were hazardous. Notice of intent letters had already been mailed to affected property owners and if the committee approved the current motion, certified notice of order letters would be mailed out to the affected property owners notifying them about specifics of the project such as cost of installation and notification of future public meetings.

Dick Haines asked if the cost of installation would be totaled and then divided into the number of property owners or if each property owner would pay for their own frontage. Mr. Harby stated that each property owner is responsible for their own frontage; however, some frontages did not need installation or repair.

Bob Jaffe made the motion.

Monte Sipe asked if the committee wanted to amend their motion to add language into the resolution that stated that the project would be included in any future sidewalk funding plan. Bob Jaffe amended his motion.

Jason Wiener asked for public comment; hearing none, the motion carried unanimously.

III. REGULAR AGENDA ITEMS

1. Report from Pedestrian Subcommittee on possible sidewalk funding options. ([memo](#))—Regular Agenda (Marilyn Marler) (Referred to committee: 01/09/12) HELD IN COMMITTEE

Jason Wiener explained that the discussion items before the committee were to decide whether or not to explore the gas tax option with the County, and whether or not the committee wanted to integrate a rebate for those property owners that were currently paying or had paid for a sidewalk assessment. He wanted motions so the committee had a concrete direction to move forward with. He recognized the unease of the committee with previously assessed sidewalks.

Steve King, Public Works Director, added that there had been staff discussion about the health insurance formula with Bruce Bender, CAO, and Mr. Bender thought that a resolution might be an easier method to use instead of changing Title 12, Chapter 12.12, Curbs, Sidewalk and Paving, of the Missoula Municipal Code. Mr. King added that it would prove to be more flexible than an ordinance in order for administration to fund the subsidy and the resolution could be modified as part of the annual work plan. Staff was pursuing this method, but needed direction from the committee on whether or not that was acceptable and whether or not the committee would rather work with the ordinance. Staff felt it was also better to preserve the ordinance as is, but the resolution could be administered through the administrative budget process.

Bob Jaffe thought staff's approach was consistent with what Council wanted. The committee also needed to discuss the scope of the application of the subsidy. Would it be applied to those currently paying assessments? He asked that staff include this information as an option in their report back to committee, applying the Health Care Model proposal to outstanding balances of current assessments. He only wanted it applied to the current year's payment and not to subsequent years.

Steve King saw a resolution that was multi-faceted setting forth language for current and past sidewalk installations.

Jon Wilkins came in at 2:22 p.m.

Jason Wiener stated that he thought any sidewalk subsidy plan should be part of the ordinance. The current authority in the ordinance could still be preserved while offering an alternative method for sidewalk financing, although an additional resolution could be added. The decision to initiate a project would depend on available funds.

Marilyn Marler did not want to give a subsidy to those who were currently paying. She had received feedback from her constituents that there was no fair way to apply a subsidy to those that had paid or were currently paying. Also, you couldn't give someone who was currently paying an assessment a rebate but not apply it to someone who had already paid their assessment in full. If the committee was going to give rebates they should, for example, pick a cutoff day and say everyone who paid an assessment within the last two years or more than \$5,000 should receive a rebate.

Bob Jaffe made a motion to apply the health insurance model to currently active assessments. The formula would be based on the total remaining assessment and would be applied to the payment due each year until the balance was paid off in full.

Mr. Wiener then asked if the assessment had to be paid in full if the property was sold. Steve King added not necessarily, it could either run with the land, or be a point of negotiation between the buyer and the seller.

Ed Childers understood that there were two goals to be accomplished and that was to build/repair sidewalks and to share those costs amongst all City property owners. Mr. Childers believed that sidewalk projects installed recently could apply, but the committee needed to come up with a cutoff date. He did not want to go back in time and issue rebates. That would only take funding away from currently proposed sidewalk projects. He wanted to start with this year's sidewalk and curb projects.

Alex Taft asked for clarification on modifying the ordinance over a resolution. His preference would be to issue a resolution in perpetuity, as far as the subsidy went, and council would have to take action to change it. He did not want to revisit the policy every year.

Steve King stated that the ordinance or resolution were powers of the Council. An ordinance could be modified by Council just as a resolution could. His recommendation was the resolution because of flexibility, it did not require a public hearing, but the Council could decide to hold a public hearing. Whichever program was decided upon would need to be tuned up the following year. It could be done with an ordinance amendment or resolution every year. Staff wanted the ability to correct mistakes faster with the resolution, although he understood an ordinance was backed by City law. Both could be done.

Mr. Taft believed in Mr. Childers' approach to the subsidy. It was not fair, but was defined as a new policy. Looking at it that way was simpler in dealing with only the current year's assessments.

Mike O'Herron asked for clarification on who the rebate would apply to in the current motion. Jason Wiener explained it only applied to those currently paying an assessment and not those who had paid cash in full. Mr. O'Herron stated it was not fair, but it was not unfair to treat everyone the same in the new policy and to start from a specified date. He agreed any established policy should start from here forward.

Jon Wilkins agreed with Mr. Childers. He also believed the Council should not begin a new program this year since the ordinance/resolution was not set up yet. He wanted to help people retroactively, but there was no way to make it fair. Council should begin the program when the ordinance/resolution went into effect. He would not support the motion.

Adam Hertz also did not support the motion to apply the rebate retroactively; he wanted to move forward to build more sidewalks.

Jason Wiener reminded the committee that sidewalk projects ordered now would not be assessed until late 2013. He was concerned with setting aside the rebate program. A property owner installed sidewalk for their neighbors' use and those property owners who felt there needed to be a change in status quo would never benefit from a change if rebates were not applied retroactively. He believed a program could be set up for those who had made cash payments to apply to the City for relief. He supported the motion.

Bob Jaffe asked about offering a substitute motion. The committee should first decide if they even wanted to offer retroactive payments, then discuss the previous motion he made after that.

Jason Wiener said the committee would have a straw poll vote on Mr. Jaffe's amended motion.

Ed Childers commented that he had heard the way the City bills sidewalk to adjacent property owners was unfair, but it was not unfair if everyone paid for their own sidewalk. Unfair was property owners that owned corner lots and had to install ramps. A general subsidy seemed reasonable, but every time the retroactive date was set there would still be people who would be left out of the program. He did not support the motion.

Alex Taft stated that he would be willing to look at rebates retroactively if staff provided hard numbers of what the committee was potentially considering. Also, the committee needed to be all in if they decided to look at rebates retroactively. This approach would involve taking money away from the future to aid those who had projects in the past. If the committee was concerned about retroactivity they would have to raise the future costs to all property owners.

Mike O'Herron was mostly against retroactive relief, but he did suggest the committee could consider a retroactive graduated subsidy which allowed a certain percentage which decreased as you went backwards in time.

Dick Haines stated that the priority was to decide what areas of town would receive sidewalks first. He then asked if the gas tax model was still an option. Jason Wiener stated it was still open for discussion.

Adam Hertz agreed with Mr. Childers. It was not necessarily unfair to pay for your own sidewalk adjacent to your property and it seemed nearly impossible to go back in time for the retroactive rebate.

Jason Wiener suggested that the committee vote on whether to keep the retroactivity option in the discussion. Marilyn Marler further clarified that the motion was, did the committee want to offer rebates? Mr. Wiener then asked for public comment.

Phil Smith, of the Bicycle and Pedestrian Office with City Public Works, explained that discussions relating to the "Walk to School Program" and the "Safe Routes to School Program" with the City's school system brought up a great deal of discussion on sidewalks with school officials and parents. These programs set out the best routes for children to take to school and also made people aware of where there were no sidewalks. The committee's question was how to prioritize sidewalk installation. If the City gets dramatically more requests for sidewalks than the City can begin to afford, the \$17 or \$18 a year annual payment with the health care model may not be enough. Currently the City has had an influx of requests. Was the City going to tell the public that it cannot afford to fund all the projects? The pressure on the funding pot will not just be "can we help people that paid last year," it's "are we going to be able to enhance the pace at which sidewalks are being installed?" The Safe Routes to School Program was only one of a number of examples that would be placing pressure on the City.

Jason Wiener restated the motion: Did the Committee want to offer rebates or not? Jason Wiener called for a straw poll vote and the majority of the committee voted against giving rebates.

III. HELD AND ONGOING AGENDA ITEMS

1. 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)
2. Discuss the timing of various traffic lights around the city. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 09/26/2011)
3. Discuss the school speed zones. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 09/26/11)

IV. ADJOURNMENT

The meeting adjourned at 3:00 p.m.

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