Memorandum

To: Hiawatha City Council

Cc: Kim Downs, City Administrator

John Bender, City Engineer

From: Patrick Parsley

Date: August 28, 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.

RECOMMENDATION:

Given the new accessibility standards and the problems associated with the "pre-pay" options we are recommending a simplified sidewalk maintenance program. The implementation includes:

- Modification of the repair policy to allow a 4' width for repairs to existing 4' sidewalks
- Possible reduction in the residential sidewalk permit fee to $45 or to $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.