

**PUBLIC WORKS COMMITTEE REPORT**  
**February 8, 2012 2:05 PM**  
**City Council Chambers**

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

**Members Absent:** Dave Strohmaier, Cynthia Wolken

**Others Present:** Steve King, Doug Harby, Monte Sipe, Gregg Wood, Kevin Slovarp, Michael Tree, Phil Smith, Miles McCarrel, Heather McMilin, Dale McCormick, Lee Clemensen

**I. ADMINISTRATIVE BUSINESS**

- A. Approval of the minutes of – January 25, 2012, February 1, 2012 – Approved as Submitted
- B. Announcements – None
- C. Public Comment on Non-Agenda items – None

**II. 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 reiterated the motions that were previously made in committee and then stated that the two remaining items to discuss were how the sidewalk subsidy would be applied, i.e. building permits, ordered in projects, new subdivisions, etc., and the other item was discussing if gas tax should be pursued with the commissioners as a source of revenue for sidewalk installation. Bob Jaffe mentioned that the committee should also discuss how sidewalk installations will be prioritized.

Gas tax was discussed first. Jon Wilkins understood that the commissioners were not interested in pursuing the gas tax option and they needed to be on board with that proposal.

Marilyn Marler wondered if the committee wanted to pursue it as an option, and if so, her motion would be to implore the commissioners for support to place the gas tax item on their ballot. Dick Haines agreed and thought maybe a joint meeting could be held with the commissioners.

Steve King, Public Works Director, explained that in FY06 three-quarters of the fuel tax was generated within city limits. The gas tax was administered through an interlocal agreement between the city and county. This would be a good opportunity for both the city and the county and there was room for negotiation. The best resource for gas tax information was Jim Nugent's 2011-11 legal opinion from November 2011. Mr. Nugent reviewed who had the legal authority to impose a gas tax, what the maximum tax charged could be, how money was generated by local tax, and what the tax could be used for. The state authorized a voter approved county local option tax at \$.01 - \$.02 cents per gallon, allocation was through interlocal agreement, and taxes generated could be used for maintenance and repair of public streets which included curb, gutter, and sidewalk.

Alex Taft wanted a secure funding source for the sidewalk projects. If the gas tax option passed, then the committee could look at it as a funding option. Ed Childers agreed, the special road district fund was the funding source for sidewalk projects, the gas tax funds could be applied if it ever passed.

Mike O'Herron was interested in a program that included complete streets (curbs, sidewalks, transportation) since it might look more appealing to tax payers.

Marilyn Marler made a motion that the commissioners put a gas tax on their ballot. Instead of this motion being part of the package to council, it should be voted on now in committee so if it was approved it could be passed on to the commissioners now. Bob Jaffe agreed. Jason Wiener indicated that staff would need time to draft the resolution that went with the gas tax motion.

Jason Wiener asked for public comment and none was given.

Jon Wilkins supported having a sit down meeting with the commissioners and did not support the motion. Ms. Marler indicated that the motion/resolution would make the request more apparent to the commissioners. If there was no support from the committee there would be no need to approach the commissioners.

Adam Hertz asked if the motion could be amended to request a meeting with the commissioners. Jason Wiener explained that the motion basically includes that request. Mr. Wilkins only supported a sit down meeting.

Mr. Wiener explained that the committee was voting on whether or not to include the gas tax as an option for sidewalk funding, which would then be pursued with the commissioners. The motion carried unanimously on a voice vote to pursue the gas tax option. This would be a recommendation out of committee with the package sent to the council floor.

Marilyn Marler made a motion to apply the sidewalk funding option to sidewalk ordered in by the City, or as part of a building permit, but not sidewalk required in a new subdivision as a condition of subdivision. (This motion was later amended)

Doug Harby, Construction Project Manager, explained that:

- Mandatory permits for sidewalk installation are associated with zoning compliance permits or building permits.
- Between 200 and 700 building permits per year were issued since 2006 that required right-of-way improvements.
- Mr. Harby based his calculations off 500 permits annually, which equaled about \$1.8 million dollars per year installed through mandatory installations. The \$800,000 magic number being discussed would need to be tripled, which would equal about \$51.00 per property owner, annually, if mandated.
- One to two full time employees would need to be added in order to oversee the committee's mandate. Each project had to be independently evaluated.
- Mr. Harby did not want to subsidize private property installations, only public sidewalk installations. With ordered projects only one person was paid, which was the contractor. With private property installations there could be 6-7 contractors involved.
- In the order process the city paid for any work associated with the installation of new curb and sidewalk.
- This presented problems and detracted from the program to increase the installation of sidewalks through the order process.

Mike O'Herron felt the committee needed to approach the problem holistically and look at the complete streets option. Handling a single issue month after month would decrease political will and public backing.

Marilyn Marler added she would amend her motion. She underestimated the number of sidewalks installed with building permits. If a property owner did a remodel they should get the subsidy if required to install sidewalk, if a new residence was being built on property as an investment they should not get a subsidy, it was part of doing business.

Mr. Harby further explained that small subdivisions were a gray area. Sewer connection, driveways, sidewalks, etc., were all expenses of subdivision development. Most mandatory sidewalk installations came from change of use for additional parking or access. Some subdivisions did not install sidewalks as a condition of subdivision, such as Mansion Heights. Sidewalk had to be installed every time a lot was developed. Subdivision or special development was under a different category than mandated sidewalk installations with a remodel.

Jon Wilkins believed that if a building was being remodeled or a subdivision was being built, sidewalk installation was all part of that project and should be paid by the property owner/developer. The committee was asking taxpayers to fund the subsidy in the end since gas tax would probably not be an option.

Ed Childers did not believe there was any point to reevaluating sidewalk installation as part of complete streets. The only real funding mechanism would be special road districts since gas tax could not be counted on, although it was a good idea. As far as installation of sidewalk in front of condos and apartments, each unit should be treated separately when it came to fees, maybe a special use fee could be applied to condos and apartments. Mr. Childers called for the question on Ms. Marler's motion.

Jason Wiener asked for public comment on the motion. The motion was to apply the sidewalk subsidy to only sidewalk which is ordered in by the city as part of an assessment.

Lee Clemensen stated that sidewalk was very expensive and since she was mandated to make repairs to the sidewalk adjacent to her property she did not feel it was right to pay for someone else's sidewalk in front of their property. Those that had already paid for their sidewalk should be exempt from any new mandate.

Mr. Wiener called for a vote to end the debate on the motion. The motion to end the debate carried on a voice vote with Wilkins voting nay. Ms. Marler's motion carried on a voice vote with Hertz, Haines, and Wilkins voting nay.

### **III. HELD AND ONGOING AGENDA ITEMS**

1. Resolution to change the speed limit on Reserve Street between Brooks and 39<sup>th</sup> 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