



# Council Agenda Item

Meeting Date:	September 3, 2024
Agenda Item:	Sidewalk Ordinance
Staff Contact (name, email, phone):	Brad Marquardt, <a href="mailto:bmarguardt@whitewater-wi.gov">bmarguardt@whitewater-wi.gov</a> , 262-473-0139

## BACKGROUND

(Enter the who, what when, where, why)

The Public Works Committee started reviewing Chapter 12.12 last year as it relates to sidewalk repair and replacement and the costs associated with it. The Committee approved changes to the ordinance to bring it in line with current practices and recommended property owners pay 50% of the cost through assessments. Currently, the City pays 100% of the costs. The Council approved the first reading of the ordinance but asked for additional information pertaining to sidewalk cutting/grinding and City of Edgerton’s Sidewalk Utility. City staff met with a company that performs sidewalk cutting and in general there is about a 33 – 40% cost savings over a full replacement. City staff also talked to Edgerton’s Public Works Director who said the Utility was established in 2022. There was not much controversy over its creation. And felt it was a better way for everybody to contribute to the improvement of sidewalks since not everybody has them, but everybody can use them. At the second reading of the proposed ordinance, the ordinance was not approved and council directed staff to work on a Sidewalk Utility. Staff reached out to the League of Wisconsin attorneys and asked them about instituting a Sidewalk Utility. The League attorney was apprehensive as there are currently lawsuits against the legality of Transportation Utilities that were recently formed. Based on this discussion staff does not believe instituting a Sidewalk Utility at this time is the way to go. Staff would still like to update the sidewalk ordinance and brought it back to the Public Works Committee for discussion. At the meeting it was noted that approximately half of the properties in the City don’t have sidewalk, yet residents of those properties still benefit from being able to use the sidewalk and not have to maintain it. Also, the Committee was reminded of the updated Resolution from 2015 where the Council did not want to special assess for items such as sidewalk replacement.

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

At the October 10, 2023 Public Works Committee meeting, the Committee voted 2-1 to approve the updates to Chapter 12.22. This included special assessing the property owners 50% of the cost of repair/replacement, unless the repair/replacement is the result of a city terrace tree. Then the City would pay 100% of the repair/replacement. The dissenting vote was not in favor of special assessing the property owners. At the December 5, 2023 Council meeting the Council approved the first reading of the new ordinance which included assessing property owners 50% of the cost, unless if damage was caused by a terrace tree. At the March 12, 2024 Public Works Committee meeting it was recommended that the proposed ordinance not be approved at the second reading of the March 19, 2024 Council meeting and that staff be directed to work on establishing a Sidewalk Utility. Council did not approve the second reading at their March 19, 2024 meeting and directed staff to work on a Sidewalk Utility. The Public Works Committee, at their July 9, 2024 meeting, recommended to Council to update the ordinance with the provision of not special assessing property owners in line with the 2015 Special Assessment Resolution. Council approved the 1<sup>st</sup> Hearing at their August 20, 2024 meeting.

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**FINANCIAL IMPACT**

(If none, state N/A)

The estimated cost to remove and replace concrete sidewalk is \$10/sq. ft. One square of sidewalk at five feet by feet would be 25 sq. ft or \$250. For sidewalk cutting it depends on the height of the displacement and if it is uniform across the sidewalk square. For estimating purposes, staff used a one-inch uniform height. The estimate for this work is \$160 for a five-foot width.

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**STAFF RECOMMENDATION**

Staff is in favor of updating Chapter 12.22 as attached, with no special assessment being levied to property owners. This would be in line with spot curb and gutter replacements done in conjunction with asphalt overlay, curb and gutter replacement on street reconstruction projects, and with sidewalk replacement on street reconstruction projects where the City pays 100% and consistent with the 2015 Special Assessment Resolution currently in place.

Staff recommends a motion to approve amending Chapter 12.22 Construction Standards Adopted for Sidewalks as presented.

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**ATTACHMENT(S) INCLUDED**

(If none, state N/A)

1. Amending Chapter 12.22 Construction Standards
  2. Redlined Changes to Chapter 12.22
  3. Sidewalk Map
  4. 2015 Special Assessment Resolution
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