

RESOLUTION NO. 3-120-20

ADOPTING THE CITY OF TWO HARBORS SIDEWALK CONSTRUCTION, REPAIR AND MAINTENANCE POLICY AND AUTHORIZING STAFF TO SEND A LETTER TO PROPERTY OWNERS REGARDING PROPOSED 2020 SIDEWALK IMPROVEMENTS

WHEREAS, City staff has recommended approval of the City of Two Harbors Sidewalk Construction, Repair and Maintenance Policy, attached hereto as **EXHIBIT A**, and

WHEREAS, the City's Public Works Committee has reviewed the proposed City of Two Harbors Sidewalk Construction, Repair and Maintenance Policy, and

WHEREAS, the City Council believes that adopting the City of Two Harbors Sidewalk Construction, Repair and Maintenance Policy would be in the best interest of the City, now therefore

BE IT RESOLVED, by the City Council of the City of Two Harbors, that the City of Two Harbors Sidewalk Construction, Repair and Maintenance Policy attached hereto as **EXHIBIT A** is hereby adopted, and

BE IT FURTHER RESOLVED, that staff is hereby authorized and directed to send a letter to property owners regarding proposed 2020 sidewalk improvements.

ADOPTED, this 23rd day of March, A.D., 2020.

Robin M. Glaser, President, City Council

ATTEST: _____
Patricia D. Nordean, City Clerk

APPROVED, by the Mayor of the City of Two Harbors this 24th day of March, 2020.

Christopher M. Swanson, Mayor

EXHIBIT A



City of Two Harbors Sidewalk Construction, Repair, and Maintenance Policy

Effective March 24, 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/Hjiji>.
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 31st 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 March 24, 2020.

CITY OF TWO HARBORS
SIDEWALK ASSESSMENT
POLICY

March 24, 2020

The City of Two Harbors will proceed in accordance with Chapter 429 of the Minnesota Statutes. The steps that will be followed are:

1. Upon completion of the final list of sidewalks replace and repair locations, the Public Works Director will present to the City Council a report containing information required by Minnesota Statutes§ 429.031(b).
2. The City Council will consider the report and call a preliminary assessment hearing on the sidewalks that it decides that it wants to consider for improvement.
3. Notice of the hearing is given in accordance with Minnesota Statutes§ 429.03 1(a).
4. After the hearing, the City Council will consider a resolution ordering the repair of the sidewalks that the City Council determines shall be repaired.
5. The City Council decides if the work will be done by the City or pursuant to a contract with a contractor. Thereafter, the City will proceed in accordance with Minnesota Statutes§ 429.041 to cause the sidewalks to be repaired or replaced.
6. After the work is completed, the City Council will proceed in accordance with Minnesota Statutes§ 429.061 to set special assessments for the work.