Memorandum

To: Hiawatha City Council

Cc: Kim Downs, City Administrator

John Bender, City Engineer

From: Patrick Parsley

Date: September 26, 2019

Re: Sidewalk maintenance program update 2019

BACKGROUND:

November 2017 we asked for support to initiate a sidewalk maintenance program for Hiawatha due to a growing number of concerns and complaints. Council authorized an evaluation of our sidewalk deficiency standard and a sidewalk study to determine the extent of the problem. These two components would allow us to quantify and develop possible solutions based on new acceptable standards.

Action was taken to amend Hiawatha Code Chapter 136 to a new standard. Tolerances for vertical and horizontal separations were increased to 1" and allowable slopes and dips were slightly increased. These changes aligned our standard with other area city standards.

ICAP; our liability insurance carrier, was enlisted to perform the assessment in the defined area between Miller Road and 10th street and between Boyson Road and Emmons. The area includes about six miles of street and 12 miles of sidewalk. (About 20% of the total sidewalks in Hiawatha) This is an area where we receive regular complaints. The study revealed 120 defects in the sidewalks in this area. Most of the issues were due to vertical separations of 1" or more:

Vertical separation only	77
Horizontal separation only	8
Holes/cracks/separations	35

The program photos also revealed 14 accessibility curb ramps with deficiencies. The ramps were not assessed for compliance to the Americans with Disability Act Accessibility Guidelines (ADAAG) but will require completion by our engineering or inspection departments familiar with the standards. This standard includes specific ramp width, slopes, and truncated warnings.

Given the number of deficiencies found we recommended Hiawatha begin a sidewalk maintenance program. The goal is to maintain and improve our existing public sidewalks. We estimated the total cost of making the repairs for the noted deficiencies (not including accessibility ramps) to be $85,000 using an estimate of 10'/repair X $70/ft X 120 repairs. This does not include recommended upgrades to the accessibility ramps which would add an additional $20,000.

PROGRAM FEATURES:

Staff made a recommendation for a maintenance program which was approved by Council. The program included:

1. A survey process which includes an assessment of all sidewalks over a ten year period.
2. A notification process that meets the nuisance abatement requirements in State Statute including appeals, invoices for work and assessment options for collections
3. A "Pre-pay" option coupled with a request for proposal (RFP) process in which the City was to solicit a contractor willing to submit a price / foot. This was intended to reduce the cost/foot of sidewalk repair by allowing the City to contract multiple projects.
4. A documentation process through our permit software which tracks each address from notification to completion to assessment. This will be accomplished through a new permit Sidewalk Maintenance Program; "SMP" permit.

RECOMMENDED PROGRAM CHANGES:

A. The approved program did not include a reduction in the permit fee for sidewalk repairs. A fee reduction for residential repairs to our "Sidewalk Maintenance Program" permit may be considered. The new fee could be $45; our minimum building permit or possibly free. The current fee is $60 for our residential ROW permit. Commercial sidewalk repair permits are recommended to remain at $100.

B. The program did not include a specification to allow existing 4 foot sidewalks to remain 4' in the repair process. This was unnecessary under the old sidewalk standard of 4'. The new standard requires all sidewalks to meet the ADA standard of a minimum 5' width. Staff is recommending Council allow 4' wide sidewalks in existing areas where the present sidewalk is 4' wide.

C. After discussing the RFP and assessment process with engineering, inspection staff and a local contractor it was determined an RFP for work not specifically mapped would not yield a lower cost and it may not yield a willing contractor. The engineer stated there are too many unknowns for a contractor to bid the project affectively. Generally, a sidewalk assessment RFP should have all the areas needing repair specified in the request. Competitive proposals can then be expected. The revised program will now request RFP after establishing which sidewalks are to be repaired by the City of Hiawatha.

D. Revised specifications are also affecting the program. The new SUDAS standards as adopted by Hiawatha have updated specifications and accessibility tolerances. While the tolerances are in reference to new construction and repair, we studied whether or not to amend our sidewalk nuisance standard to match. We have consulted with engineering, the city attorney and neighboring jurisdictions on this matter. Community Development and Engineering are recommending the defective sidewalk definition remain the same as a practical matter in addressing existing sidewalks. The City Attorney agrees this is appropriate since ADA standards apply only to new construction. It should be noted the City of Cedar Rapids is inspecting to the new standards and is in the process of making the policy an ordinance.

E. Given the impracticality of the RFP process before knowing the extent of the sidewalk contract we are recommending the elimination of the "Pre-pay" option. This means non-complying sidewalks will be treated as a nuisance and abated accordingly. Owners who take action will not be charged an administrative fee. Owners who fail to take action will pay an administrative fee along with the cost of the repair. All owners will pay a SMP permit fee which is to be set by City Council.

F. Program Implementation: A program implementation schedule includes outreach to the community through the newsletter, a letter to the initial target area. This process has already been initiated in the newsletter and will culminate with an open house in February. These will be opportunities for the public to be made aware of the program goals and processes.

RECOMMENDATION:

We are recommending a simplified sidewalk maintenance program. The implementation includes the following recommendations included in the Council work session 9/23/19

- **Modification of the repair policy to allow a 4' width for repairs to existing 4' sidewalks**
- **Create Sidewalk Maintenance Permits and set fees by amending Resolution 16-023:**
    - **Sidewalk Maintenance Permit: Commercial $100**
    - **Sidewalk Maintenance Permit: Residential $00**
- **Proceed with the sidewalk assessment survey on the 10-year cycle**
- **Treat non-complying sidewalks as a nuisance and order repairs**
- **Contract to repair surveyed sidewalks not corrected by owners**
- **Invoice and assess owners for City costs to abate in accordance with state laws.**

SIDEWALK MAINTENANCE PROGRAM FAQ

Hiawatha!

1. Q. I have received a notice of defective sidewalk. How do I appeal this finding?

A. Send a letter to the Hiawatha City Council requesting a hearing. The letter should contain your address, the nuisance description and your reason for appeal. The letter must be postmarked or stamped received less than 30 days from the date of the notice of correction. Send this letter to: Attn: City Clerk, City of Hiawatha, 101 Emmons Street, Hiawatha IA 52233

2. Q. Will the City pay for any of my sidewalk repair?

A. Generally the City will not pay for sidewalk repairs unless the defect has been caused by the City.

3. Q. Do I need a permit to complete the work?

A. Yes: A permit is required. Application can be made at City Hall or on line at Hiawatha-iowa.com

4. Q. Can I have the City do the repair and send me a bill?

A. Yes: See question #5.

5. Q. What if I don't repair the sidewalk as directed by the CITY?

A. Sidewalk repairs that are not completed by the PROPERTY OWNER will be repaired by the CITY or its designee. Upon completion of the repair, the CITY will bill the owner and subsequently assess the unpaid balance to be collected with the property taxes. The bill will include additional fees and penalties.

6. Q. When the City performs the repairs, are there other options for payment?

A. Current state code provides an assessment process for unpaid invoices. Owners may defer payment in full and the City will provide the invoice to the Linn County Treasurer to add onto your taxes. Assessments in excess of $500 may be made in 10 annual installments plus interest.

7. Q. Will I be assessed for the sidewalk repairs and if so when?

A. Yes: Unpaid invoices will be assessed in accordance with State Statute. See questions # 5 and # 6.

8. Q. May I use a filler to fill cracks and level my sidewalk?

A. For horizontal separations less than 1" a flowable leveling material is permitted. Product must be approved by the City Engineer.

9. Q. May I "mud jack" my sidewalk to raise dropped sidewalk sections.

A. Yes, this is allowed however it will require a permit and an inspection as per a sidewalk replacement. Care must be taken to properly finish the pump penetration.

10. Q. May I grind the sidewalk raised edges to meet compliance?

A. Grinding is permitted for vertical differences less than one (1) inch if the grind extends at a 1 to 12 slope horizontally.

11. Q. May I replace an existing 4 feet wide sidewalk with a 4 feet wide sidewalk?

A. Yes. An existing 4 feet wide sidewalk may be replaced with a 4 feet wide sidewalk.

DRAFT

RESOLUTION NO. 19-
City Council

RESOLUTION APPROVING AND ADOPTING SIDEWALK MAINTENANCE PROGRAM

WHEREAS, the Community Development Department has determined that a Sidewalk Maintenance Program as seen in attached 'Exhibit A' is necessary to provide guidelines to follow in managing sidewalk maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, that said Sidewalk Maintenance Program is hereby approved and adopted.

AYES:
NAYS:

PASSED AND APPROVED this 6th day of November, 2019.

_____
Bill Bennett, Mayor

ATTEST:

_____
Amy Scheer, Deputy City Clerk

Exhibit A

Hiawatha Sidewalk Maintenance Program

Safe, ADA compliant, pedestrian-friendly neighborhoods are a priority for our community. An important component of this is the City's sidewalk repair program, developed to provide for the maintenance of sidewalks within Hiawatha. Iowa State Code 364.12 and City Code Chapter 136: Sidewalk Regulations and Chapter 50: Nuisance Abatement Procedure, provide the City of Hiawatha the ability to require the maintenance and repair of public sidewalks be the responsibility of the adjoining property owner.

Inspections

For the purposes of this program, Hiawatha is divided into five (5) geographical areas. (See map) Every 2 years, the sidewalks in one of those areas are inspected in accordance with the criteria established by City Ordinance with oversight by the City Engineer to determine if sidewalk repairs are necessary. This will allow the City to inspect all sidewalks over a ten (10) year period. The parkway, driveway approaches, water stop boxes located outside of the sidewalk, etc. are not inspected as part of the program. Sidewalk curb ramps are the responsibility of the City of Hiawatha under this program.

In addition, sidewalks are inspected outside of the geographical area if a complaint is received on the condition of a sidewalk.

ADOPTED SIDEWALK STANDARDS:

- ✓ **ANSI A-117 2009**
- ✓ **SUDAS 2019**
- ✓ **HIAWATHA CODE CHAPTER 136**

The inspector will mark pink arrows on sidewalk squares which meet one or more of the following criteria:

The following criteria defines a nuisance sidewalk

- The sidewalk is displaced with a vertical edge greater than 1"
- The sidewalk is depressed or raised more than 3" from the normal line of grade, or ponds water
- The sidewalk has holes or depressions greater than 1"
- The sidewalk has horizontal separations greater than 1"
- The cross slope of the sidewalk exceeds more than 1" per foot.

Repair process

A. Property owner(s) of record listed at the County Assessor's office adjacent to sidewalks marked for repair will be notified of their responsibility to repair the sidewalk through a certified nuisance notification letter including.

- Sidewalk deficiency to be repaired; a copy of the sidewalk inspection report
- A sidewalk repair procedures, permitting and specification detail sheet
- A May 15 or September 15 deadline for the completion of the repair. (The date given is dependent upon the date the sidewalk was marked for repair allowing for a minimum of one month for the completion of the repairs. An earlier deadline may be given dependent upon the severity of the condition of the sidewalk.)
- Explanation of assessments and penalties for failure to repair the sidewalk.
- Explanation of the appeal process.

Hiawatha Sidewalk Maintenance Program

B. For all sidewalk repairs which have not received a SMP permit and are not completed, a failure to repair letter will be sent to the owner notifying them the City will cause the repairs to be completed and all costs and penalties will be the responsibility of the property owner. The letter may also include an approximate date of completion.

C. The City will arrange for the completion of the repair work to the sidewalks which have not been completed by the owner.

D. An invoice will be sent to the adjacent property owner for the costs and penalties. This notice will include the assessment process for all fees and penalties to be levied through the Linn County Assessor's office for unpaid invoices.

E. If the invoice remains unpaid as specified in Iowa Code 364; the costs will be assessed against the property in accordance with State statutes through the Linn County Assessor's office. This will allow a schedule of 10 payments with a prescribed interest rate as an option for any invoice over $500.

Appeal Process: The property owner(s) will be given at least two (2) weeks to appeal the defect findings. Their original notification will indicate the date the appeal is to be heard before Council if any property owner chooses to appeal. The appeal date will be set a minimum of four (4) weeks following the date of the sidewalk repair notice.

City responsibilities

Repair Inspections- The City will inspect all installations and repairs. All sidewalk installations and repairs shall comply with SUDAS standards as adopted by the City of Hiawatha. Existing sidewalks less than 5 feet in width will be permitted to be replaced at the existing width.

Over-width sidewalks - If the sidewalk is more than 5 feet in width, the City will share in the costs to repair the sidewalk. The City will be responsible for the costs to repair the sidewalk square footage in excess of a 5' wide sidewalk. If the property owner is repairing the sidewalk, they must receive a permit from the City prior to commencement of repairs. If the City repairs the 8-foot sidewalk, the property owner will be invoiced for a 5' width of the construction costs and permit fee plus an administrative fee.

Curb ramps - The City is responsible for the maintenance and repair of curb ramps at public streets.

City causes - If the damage to the sidewalk is caused by a City owned item, i.e. a water main valve (not a service valve), a sewer manhole located within the sidewalk, or a tree located within the parkway, the City will take responsibility for the repair of the sidewalk as long as the damage is directly attributable to the item. Just because a City-owned item is present does not automatically mean that the item is the cause of the damage. Each situation will be evaluated individually by City staff.

Sidewalk Maintenance Program Implementation Schedule

Activity	Responsibility	Completion Date
Develop program overview	Pat	complete
Obtain Council support	Pat	complete
Obtain Legal opinion	Pat	complete
Develop Program framework	Pat	complete
Develop Forms and notices	Pat	complete
Set up CitizenServe SMP	Pat and Rick and Tiffany	January 2020
Review with Staff	Pat and Staff	Complete
Review legal opinion	Pat and Mark	Complete
Review with Finance	Pat and Cindy	Complete
Present at Council Work Session	Pat	Complete
Prepare newsletter article	Pat or John	Sept-December
Publish in newsletter	Kari	Sept-Dec
Send letter to target area	Pat or John	January 2020
Hold public open house	Pat and John	Feb 2020
TEST PROGRAM		
Complete test inspections	Jerry and Rick	Sept-Feb
System test	Rick and Jerry, Tiffany	Existing nuisance process
Program Start		
Complete inspections/include door notice	Rick	January-March
Send nuisance notices	Rick, Tiffany	April, 2020
Council appeal date	Rick and Pat	May, 2020
Issue permits for applicants	Pat and Tiffany	April-May 2020
compliance deadline	Rick and Pat	May 30, 2020
Inspect / close completed SMP	Rick	June 1, 2020
Abatement Process		
Notice of City Abatement	Rick and Pat	June 15
Compile project list	Rick and Pat	June 1-June 15
Develop/send bid package	Pat and John	June 1- June 30
Notify Contractor to commence	Rick and John	July 15, 2020
Contractor completion	Rick and John	October 2020
Send final invoice	Pat and Rick, Tiffany	November
Hold assessment hearing for unpaid invoices	Cindy/Kari	