



**DRAFT 3/23/20**  
**City of Two Harbors**  
**Sidewalk Construction, Repair, and Maintenance Policy**  
March 23, 2020

**Statement of Purpose**

The City of Two Harbors City Council has established the Sidewalk Construction, Repair, and Maintenance Policy in order to protect and promote the health, safety, and welfare of the community. The policy is intended to provide for safe, accessible, and well-maintained sidewalks and other pedestrian facilities. The policy establishes a method to consider repairs and replacement and a mechanism to pay for those improvements.

**Introduction**

Section 2.71 Subd.6, Section 7.06, and Section 7.31 of the Two Harbors City Code authorize the City to construct and repair City sidewalks and assess the abutting property owners accordingly.

The code sections authorize the City to pursue those repairs based on need determined by the City Inspector or by petition of abutting property owners.

**Criteria for replacement or repair of City sidewalks**

In order to maintain consistency in the inspection and determining whether a particular sidewalk condition needs replacement or repair, the following list of criteria will be used:

1. Sidewalks having a crack or joint with a difference of elevation of  $\frac{3}{4}$  inch or more.
2. Sidewalks having a crack or joint with an opening  $\frac{3}{4}$  inch or more.
3. Sidewalks having 3 or more cracks in one 5' x 5' section for Avenues and 5' x 6' for Streets.
4. Sidewalks with severe pitting or scaling.
5. Sidewalks that trap water or doesn't provide sufficient drainage.

6. Sidewalks that are broken or missing.
7. Sidewalks that have been severely compromised by tree roots, grass, or weeds.
8. If 50% or more of a property frontage is deemed deficient, the entire property frontage will be recommended for repair or replacement.

### **Inspection Procedure**

1. Each Fall, the Public Works Director or their designee, shall inspect sidewalks within the target area and identify deficient sidewalks. The inspections should also consider the results and input from the 2016 ARDC Sidewalk Inventory which can be found and viewed online at <https://arcg.is/Hijji>
2. The City will be divided into target areas, described as the four (4) City Council Wards. The City will inspect wards in sequence, which will ensure that every sidewalk in Two Harbors is inspected at least once every four (4) years.
3. Upon completion of the sidewalk survey, the Public Works Director shall compile a list of sidewalk replacement and repair areas. The sidewalk list is subject to modification by the City Council based on both sidewalk conditions and the availability of resources for sidewalk replacement and repair.

### **Notification and Assessment Procedure**

Upon completion of the final list of sidewalk replacement and repair locations, the Public Works Director will present to the City Council a report and setting a preliminary assessment hearing for notifying the affected property owners of the proposed improvement, pursuant to Minnesota Statute Section 429.031 (see attachment A).

After completion of the sidewalk replacement and repair improvements, final costs and payment options will be established, and a final assessment hearing will be held for the affected property owners.

### **Petition for Improvement**

Before December 31<sup>st</sup> of each year, property owners may petition the City for sidewalk repairs to be considered for repair and included as a part of the next years project. A petition must be received from 100% of the affected property owners, and the City Council must pass a resolution which verifies the petition. Property owners who petition the City for their improvements agree to pay their portion of the project costs without the requirement for an improvement hearing.

### **Request for Service**

Residents may request repairs through the City work order system at any time throughout the year. Repairs requested through the work order process shall be completed as resources allow.

If requests for repairs are not feasible within the calendar year they are requested, the request will be processed as part of the next years project. Property owners who request service from the City for their improvements agree to pay their portion of the project costs without the requirement for an approval hearing.

If a property owner requests individual squares to be repaired or less than the entire frontage be replaced, the property owner may contract with a private contractor to repair that segment at 100% property owner expense.

All private contractors who perform work within the City Right of Way must have a Right of Way Permit and be registered, licensed, and bonded with the City.

### **Cost Share**

In accordance with the City of Two Harbors Special Assessment Policy, the following cost share shall be applied to all sidewalk repairs.

- A. New Development** 100% of the cost to install new sidewalks or trails in newly developed areas shall be paid in accordance with the Master Sidewalk and Trail Plan by developer or property owner.
  
- B. New Construction in Developed Areas or Reconstruction.**
  - 1. One half (50%) to the City and one half (50%) to the property owner and in accordance with the Master Sidewalk and Trail Plan.
  - 2. On north/south streets eighty-five percent (85%) to the City, and fifteen percent (15%) to the property owner in accordance with the Master Sidewalk and Trail Plan.

### **Maximum Term of Assessment**

Sidewalks: 5 Years if done independently- 15 Years if part of street reconstruction project.

### **Specifications**

Sidewalk improvements will follow the guidelines outlined in the Standard Specifications and Construction Requirements Manual prepared by MSA Professional Services, June 2005 and all requirements of the Americans with Disabilities Act, 1990.

### **Review and Modification of the Policy**

The City Council reserves the right to review and modify the policy.

### **Effective Date**

The policy is effective this date

