



City of Grand Island

Tuesday, April 4, 2017

Study Session

Item -1

Discussion on City Sidewalks

Staff Contact: John Collins, P.E. - Public Works Director

Council Agenda Memo

From: John Collins PE, Public Works Director
Meeting: April 4, 2017
Subject: Discussion on City Sidewalks
Presenter(s): John Collins PE, Public Works Director

Background

During both the July 26 and August 9, 2016 City Council meetings the sidewalk repair process was discussed.

City Council requested the issue of sidewalks be studied for potential changes to policy.

Discussion

Concern was expressed about how sidewalk issues are identified (complaint based), as well as the cost to the property owners.

Related State Statute and City Code include the following.

- Nebraska State Statute No. 15-734 - *The owner of property abutting on public streets is hereby primarily charged with the duty of keeping and maintaining the sidewalks thereon in a safe and sound condition, and free from snow, ice, and other obstructions; and in default thereof, upon notice to such abutting property owner as hereinafter provided, such abutting property owner shall be liable for injuries or damages sustained by reason thereof. The city is given general charge, control, and supervision of the streets and sidewalks thereof, and is required to cause to be maintained or maintain the same in a reasonably safe condition. It is given full power to require owners of abutting property to keep and maintain the sidewalks thereof in a safe and sound condition and free from snow, ice, and other obstructions, and to require such abutting property owners to construct and maintain the sidewalks of such material and of such dimensions and upon such grade as may be determined by the council. In case such abutting property owner refuses or neglects, after five days' notice by publication, or in place thereof, personal service of such notice, to so construct or maintain such sidewalk, the city through the proper officers may construct or repair such sidewalk or cause the same to be constructed or repaired, and report the cost thereof to the council, whereupon the council shall assess the same against such abutting property. The council may receive bids for constructing or repairing any or all such walks, and*

may let contracts to the lowest responsible bidders for constructing or repairing the same. The contractor or contractors shall be paid therefor from special assessments against the abutting property. The cost of constructing, replacing, repairing, or grading thereof shall be assessed at a regular council meeting by resolution, fixing the cost along abutting property as a special assessment against such property; and the amount charged or the cost thereof, with the vote by yeas and nays, shall be spread upon the minutes. Notice of the time of such meeting of the council and its purpose shall be published once in a newspaper published and of general circulation in the city at least five days before the meeting of the council is to be held, or, in place thereof, personal notice may be given such abutting property owners. Such special assessment shall be known as special sidewalk assessments, and together with the cost of notice, shall be levied and collected as special taxes in addition to the general revenue taxes, and shall be subject to the same penalties and shall draw interest at a rate not to exceed the rate of interest specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date of the levy thereof until satisfied.

- §32-58. Sidewalks; Assessments; Bonds

- (2) Sidewalks; Failure to Improve.

- (A) *Whenever it shall be determined by a three-fourths vote of the city council that public sidewalks are not in place contiguous to the street side boundary lines of any lot, tract, or parcel of land within the city, or that any sidewalks then in place are of insufficient width for usual and convenient use by the public, or that any sidewalks are not laid upon property grade and line, or are of defective construction, or are in a state of disrepair, or are obstructed so as to make such sidewalks unsafe, dangerous or hazardous for public use, then the Public Works Department shall send notice to the property owner giving 15 days to obtain a permit and an additional 15 days to construct or repair the sidewalk as required. Notice will be sent by regular United States mail to the owner's last known address.*

- (B) *In case the owner or owners of any lot, lots or lands abutting on any street or avenue, or part thereof, shall fail to construct or repair any sidewalk in front of his, her or their lot, lots or lands within the time and in the manner as directed and required by the mayor and council, after having received due notice to do so, they shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk; and the mayor and council shall have power to cause such sidewalk to be constructed or repaired and assess the cost thereof against such property in the manner provide by law for the levying and collection of special assessments.*

Conclusion

This item is presented to the City Council in a Study Session to allow for any questions to be answered and to create a greater understanding of the issue at hand.

A large background image showing a sunset over a body of water. The sun is low on the horizon, creating a warm, orange and pink glow in the sky. Several birds are flying in the sky, and their reflections are visible in the water below. The water is calm, and the overall scene is peaceful and scenic.

Sidewalks

Types of Issues

- Absent – no sidewalk present
- ADA – fails to meet federal American Disabilities Act standards
- Deficient – broken or uneven

Absent Actions

- Sidewalks added as properties are developed
- Sidewalks added as streets are brought up to current standards (except for some industrial streets)
- Sidewalk Districts (last was in 2007)
- Gap Sidewalk Projects (funding discontinued FY 2015)

ADA Actions

- Annual \$165,000 program adds ramps where projects were recently completed
- Ramps and driveway slopes required as property is developed

Deficient Actions

- Property owners correct deficiencies as they become aware of them
- City takes action to require owners to correct deficient sidewalks

Issue with Current Policy

- City taking action on complaint basis
- Cost to property owners

Cost Sharing Option

- Budget \$25,000/year for Sidewalk Rehabilitation program
- Establish reimbursement at 50% of ADA unit bid
- Exclude owners who refuse to cooperate and require Council resolution

Identification Discussion

- Complaints
- Property Owner Request
- ADA project areas
- Other areas identified