

THE CITY OF WAUKEE, IOWA

**RESOLUTION 12-20**

**RESOLUTION APPROVING THE SIDEWALK INSTALLATION, REPAIR AND MAINTENANCE PROGRAM**

**WHEREAS**, sidewalks are an integral transportation system for the City of Waukee. They provide a safe location for pedestrian traffic for all ages of citizens. School children utilize the sidewalks to travel to and from school. They allow walking and jogging while being safely separated from vehicular traffic. Without sidewalks the intermingling of foot traffic and vehicular traffic would greatly increase the chances for serious injuries to both pedestrian as well as the motorist; **AND**

**WHEREAS**, the City of Waukee seeks to continue its sidewalk program in an effort to provide safe public walkways for its citizens. This effort benefits all who utilize the sidewalks. It is this concern that drives the sidewalk program. As citizens of Waukee it is our responsibility to maintain our city and this is an area where each property owner can assist by being proactive and maintaining his/her walks; **AND**

**WHEREAS**, it is the intent of the City to provide a sidewalk improvement program as a means of reviewing the condition of existing sidewalks and the need for new sidewalks throughout the City. The program, by City Council directive, is an annual operation and the areas and dates pertaining to the affected areas throughout the City are to be shown on the city's web site.

**BE IT THEREFORE RESOLVED** by the City Council of the City of Waukee on this, the 23<sup>rd</sup> day of January, 2012, that the residential sidewalk installation, repair and maintenance program is adopted as follows:

The Director of Public Works is hereby empowered to pursue the installation, repair and maintenance of sidewalks in areas as follows:

1) **Sidewalk Installation in Existing Neighborhood.**

An initial sidewalk installation program has/shall be conducted in the areas reflected on exhibit A attached hereto which currently have existing residential structures without sidewalks, in the calendar years reflected on the exhibit for the respective areas reflected thereon.

a. On or before May 1 of each calendar year the director of public works shall proceed to obtain bids from responsible contractors for the installation of sidewalks within the area designated for installation.

b. Upon receipt of said bids, the director of public works shall cause notice to be sent to the property owners as identified on the records of the Dallas County auditor of their need to cause the installation of sidewalks upon their property and the per unit costs received from the responsible bidders for such work. The notice shall also specify that the

City shall participate in said costs in the event the Property owner causes the installation to be performed utilizing the lowest responsible bidder in the following amounts:

- i. For those properties with one street frontage the City shall rebate to the property owner 50% of the cost of 4 foot wide P.C.C. sidewalk upon approval by the City of the completed work. Said work must be completed and approved by the City on or before September 15<sup>th</sup> of the calendar year in which initial notice to the property owner was sent by the Director of Public Works was sent to obtain the rebate.
  - ii. For those properties containing two or more street frontages the City shall rebate to the property owner 100% of the cost of 4 foot wide P.C.C. sidewalk for the shortest street frontage. Said work must be completed and approved by the City on or before September 15<sup>th</sup> of the calendar year in which initial notice to the property owner was sent by the Director of public Works was sent to obtain the rebate.
  - iii. In the event that the property owner chooses to perform the installation on their own, the City shall rebate the property owner the same percentages set forth in Paragraph b, computed utilizing the bids received by the City only in the event the installation is performed in the same manner and quality as the work performed by the contractors approved by the City, in the sole discretion of the Director of Public Works. Said work must be completed and approved by the City on or before September 15<sup>th</sup> of the calendar year in which initial notice to the property owner was sent by the Director of Public Works was sent to obtain the rebate.
- c. In the event that a property owner in the area has not installed the sidewalk required hereunder on or before September 15<sup>th</sup> of the calendar year in which the initial notice to property owner was sent, the City may do the work or contract for the work, and then assess 100% of the total allowable costs against the property owner in the manner of assessments as allowed by applicable Iowa Law.

## **2) Repair or Maintenance of Sidewalks**

The public works department has/will also be conducting an inspection of existing sidewalks in the areas reflected on exhibit A attached hereto in the calendar years reflected on the exhibit for the respective areas reflected thereon. In addition to this designated inspection, existing sidewalks will be inspected in the event the City receives a complaint. If any portion of a sidewalk or parking in the public right-of-way is deficient, deteriorated or damaged as specified in Exhibit B, the Property Owner shall be required to replace that portion of the sidewalk. The Director of Public Works shall provide written notification by certified mail, that the owner must repair, reconstruct or replace that portion of sidewalk or parking posing a public hazard. Prior to notification hereunder, bids shall be obtained for replacement of sidewalk, or portions thereof, within the City Limits after identifying sidewalk portions within the City that are need of repair or replacement. As part of the notification to property owners required to repair or

reconstruct or replace sidewalk, the Director of Public Works shall notify the property owners of the bids received by the city for sidewalk work and that the property owner may have the work performed by said contractors in accordance with said bids. A property owner, who desires or is required to repair or replace a portion of sidewalk, may make arrangements to have the necessary work completed by the contractors.

Once notified by the Director of Public Works, the abutting property owner must complete the repair, reconstruction or replacement of said portion of sidewalk or parking within 120 days of the date of notification. Failure or refusal by the abutting property owner, upon due notification by the Director of Public Works, to take corrective action, will be cause for civil action including but not limited to the institution of a municipal infraction seeking the remedies provided for under Iowa law and/or special assessment in accordance with Sections 364.12 – 13B Code of Iowa.

### 3) **Permit and Inspection Requirements**

a. **Permit Required.** Any person desiring to install, repair, reconstruct or replace any portion of a sidewalk or parking within the corporate limits of the City shall, before commencing such installation repair, reconstruction or replacement shall apply for a permit to the City's Code Compliance Office.

b. **Application.** The application for a permit shall contain the following:

i. The name and address of the property owner of the property abutting the location where the sidewalk shall be installed, repaired, reconstructed or replaced.

ii. A sketch or diagram showing the location, width and thickness of the sidewalk to be installed, repaired, reconstructed or replaced and all entryways and driveways, crossing the said sidewalk so as to provide access to the abutting property.

iii. The name of the contractor or party who is to perform the repair, reconstruction or replacement.

c. The Clerk shall assess an applicant shall pay before any permit is issued a fee in the sum of ten (10.00) dollars and in the case of rear lot walks the fee is eight (8.00) dollars per lot abutting. To encourage sidewalk installation and repair on a voluntary basis under the program, the permit fees for sidewalk installation and maintenance required under this program are hereby waived.

d. **Specifications for Sidewalks.** A complete set of specifications for all walks, including ramps for persons with disabilities at intersections are available at the Public Works Department of the City.

e. **Sidewalk Inspections.** Public Works personnel are authorized to inspect, approve or disapprove the application for installation, repair or reconstruction of all

sidewalks located within the corporate limits of the City. The party installing, repairing, reconstructing, or replacing any sidewalk shall call for inspections by notifying the inspector of sidewalks of the City when the subgrade has been brought to the elevation and grade as established by the City, and the forms have been set. A further inspection shall be called for and required upon completion of the sidewalk and removal of the forms but before the sidewalk is backfilled. Upon completion of all work and inspections as hereinbefore set out, the inspector of sidewalks for the City shall so certify upon the space provided on the permit to repair, reconstruct or replace sidewalk and shall certify that the sidewalk has been completed in accordance with the specifications and plans of the City.

#### 4) **Deferral Guidelines.**

a. It is recognized that unique circumstances may exist that make it difficult to immediately construct a sidewalk. In order to obtain a deferral from construction of a sidewalk, the property owner must submit an application to the City Council. An example of this application is included in this resolution as Exhibit B. In the application, the property owner must describe the hardship that would be created from the construction of a sidewalk. This hardship must meet at least one of the following criteria:

- i. Slope. 25% or more of the area of the lot between the curb and the back of the proposed sidewalk has a slope (either ascending from the curb or descending from the curb) in excess of one foot per 10 feet, the City may agree to share in the cost of grading for the area exceeding the one foot per ten feet standard.
- ii. Trees. The installation of the sidewalk requires either the removal of or damage to:
  1. at least one tree exceeding eight inches in diameter as measured at a point four feet above the base of each tree.
  2. to three or more trees each exceeding four inches in diameter as measured at a point four feet above the base of each tree.
- iii. Utility Facilities. Installation of the Sidewalk requires that large utility facilities be moved (i.e. power poles). Vertical adjustments to stop boxes, gate valves, manholes and similar structures will not be considered grounds for a deferral.
- iv. Existing Driveway or Parking. There is an existing concrete or asphalt driveway or parking lot where a sidewalk should be that would exceed the slope and tilt requirements contained in the City's sidewalk specifications. As an alternative, the City may share in the cost for regarding and reconstructing the driveway approach to meet the slope and tilt standards.
- v. Inaccessibility for Snow Removal. Snow removal from the new sidewalk would be unreasonably difficult due to inaccessibility.

- vi. Other Circumstances. Any other circumstance where the Council determines that the approval of the application for deferral will not unduly jeopardize the implementation and completion of the sidewalk program.

**5) Tax Credit Program Notification.**

Deferrals from a sidewalk installation special assessment will not be granted solely on the basis of economic hardship. However, if a resident is sixty-five years in age or older, has a disability or has limited income, he or she may qualify for assistance with a sidewalk installation special assessment under Chapter 425 of the Iowa Code. This credit is issued by the Department of Revenue and Finance to the County Treasurer. The amount of the credit is determined by the applicant’s annual household income. Additional information regarding the credit program is available from the Polk and Dallas County Treasurers.

**6) Installation Economic Hardship Program.**

The City has established the Waukee Sidewalk Assistance Program (SAP) to assist single-family property owners (owner occupied) in the City with the initial financial cost of installation of the required public sidewalks. The program is established by separate resolution, as may be amended from time to time.

**BE IT FURTHER RESOLVED** that Resolution 07-262 is substituted in its entirety with this resolution.

Passed by the City Council of the City of Waukee, Iowa, and approved this the 23<sup>rd</sup> day of January, 2012.

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William F. Peard, Mayor

Attest:

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Jeffrey L. Kooistra, City Administrator/Clerk

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Shane Blanchard	<b>X</b>			
Dan Dutcher	<b>X</b>			
Casey L. Harvey	<b>X</b>			
Shelly Hughes	<b>X</b>			
Mike Watts			<b>X</b>	