

## PUBLIC WORKS COMMITTEE REPORT

May 5, 2010, 2:05 PM

City Council Chambers

**Members Present:** Jason Wiener (chair), Ed Childers, Dick Haines, Lyn Hellegaard, Roy Houseman, Bob Jaffe, Marilyn Marler, Renee Mitchell, Dave Strohmaier, Pam Walzer

**Members Absent:** Jon Wilkins

**Others Present:** Stacy Rye, Steve King, Phil Smith, Kevin Slovarp, Doug Harby, John Hendrickson, Zack Porter, Brent Rowley, John Wolverton, Rob Lewiston, Zach Brown, Barbara Holland, Bob Gentry, Ellen Buchanan, John Salmonson, Erin Axelrod

### I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of [April 28, 2010](#)— Approved as submitted.
- B. Announcements – Mr. King stated that on Brooks Street from Higgins to Mount they haven't decided the final pavement configuration yet. The discussion will be an agenda item for the May 13 Bicycle and Pedestrian Advisory Board meeting and they hope to discuss it in Public Works Committee on June 2. The Spruce Street angle parking discussion is scheduled for May 26 in Public Works Committee. The Bicycle Pedestrian Advisory Board will move their meeting time to the 2nd Thursday of the month from 3:00 to 5:00 in the City Council Chambers and will have staff support and be shown on MCAT. They hope to get more structured recommendations from the board for the committee. Ms. Rye stated she would contact Mr. Bender, because at the Brooks Street neighborhood meeting, Mr. Bender informed residents that a decision on the configuration would be made in a year. Ms. Walzer asked about the trenches on North Higgins. Mr. King replied that they should be backfilled or fenced at the end of each day.
- C. Public Comment on Non-Agenda items – None.

### II. REGULAR AGENDA ITEMS

1. Discuss CMAQ program activities prior to grant application submittal to fund bike ped office activities ([memo](#)).— Regular Agenda (Phil Smith) (Referred to committee: 04/05/10) **REMOVE FROM AGENDA**

Phil Smith, Bicycle and Pedestrian Program Manager, stated that they are getting ready to submit an application for FY11 Congestion Mitigation and Air Quality (CMAQ) program funds and wanted to give the committee an opportunity for input. They have taken input from staff and citizens and the program was reviewed and discussed by the Bicycle and Pedestrian Advisory Board. They are proposing to continue what they have done in the past. In addition, they will be producing a brochure to keep sidewalks clear of debris and purchasing approximately 100 sets of bike lights for the fall campaign. They will distribute reflective tape for kids through the Safe Routes to Schools (SRTS) teams and will supplement the cost of the bike intern, which has been reduced in the proposed general fund budget. There was an error in the FY11 table. Item B for Walkable Missoula should be \$2,870 and item D, bike/ped safety, should be \$16,415. Walkable Missoula will be supported by SRTS grant money.

Mr. Strohmaier asked Mr. Smith to speak to the effectiveness of the bike ambassador program. Mr. Smith stated that they started the program because of complaints about bicyclists, which are often not something law enforcement is able to address. It was modeled on a similar program in Chicago. The ambassadors talk to riders about problematic behavior and reach a lot of them. It is also educational opportunity, and they reinforce safe and responsible techniques with kids. He hears feedback that interactions between the bike ambassadors and riders are generally positive.

Mr. Wiener asked how CMAQ funding fit into other City funding, as well as other funding requests to the same authority, and if it was coordinated at the Metropolitan Planning Organization (MPO) level. Mr. Smith stated that it was in the five-year transportation plan and the Transportation Improvement Plan (TIP), which is approved by the MPO. Steve King, Public Works Director, stated that CMAQ funds were just under a million dollars per year community-wide, and the majority of it goes to transit and transportation demand management, with only a small portion to the bicycle and pedestrian program.

Mr. Wiener asked how much they spend on TV and radio ads. Mr. Smith stated that in the proposed FY11 grant, they have \$9,612 budgeted. The station contributions are budgeted at \$3,800, used as match money for the grant requirement. Station contributions are typically double, so they may get up to \$25,000 worth of time for \$9,600.

Ms. Walzer requested that future presentations include a side-by-side comparison between years.

Robin Spaziani, Bicycle and Pedestrian Advisory Board chair, stated that the members of the board feel that education is of primary importance to increase safety for bicyclists and pedestrians. She stated that the bike ambassadors are a more effective person-to-person contact.

Mr. Jaffe stated that he still struggles with the value of infrastructure versus promotional materials and that he was dubious about the effectiveness of the ambassador program.

Ms. Mitchell asked if they hand out brochures to kids in schools. Mr. Smith stated that they had a wide variety of literature, and that it goes to schools upon request. They developed a K-5 curriculum, which all teachers have materials for. In the SRTS grant, they have requested funding to replace the old curriculum with new curriculum and additional material.

2. Provide guidance to Public Works and OPG Transportation on the City of Missoula draft Master Sidewalk Plan and the Active Transportation Plan based on public comment and Council sentiment ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 05/03/2010) **REMOVE FROM AGENDA**

Mirtha Becerra of OPG Transportation stated that they are updating the non-motorized transportation plan. The intention is to have it adopted as an amendment to the growth policy. The main goal of the plan is to address growth policy and goals and objectives. They want to do education and outreach as well as safety and interagency coordination. The technical advisory committee meets monthly for document development. They are also conducting bicycle and pedestrian counts twice this year as part of the planning update.

Doug Harby stated that the Master Sidewalk Plan dovetailed well with the active transportation plan and that incorporating them could be beneficial to both of them. He would like to get more empirical data from OPG, possibly even a sidewalk inventory, and integrate the two plans.

Mr. Wiener asked if an inventory was done or could be done through the plan. Ms. Becerra stated that the transportation model enhancement their office was working on would address sidewalks as well. They have not done a prioritization on sidewalks or infrastructure, and would like to do it when they have the information from the counts and the surveys.

Mr. Strohmaier stated that he would like the opportunity for Council to ratify the Master Sidewalk Plan and asked about the timeline on the Active Transportation Plan. Mr. Harby stated that it was originally intended that the Master Sidewalk Plan would be adopted by Council, but it eventually became a guideline. The needs and barrier studies were done 20 years ago. Ms. Becerra stated they hoped to adopt the Active Transportation Plan in December 2010.

Mr. Wiener stated that this was an opportunity for input and the plan would be coming to them as an amendment to the growth policy. The most recent transportation modeling should drive the priorities for enhancements to the sidewalk network. He stated he would like the active transportation plan to say what the most cost-effective solutions were to reduce single-occupant vehicle trips. He stated that he would like to find a way to maintain the network without putting a disproportionate burden on property owners. They should start thinking about ways to share maintenance and construction costs.

Mr. Jaffe stated that he would like there to be an inventory of little barriers, such as 50-foot interruptions in sidewalks.

John Salmonson of the Franklin to the Fort Neighborhood stated that 34% of streets have sidewalks and that he stood behind his outline from the previous meeting. He stated he opposed the adoption of the Master Sidewalk Plan unless it included public comment and was redrafted. It was a hundred-year plan and they need sidewalks sooner than that. No money source was addressed in either plan. Council can change the ordinance which makes adjacent property owners responsible.

John Wolverton of the Bike/Walk Alliance of Missoula and the Franklin to the Fort neighborhood stated that they need to make sure people doing sidewalk projects convey the value of sidewalks to property owners. There was nothing at previous presentations showing people why they need a walkable city. There are too many curb cuts in commercial areas.

3. Resolution commenting on MDT's draft Kearn module transportation project environmental assessment ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 05/03/2010) **REMOVE FROM AGENDA**

**Motion: The committee recommends the City Council adopt a resolution commenting on the draft Kearn Module Transportation Project Environmental Assessment.**

Mr. Wiener stated that Exxon and Imperial Oil are attempting to establish a permanent high/wide corridor, with construction along 300 miles of Montana highways. The Environmental Assessment (EA) misses significant impacts and the scope is limited. An extension of the comment period is not likely. They will be constructing turnouts along the Blackfoot River and Lolo Creek that are long enough to accommodate the long loads. The loads may weigh up to 600,000 pounds, which is heavy enough to damage the roads they are traveling over. The purpose of the transportation is to extract tar sands in Alberta and the climate effects are considerable.

Mr. Childers stated that he was aware passing a resolution would have no bearing on what happens. He stated that the second page of the resolution dealt with deforestation and climate-change and went beyond where he would like it to go and he might vote for it if they shrink it down. Mr. Wiener stated that he was willing to amend it to get it passed.

Ms. Rye stated that the project should qualify for a National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS). She stated that the Buckhouse Bridge weight limit was probably not 600,000 pounds. Highway 12 is pristine and the money they would get back in economic development doesn't touch it. Mr. Wiener stated that the economic impacts were not well documented or accounted for. Tourism is a significant industry in Montana and the corridor will be used again.

Ms. Walzer stated that they could insert whereas clauses with numbers for tourism dollars and gave examples. The EA says they will be doing only nighttime driving in Montana, but they have no idea about transportation on the Idaho side of Highway 12, and that because they are crossing state lines, it should need to go through the national EIS process. Mr. Wiener stated he would be glad to incorporate her numbers.

Mr. Strohmaier made the motion to adopt the resolution as it was originally written and would consider the amended language suggested by Ms. Walzer.

Ms. Mitchell stated that the economic impact had already happened and there was no reason the equipment shouldn't be constructed in North America. She did not know if the bridges could handle it, and wondered if the money they receive will be enough to pay for the damage. The fact that there was no manufacturing on the continent was deplorable.

Mr. Jaffe stated that the therefore clause should also comment on the EA in case they did not perform an EIS. Mr. Wiener stated that the EA was systemically underequipped to evaluate a project of this magnitude.

Mr. Jaffe asked staff for a technical opinion on the bridges. Mr. King stated that the consultants for Kearl have spoken with the City about city structures. They have focused on Reserve Street, Brooks Street, traffic signals, signing, and emergency services communications, within city limits. They have not gone into utility accommodations or structural accommodations outside city limits. City Public Works would defer to the Montana Department of Transportation (MDT) for structures. Generally, structures are rated for pounds per square inch or foot, as well as having overall limits for the entire structure. He stated that he expected MDT had worked with the applicant to make sure they meet load requirements. Mr. Jaffe asked if wear on the road would be accelerated. Mr. King stated that the life cycle of structures was related to load and fatigue and stresses. Public Works has looked at the direct application on the City, not on indirect issues outside the City.

Mr. Wiener asked if Public Works was submitting comments on the EA. Mr. King stated they had been working with MDT and the applicant on a letter of understanding related to the improvements on infrastructure within the City and the permit processing for the ordinance related to moving permits. He stated that the applicant would be paying the full cost of the permits, but putting it under one permit for all the moves to reduce paperwork.

Mr. Childers made a motion to amend the resolution and on the second page, remove the first four whereas clauses and the sixth whereas clause, and remove "environmental" from the fifth whereas.

Mr. Strohmaier stated that he would accept the removal of the word "environmental" as a friendly amendment.

Mr. Childers withdrew his motion to strike the sixth whereas clause. His motion was separated into two, one to remove the first whereas clause on the second page, and another to remove the second, third, and fourth whereas clauses on the second page.

Mr. Wiener stated that MEPA considers direct, indirect, and cumulative impacts, and all those clauses fall within the scope of the EA.

Mr. Haines asked that MDT Director Lynch be invited to the Monday meeting.

Ellen Buchanan stated that if the resolution passed unanimously, it would be better. Elements of the EA are woefully inadequate. Imperial Oil conceded it was more costly to follow other options. She had never seen a review less substantial for such a project.

Barbara Holland, the Legal Representative for the Clark Fork Coalition, stated that it was a reasonable position for the City to take. If they need the corridor, they should do it right and the schedule was being dictated by Imperial Oil.

John Wolverton passed along some [documents](#) to be attached to the record. The longest load is 220 feet including the push/pull tractors. They are 24 feet wide and 30 feet high. The EA claims the weight is 330,000 pounds, but it is 580,000 pounds total. There will be 207 loads eastbound, and the return route comes through Missoula, which is still 250,000 pounds of empty trailer. Guide services on the Lochsa River and the Lewis and Clark trail will be economically impacted.

Bob Gentry of Missoula suggested they add "to Montanans" after "impacts" on the first whereas on the second page. He stated it was important to extend the public comment period. MDT and Imperial Oil were trying to restrict the document by saying it's not a permanent corridor, but it is. They have to obtain 32J permits from MDT, which can require a bond per trailer of up to \$15,000 and can require each one to stop at a bridge, clear the bridge, move across at no more than 5 mph. The permits require Montana Bridge Bureau approval. He stated that in July 2009, Director Lynch stated the corridor was permanent.

Zack Porter of University of Montana Climate Action Now student group stated he hoped they would include something requesting an extension of the comment period. \$70 million would be spent to improve roads, adding 50 turnouts to Great Falls on Highway 200, which won't have a benefit in the long run, and there was no guarantee they would be employing Montanans. There is an existing route from Houston and Thunder Bay, and no need to go through Montana. It will have detrimental effects to the climate and tourism. The empty trailers will be returning during the day, and will cause traffic problems.

Zach Brown, a University of Montana student, stated that the first four whereas clauses were not out of the Council's purview because of the impacts on the species in the long-run. It is an issue of environmental health. They should lengthen the comment period.

Rob Lewiston encouraged the Council to support the resolution. He especially supported the last whereas clause discussing water quality in Lolo Creek.

Erin Axelrod, University of Montana student, stated she supported the resolution as is.

Ms. Walzer stated she would prefer to keep the whereas clauses in, but it was more important that it be a unanimous vote.

Ms. Marler stated she would vote for it. She suggested tightening up the language and removing speculative portions versus the portions the EA didn't consider. She would like to add environmental impact "to Montana" and lose the second and fourth whereas clauses.

On the motion to strike the first whereas clause on the second page, beginning "WHEREAS, the EA fails to analyze the economic and environmental impacts", there were four ayes (Hellegaard, Haines, Mitchell, Childers) and six nays (Wiener, Walzer, Jaffe, Strohmaier, Marler, Houseman). The motion failed.

On the motion to strike the three whereas clauses beginning "WHEREAS, the EA fails to address the proposed project's potential contribution" there were six ayes (Childers, Jaffe, Haines, Hellegaard, Houseman, Mitchell) and four nays (Strohmaier, Walzer, Wiener, Marler). The motion passed.

Ms. Walzer asked to add "to Montana" to the first whereas on the second page, which Mr. Strohmaier accepted as a friendly amendment. Language for economic impacts will be added and ready by Monday.

Mr. Wiener and Mr. Strohmaier stated that extending the comment period would not result in the action they wanted, which was creation of an EIS.

Ms. Rye asked if they could contact MDT and have someone there Monday to answer questions, such as whether the federal government turned down the EIS option and why, as well as what had changed since July 2009. Mr. Wiener stated he would extend an invitation.

Mr. Haines asked that MDT Director Lynch attend the meeting, and stated that he had no problem with extending the review period, but an EIS doesn't decide if a project is good or bad, it just lists the impacts.

Mr. Strohmaier wondered whether to add an action item toward Montana's congressional delegation, to get their attention, in the be it resolved portion.

The motion to adopt the resolution as amended passed upon a voice vote.

### 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. Interlocal Agreement between the City of Missoula and the County of Missoula related to the Reserve Street / Mullan Road Intersection Improvements Project. ([memo](#)) Regular Agenda (Gregg Wood) (Referred to committee: 01/11/10)
4. 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)
5. Resolution to restore vacated Inez Street at South 2<sup>nd</sup> Street to the public trust and public use, and vacate a public access easement that was a condition of the vacation ([memo](#)).—Regular Agenda (Carla Krause) (Referred to committee: 04/26/2010)

### IV. ADJOURNMENT

Respectfully Submitted,

Jessica S. Miller  
Office Manager  
City Public Works Department