

PUBLIC WORKS COMMITTEE REPORT
July 1, 2009, 8:40 AM
City Council Chambers

Members Present: Jason Wiener (Chair), Ed Childers, Dick Haines, John Hendrickson, Bob Jaffe, Renee Mitchell, Pam Walzer

Members Absent: Dave Strohmaier, Jon Wilkins

Others Present: Steve King, Kevin Slovarp, Steve Earle, Patty Clawson, Monte Sipe

I. ADMINISTRATIVE BUSINESS

A. Approve minutes of June 24, 2009 as submitted or corrected – Approved as submitted

B. Announcements – Steve King, Public Works Director, stated that the Higgins/Hill/Beckwith roundabout construction is on schedule. They are working with business owners, and received a request for enhanced signage for business access. Also, the Street Division will be working nights next week doing pavement maintenance on Russell Street. They don't expect any noise issues with the night work. The Scott Street rehabilitation is scheduled to begin July 13, and public notices will be going out to property owners.

Mr. Jaffe asked what they were doing to enhance pedestrian and bicycle facilities on the Scott Street bridge. Mr. King replied that the sidewalk and railing would be removed and replaced and that he thought they could get another foot for the bike lanes by restriping the driving lanes. Otherwise, the bicycle and pedestrian facilities would be substantially the same as it is now.

C. Public Comment on Non-Agenda items – None

II. CONSENT AGENDA ITEMS

1. Resolution to order alley approach improvements project 09-037 Block 73, school addition between Cowper and Bulwer St (memo).—Regular Agenda (Doug Harby) (Referred to committee: 06/22/09) REMOVE FROM AGENDA

Motion: The committee recommends the City Council adopt the resolution relating to paving alley approaches in Block 73, School Addition, Project 09-037, of the City's Sidewalk, Curb, Gutter, and Alley Approach Program; ordering in the alley approach improvements and directing notice be given to affected property owners.

Monte Sipe, Construction Project Coordinator, stated that the paving was for the block between Sherwood and Phillips, and Cowper and Bulwer. Alley paving is a different process than sidewalks. It is initiated by citizens through a petition process. It was initiated by Mike Frey, a property owner on Phillips. Ten owners abut the alley, and six have signed the petition, representing 55% of the lineal footage. They sent notification letters to the property owners. Of the four who did not sign the petition, one said no, two were out of state, and one was undecided. They encourage owners to coordinate with asphalt contractors and get bids so they understand the costs.

Ms. Mitchell asked if the property owners who signed the petition lived on the street or elsewhere. Mr. Sipe stated that two absentee owners haven't signed on. The owner at 1538 didn't agree to the paving, and the owner of 1528, a multi-family property, lives in town but not at that location.

Ms. Walzer made the motion to order the resolution.

Patty Clawson stated that she was a property owner and was in favor of the project.

Ms. Walzer stated that she appreciated the neighbors doing the project because dust can be a problem with unpaved alleys. It was a great project for neighbors to work together and help air pollution problems.

Mr. Jaffe asked who initiated the project and why the City did not do the paving. Mr. Sipe stated that it was initiated by a petition of the neighbors. The City does maintenance and pothole patching on alleys, and the City crews will blade and prep the alley for paving, but an outside asphalt contractor will do the actual paving and finish grade. The City does not pave alleys.

Mr. Jaffe stated that it would be nice to have speed bumps or traffic calming, because people drive faster in a paved alley.

The motion passed unanimously.

2. Miller Creek road improvements – WGM Group agreement Amendment No. 3 ([memo](#)).—Regular Agenda (Monte Sipe) (Referred to committee: 06/22/09) **REMOVE FROM AGENDA**

Motion: The committee recommends the City Council approve and authorize the Mayor to sign Amendment No. 3 of the Agreement for Engineering Services to WGM Group, Inc., for Miller Creek Road Improvements in the amount of \$46,340.

Mr. King stated that Public Works had been working for several years with the County and City Council to improve Miller Creek Road from Briggs to the Wye. Separate projects are improving Upper Miller Creek and Lower Miller Creek roads. The found right-of-way (ROW) last summer caused a delay in the project, resulting in an additional expense. The property owners want it settled and don't want to have to widen the road again and undergo further negotiations in the future. They want their titles clear. All parties have worked diligently to come up with plans for a finished project that sets the hardscape and mechanisms to fully resolve the ROW issue for the future. They are setting up slope easements and moving toward closure with the ROW vacations. There have been additional landowner meetings, revised vacation exhibits, a change to the overall road design and time for additional project coordination for this agreement amendment. The time has been put in and is justified.

Mr. Sipe added that part of the amendment is to add additional parcels that were not part of the original negotiations. Parcels 10 through 15 weren't impacted by the proposed three-lane, but now that they are establishing a footprint for the four-lane, those parcels will be impacted. They are looking at establishing slope easements in lieu of ROW. Mr. King stated that this contract amendment was \$46,340 of a two million dollar project. The project is a year behind. The money is in the bank, but the amendment will chip into the contingency and overall project budget. The Twite Family Partnership, Maloney Ranch and the City are all sharing project costs, and there may need to be some money added to the total budget prior to construction.

Mr. Haines stated that he supported the amendment and asked what property owners had to say about recent developments. Mr. Sipe stated that she wanted time to review the documents and talk to property owners on the south side, but they have identified issues and what they need to do, and overall it went well. DJ&A is still following up with some owners. Mr. Haines stated that he had no knowledge that anything would go awry with any negotiations. He asked about the construction schedule. Mr. King stated that they hope to do the utility relocation this fall, and do the main construction next spring.

Ms. Mitchell stated that she had no reason to not support it. She asked if some of the money in the contract amendment was for work they anticipate happening. Mr. Sipe stated that based on discussions with the committee and County Commissioners, they determined to do a four-lane design and slope easements. Some of that work has been completed. Mr. King stated that Council has an agreement with the Twite Family Partnership and Maloney Ranch to fund the project. The agreement was negotiated two years ago, and the costs known at that time were put into the agreement. Due to increased costs and time, they may need to revisit the agreement.

Mr. Childers asked whether the City, County and property owners had agreed that this was the best way to do things and asked about the other money going into the road. Mr. King stated that they were in ongoing discussions with property owners. Mr. King stated that the other projects on Upper and Lower Miller Creek were different, but it was still money going into the neighborhood.

Ms. Walzer made the motion.

Mr. Wiener asked where the project was in the CIP list, and referred to some line items on Miller Creek. Mr. Slovarp stated that the project he referred to was for Lower Miller Creek Road, from the Wye to Jack Drive in the new Maloney Ranch area. It was a separate project. The current project is for Miller Creek Road. Mr. King stated he thought it was listed in the traffic impact fee CIP and would have to look to see which project it was.

The motion passed unanimously.

3. Discussion on new yield to bus legislation. ([memo](#)) ([Packet](#)) – Regular Agenda (Jason Wiener) (Referred to committee: 06/29/09 **REMOVE FROM AGENDA**)

Motion: The committee recommends the City Council set a public hearing for August 3, 2009 on an ordinance amending Missoula Municipal Code Title 10 entitled "Vehicles And Traffic" by amending Chapter 16 Entitled "Traffic Control Devices" by adopting a new section, Section 10.16.130 entitled "Vehicles to Yield to Urban Transportation System Buses Utilizing a Flashing Yield Sign on Back of Bus."

Steve Earle, Manager of Mountain Line, discussed the packet of information on the proposed yield to bus ordinance. The state legislature passed a bill that would allow local ordinances for a yield to transit bus law. They would equip transit buses with a yield sign that is operator enacted at approved locations. Where the operator can't get back into traffic, they would turn the sign on and traffic would be required to stop and let the bus back in. It allows them to improve on-time performance and make transfers. The increase in performance and reliability increases ridership. The packet includes a list of locations where they have a problem getting into traffic, a draft of the ordinance, and support letters. They envision that most violations would receive a warning and it would be an opportunity for education. They are ordering 14 new buses, and this would be an opportunity to equip those with the flashing light, for about \$400 to \$500 each.

Mr. Childers asked if there was previously concern about having bus pull-outs in new roads because buses wouldn't be able to get back out into traffic. He asked if they had problems changing lanes and whether the ordinance would have been prohibited prior to the legislation just passed by the state. Mr. Earle replied that buses sometimes have trouble getting back into traffic after pulling over, but don't generally have trouble changing lanes. They could not pass the yield to bus ordinance prior to the state legislation.

Ms. Walzer stated that her bus was late this morning, and along Spruce Street no one would let the bus back into traffic. People will be more likely to take the buses if they know they will run on time.

Ms. Walzer made the motion to set a public hearing on the ordinance for August 3.

Mr. Jaffe stated that he had concerns about setting a public hearing because it was not an action item on the agenda. He asked if there was any data to suggest it would cause traffic problems. Mr. Earle stated that the downside is the cost. They need to be committed to an education campaign that the Mountain Line board would have to approve.

Mr. Hendrickson asked if the price tag was hefty for marketing and if Mountain Line had the money for that. Mr. Earle stated that California invested \$500,000 in a similar campaign, but that was for a larger system. They would probably need a 10% to 15% increase in their annual marketing budget and might need to buy back the signs on the back of the bus to increase effectiveness.

Mark Muir, Chief of Police, stated that the Police Department was supportive of the ordinance and it would not have a meaningful impact on them. He did not anticipate drivers collecting license plate numbers of offenders. When officers observe a violation, they will have an opportunity for a conversation.

Mr. Hendrickson asked where they found incidents of buses not getting out. Mr. Earle stated that they have trouble on W Broadway since the road diet started, on Russell Street where traffic backs up all the way to Mount, and on Third Street, all during peak times. If they change the routes so buses have adequate time at peak times, the operators get downtown early the rest of the day. On 39th they have an issue in the morning and evenings as well.

Kevin Slovarp, City Engineer, stated that it would be a good way to get the buses back into the flow of traffic from pull-outs.

Mr. Haines stated it could be limited to certain hours and streets, and stated that some people have mentioned they hate to be behind the smoking behemoths. Mr. Earle stated that it would be used only at peak times at specified locations as necessary, to prevent the potential for abuse. Mr. Muir stated that this would be different from the school bus system, when traffic comes to a stop the entire time they are unloading. Having the law in effect on a round-the-clock basis is a better reminder than only having it apply at certain hours.

Mr. Childers stated that one reason people don't like to get behind buses is that they are smoking and smelly. Mr. Earle stated that the age of the bus has a lot to do with the exhaust.

Ms. Walzer stated she would like to keep the ordinance as simple as possible and assumed that operators would only use it when needed. It is important to remind people that ridership means one less vehicle on the road.

Ms. Mitchell stated that if they did enact law, the illuminated yield sign would be adequate if it was in great contrast to the back of the bus.

The motion passed unanimously.

III. HELD AND ONGOING AGENDA ITEMS

1. Discussion on the sizes of grease interceptors for the restaurant industry ([Grease Interceptor PowerPoint](#)) ([memo](#)).—Regular Agenda (Stacy Rye and Bob Jaffe) (Referred to committee: 04/21/08)
2. Consider restructuring the city's Sewer Loan Program along the lines of the recently approved change to the Sidewalk & Curb Loan Fund.—Regular Agenda ([Chapter 3.16 – Sidewalk & Curb Loan](#)) ([Chapter 3.18 Sewer Loan](#)) ([Ordinance 3344](#)) (Ed Childers) (Referred to committee: 06/26/06)
3. Discussion item to consider vacating portions of an 1896 petition County road on the westerly side of Miller Creek Road. ([memo](#)) (Monte Sipe) (Referred to committee: 10/6/08)
4. Discussion item regarding complete streets. ([memo](#)) (Jason Wiener) (Referred to committee: 10/27/08)
5. Information item to present the City's Master Sidewalk Plan. ([memo](#))—Regular Agenda (Doug Harby) (Referred to committee: 01/12/09)
6. Discussion of local, city-sponsored energy production ([memo](#)). (Ed Childers) (Referred to committee: 12/22/08)
7. Authorize speed limits ([memo](#)) ([Speed Limits Memo – Steve King](#)) ([Presentation Maps](#)).—Regular Agenda (Ed Childers) (Referred to committee: 12/08/08)
8. Change the speed limit on George Elmer Drive to 30 mph throughout. ([memo](#)) (Bob Jaffe)
9. \$500 rebate or coupon toward connection of sewer through December 31, 2009 for existing homes. ([memo](#)) ([SDF Ordinance Changes](#)) ([SDF Analysis](#)) (Returned from Council floor: 05/18/2009)
10. Discussion on the leaf removal program ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 06/08/09)
11. Resolution of intention to close and vacate certain portions of Miller Creek Road and Lower Miller Creek Road generally located between Briggs and the "Wye". ([Resolution A](#)) ([Resolution B](#)) ([Staff Report](#)) ([map-6 MB file size](#)) ([memo](#)) ([PW](#)) (Returned from Council floor: 4/13/09)

IV. ADJOURNMENT

Respectfully Submitted,

Jessica S. Miller
Office Manager
City Public Works Department