City of Carroll

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MEMO TO: Mike Pogge-Weaver, City Manager MJP-W

FROM: Randall M. Krauel, Director of Public Works RMK

DATE: June 21, 2017

SUBJECT: Sidewalk Repair Program

During the May 8 Sidewalk Repair Program Work Session, follow-up information was requested on the City of Spencer program, liability and staffing. Information on these items is attached and summarized below.

City of Spencer Sidewalk Grant Program. Attached is information on the Sidewalk Grant Program from the City of Spencer website and Mike's notes of a telephone conversation. Briefly, the Sidewalk Grant Program pays residents for the cost of concrete for sidewalk replacement or installation.

Liability. Dave Bruner has reviewed the sidewalk regulations in the City Code. Attached is a Draft ordinance imposing liability on abutting property owners for failure to maintain sidewalks. Following review, if it is desired to proceed with adoption of the ordinance, it will be prepared in final form and scheduled for introduction and reading at a future meeting.

Staffing. It has been determined that there is not adequate existing staff to add a sidewalk repair program. Part-time staffing has been considered as a way to initiate a program. Additional considerations for part-time staff must have knowledge of sidewalk construction, ability to satisfactorily interact with residents and part-time availability with respect to the needs and schedules of residents.

RECOMMENDATION: Mayor and City Council further consideration of a sidewalk repair program.

RM:ds

attachments (2)

Sidewalk Grant Program (From Spencer's Website)

In 2012 the Spencer City Council made it a goal to make Spencer a more walkable community. A sidewalk grant program was developed and put in place in January of 2013. The program attracted over 190 applicants for sidewalk replacement or installation of new sidewalk throughout the community.

For those residents needing sidewalk repairs or new sidewalk, a Spencer Sidewalk Grant is available again this season. This grant pays for the calculated amount of concrete required to replace or install a public sidewalk adjacent to their property.

A new feature of the program, this year, is that applicants can choose to have the cost of the sidewalk project assessed and included in their property taxes over a ten year period of time. In this case, the City will hire a contractor to complete the job.

If you were approved last year and did not get the job completed, you may re-apply and choose to have the City hire a contractor to complete the project. Applications are available at City Hall.

Feel free to call or stop in at City Hall, 580-7200 and ask for Craig or Mark for more information.

Notes from a call with Craig at the City of Spencer

To participate in the City of Spencer sidewalk program, property owners complete and submit a small application to the City. Once an application is received, City staff conducts a site visit to determine if there are defective sidewalks. Based on that check staff will calculate the area (in cubic yards) to be replaced. The City will reimburse the property owner for the cost of the actual concrete. In Spencer concrete is currently $108.00 per yard. The City does not reimburse labor costs. The grant typically covers around 20% of the total project cost if a contractor is used.

Spencer recently started a program that allow the full cost of sidewalk replacement to be assessed on an owner's property taxes over a 10 years period when the cost of a project is over $500.00. It costs the City around $6.00 per square foot for the City to install a new sidewalk. Craig felt this is resulting in additional interest replacing sidewalk in the City.

366 sidewalk projects have been completed in Spencer being completed since 2013.

The City funded the program with $100,000 in 2013 and an additional $100,000 in 2014. To date they have spent approximately $179,000.

The City is also in the early stages of developing a new sidewalk code of the City.

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ORDINANCE NO _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARROLL, IOWA, BY REPEALING AND REPLACING SECTIONS 136.03, 136.04 and 136.05 AND ADDING A NEW SUBSECTION TO 136.02 PERTAINING TO SIDEWALK REGULATIONS

BE IT ENACTED by the City Council of the City of Carroll, Iowa:

SECTION 1. NEW SUBSECTION. Chapter 136, section 02 of the Code of Ordinances of the City of Carroll, Iowa, is amended by adding a new subsection I which shall read as follows:

I. Noncompliance with the Americans With Disabilities Act (ADA) standards and requirements and Iowa Statewide Urban Design and Specifications (SUDAS).

SECTION 2. SECTION REPEALED AND REPLACED. Chapter 136, section 03 of the Code of Ordinances of the City of Carroll, Iowa, is repealed and replaced with the following:

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the owner to remove snow, ice and accumulations promptly from sidewalks and the owner shall be liable for injuries and damages caused by the failure to use reasonable care in the removal of snow, ice and accumulations resolved. If the owner does not remove snow, ice and accumulations within a reasonable time and after notice by the City, the City may do so and assess the costs against the owner for collection in the same manner as property tax. If the City is required to remove snow, ice and accumulations after notice, this action shall not release or relieve the owner of liability imposed above. The owner shall further defend, indemnify, and hold harmless the City of Carroll, from and against any claim, arising out of the failure to remove snow, ice and accumulations.

SECTION 3. SECTION REPEALED AND REPLACED. Chapter 136, section 04 of the Code of Ordinances of the City of Carroll, Iowa, is repealed and replaced with the following:

136.04 RESPONSIBILITY FOR MAINTENANCE – LIABILITY OF ABUTTING PROPERTY OWNER. It is the responsibility of the owner to repair, replace, or reconstruct or cause to be repaired, replaced or reconstructed, all defective sidewalks and to maintain in a safe and hazard free condition any sidewalk abutting their property. The owner shall be liable to any person who may incur injuries and/or damages as a result of or caused by the failure of the owner to use reasonable care in the repair, replacement or reconstruction of defective sidewalks. Defective sidewalks are declared public nuisance. The owner shall further defend, indemnify and hold harmless the City of Carroll, from and against any claim, arising out of the failure to maintain the owner's sidewalk.

SECTION 4. SECTION REPEALED AND REPLACED. Chapter 136, section 05 of the Code of Ordinances of the City of Carroll, Iowa, is repealed and replaced with the following:

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136.05 CITY MAY ORDER REPAIRS. If the owner does not maintain sidewalks as required, the City may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct defective sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as property tax. If the City is required to repair, replace or reconstruct defective sidewalks after notice, this action shall not release or relieve the owner of liability imposed by this Chapter.

SECTION5. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2017.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

_____
Eric P. Jensen

ATTEST:

_____
Laura A. Schaefer, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2017.

_____
Laura A. Schaefer, City Clerk

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