

## PUBLIC WORKS COMMITTEE REPORT

July 8, 2009, 2:05 PM

City Council Chambers

**Members Present:** Ed Childers, Dick Haines, John Hendrickson, Bob Jaffe, Renee Mitchell, Pam Walzer, Jon Wilkins

**Members Absent:** Jason Wiener (Chair), Dave Strohmaier

**Others Present:** Stacey Rye, Lyn Hellegaard, Marilyn Marler, Gregg Wood, Jim Hausauer, Steve King, Doug Harby, John Wolverton, Carma Gilligan, Kim Klages Jones, John Horner, Kent Watson, Richard Huffman, Ellen Buchanan, A.W. Wilcox, Linda McCarthy, Charlie Beaton, Rod Austin, Matt Ellis, Dave Prescott, Ethel MacDonald

### I. ADMINISTRATIVE BUSINESS

- A. Approve minutes of July 1, 2009 as submitted or corrected – Approved as submitted.
- B. Announcements – Gregg Wood, Project Development Coordinator, stated that Scott Street Bridge construction starts Monday, and they are preparing for the detours. The project should be completed in October.

#### C. Public Comment on Non-Agenda items –

Jim Hausauer discussed the potential for receiving a TIGER grant, which was discussed in Transportation Technical Advisory Committee (TTAC) and Transportation Policy Coordinating Committee (TPCC) meetings. He stated that the grants were for building trails and bicycle and pedestrian infrastructure in the city. TTAC will have a subcommittee and is assembling a good list of projects. Mr. Hausauer wanted to add a grade-separated crossing across Reserve Street at CS Porter to the list.

Warren Wilcox stated that he received a ticket on Expressway after turning west off Reserve St. The posted speed limit of 25 mph is hard to notice and the police had a speed trap set up and were catching everyone. He stated that it was virtually impossible to drive 25 mph on that section of road and asked for consideration that the speed limit be changed. He also stated that the stop signs on Great Northern needed review at Palmer, Union Pacific, and American Way. The stops on Great Northern don't do anything but stop traffic, and usually there is not any traffic there. Ms. Walzer stated that they were aware of the issues on Expressway.

John Wolverton of the Franklin to the Fort neighborhood and member of the Bike/Walk Alliance for Missoula encouraged the City to look again at providing bike facilities when they restripe Russell Street from Mount to North. It is a choke point for all modes of transportation. The bike lane would also create a buffer for pedestrians on the curbside sidewalks.

### II. REGULAR AGENDA ITEMS

1. Resolution authorizing the Mayor to sign for and utilize North Higgins American Recovery and Reinvestment Act (ARRA) funds (memo).—Regular Agenda (Steve King) (Referred to committee: 07/06/09) REMOVE FROM AGENDA

**Motion:** The committee recommends the City Council pass a resolution authorizing the Mayor to sign for and Utilize \$1,250,000 of American Recovery And Reinvestment Act Grant Funds for City Project No. 2009-028 "North Higgins Streetscape."

Resolution authorizing the Mayor to sign for and utilize Rattlesnake Gateway/Greenough Drive American Recovery and Reinvestment Act (ARRA) funds (memo).—Regular Agenda (Steve King) (Referred to committee: 07/06/09) REMOVE FROM AGENDA

**Motion:** The committee recommends the City Council pass a resolution authorizing the Mayor to sign for and utilize \$200,000 of American Recovery And Reinvestment Act Grant Funds for City Project No. 2009-030 "Rattlesnake Gateway/Greenough Drive."

Mr. King stated that both items were to try to expedite federal aid projects. Public Works has to have three federal aid projects through the entire federal and state process in eight months, which is fast considering the multiple agencies involved. The sidewalk enhancements are an in-house design, but Rattlesnake and North Higgins both need to go through the design process, so they would like council authorization to expedite the process. They will still allow for public participation as the projects go forward. The North Higgins project is a flagship project within the downtown master plan, and there was never money to build it previously. The ARRA funds provide 1.25 million dollars and allow them to go forward fully funded with the features they want. They will change it to three lanes to assist turning movements and business access, with no change in sidewalk widths, and they will be adding a protected bike lane with a raised median. There will be landscaping, lighting, and street furniture to create a

business-friendly, multi-modal street. The Business Improvement District (BID) and the Missoula Downtown Association (MDA) have been working with bicycle and pedestrian agencies to develop street features on Broadway. The schedule includes a drop-dead date for federal aid money and the projects must be bid-ready in six months. Authorizing the Mayor to sign the documents will allow them to be ready on schedule. Council approved the contracts in May, so the budgets are fixed and capped to the federal aid amount. Doug Harby, Construction Project Manager, stated that typically the Council would be involved in the agreement with the consulting firm and in awarding the contracts. Taking those items to Council would leave only eight weeks to design 1.25 million dollar project, which is not enough time. Allowing the Mayor to sign documents will increase design time to 10 or 12 weeks. Public Works will keep Council informed with information items in committee and will invite public comments.

Mr. Hendrickson asked if this was the same thing they did to expedite the MRA parking garage. Ellen Buchanan of MRA stated that for that they authorized a design build or construction manager and this was different. Mr. Hendrickson stated that he did not have a problem with eliminating those steps.

Mr. Hendrickson made the motions to adopt both resolutions.

Mr. Haines asked Mr. King to explain the difference between spending stimulus money on these projects versus spending it on Hillview Way. Mr. King stated that projects need to be shovel-ready and non-controversial. None of the projects selected required additional funding from locals, and there was never enough money to do the 3.5 million dollar Hillview Way project. It would still require an SID, so it is not shovel-ready and is vulnerable to rejection. There is also the potential that with federal money, the process could require an environmental assessment, which would also prevent it from being ready by the deadline. They talked about other projects, such as South 3rd Street, Miller Creek Road, and Hillview Way, but the projects selected are these are most able to be completed within the required time period. Mr. Haines stated that there had been loss of life on Hillview, and some of the money could have been spent out there and met the conditions. He stated he would not support the motion.

Ms. Walzer stated that a few years ago, the North Higgins Streetscape project was ready to go, bids went out, and then they discovered the cost was too high. She asked if the plans were the same as in 2004 check tape. Mr. King stated that the major concept was the same, but some elements were changed such as bicycle facilities and parking, but the major project of a complete street rebuild from Broadway to Circle Square remains the same. Concepts have been taken from the Downtown Master Plan with some changes. The corner of Broadway and Higgins needs state approval. Mr. Harby stated that they had done \$400,000 of work from that contract already, and that some sidewalk replacement was already done. They will have bid alternatives to get as close to the budgeted amount as they can.

Mr. Hendrickson asked if the eight month timeline meant they had to be digging by then. Mr. King replied that the timeline was starting in May, when the contracts were approved.

Tim France, owner of Worden's Market and chairman of the BID, urged Council to support the resolution. He stated there was a need to preserve, protect and have a vibrant downtown. The project will create an environment that businesses want to be around. If the BID achieves this, they will be verifying public trust. It will be a visible reminder and an enhancement for the public trust.

Matt Ellis, local business owner and MDA board member, stated that this is the third chance for the streetscape to get funded, and that they may lose it forever if they miss this opportunity.

Rod Austin stated that North Higgins was the type of project the stimulus was there for, because it would generate a much greater tax base to take care of other things around town. If stimulus money was invested around the country in projects like this, the time period to pay it back would be less. He stated that they had contacted every property owner and business on North Higgins and had not gotten negative responses.

Linda McCarthy of MDA asked that the BID and MDA board members in the audience stand so Council members could see their support for the resolution.

Kim Klages Jones, the owner of J. Elaine's boutique, stated that the streetscapes project was beautiful and would encourage more people to shop in the area. She stated that she thought all the affected businesses were locally owned. The investment would come back three-fold.

John Horner of the MDA board and First Interstate Bank stated that he was there as a citizen. He lives in Linda Vista and stated that there were lots of other places the money could be used, but he realizes none of them could be done in the time frame needed. He encouraged Council to support the resolutions.

Kent Watson, a landscape architect, stated that from the consultant aspect of it, the time frame is very short even with the expedited process. He lives off Hillview Way and understands the concerns and stated that the improvements they made with markers have improved visibility and slowed traffic. He stated that while he wished they had an opportunity for Hillview Way, they had to move quickly on the other projects.

John Wolverton of the Bike/Walk Alliance of Missoula (BWAM) encouraged Council to support the resolutions. The bike community had concerns and worked with BID, and they all share a grander vision for downtown which is moving forward. It is a great design for all.

The motion passed with Haines voting nay.

Mr. Hendrickson stated that he shared the frustration on Hillview Way, and that there were rumors of a second round of stimulus money. He asked if there was a way of separating the project out and doing an in-house design to avoid the SID process so it would be shovel-ready if more money came in. Mr. King stated that the project hasn't gone away and they are looking at a variety of avenues. Using stimulus money for the shovel-ready projects makes other money available. Federalizing Hillview Way slows the time. Mr. Hendrickson stated they could separate the road from the curb and gutter and do the design in-house. Mr. King stated that it would still be more expensive than the federal aid projects.

Mr. Childers stated that he was also frustrated. They had Hillview Way ready to go and maximized property owners' costs at \$6,000 until they subdivided or sold, and Council voted it down.

2. \$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) **REMOVE FROM AGENDA**

Mr. King stated that fee issue had been discussed, went to the full council, and was sent back for further discussion. Staff recommends an ordinance change if the Council wanted to change fee structures. The discussion of a coupon or rebate seems problematic on a variety of levels.

Bruce Bender, Chief Administrative Officer, stated that if they use the coupon or rebate, they must bring in another revenue source, which could be from the general fund. They also can't differentiate between residential and commercial properties, because all are unplumbed. Encouraging hook ups would reduce nutrients and reduce the burden on the treatment plant. There is a large Rattlesnake sewer SID coming up, and they could lower the fees to assist current property owners, in which case he would recommend they run it through December of 2010 to encourage the Rattlesnake to get hooked up.

Mr. Jaffe asked why they couldn't specify residential instead of commercial properties. Mr. Bender stated they couldn't differentiate between the two because both discharge waste. Very few commercial buildings are unplumbed, while a high number of residential properties are not connected. Mr. King stated that a single family home is typically one capacity unit, and places with larger water meters have a larger number of capacity units. Since the fees went up January 1, 12 existing single family homes and two multi-family properties have connected. The two multi-family were each was 2.5 capacity units. Mr. Jaffe asked if they could offer a discount per property and not per capacity unit. Mr. Bender stated that it would have to be connected to the wastewater discharge and they must treat equivalent units similarly or they would be discriminating against larger connections. They must treat all rate users the same. They can't offer a discount with sewer development fee funds, and would have to bring in money from another source, such as the general fund.

Mr. Jaffe asked for an explanation of the numbers on the attached spreadsheets. Mr. King stated that it showed averages for the last few years for hook ups by capacity unit, and showed lost income based on the original suggestion of a \$1,050 reduction in the fee. Average lost revenue would have been \$86,000 per year for the sewer development fee fund, which funds expansion of the system. They currently have expenditure commitments in the Wye and Linda Vista areas. A fee reduction results in a tangible loss of revenue for the utility account.

Mr. Childers asked whether they were required by law to charge a connection fee or if they could raise rates for all users instead. Mr. Bender stated they were two separate systems. At one time, the entire system was funded by ratepayers, and now development pays its fair share. Mr. Childers stated that he did not like a temporary rebate; they should either pay the fee or not. He stated that if Council thought ratepayers should pay for the cost of new ratepayers to connect he was willing to listen, or if new ratepayers should pay 100% of the cost to connect, that was fine too.

Mr. Wilkins stated that they were trying to get people to hook up, but there are lots of trials and tribulations and he recommended they leave it alone.

Mr. Jaffe asked how the money was spent, and asked if developers contributed when they hook up with new sewer pipes running to the Wye. Mr. King stated that the fund was used for a variety of purposes. They oversize facilities in town, such as on Broadway and Reserve Street, and work on general benefit sewer facilities. Sewer pipes larger than 10 inch pipes are like collectors, and the sewer development fee helps fund those. They also do replacement of pipes in town and on the edge of town. Mr. Jaffe asked how the \$1,400 fee was set. Mr. King stated that fees were based on a year 2000 study and included the buy-in for the treatment plant and the property owners' costs for general benefit facilities. At that time, the original proposal was a \$2,000, with \$1,400 being the final compromise. The fee was set based on the rate study almost 10 years ago. Mr. Bender stated that citizens pay approximately \$10 per month for maintenance and operation of the existing facility, and the sewer development fee is for expansion.

Ms. Walzer stated that to assist people with the cost of connection, they would have to find outside money. Clean water grants would be the easiest way to help existing homes. Mr. Bender stated that the pipe going down the street is public infrastructure, but there is no public money available for private connections.

### 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. Discussion on the leaf removal program ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 06/08/09)
10. [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