



# City of Grand Island

Tuesday, October 25, 2022

Council Session

## Item G-19

**#2022-307 - Resolution Directing Property Owner to Repair Sidewalk at 1715 Bass Road, 1320 N Broadwell Avenue and 239 S Plum Street**

Staff Contact: Keith Kurz PE, Interim Public Works Director

# Council Agenda Memo

**From:** Keith Kurz PE, Interim Public Works Director

**Meeting:** October 25, 2022

**Subject:** Resolution Directing Property Owner to Repair Sidewalk at 1715 Bass Road, 1320 N Broadwell Avenue and 239 S Plum Street

**Presenter(s):** Keith Kurz PE, Interim Public Works Director

## Background

Public Works Engineering and Code Enforcement have been working effectively through sidewalk complaints received from citizens in the community. The process set in place has been once a complaint is received by either office an Engineering Technician from the Public Works Department performs a site inspection, marking any areas of the public sidewalk that do not meet the Americans with Disability Act (ADA) requirements. Code Enforcement then attempts to work with the property owner to take the necessary action.

Section 32-58 of the City Code and Section 16-662 R.S. Nebraska Statutes, make the property owner responsible for repairing sidewalks adjacent to their property.

## Discussion

An Engineering Technician evaluated the condition of the public sidewalk at the following locations and deemed each to be out of compliance with the Americans with Disabilities Act (ADA).

- 1715 Bass Road (Lot 5, Rainbow Lake Second Subdivision, City of Grand Island, Hall County, Nebraska); and
- 1320 North Broadwell Avenue (Lot 272, West Lawn Addition, City of Grand Island, Hall County, Nebraska); and
- 239 South Plum Street (Lot 6, Block 1, Koehler Place, an addition to the City of Grand Island, Hall County, Nebraska).

Both Code Enforcement and Public Works Engineering staff have tried to reach a resolution with the property owners to make the necessary repairs, to no avail. A summary sheet for property contact is attached for reference.

On October 13, 2022 a letter was sent to the affected property owners notifying them the matter would be presented to City Council on October 25, 2022 to prevent accident or injury to citizens using the public sidewalk.

The Public Works Department is requesting that a resolution be passed giving the property owners of the identified addresses 15 days to obtain the sidewalk permit and 15 days from issuance of such permit to complete the repairs of the public sidewalk, as this is a public safety concern.

If the property owners fail to either obtain the sidewalk permit in the 15 day timeframe or complete the necessary repairs 15 days after such permit is issued, the City of Grand Island will take steps to make the necessary repairs with all costs being the responsibility of the property owner.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve a resolution directing the identified property owners to obtain a permit and repair the sidewalk at the subject locations.

### **Sample Motion**

Move to approve a resolution.

#### 1715 Bass Road

- 2022/7/17- Complaint of sidewalk condition received via neighborhood citizen
- 2022/7/18- ticket sent to Code Enforcement via Government Outreach
- 2022/7/21- Code Enforcement officer discovered the sidewalk is in need of “desperate repair, location needing repair is very obvious. No need for a city technician to mark the location.”
- 2022/7/28- a 30 day sidewalk letter was sent concerning violation of City Code 22-58,
- 2022/8/7- email from neighborhood citizen inquiring on repair progress
- 2022/9/20- Code Enforcement officer rechecked- no action taken. Attempted to call the property owner for an update. Not able to make contact, left message
- 2022/9/23- Case forwarded to Public Works Administration for Council action.
- 2022/10/13- letter sent to property owner notifying this matter will be presented to City Council at their 2022/10/25 meeting for action

#### 1320 N Broadwell Avenue

- 2020/7/22- Code Enforcement received a complaint about broken sidewalk- PW Eng Tech evaluated public sidewalk, marking deficient panels
- 2021/10/7- Code Enforcement officer sent letter requiring sidewalk repairs be made within 30 days
- 2021/12/22- letter sent to property owner that sidewalk repairs will be presented to City Council at their 2022/1/25 meeting for action
- 2022/5/4- letter sent to property owner stating the 2022/1/25 City Council action was postponed due to winter weather
- 2022/7/1- letter sent to property owner that sidewalk repairs will be presented to City Council at their 2022/7/12 meeting for action
- 2022/7/11- property owner’s daughter contacted PW Eng stating they are having issues lining up a contractor to do the work- local contractor info sent for assistance
- 2022/7/12- PW Eng staff pulled item from agenda, as property owner stated they lined up a contractor from Hastings for the work
- 2022/10/13- no work has been started- letter sent to property owner notifying this matter will be presented to City Council at their 2022/10/25 meeting for action
- 2022/10/14- Hubbard Const called stating they’ve been contacted to make the repairs, however don’t know when they will get it scheduled in- notified the item will stay on the 10/25 City Council agenda as no action has been taken in over 2 yrs

#### 239 S Plum Street

- 2022/7/6- Code Enforcement received complaint “sidewalk is cracked and needs replaced before someone gets hurt”- Code Enforcement officer observed several City Code violations- gave 7 days to comply
- 2022/7/7- Code Enforcement sent sidewalk repair letter
- 2022/7/8- PW Eng Tech marked deficient areas of public sidewalk
- 2022/8/16- Code Enforcement noted no action taken
- 2022/8/17- Code Enforcement sent final notice to make sidewalk repairs
- 2022/10/12- Code Enforcement has “exhausted all options and given enough time for a response from the property owner to comply- case forwarded to PW Eng”
- 2022/10/13- no work has been started- letter sent to property owner notifying this matter will be presented to City Council at their 2022/10/25 meeting for action

Notes:  
42.0 SqFt. Sidewalk



**SIDEWALK REPAIRS**

1715 BASS RD  
GRAND ISLAND, NEBRASKA







1715 Bass Road

1715



Notes:  
110.4 SqFt. Sidewalk



**SIDEWALK REPAIRS**  
1320 N. BROADWELL AVENUE  
GRAND ISLAND, NEBRASKA



Notes:  
179.60 SqFt. Sidewalk



**SIDEWALK REPAIRS**

239 S. PLUM ST.  
GRAND ISLAND, NEBRASKA





RESOLUTION 2022-307

WHEREAS, the City has the authority under Neb. Rev. Stat., §16-662 and Section 32-58 of the City Code, to direct the repair and replacement of sidewalks by owner of the abutting property; and

WHEREAS, the sidewalk abutting 1715 Bass Road (Lot 5, Rainbow Lake Second Subdivision, City of Grand Island, Hall County, Nebraska) has been determined to be in need of repair and replacement; and

WHEREAS, the sidewalk abutting 1320 North Broadwell Avenue (Lot 272, West Lawn Addition, City of Grand Island, Hall County, Nebraska) has been determined to be in need of repair and replacement; and

WHEREAS, the sidewalk abutting 239 South Plum Street (Lot 6, Block 1, Koehler Place, an addition to the City of Grand Island, Hall County, Nebraska) has been determined to be in need of repair and replacement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that notice be sent to the property owners to obtain a sidewalk permit within 15 days and within 15 days of such permit issuance to make the necessary repairs to the sidewalk abutting the properties previously listed. If the property owners fail to either obtain the sidewalk permit in the 15 day timeframe or complete the necessary repairs within 15 days of such permit issuance, the City will cause the work to be done and assess the cost against the affected property.

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Adopted by the City Council of the City of Grand Island, Nebraska, October 25, 2022.

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 20, 2022	☐ City Attorney